

105TH CONGRESS
1ST SESSION

H. R. 3

IN THE SENATE OF THE UNITED STATES

MAY 8, 1997

Received; read twice and referred to the Committee on the Judiciary

A BILL

To combat violent youth crime and increase accountability
for juvenile criminal offenses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Juvenile Crime Control
3 Act of 1997”.

4 **TITLE I—REFORMING THE FED-**
5 **ERAL JUVENILE JUSTICE SYS-**
6 **TEM**

7 **SEC. 101. DELINQUENCY PROCEEDINGS OR CRIMINAL**
8 **PROSECUTIONS IN DISTRICT COURTS.**

9 Section 5032 of title 18, United States Code, is
10 amended to read as follows:

11 **“§ 5032. Delinquency proceedings or criminal pros-**
12 **ecutions in district courts**

13 “(a)(1) A juvenile alleged to have committed an of-
14 fense against the United States or an act of juvenile delin-
15 quency may be surrendered to State authorities, but if not
16 so surrendered, shall be proceeded against as a juvenile
17 under this subsection or tried as an adult in the cir-
18 cumstances described in subsections (b) and (c).

19 “(2) A juvenile may be proceeded against as a juve-
20 nile in a court of the United States under this subsection
21 if—

22 “(A) the alleged offense or act of juvenile delin-
23 quency is committed within the special maritime and
24 territorial jurisdiction of the United States and is
25 one for which the maximum authorized term of im-
26 prisonment does not exceed 6 months; or

1 “(B) the Attorney General, after investigation,
2 certifies to the appropriate United States district
3 court that—

4 “(i) the juvenile court or other appropriate
5 court of a State does not have jurisdiction or
6 declines to assume jurisdiction over the juvenile
7 with respect to the alleged act of juvenile delin-
8 quency, and

9 “(ii) there is a substantial Federal interest
10 in the case or the offense to warrant the exer-
11 cise of Federal jurisdiction.

12 “(3) If the Attorney General does not so certify or
13 does not have authority to try such juvenile as an adult,
14 such juvenile shall be surrendered to the appropriate legal
15 authorities of such State.

16 “(4) If a juvenile alleged to have committed an act
17 of juvenile delinquency is proceeded against as a juvenile
18 under this section, any proceedings against the juvenile
19 shall be in an appropriate district court of the United
20 States. For such purposes, the court may be convened at
21 any time and place within the district, and shall be open
22 to the public, except that the court may exclude all or
23 some members of the public, other than a victim unless
24 the victim is a witness in the determination of guilt or
25 innocence, if required by the interests of justice or if other

1 good cause is shown. The Attorney General shall proceed
2 by information or as authorized by section 3401(g) of this
3 title, and no criminal prosecution shall be instituted except
4 as provided in this chapter.

5 “(b)(1) Except as provided in paragraph (2), a juve-
6 nile shall be prosecuted as an adult—

7 “(A) if the juvenile has requested in writing
8 upon advice of counsel to be prosecuted as an adult;
9 or

10 “(B) if the juvenile is alleged to have committed
11 an act after the juvenile attains the age of 14 years
12 which if committed by an adult would be a serious
13 violent felony or a serious drug offense described in
14 section 3559(c) of this title, or a conspiracy or at-
15 tempt to commit that felony or offense, which is
16 punishable under section 406 of the Controlled Sub-
17 stances Act (21 U.S.C. 846), or section 1013 of the
18 Controlled Substances Import and Export Act (21
19 U.S.C. 963).

20 “(2) The requirements of paragraph (1) do not apply
21 if the Attorney General certifies to the appropriate United
22 States district court that the interests of justice are best
23 served by proceeding against the juvenile as a juvenile.

24 “(c)(1) A juvenile may also be prosecuted as an adult
25 if the juvenile is alleged to have committed an act after

1 the juvenile has attained the age of 13 years which if com-
2 mitted by a juvenile after the juvenile attained the age
3 of 14 years would require that the juvenile be prosecuted
4 as an adult under subsection (b), upon approval of the
5 Attorney General.

6 “(2) The Attorney General shall not delegate the au-
7 thority to give the approval required under paragraph (1)
8 to an officer or employee of the Department of Justice
9 at a level lower than a Deputy Assistant Attorney General.

10 “(3) Such approval shall not be granted, with respect
11 to such a juvenile who is subject to the criminal jurisdic-
12 tion of an Indian tribal government and who is alleged
13 to have committed an act over which, if committed by an
14 adult, there would be Federal jurisdiction based solely on
15 its commission in Indian country (as defined in section
16 1151), unless the governing body of the tribe having juris-
17 diction over the place in which the alleged act was commit-
18 ted has before such act notified the Attorney General in
19 writing of its election that prosecution may take place
20 under this subsection.

21 “(4) A juvenile may also be prosecuted as an adult
22 if the juvenile is alleged to have committed an act which
23 is not described in subsection (b)(1)(B) after the juvenile
24 has attained the age of 14 years and which if committed
25 by an adult would be—

1 “(A) a crime of violence (as defined in sec-
2 tion 3156(a)(4)) that is a felony;

3 “(B) an offense described in section 844
4 (d), (k), or (l), or subsection (a)(6), (b), (g),
5 (h), (j), (k), or (l) of section 924;

6 “(C) a violation of section 922(o) that is
7 an offense under section 924(a)(2);

8 “(D) a violation of section 5861 of the In-
9 ternal Revenue Code of 1986 that is an offense
10 under section 5871 of such Code (26 U.S.C.
11 5871);

12 “(E) a conspiracy to commit an offense de-
13 scribed in any of subparagraphs (A) through
14 (D); or

15 “(F) an offense described in section 401 or
16 408 of the Controlled Substances Act (21
17 U.S.C. 841, 848) or a conspiracy or attempt to
18 commit that offense which is punishable under
19 section 406 of the Controlled Substances Act
20 (21 U.S.C. 846), or an offense punishable
21 under section 409 or 419 of the Controlled Sub-
22 stances Act (21 U.S.C. 849, 860), or an offense
23 described in section 1002, 1003, 1005, or 1009
24 of the Controlled Substances Import and Ex-
25 port Act (21 U.S.C. 952, 953, 955, or 959), or

1 a conspiracy or attempt to commit that offense
2 which is punishable under section 1013 of the
3 Controlled Substances Import and Export Act
4 (21 U.S.C. 963).

5 “(d) A determination to approve or not to approve,
6 or to institute or not to institute, a prosecution under sub-
7 section (b) or (c), and a determination to file or not to
8 file, and the contents of, a certification under subsection
9 (a) or (b) shall not be reviewable in any court.

10 “(e) In a prosecution under subsection (b) or (c), the
11 juvenile may be prosecuted and convicted as an adult for
12 any other offense which is properly joined under the Fed-
13 eral Rules of Criminal Procedure, and may also be con-
14 victed of a lesser included offense.

15 “(f) The Attorney General shall annually report to
16 Congress—

17 “(1) the number of juveniles adjudicated delin-
18 quent or tried as adults in Federal court;

19 “(2) the race, ethnicity, and gender of those ju-
20 veniles;

21 “(3) the number of those juveniles who were
22 abused or neglected by their families, to the extent
23 such information is available; and

24 “(4) the number and types of assault crimes,
25 such as rapes and beatings, committed against juve-

1 niles while incarcerated in connection with the adju-
 2 dication or conviction.

3 “(g) As used in this section—

4 “(1) the term ‘State’ includes a State of the
 5 United States, the District of Columbia, any com-
 6 monwealth, territory, or possession of the United
 7 States and, with regard to an act of juvenile delin-
 8 quency that would have been a misdemeanor if com-
 9 mitted by an adult, a federally recognized tribe; and
 10 “(2) the term ‘serious violent felony’ has the
 11 same meaning given that term in section
 12 3559(c)(2)(F)(i).”.

13 **SEC. 102. CUSTODY PRIOR TO APPEARANCE BEFORE JUDI-**
 14 **CIAL OFFICER.**

15 Section 5033 of title 18, United States Code, is
 16 amended to read as follows:

17 **“§ 5033. Custody prior to appearance before judicial**
 18 **officer**

19 “(a) Whenever a juvenile is taken into custody, the
 20 arresting officer shall immediately advise such juvenile of
 21 the juvenile’s rights, in language comprehensible to a juve-
 22 nile. The arresting officer shall promptly take reasonable
 23 steps to notify the juvenile’s parents, guardian, or custo-
 24 dian of such custody, of the rights of the juvenile, and
 25 of the nature of the alleged offense.

1 “(b) The juvenile shall be taken before a judicial offi-
2 cer without unreasonable delay.”.

3 **SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS TO**
4 **SECTION 5034.**

5 Section 5034 of title 18, United States Code, is
6 amended—

7 (1) by striking “The” each place it appears at
8 the beginning of a paragraph and inserting “the”;

9 (2) by striking “If” at the beginning of the 3rd
10 paragraph and inserting “if”;

11 (3)(A) by designating the 3 paragraphs as
12 paragraphs (1), (2), and (3), respectively; and

13 (B) by moving such designated paragraphs 2
14 ems to the right; and

15 (4) by inserting at the beginning of such section
16 before those paragraphs the following:

17 “In a proceeding under section 5032(a)—”.

18 **SEC. 104. DETENTION PRIOR TO DISPOSITION OR SENTENC-**
19 **ING.**

20 Section 5035 of title 18, United States Code, is
21 amended to read as follows:

22 **“§ 5035. Detention prior to disposition or sentencing**

23 “(a)(1) A juvenile who has attained the age of 16
24 years and who is prosecuted pursuant to subsection (b)
25 or (c) of section 5032, if detained at any time prior to

1 sentencing, shall be detained in such suitable place as the
2 Attorney General may designate. Preference shall be given
3 to a place located within, or within a reasonable distance
4 of, the district in which the juvenile is being prosecuted.

5 “(2) A juvenile less than 16 years of age prosecuted
6 pursuant to subsection (b) or (c) of section 5032, if de-
7 tained at any time prior to sentencing, shall be detained
8 in a suitable juvenile facility located within, or within a
9 reasonable distance of, the district in which the juvenile
10 is being prosecuted. If such a facility is not available, such
11 a juvenile may be detained in any other suitable facility
12 located within, or within a reasonable distance of, such
13 district. If no such facility is available, such a juvenile may
14 be detained in any other suitable place as the Attorney
15 General may designate.

16 “(3) To the maximum extent feasible, a juvenile less
17 than 16 years of age prosecuted pursuant to subsection
18 (b) or (c) of section 5032 shall not be detained prior to
19 sentencing in any facility in which the juvenile has regular
20 contact with adult persons convicted of a crime or await-
21 ing trial on criminal charges.

22 “(b) A juvenile proceeded against under section 5032
23 shall not be detained prior to disposition in any facility
24 in which the juvenile has regular contact with adult per-

1 sons convicted of a crime or awaiting trial on criminal
2 charges.

3 “(c) Every juvenile who is detained prior to disposi-
4 tion or sentencing shall be provided with reasonable safety
5 and security and with adequate food, heat, light, sanitary
6 facilities, bedding, clothing, recreation, education, and
7 medical care, including necessary psychiatric, psycho-
8 logical, or other care and treatment.”.

9 **SEC. 105. SPEEDY TRIAL.**

10 Section 5036 of title 18, United States Code, is
11 amended by—

12 (1) striking “If an alleged delinquent” and in-
13 serting “If a juvenile proceeded against under sec-
14 tion 5032(a)”;

15 (2) striking “thirty” and inserting “45”; and

16 (3) striking “the court,” and all that follows
17 through the end of the section and inserting “the
18 court. The periods of exclusion under section
19 3161(h) of this title shall apply to this section.”.

20 **SEC. 106. DISPOSITION; AVAILABILITY OF INCREASED DE-**
21 **TENTION, FINES AND SUPERVISED RELEASE**
22 **FOR JUVENILE OFFENDERS.**

23 (a) DISPOSITION.—Section 5037 of title 18, United
24 States Code, is amended to read as follows:

1 **“§ 5037. Disposition**

2 “(a) In a proceeding under section 5032(a), if the
3 court finds a juvenile to be a juvenile delinquent, the court
4 shall hold a hearing concerning the appropriate disposition
5 of the juvenile no later than 40 court days after the find-
6 ing of juvenile delinquency, unless the court has ordered
7 further study pursuant to subsection (e). A predisposition
8 report shall be prepared by the probation officer who shall
9 promptly provide a copy to the juvenile, the juvenile’s
10 counsel, and the attorney for the Government. Victim im-
11 pact information shall be included in the report, and vic-
12 tims, or in appropriate cases their official representatives,
13 shall be provided the opportunity to make a statement to
14 the court in person or present any information in relation
15 to the disposition. After the dispositional hearing, and
16 after considering the sanctions recommended pursuant to
17 subsection (f), the court shall impose an appropriate sanc-
18 tion, including the ordering of restitution pursuant to sec-
19 tion 3556 of this title. The court may order the juvenile’s
20 parent, guardian, or custodian to be present at the
21 dispositional hearing and the imposition of sanctions and
22 may issue orders directed to such parent, guardian, custo-
23 dian regarding conduct with respect to the juvenile. With
24 respect to release or detention pending an appeal or a peti-
25 tion for a writ of certiorari after disposition, the court
26 shall proceed pursuant to chapter 207.

1 “(b) The term for which probation may be ordered
2 for a juvenile found to be a juvenile delinquent may not
3 extend beyond the maximum term that would be author-
4 ized by section 3561(c) if the juvenile had been tried and
5 convicted as an adult. Sections 3563, 3564, and 3565 are
6 applicable to an order placing a juvenile on probation.

7 “(c) The term for which official detention may be or-
8 dered for a juvenile found to be a juvenile delinquent may
9 not extend beyond the lesser of—

10 “(1) the maximum term of imprisonment that
11 would be authorized if the juvenile had been tried
12 and convicted as an adult;

13 “(2) ten years; or

14 “(3) the date when the juvenile becomes twen-
15 ty-six years old.

16 Section 3624 is applicable to an order placing a juvenile
17 in detention.

18 “(d) The term for which supervised release may be
19 ordered for a juvenile found to be a juvenile delinquent
20 may not extend beyond 5 years. Subsections (c) through
21 (i) of section 3583 apply to an order placing a juvenile
22 on supervised release.

23 “(e) If the court desires more detailed information
24 concerning a juvenile alleged to have committed an act of
25 juvenile delinquency or a juvenile adjudicated delinquent,

1 it may commit the juvenile, after notice and hearing at
2 which the juvenile is represented by counsel, to the custody
3 of the Attorney General for observation and study by an
4 appropriate agency or entity. Such observation and study
5 shall be conducted on an outpatient basis, unless the court
6 determines that inpatient observation and study are nec-
7 essary to obtain the desired information. In the case of
8 an alleged juvenile delinquent, inpatient study may be or-
9 dered only with the consent of the juvenile and the juve-
10 nile's attorney. The agency or entity shall make a study
11 of all matters relevant to the alleged or adjudicated delin-
12 quent behavior and the court's inquiry. The Attorney Gen-
13 eral shall submit to the court and the attorneys for the
14 juvenile and the Government the results of the study with-
15 in 30 days after the commitment of the juvenile, unless
16 the court grants additional time. Time spent in custody
17 under this subsection shall be excluded for purposes of sec-
18 tion 5036.

19 “(f)(1) The United States Sentencing Commission, in
20 consultation with the Attorney General, shall develop a list
21 of possible sanctions for juveniles adjudicated delinquent.

22 “(2) Such list shall—

23 “(A) be comprehensive in nature and encom-
24 pass punishments of varying levels of severity;

25 “(B) include terms of confinement; and

1 “(C) provide punishments that escalate in se-
2 verity with each additional or subsequent more seri-
3 ous delinquent conduct.”.

4 (b) EFFECTIVE DATE.—The Sentencing Commission
5 shall develop the list required pursuant to section 5037(f),
6 as amended by subsection (a), not later than 180 days
7 after the date of the enactment of this Act.

8 (c) CONFORMING AMENDMENT TO ADULT SENTENC-
9 ING SECTION.—Section 3553 of title 18, United States
10 Code, is amended by adding at the end the following:

11 “(g) LIMITATION ON APPLICABILITY OF STATUTORY
12 MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS
13 UNDER THE AGE OF 16.—Notwithstanding any other pro-
14 vision of law, in the case of a defendant convicted for con-
15 duct that occurred before the juvenile attained the age of
16 16 years, the court shall impose a sentence without regard
17 to any statutory minimum sentence, if the court finds at
18 sentencing, after affording the Government an opportunity
19 to make a recommendation, that the juvenile has not been
20 previously adjudicated delinquent for or convicted of an
21 offense described in section 5032(b)(1)(B).”.

22 **SEC. 107. JUVENILE RECORDS AND FINGERPRINTING.**

23 Section 5038 of title 18, United States Code, is
24 amended to read as follows:

1 **“§ 5038. Juvenile records and fingerprinting**

2 “(a)(1) Throughout and upon the completion of the
3 juvenile delinquency proceeding under section 5032(a), the
4 court shall keep a record relating to the arrest and adju-
5 dication that is—

6 “(A) equivalent to the record that would be
7 kept of an adult arrest and conviction for such an
8 offense; and

9 “(B) retained for a period of time that is equal
10 to the period of time records are kept for adult con-
11 victions.

12 “(2) Such records shall be made available for official
13 purposes, including communications with any victim or, in
14 the case of a deceased victim, such victim’s representative,
15 or school officials, and to the public to the same extent
16 as court records regarding the criminal prosecutions of
17 adults are available.

18 “(b) The Attorney General shall establish guidelines
19 for fingerprinting and photographing a juvenile who is the
20 subject of any proceeding authorized under this chapter.
21 Such guidelines shall address the availability of pictures
22 of any juvenile taken into custody but not prosecuted as
23 an adult. Fingerprints and photographs of a juvenile who
24 is prosecuted as an adult shall be made available in the
25 manner applicable to adult offenders.

1 “(c) Whenever a juvenile has been adjudicated delin-
2 quent for an act that, if committed by an adult, would
3 be a felony or for a violation of section 924(a)(6), the
4 court shall transmit to the Federal Bureau of Investiga-
5 tion the information concerning the adjudication, includ-
6 ing name, date of adjudication, court, offenses, and sen-
7 tence, along with the notation that the matter was a juve-
8 nile adjudication.

9 “(d) In addition to any other authorization under this
10 section for the reporting, retention, disclosure, or avail-
11 ability of records or information, if the law of the State
12 in which a Federal juvenile delinquency proceeding takes
13 place permits or requires the reporting, retention, disclo-
14 sure, or availability of records or information relating to
15 a juvenile or to a juvenile delinquency proceeding or adju-
16 dication in certain circumstances, then such reporting, re-
17 tention, disclosure, or availability is permitted under this
18 section whenever the same circumstances exist.”.

19 **SEC. 108. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND**
20 **5034.**

21 (a) **ELIMINATION OF PRONOUNS.**—Sections 5031
22 and 5034 of title 18, United States Code, are each amend-
23 ed by striking “his” each place it appears and inserting
24 “the juvenile’s”.

1 (b) UPDATING OF REFERENCE.—Section 5034 of
 2 title 18, United States Code, is amended—

3 (1) in the heading of such section, by striking
 4 “**magistrate**” and inserting “**judicial officer**”;
 5 and

6 (2) by striking “magistrate” each place it ap-
 7 pears and inserting “judicial officer”.

8 **SEC. 109. CLERICAL AMENDMENTS TO TABLE OF SECTIONS**
 9 **FOR CHAPTER 403.**

10 The heading and the table of sections at the begin-
 11 ning of chapter 403 of title 18, United States Code, is
 12 amended to read as follows:

13 **“CHAPTER 403—JUVENILE DELINQUENCY**

“Sec.

“5031. Definitions.

“5032. Delinquency proceedings or criminal prosecutions in district courts.

“5033. Custody prior to appearance before judicial officer.

“5034. Duties of judicial officer.

“5035. Detention prior to disposition or sentencing.

“5036. Speedy trial.

“5037. Disposition.

“5038. Juvenile records and fingerprinting.

“5039. Commitment.

“5040. Support.

“5041. Repealed.

“5042. Revocation of probation.”.

14 **TITLE II—APPREHENDING**
 15 **ARMED VIOLENT YOUTH**

16 **SEC. 201. ARMED VIOLENT YOUTH APPREHENSION DIREC-**
 17 **TIVE.**

18 (a) IN GENERAL.—Not later than 180 days after the
 19 date of the enactment of this Act, the Attorney General

1 of the United States shall establish an armed violent youth
2 apprehension program consistent with the following re-
3 quirements:

4 (1) Each United States attorney shall designate
5 at least 1 assistant United States attorney to pros-
6 ecute, on either a full- or part-time basis, armed vio-
7 lent youth.

8 (2) Each United States attorney shall establish
9 an armed youth criminal apprehension task force
10 comprised of appropriate law enforcement represent-
11 atives. The task force shall develop strategies for re-
12 moving armed violent youth from the streets, taking
13 into consideration—

14 (A) the importance of severe punishment
15 in deterring armed violent youth crime;

16 (B) the effectiveness of Federal and State
17 laws pertaining to apprehension and prosecu-
18 tion of armed violent youth;

19 (C) the resources available to each law en-
20 forcement agency participating in the task
21 force;

22 (D) the nature and extent of the violent
23 youth crime occurring in the district for which
24 the United States attorney is appointed; and

1 (E) the principle of limited Federal in-
2 volvement in the prosecution of crimes tradi-
3 tionally prosecuted in State and local jurisdic-
4 tions.

5 (3) Not less frequently than bimonthly, the At-
6 torney General shall require each United States at-
7 torney to report to the Department of Justice the
8 number of youths charged with, or convicted of, vio-
9 lating section 922(g) or 924 of title 18, United
10 States Code, in the district for which the United
11 States attorney is appointed and the number of
12 youths referred to a State for prosecution for similar
13 offenses.

14 (4) Not less frequently than twice annually, the
15 Attorney General shall submit to the Congress a
16 compilation of the information received by the De-
17 partment of Justice pursuant to paragraph (3) and
18 a report on all waivers granted under subsection (b).

19 (b) WAIVER AUTHORITY.—

20 (1) REQUEST FOR WAIVER.—A United States
21 attorney may request the Attorney General to waive
22 the requirements of subsection (a) with respect to
23 the United States attorney.

24 (2) PROVISION OF WAIVER.—The Attorney
25 General may waive the requirements of subsection

1 (a) pursuant to a request made under paragraph
2 (1), in accordance with guidelines which shall be es-
3 tablished by the Attorney General. In establishing
4 the guidelines, the Attorney General shall take into
5 consideration the number of assistant United States
6 attorneys in the office of the United States attorney
7 making the request and the level of violent youth
8 crime committed in the district for which the United
9 States attorney is appointed.

10 (c) ARMED VIOLENT YOUTH DEFINED.—As used in
11 this section, the term “armed violent youth” means a per-
12 son who has not attained 18 years of age and is accused
13 of violating—

14 (1) section 922(g)(1) of title 18, United States
15 Code, having been previously convicted of—

16 (A) a violent crime; or

17 (B) conduct that would have been a violent
18 crime had the person been an adult; or

19 (2) section 924 of such title.

20 (d) SUNSET.—This section shall have no force or ef-
21 fect after the 5-year period that begins 180 days after the
22 date of the enactment of this Act.

1 **TITLE III—ACCOUNTABILITY**
2 **FOR JUVENILE OFFENDERS**
3 **AND PUBLIC PROTECTION IN-**
4 **CENTIVE GRANTS**

5 **SEC. 301. SHORT TITLE.**

6 This title may be cited as the “Juvenile Accountabil-
7 ity Block Grants Act of 1997”.

8 **SEC. 302. BLOCK GRANT PROGRAM.**

9 (a) IN GENERAL.—Part R of title I of the Omnibus
10 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
11 3796 et seq.) is amended to read as follows:

12 **“PART R—JUVENILE ACCOUNTABILITY BLOCK**
13 **GRANTS**

14 **“SEC. 1801. PROGRAM AUTHORIZED.**

15 “(a) IN GENERAL.—The Attorney General is author-
16 ized to provide grants to States, for use by States and
17 units of local government, and in certain cases directly to
18 eligible units.

19 “(b) AUTHORIZED ACTIVITIES.—Amounts paid to a
20 State, a unit of local government, or an eligible unit under
21 this part shall be used by the State, unit of local govern-
22 ment, or eligible unit for the purpose of promoting greater
23 accountability in the juvenile justice system, which in-
24 cludes—

1 “(1) building, expanding, renovating, or operat-
2 ing temporary or permanent juvenile correction or
3 detention facilities, including training of correctional
4 personnel;

5 “(2) developing and administering accountabil-
6 ity-based sanctions for juvenile offenders;

7 “(3) hiring additional juvenile judges, probation
8 officers, and court-appointed defenders, and funding
9 pre-trial services for juveniles, to ensure the smooth
10 and expeditious administration of the juvenile justice
11 system;

12 “(4) hiring additional prosecutors, so that more
13 cases involving violent juvenile offenders can be
14 prosecuted and backlogs reduced;

15 “(5) providing funding to enable prosecutors to
16 address drug, gang, and youth violence problems
17 more effectively;

18 “(6) providing funding for technology, equip-
19 ment, and training to assist prosecutors in identify-
20 ing and expediting the prosecution of violent juvenile
21 offenders;

22 “(7) providing funding to enable juvenile courts
23 and juvenile probation offices to be more effective
24 and efficient in holding juvenile offenders account-
25 able and reducing recidivism;

1 “(8) the establishment of court-based juvenile
2 justice programs that target young firearms offend-
3 ers through the establishment of juvenile gun courts
4 for the adjudication and prosecution of juvenile fire-
5 arms offenders;

6 “(9) the establishment of drug court programs
7 for juveniles so as to provide continuing judicial su-
8 pervision over juvenile offenders with substance
9 abuse problems and to provide the integrated admin-
10 istration of other sanctions and services;

11 “(10) establishing and maintaining interagency
12 information-sharing programs that enable the juve-
13 nile and criminal justice system, schools, and social
14 services agencies to make more informed decisions
15 regarding the early identification, control, super-
16 vision, and treatment of juveniles who repeatedly
17 commit serious delinquent or criminal acts; and

18 “(11) establishing and maintaining accountabil-
19 ity-based programs that work with juvenile offenders
20 who are referred by law enforcement agencies, or
21 which are designed, in cooperation with law enforce-
22 ment officials, to protect students and school person-
23 nel from drug, gang, and youth violence.

1 **“SEC. 1802. GRANT ELIGIBILITY.**

2 “(a) STATE ELIGIBILITY.—To be eligible to receive
3 a grant under this section, a State shall submit to the
4 Attorney General an application at such time, in such
5 form, and containing such assurances and information as
6 the Attorney General may require by rule, including assur-
7 ances that the State and any unit of local government to
8 which the State provides funding under section 1803(b),
9 has in effect (or will have in effect not later than 1 year
10 after the date a State submits such application) laws, or
11 has implemented (or will implement not later than 1 year
12 after the date a State submits such application) policies
13 and programs, that—

14 “(1) ensure that juveniles who commit an act
15 after attaining 15 years of age that would be a seri-
16 ous violent crime if committed by an adult are treat-
17 ed as adults for purposes of prosecution as a matter
18 of law, or that the prosecutor has the authority to
19 determine whether or not to prosecute such juveniles
20 as adults;

21 “(2) impose sanctions on juvenile offenders for
22 every delinquent or criminal act, or violation of pro-
23 bation, ensuring that such sanctions escalate in se-
24 verity with each subsequent, more serious delinquent
25 or criminal act, or violation of probation, including
26 such accountability-based sanctions as—

1 “(A) restitution;

2 “(B) community service;

3 “(C) punishment imposed by community
4 accountability councils comprised of individuals
5 from the offender’s and victim’s communities;

6 “(D) fines; and

7 “(E) short-term confinement;

8 “(3) establish at a minimum a system of
9 records relating to any adjudication of a juvenile
10 who has a prior delinquency adjudication and who is
11 adjudicated delinquent for conduct that if committed
12 by an adult would constitute a felony under Federal
13 or State law which is a system equivalent to that
14 maintained for adults who commit felonies under
15 Federal or State law; and

16 “(4) ensure that State law does not prevent a
17 juvenile court judge from issuing a court order
18 against a parent, guardian, or custodian of a juve-
19 nile offender regarding the supervision of such an
20 offender and from imposing sanctions for a violation
21 of such an order.

22 “(b) LOCAL ELIGIBILITY.—

23 “(1) SUBGRANT ELIGIBILITY.—To be eligible to
24 receive a subgrant, a unit of local government shall
25 provide such assurances to the State as the State

1 shall require, that, to the maximum extent applica-
2 ble, the unit of local government has laws or policies
3 and programs which—

4 “(A) ensure that juveniles who commit an
5 act after attaining 15 years of age that would
6 be a serious violent crime if committed by an
7 adult are treated as adults for purposes of pros-
8 ecution as a matter of law, or that the prosecu-
9 tor has the authority to determine whether or
10 not to prosecute such juveniles as adults;

11 “(B) impose a sanction for every delin-
12 quent or criminal act, or violation of probation,
13 ensuring that such sanctions escalate in severity
14 with each subsequent, more serious delinquent
15 or criminal act, or violation of probation; and

16 “(C) ensure that there is a system of
17 records relating to any adjudication of a juve-
18 nile who is adjudicated delinquent for conduct
19 that if committed by an adult would constitute
20 a felony under Federal or State law which is a
21 system equivalent to that maintained for adults
22 who commit felonies under Federal or State
23 law.

24 “(2) SPECIAL RULE.—The requirements of
25 paragraph (1) shall apply to an eligible unit that re-

1 ceives funds from the Attorney General under sec-
2 tion 1803, except that information that would other-
3 wise be submitted to the State shall be submitted to
4 the Attorney General.

5 **“SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.**

6 “(a) STATE ALLOCATION.—

7 “(1) IN GENERAL.—In accordance with regula-
8 tions promulgated pursuant to this part, the Attor-
9 ney General shall allocate—

10 “(A) 0.25 percent for each State; and

11 “(B) of the total funds remaining after the
12 allocation under subparagraph (A), to each
13 State, an amount which bears the same ratio to
14 the amount of remaining funds described in this
15 subparagraph as the population of people under
16 the age of 18 living in such State for the most
17 recent calendar year in which such data is
18 available bears to the population of people
19 under the age of 18 of all the States for such
20 fiscal year.

21 “(2) PROPORTIONAL REDUCTION.—If amounts
22 available to carry out paragraph (1)(A) for any pay-
23 ment period are insufficient to pay in full the total
24 payment that any State is otherwise eligible to re-
25 ceive under paragraph (1)(A) for such period, then

1 the Attorney General shall reduce payments under
2 paragraph (1)(A) for such payment period to the ex-
3 tent of such insufficiency. Reductions under the pre-
4 ceding sentence shall be allocated among the States
5 (other than States whose payment is determined
6 under paragraph (2)) in the same proportions as
7 amounts would be allocated under paragraph (1)
8 without regard to paragraph (2).

9 “(3) PROHIBITION.—No funds allocated to a
10 State under this subsection or received by a State
11 for distribution under subsection (b) may be distrib-
12 uted by the Attorney General or by the State in-
13 volved for any program other than a program con-
14 tained in an approved application.

15 “(b) LOCAL DISTRIBUTION.—

16 “(1) IN GENERAL.—Each State which receives
17 funds under subsection (a)(1) in a fiscal year shall
18 distribute not less than 75 percent of such amounts
19 received among units of local government, for the
20 purposes specified in section 1801. In making such
21 distribution the State shall allocate to such units of
22 local government an amount which bears the same
23 ratio to the aggregate amount of such funds as—

24 “(A) the sum of—

25 “(i) the product of—

1 “(I) two-thirds; multiplied by

2 “(II) the average law enforcement ex-
3 penditure for such unit of local government
4 for the 3 most recent calendar years for
5 which such data is available; plus

6 “(ii) the product of—

7 “(I) one-third; multiplied by

8 “(II) the average annual number of
9 part 1 violent crimes in such unit of local
10 government for the 3 most recent calendar
11 years for which such data is available,
12 bears to—

13 “(B) the sum of the products determined under
14 subparagraph (A) for all such units of local govern-
15 ment in the State.

16 “(2) EXPENDITURES.—The allocation any unit
17 of local government shall receive under paragraph
18 (1) for a payment period shall not exceed 100 per-
19 cent of law enforcement expenditures of the unit for
20 such payment period.

21 “(3) REALLOCATION.—The amount of any unit
22 of local government’s allocation that is not available
23 to such unit by operation of paragraph (2) shall be
24 available to other units of local government that are

1 not affected by such operation in accordance with
2 this subsection.

3 “(c) UNAVAILABILITY OF DATA FOR UNITS OF
4 LOCAL GOVERNMENT.—If the State has reason to believe
5 that the reported rate of part 1 violent crimes or law en-
6 forcement expenditure for a unit of local government is
7 insufficient or inaccurate, the State shall—

8 “(1) investigate the methodology used by the
9 unit to determine the accuracy of the submitted
10 data; and

11 “(2) if necessary, use the best available com-
12 parable data regarding the number of violent crimes
13 or law enforcement expenditure for the relevant
14 years for the unit of local government.

15 “(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS
16 THAN \$5,000.—If under this section a unit of local gov-
17 ernment is allocated less than \$5,000 for a payment pe-
18 riod, the amount allotted shall be expended by the State
19 on services to units of local government whose allotment
20 is less than such amount in a manner consistent with this
21 part.

22 “(e) DIRECT GRANTS TO ELIGIBLE UNITS.—

23 “(1) IN GENERAL.—If a State does not qualify
24 or apply for funds reserved for allocation under sub-
25 section (a) by the application deadline established by

1 the Attorney General, the Attorney General shall re-
2 serve not more than 75 percent of the allocation that
3 the State would have received under subsection (a)
4 for such fiscal year to provide grants to eligible units
5 which meet the requirements for funding under sub-
6 section (b).

7 “(2) AWARD BASIS.—In addition to the quali-
8 fication requirements for direct grants for eligible
9 units the Attorney General may use the average
10 amount allocated by the States to like governmental
11 units as a basis for awarding grants under this sec-
12 tion.

13 **“SEC. 1804. REGULATIONS.**

14 “The Attorney General shall issue regulations estab-
15 lishing procedures under which an eligible State or unit
16 of local government that receives funds under section 1803
17 is required to provide notice to the Attorney General re-
18 garding the proposed use of funds made available under
19 this part.

20 **“SEC. 1805. PAYMENT REQUIREMENTS.**

21 “(a) TIMING OF PAYMENTS.—The Attorney General
22 shall pay each State or unit of local government that re-
23 ceives funds under section 1803 that has submitted an ap-
24 plication under this part not later than—

1 “(1) 180 days after the date that the amount
2 is available, or

3 “(2) the first day of the payment period if the
4 State has provided the Attorney General with the as-
5 surances required by subsection (c),
6 whichever is later.

7 “(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

8 “(1) REPAYMENT REQUIRED.—From amounts
9 appropriated under this part, a State shall repay to
10 the Attorney General, by not later than 27 months
11 after receipt of funds from the Attorney General,
12 any amount that is not expended by the State within
13 2 years after receipt of such funds from the Attor-
14 ney General.

15 “(2) PENALTY FOR FAILURE TO REPAY.—If the
16 amount required to be repaid is not repaid, the At-
17 torney General shall reduce payment in future pay-
18 ment periods accordingly.

19 “(3) DEPOSIT OF AMOUNTS REPAYED.—Amounts
20 received by the Attorney General as repayments
21 under this subsection shall be deposited in a des-
22 ignated fund for future payments to States.

23 “(c) ADMINISTRATIVE COSTS.—A State, unit of local
24 government or eligible unit that receives funds under this

1 part may use not more than 10 percent of such funds to
2 pay for administrative costs.

3 “(d) NONSUPPLANTING REQUIREMENT.—Funds
4 made available under this part to States, units of local
5 government, or eligible units shall not be used to supplant
6 State or local funds as the case may be, but shall be used
7 to increase the amount of funds that would, in the absence
8 of funds made available under this part, be made available
9 from State or local sources, as the case may be.

10 “(e) MATCHING FUNDS.—The Federal share of a
11 grant received under this part may not exceed 90 percent
12 of the costs of a program or proposal funded under this
13 part.

14 **“SEC. 1806. UTILIZATION OF PRIVATE SECTOR.**

15 “Funds or a portion of funds allocated under this
16 part may be utilized to contract with private, nonprofit
17 entities or community-based organizations to carry out the
18 purposes specified under section 1801(a)(2).

19 **“SEC. 1807. ADMINISTRATIVE PROVISIONS.**

20 “(a) IN GENERAL.—A State that receives funds
21 under this part shall—

22 “(1) establish a trust fund in which the govern-
23 ment will deposit all payments received under this
24 part; and

1 “(2) use amounts in the trust fund (including
2 interest) during a period not to exceed 2 years from
3 the date the first grant payment is made to the
4 State;

5 “(3) designate an official of the State to submit
6 reports as the Attorney General reasonably requires,
7 in addition to the annual reports required under this
8 part; and

9 “(4) spend the funds only for the purposes
10 under section 1801(b).

11 “(b) TITLE I PROVISIONS.—The administrative pro-
12 visions of part H shall apply to this part and for purposes
13 of this section any reference in such provisions to title I
14 shall be deemed to include a reference to this part.

15 **“SEC. 1808. DEFINITIONS.**

16 “For the purposes of this part:

17 “(1) The term ‘unit of local government’
18 means—

19 “(A) a county, township, city, or political
20 subdivision of a county, township, or city, that
21 is a unit of local government as determined by
22 the Secretary of Commerce for general statis-
23 tical purposes; and

24 “(B) the District of Columbia and the rec-
25 ognized governing body of an Indian tribe or

1 Alaskan Native village that carries out substan-
2 tial governmental duties and powers.

3 “(2) The term ‘eligible unit’ means a unit of
4 local government which may receive funds under sec-
5 tion 1803(e).

6 “(3) The term ‘State’ means any State of the
7 United States, the District of Columbia, the Com-
8 monwealth of Puerto Rico, the Virgin Islands, Amer-
9 ican Samoa, Guam, and the Northern Mariana Is-
10 lands, except that American Samoa, Guam, and the
11 Northern Mariana Islands shall be considered as 1
12 State and that, for purposes of section 1803(a), 33
13 percent of the amounts allocated shall be allocated
14 to American Samoa, 50 percent to Guam, and 17
15 percent to the Northern Mariana Islands.

16 “(4) The term ‘juvenile’ means an individual
17 who is 17 years of age or younger.

18 “(5) The term ‘law enforcement expenditures’
19 means the expenditures associated with police, pros-
20 ecutorial, legal, and judicial services, and corrections
21 as reported to the Bureau of the Census for the fis-
22 cal year preceding the fiscal year for which a deter-
23 mination is made under this part.

24 “(6) The term ‘part 1 violent crimes’ means
25 murder and nonnegligent manslaughter, forcible

1 rape, robbery, and aggravated assault as reported to
2 the Federal Bureau of Investigation for purposes of
3 the Uniform Crime Reports.

4 “(7) The term ‘serious violent crime’ means
5 murder, aggravated sexual assault, and assault with
6 a firearm.

7 **“SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.**

8 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this part—
10 “(1) \$500,000,000 for fiscal year 1998;
11 “(2) \$500,000,000 for fiscal year 1999; and
12 “(3) \$500,000,000 for fiscal year 2000.

13 “(b) OVERSIGHT ACCOUNTABILITY AND ADMINIS-
14 TRATION.—Not more than 1 percent of the amount au-
15 thorized to be appropriated under subsection (a), with
16 such amounts to remain available until expended, for each
17 of the fiscal years 1998 through 2000 shall be available
18 to the Attorney General for studying the overall effective-
19 ness and efficiency of the provisions of this part, assuring
20 compliance with the provisions of this part, and for admin-
21 istrative costs to carry out the purposes of this part. The
22 Attorney General shall establish and execute an oversight
23 plan for monitoring the activities of grant recipients.

1 “(c) FUNDING SOURCE.—Appropriations for activi-
 2 ties authorized in this part may be made from the Violent
 3 Crime Reduction Trust Fund.”.

4 (b) CLERICAL AMENDMENTS.—The table of contents
 5 of title I of the Omnibus Crime Control and Safe Streets
 6 Act of 1968 is amended by striking the item relating to
 7 part R and inserting the following:

“PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

“Sec. 1801. Program authorized.

“Sec. 1802. Grant eligibility.

“Sec. 1803. Allocation and distribution of funds.

“Sec. 1804. Regulations.

“Sec. 1805. Payment requirements.

“Sec. 1806. Utilization of private sector.

“Sec. 1807. Administrative provisions.

“Sec. 1808. Definitions.

“Sec. 1809. Authorization of appropriations.”.

8 **TITLE IV—SPECIAL PRIORITY**
 9 **FOR CERTAIN DISCRE-**
 10 **TIONARY GRANTS**

11 **SEC. 401. SPECIAL PRIORITY.**

12 Section 517 of title I of the Omnibus Crime Control
 13 and Safe Streets Act of 1968 is amended by adding at
 14 the end the following:

15 “(c) SPECIAL PRIORITY.—In awarding discretionary
 16 grants under section 511 to public agencies to undertake
 17 law enforcement initiatives relating to gangs, or to juve-
 18 niles who are involved or at risk of involvement in gangs,
 19 the Director shall give special priority to a public agency
 20 that includes in its application a description of strategies,

1 either in effect or proposed, providing for cooperation be-
 2 tween local, State, and Federal law enforcement authori-
 3 ties to disrupt the illegal sale or transfer of firearms to
 4 or between juveniles through tracing the sources of crime
 5 guns provided to juveniles.”.

6 **TITLE V—GRANT REDUCTION**

7 **SEC. 501. PARENTAL NOTIFICATION.**

8 (a) GRANT REDUCTION FOR NONCOMPLIANCE.—Sec-
 9 tion 506 of title I of the Omnibus Crime Control and Safe
 10 Streets Act of 1968 is amended by adding at the end the
 11 following:

12 “(g) INFORMATION ACCESS.—

13 “(1) IN GENERAL.—The funds available under
 14 this subpart for a State shall be reduced by 20 per-
 15 cent and redistributed under paragraph (2) unless
 16 the State—

17 “(A) submits to the Attorney General, not
 18 later than 1 year after the date of the enact-
 19 ment of the Juvenile Crime Control Act of
 20 1997, a plan that describes a process to notify
 21 parents regarding the enrollment of a juvenile
 22 sex offender in an elementary or secondary
 23 school that their child attends; and

1 “(B) adheres to the requirements described
2 in such plan in each subsequent year as deter-
3 mined by the Attorney General.

4 “(2) REDISTRIBUTION.—To the extent ap-
5 proved in advance in appropriations Acts, any funds
6 available for redistribution shall be redistributed to
7 participating States that have submitted a plan in
8 accordance with paragraph (1).

9 “(3) COMPLIANCE.—The Attorney General
10 shall issue regulations to ensure compliance with the
11 requirements of paragraph (1).”.

Passed the House of Representatives May 8, 1997.

Attest:

ROBIN H. CARLE,

Clerk.