

105TH CONGRESS  
1ST SESSION

# S. 825

To provide for violent and repeat juvenile offender accountability, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 3, 1997

Mr. ASHCROFT introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide for violent and repeat juvenile offender accountability, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Protect Children From Violence Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and declaration of purposes.
- Sec. 3. Definitions.

TITLE I—VIOLENT, ARMED, AND DANGEROUS JUVENILE  
OFFENDER ACCOUNTABILITY

Subtitle A—Protecting Children From Drugs, Guns, and Violence

- Sec. 101. Increased penalties for distributing drugs to minors.
- Sec. 102. Increased penalty for drug trafficking in or near a school or other protected location.
- Sec. 103. Increased penalties for using minors to distribute drugs.
- Sec. 104. Use of minors in crimes of violence.
- Sec. 105. Solicitation or recruitment of minors in criminal gang activity.
- Sec. 106. Transfer of firearms to minors for use in crime.
- Sec. 107. Mandatory minimum sentences for juveniles for illegal possession of firearms or use of firearms in commission of crimes.
- Sec. 108. Crimes involving the use of minors as RICO predicates.

Subtitle B—Violent and Repeat Juvenile Offender Accountability

- Sec. 121. Treatment of juvenile offenders.
- Sec. 122. Use of juvenile records.
- Sec. 123. Juvenile adjudications considered in sentencing.
- Sec. 124. Disposition; availability of increased detention, fines, and supervised release for juvenile offenders.
- Sec. 125. Violent, armed, and dangerous youth apprehension directive.
- Sec. 126. Construction of Federal juvenile corrections facilities.

Subtitle C—Combating Gang Violence

- Sec. 131. Gang franchising.
- Sec. 132. Increase in offense level for participation in crime as a gang member.
- Sec. 133. Amendment of title 18 with respect to criminal street gangs.
- Sec. 134. Interstate and foreign travel or transportation in aid of criminal street gangs.
- Sec. 135. Serious juvenile drug offenses as armed career criminal act predicates.
- Sec. 136. Application of racketeering offenses to firearms offenses.
- Sec. 137. Increasing the penalty for using physical force or tampering with witnesses, victims, or informants.

TITLE II—ACCOUNTABILITY FOR JUVENILE OFFENDERS AND  
PUBLIC PROTECTION INCENTIVE GRANTS TO STATES

- Sec. 201. Block grant program.

TITLE III—REFORM OF GRANT PROGRAMS

- Sec. 301. Findings and purposes.
- Sec. 302. Definitions.
- Sec. 303. Office of Juvenile Justice and Delinquency Prevention.
- Sec. 304. Annual report.
- Sec. 305. Block grants for State and local programs.
- Sec. 306. State plans.
- Sec. 307. Repeals.
- Sec. 308. Authorization of appropriations.

**1 SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.**

**2 (a) FINDINGS.—Congress finds that—**

1           (1) at the beginning of the twentieth century,  
2       States adopted separate justice systems for juvenile  
3       offenders;

4           (2) violent crimes committed by juveniles, such  
5       as homicide, rape, and robbery, were virtually an un-  
6       known phenomenon at that time, but the rate at  
7       which juveniles commit those crimes has escalated  
8       astronomically recently;

9           (3) in 1994—

10           (A) juveniles accounted for nearly 20 per-  
11       cent of all violent crime committed in the Unit-  
12       ed States;

13           (B) 65 percent of juvenile murder victims  
14       were killed with a firearm; and

15           (C) 31 percent of juvenile arrests for vio-  
16       lent crimes involved juveniles less than 15 years  
17       of age;

18           (4) the number of juvenile arrests for violent  
19       crimes is expected to more than double by the year  
20       2010;

21           (5) the juveniles who commit the most serious  
22       offenses are becoming increasingly violent;

23           (6) the homicide rate for individuals between 14  
24       and 17 years of age is 4 times the rate for adults;

1           (7) according to the results of a nationwide sur-  
2       vey of law enforcement agencies, there are 23,388  
3       gangs and 664,906 gang members in the United  
4       States;

5           (8) Federal programs for juveniles have not  
6       provided the direction, coordination, resources, and  
7       leadership required to meet the current crisis in ju-  
8       venile delinquency;

9           (9) the high incidence of delinquency in the  
10      United States today results in enormous annual eco-  
11      nomic losses and substantial loss of human life, re-  
12      duction in personal security, and wasted human re-  
13      sources;

14          (10) juvenile delinquency constitutes a growing  
15      threat to the national welfare that requires an imme-  
16      diate response by the Federal Government;

17          (11) the rehabilitative model of sentencing for  
18      juveniles, which Congress rejected for adult offend-  
19      ers when it enacted the Sentencing Reform Act of  
20      1984, is inadequate and inappropriate for dealing  
21      with violent and repeat juvenile offenders;

22          (12) an effective strategy for reducing violent  
23      juvenile crime requires greater collection of inves-  
24      tigative data and other information, such as finger-  
25      prints and photographs, as well as greater sharing

1 of that information among Federal, State, and local  
2 agencies, including the courts, in the law enforce-  
3 ment and educational systems;

4 (13) data regarding violent juvenile offenders  
5 must be made available to the adult criminal justice  
6 system if recidivism by criminals is to be addressed  
7 adequately;

8 (14) holding juvenile proceedings in secret de-  
9 nies victims of crime the opportunity to attend and  
10 be heard at the proceedings, helps juvenile offenders  
11 to avoid accountability for their actions, and shields  
12 juvenile proceedings from public scrutiny and ac-  
13 countability;

14 (15) the injuries and losses suffered by the vic-  
15 tims of violent crime are no less painful or devastat-  
16 ing because the offender is a juvenile; and

17 (16) the investigation, prosecution, adjudica-  
18 tion, and punishment of criminal offenses committed  
19 by juveniles is, and should remain, primarily the re-  
20 sponsibility of the States.

21 (b) PURPOSES.—The purposes of this Act are—

22 (1) to reform juvenile law to ensure public safe-  
23 ty and to hold juvenile wrongdoers accountable for  
24 their actions, while providing the wrongdoer a genu-  
25 ine opportunity for self-reform;

1           (2) to revise the procedures in Federal court  
 2           applicable to the prosecution of juvenile offenders;  
 3           and

4           (3) to target the problem of violent crime and  
 5           controlled substance offenses committed by youth  
 6           gangs.

7 **SEC. 3. DEFINITIONS.**

8           In this Act:

9           (1) ATTORNEY GENERAL.—The term “Attorney  
 10          General” means the Attorney General of the United  
 11          States.

12          (2) CRIME OF VIOLENCE.—The term “crime of  
 13          violence” has the same meaning as in section 16 of  
 14          title 18, United States Code.

15 **TITLE I—VIOLENT, ARMED, AND**  
 16 **DANGEROUS JUVENILE OF-**  
 17 **FENDER ACCOUNTABILITY**

18 **Subtitle A—Protecting Children**  
 19 **From Drugs, Guns, and Violence**

20 **SEC. 101. INCREASED PENALTIES FOR DISTRIBUTING**  
 21 **DRUGS TO MINORS.**

22          Section 418 of the Controlled Substances Act (21  
 23 U.S.C. 859) is amended—

24           (1) in subsection (a), by striking “one year”  
 25           and inserting “3 years”; and

1 (2) in subsection (b), by striking “one year”  
2 and inserting “5 years”.

3 **SEC. 102. INCREASED PENALTY FOR DRUG TRAFFICKING IN**  
4 **OR NEAR A SCHOOL OR OTHER PROTECTED**  
5 **LOCATION.**

6 Section 419 of the Controlled Substances Act (21  
7 U.S.C. 860) is amended—

8 (1) in subsection (a), by striking “one year”  
9 and inserting “3 years”; and

10 (2) in subsection (b), by striking “three years”  
11 each place that term appears and inserting “5  
12 years”.

13 **SEC. 103. INCREASED PENALTIES FOR USING MINORS TO**  
14 **DISTRIBUTE DRUGS.**

15 Section 420 of the Controlled Substances Act (21  
16 U.S.C. 861) is amended—

17 (1) in subsection (b), by striking “one year”  
18 and inserting “3 years”; and

19 (2) in subsection (c), by striking “one year”  
20 and inserting “5 years”.

21 **SEC. 104. USE OF MINORS IN CRIMES OF VIOLENCE.**

22 (a) IN GENERAL.—Chapter 1 of title 18, United  
23 States Code, is amended by adding at the end the follow-  
24 ing:

1 **“§ 25. Use of minors in crimes of violence**

2 “(a) PENALTIES.—Except as otherwise provided by  
3 law, whoever, being not less than 18 years of age, know-  
4 ingly and intentionally uses a minor to commit a crime  
5 of violence, or to assist in avoiding detection or apprehen-  
6 sion for a crime of violence, shall—

7 “(1) be subject to 2 times the maximum impris-  
8 onment and 2 times the maximum fine for the crime  
9 of violence; and

10 “(2) for second or subsequent convictions under  
11 this subsection, be subject to 3 times the maximum  
12 imprisonment and 3 times the maximum fine other-  
13 wise provided for the crime of violence in which the  
14 minor is used.

15 “(b) DEFINITIONS.—In this section:

16 “(1) CRIME OF VIOLENCE.—The term ‘crime of  
17 violence’ has the same meaning as in section 16.

18 “(2) MINOR.—The term ‘minor’ means a per-  
19 son who is less than 18 years of age.

20 “(3) USES.—The term ‘uses’ means employs,  
21 hires, persuades, induces, entices, or coerces.”.

22 (b) CONFORMING AMENDMENT.—The analysis for  
23 chapter 1 of title 18, United States Code, is amended by  
24 adding at the end the following:

“25. Use of minors in crimes of violence.”.



1 **SEC. 105. SOLICITATION OR RECRUITMENT OF MINORS IN**  
 2 **CRIMINAL GANG ACTIVITY.**

3 (a) PROHIBITED ACTS.—Chapter 26 of title 18,  
 4 United States Code, is amended by adding at the end the  
 5 following:

6 **“§ 522. Recruitment of minors to participate in crimi-**  
 7 **nal street gang activity**

8 “(a) PROHIBITED ACT.—It shall be unlawful for any  
 9 person to—

10 “(1) use any facility in, or travel in, interstate  
 11 or foreign commerce, or cause another to do so, to  
 12 recruit, solicit, request, induce, counsel, command,  
 13 or cause a minor to be a member of a criminal street  
 14 gang, or conspire to do so; or

15 “(2) recruit, solicit, request, induce, counsel,  
 16 command, or cause a minor to engage in a predicate  
 17 gang crime for which the person may be prosecuted  
 18 in a court of the United States, or conspire to do so.

19 “(b) PENALTIES.—A person who violates subsection  
 20 (a) shall—

21 “(1) be imprisoned not less than 4 years and  
 22 not more than 10 years, or be imprisoned not less  
 23 than 4 years and not more than 10 years and fined  
 24 under this title; and

25 “(2) be liable for any costs incurred by the  
 26 Federal Government or by any State or local govern-

1       ment for housing, maintaining, and treating the  
2       minor until the minor reaches the age of 18.

3       “(c) DEFINITIONS.—In this section:

4               “(1) CRIMINAL STREET GANG; PREDICATE  
5       GANG CRIME.—The terms ‘criminal street gang’ and  
6       ‘predicate gang crime’ have the same meanings as in  
7       section 521.

8               “(2) MINOR.—The term ‘minor’ means a per-  
9       son who is less than 18 years of age.”.

10       (b) SENTENCING GUIDELINES.—

11               (1) IN GENERAL.—Pursuant to its authority  
12       under section 994(p) of title 28, United States Code,  
13       the United States Sentencing Commission shall  
14       amend chapter 2 of the Federal Sentencing Guide-  
15       lines to provide an appropriate enhancement for any  
16       offense involving the recruitment of a minor to par-  
17       ticipate in a criminal street gang.

18               (2) DEFINITIONS.—In this subsection:

19                       (A) CRIMINAL STREET GANG.—The term  
20       “criminal street gang” has the same meaning  
21       as in section 521 of title 18, United States  
22       Code.

23                       (B) MINOR.—The term “minor” means a  
24       person who is less than 18 years of age.

1 (c) CONFORMING AMENDMENT.—The analysis for  
 2 chapter 26 of title 18, United States Code, is amended  
 3 by adding at the end the following:

“522. Recruitment of minors to participate in criminal street gang activity.”.

4 **SEC. 106. TRANSFER OF FIREARMS TO MINORS FOR USE IN**  
 5 **CRIME.**

6 Section 924(h) of title 18, United States Code, is  
 7 amended by inserting before the period at the end the fol-  
 8 lowing: “, and if the transferee is a person who is less  
 9 than 18 years of age, shall be imprisoned not less than  
 10 3 years and not more than 15 years, or imprisoned not  
 11 less than 3 years and not more than 15 years and fined  
 12 under this title.”.

13 **SEC. 107. MANDATORY MINIMUM SENTENCES FOR JUVE-**  
 14 **NILES FOR ILLEGAL POSSESSION OF FIRE-**  
 15 **ARMS OR USE OF FIREARMS IN COMMISSION**  
 16 **OF CRIMES.**

17 (a) PENALTIES.—Section 924(a)(6) of title 18, Unit-  
 18 ed States Code, is amended—

19 (1) by striking subparagraph (A);

20 (2) by redesignating subparagraph (B) as sub-  
 21 paragraph (A);

22 (3) in subparagraph (A), as redesignated —

23 (A) by striking “(B) A person other than  
 24 a juvenile who knowingly” and inserting “(A) A  
 25 person who knowingly”;

1 (B) by striking clause (i) and inserting the  
 2 following:

3 “(i) shall be imprisoned not less than  
 4 1 year and not more than 5 years or im-  
 5 prisoned not less than 1 year and not more  
 6 than 5 years and fined under this title;  
 7 and”; and

8 (C) in clause (ii), by striking “fined under  
 9 this title, imprisoned not more than 10 years,  
 10 or both” and inserting “imprisoned not less  
 11 than 1 year and not more than 10 years, or im-  
 12 prisoned not less than 1 year and not more  
 13 than 10 years and fined under this title”; and  
 14 (4) by adding at the end the following:

15 “(B) Notwithstanding subparagraph (A),  
 16 no mandatory minimum sentence shall apply to  
 17 a juvenile who is less than 14 years of age.”.

18 **SEC. 108. CRIMES INVOLVING THE USE OF MINORS AS RICO**

19 **PREDICATES.**

20 Section 1961(1) of title 18, United States Code, is  
 21 amended—

22 (1) by striking “or” before “(F)”; and

23 (2) by inserting before the semicolon at the end  
 24 of the paragraph the following: “, or (G) any offense

1       that is subject to a sentencing enhancement under  
2       section 25”.

## 3       **Subtitle B—Violent and Repeat** 4       **Juvenile Offender Accountability**

### 5       **SEC. 121. TREATMENT OF JUVENILE OFFENDERS.**

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

8       **“§ 5032. Delinquency proceedings in district courts;**  
9               **juveniles tried as adults; transfer for**  
10              **other criminal prosecution**

11       “(a) IN GENERAL.—

12              “(1) SURRENDER TO STATE AUTHORITIES.—A  
13       juvenile alleged to have committed an offense  
14       against the United States or an act of juvenile delin-  
15       quency may be surrendered to State authorities, but  
16       if not so surrendered, shall be proceeded against as  
17       a juvenile under this subsection or tried as an adult  
18       in the circumstances described in subsection (b).

19              “(2) JUVENILE PROCEEDINGS.—If a juvenile  
20       alleged to have committed an act of juvenile delin-  
21       quency is proceeded against as a juvenile under this  
22       section, any proceedings against the juvenile shall be  
23       in an appropriate district court of the United States.  
24       For such purposes, the court may be convened at  
25       any time and place within the district, and shall be

1 open to the public, except that the court may ex-  
 2 clude all or some members of the public, other than  
 3 a victim unless the victim is a witness in the deter-  
 4 mination of guilt or innocence, if required by the in-  
 5 terests of justice or if other good cause is shown.  
 6 The United States Attorney having jurisdiction over  
 7 the offense shall proceed by information or as au-  
 8 thorized by section 3401(g) of this title, and no  
 9 criminal prosecution shall be instituted except as  
 10 provided in this chapter.

11 “(b) JUVENILES TRIED AS ADULTS.—A juvenile who  
 12 is not less than 14 years of age and who is alleged to have  
 13 committed an act of juvenile delinquency that, if commit-  
 14 ted by an adult, would be a Federal felony offense—

15 “(1) shall be tried in the appropriate district  
 16 court of the United States as an adult if the offense  
 17 charged is—

18 “(A) murder or attempted murder;

19 “(B) robbery while armed with a dan-  
 20 gerous or deadly weapon;

21 “(C) battery or assault while armed with a  
 22 dangerous or deadly weapon;

23 “(D) forcible rape;

24 “(E) any serious drug offense that, if com-  
 25 mitted by an adult, would be punishable under

1 section 401(b)(1)(A) or 408 of the Controlled  
2 Substances Act (21 U.S.C. 841(b)(1)(A), 848)  
3 or section 1010(b)(1)(A) of the Controlled Sub-  
4 stances Import and Export Act (21 U.S.C.  
5 960(b)(1)(A)); and

6 “(F) the third or subsequent occasion, un-  
7 related to any previous occasion, on which the  
8 juveniles engage in conduct for which adults  
9 could be imprisoned for a term exceeding 1  
10 year, unless, on a case-by-case basis the United  
11 States district court of appropriate jurisdic-  
12 tion—

13 “(i) determines, on a motion from the  
14 juvenile defendant, that trying such a juve-  
15 nile as an adult is not in the interest of  
16 justice (which determination shall not be  
17 appealable);

18 “(ii) records its reasons for making  
19 the determination in writing and makes  
20 that record available for inspection by the  
21 public; and

22 “(iii) makes a record in writing of the  
23 disposition of the juvenile in the juvenile  
24 justice system available to the public, not-  
25 withstanding any other law requiring the

1 information to be withheld or limited in  
 2 any way from access by the public.”;

3 “(2) may be tried as an adult, if the United  
 4 States Attorney having jurisdiction over the offense  
 5 determines that there is a substantial Federal inter-  
 6 est in the case, or the offense otherwise warrants the  
 7 exercise of Federal jurisdiction—

8 “(A) if the offense charged is an offense  
 9 described in—

10 “(i) subsection (b), (g), or (h) of sec-  
 11 tion 924; or

12 “(ii) section 922(x); or

13 “(B) if the juvenile is alleged to have com-  
 14 mitted (after the juvenile has attained the age  
 15 of 13) an act that, if committed by an adult,  
 16 would be a felony crime of violence (as that  
 17 term is defined in section 16); and

18 “(3) in all other cases, shall be proceeded  
 19 against as a juvenile.

20 “(c) FURTHER PROCEEDINGS.—Whenever a juvenile  
 21 transferred to district court under this section is not con-  
 22 victed of the crime upon which the transfer was based or  
 23 another crime which would have warranted transfer had  
 24 the juvenile been initially charged with that crime, further



1 proceedings concerning the juvenile shall be conducted  
 2 pursuant to this chapter.”.

3 **SEC. 122. USE OF JUVENILE RECORDS.**

4 Section 5038 of title 18, United States Code, is  
 5 amended—

6 (1) by striking subsections (d) and (f);

7 (2) by redesignating subsection (e) as sub-  
 8 section (d); and

9 (3) by adding at the end the following:

10 “(e) USE OF JUVENILE RECORDS.—

11 “(1) IN GENERAL.—The court shall comply  
 12 with the requirements of paragraph (2), if a juvenile  
 13 is adjudicated delinquent in a juvenile delinquency  
 14 proceeding for conduct that, if committed by an  
 15 adult, would constitute a felony.

16 “(2) REQUIREMENTS.—The requirements re-  
 17 ferred to in paragraph (1) are that—

18 “(A) a record shall be kept relating to the  
 19 adjudication that is—

20 “(i) equivalent to the record that  
 21 would be kept of an adult conviction for  
 22 such an offense;

23 “(ii) retained for a period of time that  
 24 is equal to the period of time that records  
 25 are kept for adult convictions;

1 “(iii) made available to law enforce-  
2 ment agencies of any jurisdiction;

3 “(iv) made available to officials of a  
4 school, school district, or postsecondary  
5 school where the individual who is the sub-  
6 ject of the juvenile record seeks, intends,  
7 or is instructed to enroll, and that those  
8 officials are held liable to the same stand-  
9 ards and penalties that law enforcement  
10 and juvenile justice system employees are  
11 held liable to, under Federal and State law  
12 for handling and disclosing the informa-  
13 tion; and

14 “(v) made available to any court hav-  
15 ing criminal jurisdiction over such an indi-  
16 vidual (in a juvenile or adult proceeding)  
17 for the purpose of allowing the court to  
18 consider the prior juvenile history of the  
19 individual as a relevant factor in determin-  
20 ing appropriate punishment for the individ-  
21 ual at the sentencing hearing;

22 “(B) the juvenile shall be fingerprinted  
23 and photographed, and the fingerprints and  
24 photograph shall be—

1 “(i) sent to the Identification Division  
2 of the Federal Bureau of Investigation;  
3 and

4 “(ii) otherwise made available to the  
5 same extent that fingerprints and photo-  
6 graphs of adults are made available; and

7 “(C) the court in which the adjudication  
8 takes place shall transmit to the Identification  
9 Division of the Federal Bureau of Investigation,  
10 any information concerning the adjudication,  
11 including the name, date of adjudication, court,  
12 offenses, and disposition, along with a promi-  
13 nent notation that the matter concerns a juve-  
14 nile adjudication.

15 “(3) DISSEMINATION OF JUVENILE RECORDS  
16 BY THE FEDERAL BUREAU OF INVESTIGATION.—

17 “(A) IN GENERAL.—Any juvenile records  
18 received by the Federal Bureau of Investigation  
19 under this subsection shall be disseminated to  
20 State and local law enforcement officials to the  
21 same extent and on the same terms as the Fed-  
22 eral Bureau of Investigation makes adult  
23 records available to those officials, except that  
24 all juvenile records shall include a prominent

1 notation that the matter concerns a juvenile ad-  
 2 judication.

3 “(B) INFORMATION TO SCHOOL OFFI-  
 4 CIALS.—The head of the Identification Division  
 5 of the Federal Bureau of Investigation shall  
 6 provide, upon request, the information received  
 7 by the Director under this subsection to offi-  
 8 cials of a school, school district, or postsecond-  
 9 ary school at which the individual who is the  
 10 subject of the information seeks, intends, or is  
 11 instructed or ordered to enroll.

12 “(4) REPEAT OFFENDERS.—If a juvenile has  
 13 been adjudicated to be delinquent on 2 or more sep-  
 14 arate occasions based on conduct that would be a  
 15 felony if committed by an adult, the record of the  
 16 second and all subsequent adjudications shall be  
 17 made available to the public to the same extent that  
 18 a record of an adult conviction is open to the public.

19 “(5) FINGERPRINTING AND PHOTOGRAPHING  
 20 UPON ARREST OF VIOLENT JUVENILE OFFEND-  
 21 ERS.—If a juvenile who is arrested for conduct that,  
 22 if committed by an adult, would constitute a crime  
 23 of violence (as that term is defined in section 16)—

24 “(A) a record equivalent to the record that  
 25 would be kept for an adult arrested for that

1           conduct, including fingerprints and photo-  
2           graphs, shall be kept; and

3                   “(B) the fingerprints and photograph shall  
4           be—

5                           “(i) sent to the Identification Division  
6                           of the Federal Bureau of Investigation;  
7                           and

8                           “(ii) otherwise made available to the  
9                           same extent that fingerprints and photo-  
10                          graphs of adult offenders are made avail-  
11                          able.”.

12 **SEC. 123. JUVENILE ADJUDICATIONS CONSIDERED IN SEN-**  
13 **TENCING.**

14       Pursuant to its authority under section 994(p) of title  
15 28, United States Code, the United States Sentencing  
16 Commission shall amend the Federal Sentencing Guide-  
17 lines to provide that, for purposes of sentencing deter-  
18 minations with respect to an adult defendant, an offense  
19 contained in the juvenile record of the defendant for which  
20 the defendant was adjudicated delinquent, shall be treated  
21 in the same manner as an adult offense, if the juvenile  
22 offense would have constituted a felony if it had been com-  
23 mitted by the defendant as an adult.

1 **SEC. 124. DISPOSITION; AVAILABILITY OF INCREASED DE-**  
2 **TENTION, FINES, AND SUPERVISED RELEASE**  
3 **FOR JUVENILE OFFENDERS.**

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

6 **“§ 5037. Disposition**

7 “(a) IN GENERAL.—

8 “(1) HEARING.—In a proceeding under section  
9 5032(a), if the court finds a juvenile to be a juvenile  
10 delinquent, the court shall hold a hearing concerning  
11 the appropriate disposition of the juvenile not later  
12 than 30 court days after the finding of juvenile de-  
13 linquency, unless the court has ordered further study  
14 pursuant to subsection (e).

15 “(2) PREDISPOSITION REPORT.—A predisposi-  
16 tion report shall be prepared by the probation officer  
17 who shall promptly provide a copy to the juvenile,  
18 counsel for the juvenile, and the attorney for the  
19 Government.

20 “(3) VICTIM IMPACT INFORMATION.—Victim  
21 impact information and a copy of the prior convic-  
22 tion record of the juvenile shall be included in each  
23 predisposition report under paragraph (2), and vic-  
24 tims, or in appropriate cases their official represent-  
25 atives, shall be provided the opportunity to make a

1 statement to the court in person or present any in-  
2 formation in relation to the disposition.

3 “(4) SANCTIONS.—After a dispositional hearing  
4 under this subsection, and after considering possible  
5 sanctions established pursuant to subsection (f), the  
6 court shall impose an appropriate sanction, including  
7 the ordering of restitution pursuant to section 3556.

8 “(5) RELEASE OR DETENTION PENDING AP-  
9 PEAL.—With respect to release or detention pending  
10 an appeal or a petition for a writ of certiorari after  
11 disposition, the court shall proceed pursuant to  
12 chapter 207.

13 “(b) PROBATION.—

14 “(1) IN GENERAL.—The term for which proba-  
15 tion may be ordered for a juvenile found to be a ju-  
16 venile delinquent may not extend beyond the maxi-  
17 mum term that would be authorized by section  
18 3561(c) if the juvenile had been tried and convicted  
19 as an adult.

20 “(2) APPLICABLE LAW.—Sections 3563, 3564,  
21 and 3565 apply to an order placing a juvenile on  
22 probation.

23 “(c) OFFICIAL DETENTION.—

24 “(1) IN GENERAL.—The term for which official  
25 detention may be ordered for a juvenile found to be

1 a juvenile delinquent may not extend beyond the  
 2 lesser of—

3 “(A) the maximum term of imprisonment  
 4 that would be authorized if the juvenile had  
 5 been tried and convicted as an adult;

6 “(B) 10 years; or

7 “(C) the 26th birthday of the juvenile.

8 “(2) APPLICABLE LAW.—Section 3624 applies  
 9 to an order placing a juvenile in detention.

10 “(d) SUPERVISED RELEASE.—

11 “(1) IN GENERAL.—The term for which super-  
 12 vised release may be ordered for a juvenile found to  
 13 be a juvenile delinquent may not exceed 5 years.

14 “(2) APPLICABLE LAW.—Subsections (c)  
 15 through (i) of section 3583 apply to an order placing  
 16 a juvenile on supervised release.

17 “(e) OBSERVATION AND STUDY.—If the court desires  
 18 more detailed information concerning a juvenile alleged to  
 19 have committed an act of juvenile delinquency or a juvenile  
 20 adjudicated delinquent, it may commit the juvenile, after  
 21 notice and hearing at which the juvenile is represented by  
 22 counsel, to the custody of the Attorney General for obser-  
 23 vation and study by an appropriate agency or entity. Such  
 24 observation and study shall be conducted on an outpatient  
 25 basis, unless the court determines that inpatient observa-



1 tion and study are necessary to obtain the desired infor-  
 2 mation. In the case of an alleged juvenile delinquent, inpa-  
 3 tient study may be ordered only with the consent of the  
 4 juvenile and the juvenile's attorney. The agency or entity  
 5 shall make a study of all matters relevant to the alleged  
 6 or adjudicated delinquent behavior and the court's inquiry.  
 7 The Attorney General shall submit to the court and the  
 8 attorneys for the juvenile and the Government the results  
 9 of the study within 30 days after the commitment of the  
 10 juvenile, unless the court grants additional time. Time  
 11 spent in custody under this subsection shall be excluded  
 12 for purposes of section 5036.

13       “(f) SENTENCING COMMISSION.—

14               “(1) IN GENERAL.—The United States Sen-  
 15 tencing Commission, in consultation with the Attor-  
 16 ney General, shall develop a list of possible sanctions  
 17 for juveniles adjudicated delinquent.

18               “(2) LIST.—The list developed under para-  
 19 graph (1) shall—

20                       “(A) be comprehensive in nature and en-  
 21 compass punishments of varying levels of sever-  
 22 ity;

23                       “(B) include terms of confinement; and

1           “(C) provide punishments that escalate in  
 2           severity with each additional or subsequent  
 3           more serious delinquent conduct.”.

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

8   **SEC. 125. VIOLENT, ARMED, AND DANGEROUS YOUTH AP-**  
 9                           **PREHENSION DIRECTIVE.**

10          (a) IN GENERAL.—Not later than 180 days after the  
 11 date of enactment of this Act, the Attorney General shall  
 12 establish a violent, armed, and dangerous youth appren-  
 13 sion program consistent with the following requirements:

14           (1) VIOLENT YOUTH PROSECUTORS.—Each  
 15 United States attorney shall designate at least 1 as-  
 16 sistant United States attorney to prosecute, on ei-  
 17 ther a full- or part-time basis, violent, armed, and  
 18 dangerous youth offenders.

19           (2) TASK FORCE.—Each United States attorney  
 20 shall establish a violent, armed, and dangerous  
 21 youth criminal apprehension task force comprised of  
 22 appropriate law enforcement representatives. The  
 23 task force shall develop strategies for removing vio-  
 24 lent, armed, and dangerous youth offenders from the  
 25 streets, taking into consideration—

1 (A) the importance of severe punishment  
2 in deterring violent youth crime;

3 (B) the effectiveness of Federal and State  
4 laws pertaining to apprehension and prosecu-  
5 tion of violent, armed, and dangerous youth of-  
6 fenders;

7 (C) the resources available to each law en-  
8 forcement agency participating in the task  
9 force;

10 (D) the nature and extent of the violent  
11 youth crime occurring in the district for which  
12 the United States attorney is appointed; and

13 (E) the principle of limited Federal in-  
14 volvement in the prosecution of crimes tradi-  
15 tionally prosecuted in State and local jurisdic-  
16 tions.

17 (3) REPORT ON VIOLENT, ARMED, AND DAN-  
18 GEROUS YOUTH OFFENDERS.—Not less frequently  
19 than every other month, the Attorney General shall  
20 require each United States attorney to report to the  
21 Department of Justice—

22 (A) the number of youths in the district  
23 for which the United States attorney is ap-  
24 pointed, who were charged with, or convicted  
25 of—

1 (i) a crime of violence;

2 (ii) a Federal felony offense involving  
3 a controlled substance (as that term is de-  
4 fined in section 102 of the Controlled Sub-  
5 stances Act (21 U.S.C. 802)) for which the  
6 maximum term of imprisonment is not less  
7 than 5 years; or

8 (iii) a criminal street gang offense (as  
9 that term is defined in section 521 of title  
10 18, United States Code); and

11 (B) the number of youths referred to a  
12 State for prosecution for offenses described in  
13 subparagraph (A).

14 (4) COMPILATION AND REPORT ON WAIVERS.—

15 Not less frequently than twice annually, the Attor-  
16 ney General shall submit to Congress a compilation  
17 of the information received by the Department of  
18 Justice pursuant to paragraph (3) and a report on  
19 any waivers granted under subsection (b).

20 (b) WAIVER AUTHORITY.—

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

25 (2) PROVISION OF WAIVER.—

1 (A) IN GENERAL.—The Attorney General  
 2 may waive the requirements of subsection (a)  
 3 pursuant to a request made under paragraph  
 4 (1), in accordance with guidelines which shall  
 5 be established by the Attorney General.

6 (B) FACTORS FOR CONSIDERATION.—In  
 7 establishing guidelines under this paragraph,  
 8 the Attorney General shall take into consider-  
 9 ation the number of assistant United States at-  
 10 torneys in the office of the United States attor-  
 11 ney making the request and the level of crime  
 12 committed by violent, armed, and dangerous  
 13 youth in the district for which the United  
 14 States attorney is appointed.

15 (c) DEFINITION OF VIOLENT, ARMED, AND DAN-  
 16 GEROUS YOUTH.—In this section, the term “violent,  
 17 armed, and dangerous youth” means a person who is less  
 18 than 18 years of age and who is charged with—

19 (1) a violation of section 922(g)(1) of title 18,  
 20 United States Code, having been previously—

21 (A) convicted of a crime of violence; or

22 (B) adjudicated delinquent for an act that  
 23 would have been a crime of violence, if the per-  
 24 son had been an adult at the time the act was  
 25 committed; or

1 (2) a violation of section 924 of that title;

2 (3) a Federal felony involving a controlled sub-  
 3 stance (as defined in section 102 of the Controlled  
 4 Substances Act (21 U.S.C. 802)) for which the max-  
 5 imum term of imprisonment is not less than 5 years;

6 (4) a Federal felony crime of violence that has  
 7 as an element the use or attempted use of physical  
 8 force against the person of another; or

9 (5) a criminal street gang offense (as that term  
 10 is defined in section 521 of title 18, United States  
 11 Code).

12 **SEC. 126. CONSTRUCTION OF FEDERAL JUVENILE CORREC-**  
 13 **TIONS FACILITIES.**

14 (a) IN GENERAL.—Not later than 4 years after the  
 15 date of enactment of this Act, to ensure that prison cell  
 16 space is available for the confinement of Federal juvenile  
 17 offenders, the Bureau of Prisons of the Department of  
 18 Justice shall establish (through construction and develop-  
 19 ment of new facilities, expansion or modification of exist-  
 20 ing facilities, or any combination thereof) and operate 4  
 21 new correctional facilities for the confinement of Federal  
 22 juvenile offenders.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
 24 are authorized to be appropriated such sums as may be  
 25 necessary to carry out this section.

## **Subtitle C—Combating Gang Violence**

### **SEC. 131. GANG FRANCHISING.**

(a) IN GENERAL.—Chapter 26 of title 18, United States Code, is amended by adding at the end the following:

### **“SEC. 523. INTERSTATE FRANCHISING OF CRIMINAL STREET GANGS.**

“(a) PROHIBITED ACT.—Whoever travels in interstate or foreign commerce, or causes another to do so, to recruit, solicit, induce, command, cause to create, or attempt to create a franchise of a criminal street gang shall be punished in accordance with subsection (c).

“(b) DEFINITIONS.—In this section:

“(1) CRIMINAL STREET GANG.—The term ‘criminal street gang’ has the meaning given that term in section 521 of title 18, United States Code.

“(2) FRANCHISE.—The term ‘franchise’ means an organized group of individuals related by name, moniker, or other identifier, that engages in coordinated violent crime or drug trafficking activities in interstate or foreign commerce with a criminal street gang in another State.

“(c) PENALTIES.—Any person who violates subsection (a) shall be imprisoned not less than 4 years and

1 not more than 10 years, or imprisoned not less than 4  
 2 years and not more than 10 years and fined under this  
 3 title.”.

4 (b) CONFORMING AMENDMENT.—The analysis for  
 5 chapter 26 of title 18, United States Code, is amended  
 6 by adding at the end the following:

“523. Interstate franchising of criminal street gangs.”.

7 **SEC. 132. INCREASE IN OFFENSE LEVEL FOR PARTICIPA-**  
 8 **TION IN CRIME AS A GANG MEMBER.**

9 (a) DEFINITION.—In this section, the term “criminal  
 10 street gang” has the same meaning as in section 521 of  
 11 title 18, United States Code.

12 (b) AMENDMENT OF SENTENCING GUIDELINES.—  
 13 Pursuant to its authority under section 994(p) of title 28,  
 14 United States Code, the United States Sentencing Com-  
 15 mission shall amend the Federal sentencing guidelines to  
 16 provide an appropriate enhancement, increasing the of-  
 17 fense level by not less than 6 levels, for any offense, if  
 18 the offense was both committed in connection with, or in  
 19 furtherance of, the activities of a criminal street gang and  
 20 the defendant was a member of the criminal street gang  
 21 at the time of the offense.

22 (c) CONSTRUCTION WITH OTHER GUIDELINES.—  
 23 The amendment made pursuant to subsection (b) shall  
 24 provide that the increase in the offense level shall be in



1 addition to any other adjustment under chapter 3 of the  
 2 Federal sentencing guidelines.

3 **SEC. 133. AMENDMENT OF TITLE 18 WITH RESPECT TO**  
 4 **CRIMINAL STREET GANGS.**

5 (a) IN GENERAL.—Section 521 of title 18, United  
 6 States Code, is amended—

7 (1) in subsection (a)—

8 (A) by striking “(a) DEFINITIONS.—” and  
 9 inserting the following:

10 “(a) DEFINITIONS.—In this section:”, and

11 (B) by striking “‘conviction’ and all that  
 12 follows through the end of the subsection and  
 13 inserting the following:

14 “(1) CRIMINAL STREET GANG.—The term  
 15 ‘criminal street gang’ means an ongoing group, club,  
 16 organization, or association of 3 or more persons,  
 17 whether formal or informal—

18 “(A) a primary activity of which is the  
 19 commission of 1 or more predicate gang crimes;

20 “(B) any member of which engages, or has  
 21 engaged during the 5-year period preceding the  
 22 date at issue, in a pattern of criminal gang ac-  
 23 tivity; and

24 “(C) the activities of which affect inter-  
 25 state or foreign commerce.

1           “(2) PATTERN OF CRIMINAL GANG ACTIVITY.—

2           The term ‘pattern of criminal gang activity’ means  
3           the commission of 2 or more predicate gang crimes  
4           committed in connection with, or in furtherance of,  
5           the activities of a criminal street gang—

6                       “(A) not less than 1 of which was commit-  
7                       ted after the date of enactment of the Federal  
8                       Gang Violence Act;

9                       “(B) the first of which was committed not  
10                      more than 5 years before the commission of an-  
11                      other predicate gang crime; and

12                     “(C) that were committed on separate oc-  
13                     casions.

14           “(3) PREDICATE GANG CRIME.—The term  
15           ‘predicate gang crime’ means an offense, including  
16           an act of juvenile delinquency that, if committed by  
17           an adult, would be an offense that is—

18                     “(A) a Federal offense—

19                       “(i) that is a crime of violence (as  
20                       that term is defined in section 16) includ-  
21                       ing carjacking, drive-by-shooting, shooting  
22                       at an unoccupied dwelling or motor vehicle,  
23                       assault with a deadly weapon, and homi-  
24                       cide;

1 “(ii) that involves a controlled sub-  
2 stance (as that term is defined in section  
3 102 of the Controlled Substances Act (21  
4 U.S.C. 802)) for which the penalty is im-  
5 prisonment for not less than 5 years;

6 “(iii) that is a violation of section  
7 844, 875, or 876 (relating to extortion and  
8 threats), section 1084 (relating to gam-  
9 bling), section 1955 (relating to gambling),  
10 chapter 44 (relating to firearms), or chap-  
11 ter 73 (relating to obstruction of justice);

12 “(iv) that is a violation of section  
13 1956 (relating to money laundering), inso-  
14 far as the violation of that section is relat-  
15 ed to a Federal or State offense involving  
16 a controlled substance (as that term is de-  
17 fined in section 102 of the Controlled Sub-  
18 stances Act (21 U.S.C. 802)); or

19 “(v) that is a violation of section  
20 274(a)(1)(A), 277, or 278 of the Immigra-  
21 tion and Nationality Act (8 U.S.C.  
22 1324(a)(1)(A), 1327, or 1328) (relating to  
23 alien smuggling);

24 “(B) a State offense involving conduct that  
25 would constitute an offense under subparagraph

1 (A) if Federal jurisdiction existed or had been  
 2 exercised; or

3 “(C) a conspiracy, attempt, or solicitation  
 4 to commit an offense described in subparagraph  
 5 (A) or (B).

6 “(4) STATE.—The term ‘State’ includes a State  
 7 of the United States, the District of Columbia, Puer-  
 8 to Rico, Guam, the Virgin Islands, and any other  
 9 territory of possession of the United States.”; and

10 (2) by striking subsections (b), (c), and (d) and  
 11 inserting the following:

12 “(b) CRIMINAL PENALTIES.—Any person who en-  
 13 gages in a pattern of criminal gang activity—

14 “(1) shall be sentenced to—

15 “(A) a term of imprisonment of not less  
 16 than 10 years and not more than life, or a term  
 17 of imprisonment of not less than 10 years and  
 18 not more than life and fined under this title;  
 19 and

20 “(B) the forfeiture prescribed in section  
 21 413 of the Controlled Substances Act (21  
 22 U.S.C. 853); and

23 “(2) if any person engages in that activity after  
 24 1 or more prior convictions under this section have  
 25 become final, shall be sentenced to—

1           “(A) a term of imprisonment of not less  
 2           than 20 years and not more than life, or a term  
 3           of imprisonment of not less than 20 years and  
 4           not more than life and fined under this title;  
 5           and

6           “(B) the forfeiture prescribed in section  
 7           412 of the Controlled Substances Act (21  
 8           U.S.C. 853).”.

9           (b) CONFORMING AMENDMENT.—Section 3663(c)(4)  
 10          of title 18, United States Code, is amended by inserting  
 11          before “chapter 46” the following: “section 521 of this  
 12          title,”.

13       **SEC. 134. INTERSTATE AND FOREIGN TRAVEL OR TRANS-**  
 14                               **PORTATION IN AID OF CRIMINAL STREET**  
 15                               **GANGS.**

16          (a) TRAVEL ACT AMENDMENTS.—

17               (1) PROHIBITED CONDUCT AND PENALTIES.—

18          Section 1952(a) of title 18, United States Code, is  
 19          amended to read as follows:

20          “(a) PROHIBITED CONDUCT AND PENALTIES.—

21               “(1) IN GENERAL.—Any person who—

22                       “(A) travels in interstate or foreign com-  
 23                       merce or uses the mail or any facility in inter-  
 24                       state or foreign commerce, with intent to—

1 “(i) distribute the proceeds of any un-  
2 lawful activity; or

3 “(ii) otherwise promote, manage, es-  
4 tablish, carry on, or facilitate the pro-  
5 motion, management, establishment, or  
6 carrying on, of any unlawful activity; and

7 “(B) after travel or use of the mail or any  
8 facility in interstate or foreign commerce de-  
9 scribed in subparagraph (A), performs, at-  
10 tempts to perform, or conspires to perform an  
11 act described in clause (i) or (ii) of subpara-  
12 graph (A),

13 shall be imprisoned not more than 10 years, fined  
14 under this title, or both.

15 “(2) CRIMES OF VIOLENCE.—Any person  
16 who—

17 “(A) travels in interstate or foreign com-  
18 merce or uses the mail or any facility in inter-  
19 state or foreign commerce, with intent to com-  
20 mit any crime of violence to further any unlaw-  
21 ful activity; and

22 “(B) after travel or use of the mail or any  
23 facility in interstate or foreign commerce de-  
24 scribed in subparagraph (A), commits, attempts

1           to commit, or conspires to commit any crime of  
 2           violence to further any unlawful activity,  
 3           shall be imprisoned not more than 20 years, fined  
 4           under this title, or both, and if death results shall  
 5           be sentenced to death or be imprisoned for any term  
 6           of years or for life.”.

7           (2) DEFINITIONS.—Section 1952(b) of title 18,  
 8           United States Code, is amended to read as follows:  
 9           “(b) DEFINITIONS.—In this section:

10           “(1) CONTROLLED SUBSTANCE.—The term  
 11           ‘controlled substance’ has the same meaning as in  
 12           section 102(6) of the Controlled Substances Act (21  
 13           U.S.C. 802(6)).

14           “(2) CRIME OF VIOLENCE.—The term ‘crime of  
 15           violence’ has the same meaning as in section 16.

16           “(3) STATE.—The term ‘State’ includes a State  
 17           of the United States, the District of Columbia, and  
 18           any commonwealth, territory, or possession of the  
 19           United States.

20           “(4) UNLAWFUL ACTIVITY.—The term ‘unlaw-  
 21           ful activity’ means—

22           “(A) predicate gang crime (as that term is  
 23           defined in section 521);

24           “(B) any business enterprise involving  
 25           gambling, liquor on which the Federal excise

1 tax has not been paid, narcotics or controlled  
 2 substances, or prostitution offenses in violation  
 3 of the laws of the State in which the offense is  
 4 committed or of the United States;

5 “(C) extortion, bribery, arson, robbery,  
 6 burglary, assault with a deadly weapon, retalia-  
 7 tion against or intimidation of witnesses, vic-  
 8 tims, jurors, or informants, assault resulting in  
 9 bodily injury, possession of or trafficking in sto-  
 10 len property, illegally trafficking in firearms,  
 11 kidnapping, alien smuggling, or shooting at an  
 12 occupied dwelling or motor vehicle, in each case,  
 13 in violation of the laws of the State in which  
 14 the offense is committed or of the United  
 15 States; or

16 “(D) any act that is indictable under sec-  
 17 tion 1956 or 1957 of this title or under sub-  
 18 chapter II of chapter 53 of title 31.”.

19 (b) AMENDMENT OF SENTENCING GUIDELINES.—

20 (1) IN GENERAL.—Pursuant to its authority  
 21 under section 994(p) of title 28, United States Code,  
 22 the United States Sentencing Commission shall  
 23 amend chapter 2 of the Federal sentencing guide-  
 24 lines so that—



1 (A) the base offense level for traveling in  
 2 interstate or foreign commerce in aid of a  
 3 criminal street gang or other unlawful activity  
 4 is increased to 12; and

5 (B) the base offense level for the commis-  
 6 sion of a crime of violence in aid of a criminal  
 7 street gang or other unlawful activity is in-  
 8 creased to 24.

9 (2) DEFINITIONS.—In this subsection:

10 (A) CRIMINAL STREET GANG.—The term  
 11 “criminal street gang” has the same meaning  
 12 as in section 521 of title 18, United States  
 13 Code.

14 (B) UNLAWFUL ACTIVITY.—The term “un-  
 15 lawful activity” has the same meaning as in  
 16 section 1952(b) of title 18, United States Code,  
 17 as amended by this section.

18 **SEC. 135. SERIOUS JUVENILE DRUG OFFENSES AS ARMED**  
 19 **CAREER CRIMINAL ACT PREDICATES.**

20 Section 924(e)(2)(A) of title 18, United States Code,  
 21 is amended—

22 (1) in clause (i), by striking “or” at the end;

23 (2) in clause (ii), by adding “or” at the end;

24 and

25 (3) by adding at the end the following:

1 “(iii) any act of juvenile delinquency  
 2 that if committed by an adult would be an  
 3 offense described in clause (i) or (ii);”.

4 **SEC. 136. APPLICATION OF RACKETEERING OFFENSES TO**  
 5 **FIREARMS OFFENSES.**

6 Section 1961(1) of title 18, United States Code, is  
 7 amended by inserting before “section 1028” the following:  
 8 “subsection (a)(1), (a)(6), (i), (j), (k), (o), (q), (u), (v),  
 9 or (x)(1) of section 922, subsection (b), (g), (h), (k), (l),  
 10 or (m), of section 924 (relating to firearms),”

11 **SEC. 137. INCREASING THE PENALTY FOR USING PHYSICAL**  
 12 **FORCE OR TAMPERING WITH WITNESSES,**  
 13 **VICTIMS, OR INFORMANTS.**

14 Section 1512 (b) of title 18, United States Code, is  
 15 amended by striking “not more than ten years” and in-  
 16 serting “not more than 20 years”.

17 **TITLE II—ACCOUNTABILITY FOR**  
 18 **JUVENILE OFFENDERS AND**  
 19 **PUBLIC PROTECTION INCEN-**  
 20 **TIVE GRANTS TO STATES**

21 **SEC. 201. BLOCK GRANT PROGRAM.**

22 (a) IN GENERAL.—Part R of title I of the Omnibus  
 23 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 24 3796 et seq.) is amended to read as follows:

1     **“PART R—JUVENILE ACCOUNTABILITY BLOCK**

2                             **GRANTS**

3     **“SEC. 1801. DEFINITIONS.**

4         “In this part:

5             “(1) DIRECTOR.—The term ‘Director’ means  
6         the Director of the Bureau of Justice Assistance of  
7         the Department of Justice.

8             “(2) JUVENILE.—The term ‘juvenile’ means an  
9         individual who is 17 years of age or younger.

10            “(3) LAW ENFORCEMENT EXPENDITURES.—  
11         The term ‘law enforcement expenditures’ means the  
12         expenditures associated with police, prosecutorial,  
13         legal, and judicial services, and corrections as re-  
14         ported to the Bureau of the Census for the fiscal  
15         year preceding the fiscal year for which a determina-  
16         tion is made under this part.

17            “(4) PART 1 VIOLENT CRIMES.—The term ‘part  
18         1 violent crimes’ means murder and nonnegligent  
19         manslaughter, forcible rape, robbery, and aggravated  
20         assault as reported to the Federal Bureau of Inves-  
21         tigation for purposes of the Uniform Crime Reports.

22            “(5) STATE.—The term ‘State’ means any  
23         State of the United States, the District of Columbia,  
24         the Commonwealth of Puerto Rico, the Virgin Is-  
25         lands, American Samoa, Guam, and the Northern  
26         Mariana Islands, except that—

1           “(A) American Samoa, Guam, and the  
2           Northern Mariana Islands shall be considered  
3           to be 1 State; and

4           “(B) for purposes of section 1804, 33 per-  
5           cent of the amounts allocated shall be allocated  
6           to American Samoa, 50 percent to Guam, and  
7           17 percent to the Northern Mariana Islands.

8           “(6) UNIT OF LOCAL GOVERNMENT.—The term  
9           ‘unit of local government’ means—

10           “(A) a county, township, city, or political  
11           subdivision of a county, township, or city, that  
12           is a unit of local government as determined by  
13           the Secretary of Commerce for general statis-  
14           tical purposes; and

15           “(B) the District of Columbia and the rec-  
16           ognized governing body of an Indian tribe or  
17           Alaskan Native village that carries out substan-  
18           tial governmental duties and powers.

19   **“SEC. 1802. GRANT AUTHORIZATION.**

20           “(a) IN GENERAL.—In order to promote greater ac-  
21           countability in the juvenile justice system, the Director  
22           may make grants in accordance with this part to States,  
23           for use by States and units of local government for activi-  
24           ties described in subsection (b).

1       “(b) AUTHORIZED ACTIVITIES.—Amounts paid to a  
2 State, or a unit of local government under this part shall  
3 be used by the State or unit of local government for the  
4 purpose of promoting greater accountability in the juvenile  
5 justice system, including—

6           “(1) building, expanding, or operating tem-  
7 porary or permanent juvenile correction or detention  
8 facilities;

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

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

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

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

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

1           “(7) 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           “(8) establishing and maintaining interagency  
7 information-sharing programs that enable the juve-  
8 nile and criminal justice system, schools, and social  
9 services agencies to make more informed decisions  
10 regarding the early identification, control, super-  
11 vision, and treatment of juveniles who repeatedly  
12 commit serious delinquent or criminal acts; and

13           “(9) establishing and maintaining accountabil-  
14 ity-based programs that work with juvenile offenders  
15 who are referred by law enforcement agencies, or  
16 that are designed, in cooperation with law enforce-  
17 ment officials, to protect students and school person-  
18 nel from drug, gang, and youth violence.

19 **“SEC. 1803. ELIGIBILITY.**

20           “(a) **ELIGIBILITY.**—To be eligible to receive a grant  
21 under this part, a State shall submit an application to the  
22 Director that demonstrates that the State has in effect  
23 or has implemented (or will have in effect or will have im-  
24 plemented not later than 1 year after the date on which

1 the State submits the application) laws, policies, or pro-  
 2 grams that provide for each of the following:

3 “(1) PROSECUTION OF JUVENILES AS ADULTS  
 4 FOR CERTAIN OFFENSES.—The State shall provide  
 5 for the prosecution of juveniles who are not less than  
 6 14 years of age as adults in criminal court, rather  
 7 than in juvenile delinquency proceedings, for conduct  
 8 constituting—

9 “(A) murder;

10 “(B) robbery while armed with a dan-  
 11 gerous or deadly weapon;

12 “(C) battery or assault while armed with a  
 13 dangerous or deadly weapon;

14 “(D) forcible rape;

15 “(E) any serious drug offense that, if com-  
 16 mitted by an adult subject to Federal jurisdic-  
 17 tion, would be punishable under section  
 18 401(b)(1)(A) of the controlled Substances Im-  
 19 port and Export Act (21 U.S.C. 960(b)(1)(A));

20 “(F) the third or subsequent occasion, un-  
 21 related to any previous occasion, on which the  
 22 juveniles engage in conduct for which adults  
 23 could be imprisoned for a term exceeding 1  
 24 year, unless, on a case-by-case basis—

1           “(i) a court determines that trying the  
2           juvenile as an adult is not in the interest  
3           of justice under State law;

4           “(ii) the court records its reasons for  
5           making that determination in writing and  
6           makes the record available for inspection  
7           by the public at large; and

8           “(iii) the court makes a record in  
9           writing of the disposition of the juvenile in  
10          the juvenile justice system available to the  
11          public to the same extent that records of  
12          adult criminal proceedings are open to the  
13          public, notwithstanding any other law re-  
14          quiring the information to be withheld or  
15          limited in any way from access by the pub-  
16          lic; and

17          “(G) any other crime or in any other cir-  
18          cumstance, as the State determines to be appro-  
19          priate.

20          “(2) RECORDKEEPING REQUIREMENTS FOR JU-  
21          VENILE DELINQUENCY PROCEEDINGS.—In any case  
22          in which a juvenile is adjudicated delinquent, as de-  
23          fined by Federal or State law, in a juvenile delin-  
24          quency proceeding, for conduct that if committed by



1       an adult would constitute a felony under Federal or  
2       State law, the State shall ensure that—

3               “(A) a record is kept relating to the adju-  
4       dication that is—

5                       “(i) equivalent to the record that  
6       would be kept of an adult conviction for  
7       such an offense;

8                       “(ii) retained for a period of time that  
9       is equal to the period of time records are  
10      kept for adult convictions;

11                      “(iii) made available to law enforce-  
12      ment agencies of any jurisdiction;

13                      “(iv) made available to officials of a  
14      school, school district, or postsecondary  
15      school in which the individual who is the  
16      subject of the juvenile record seeks, in-  
17      tends, or is instructed to enroll, and that  
18      those officials are held liable to the same  
19      standards and penalties that law enforce-  
20      ment and juvenile justice system employees  
21      are held liable to, under Federal and State  
22      law for handling and disclosing the infor-  
23      mation; and

24                      “(v) made available to any court hav-  
25      ing criminal jurisdiction over such an indi-

1           vidual (in a juvenile or adult proceeding)  
2           for the purpose of allowing the court to  
3           consider the entire juvenile history of the  
4           individual as a relevant factor in determin-  
5           ing appropriate punishment for the individ-  
6           ual at the sentencing hearing;

7           “(B) the juvenile is fingerprinted and pho-  
8           tographed, and the fingerprints and photograph  
9           are sent to the Identification Division of the  
10          Federal Bureau of Investigation and are other-  
11          wise made available to the same extent that fin-  
12          gerprints and photographs of adults are made  
13          available; and

14          “(C) the court in which the adjudication  
15          takes place transmits to the Identification Divi-  
16          sion of the Federal Bureau of Investigation, in-  
17          formation concerning the adjudication, includ-  
18          ing the name, date of adjudication, court, of-  
19          fenses, and disposition, along with a prominent  
20          notation that the matter concerns a juvenile ad-  
21          judication.

22          “(3) REPEAT OFFENDERS.—In any case in  
23          which a juvenile has been adjudicated to be delin-  
24          quent on 2 or more separate occasions based on con-  
25          duct that would be a felony if committed by an

1 adult, the record of the second and all subsequent  
 2 adjudications shall be made available to the public to  
 3 the same extent that a record of an adult conviction  
 4 is open to the public.

5 “(4) FINGERPRINTING AND PHOTOGRAPHING  
 6 UPON ARREST OF VIOLENT JUVENILE OFFEND-  
 7 ERS.—In any case in which a juvenile is arrested for  
 8 conduct that if committed by an adult would con-  
 9 stitute a crime of violence (as that term is defined  
 10 in section 16 of title 18, United States Code), the  
 11 State shall ensure that—

12 “(A) the juvenile is fingerprinted and pho-  
 13 tographed;

14 “(B) the fingerprints and photograph—

15 “(i) are submitted to the Identifica-  
 16 tion Division of the Federal Bureau of In-  
 17 vestigation in the same manner in which  
 18 fingerprints and photographs of adult of-  
 19 fenders are submitted; and

20 “(ii) are otherwise made available to  
 21 the same extent that fingerprints and pho-  
 22 tographs of adult offenders are made avail-  
 23 able.

1           “(5) PENALTIES FOR ADULTS WHO USE JUVE-  
 2           NILES IN CRIMES OF VIOLENCE OR DRUG OF-  
 3           FENSES.—

4           “(A) IN GENERAL.—In any case in which  
 5           an adult knowingly and intentionally uses a ju-  
 6           venile during the commission or attempted com-  
 7           mission of a crime of violence or an offense in-  
 8           volving a controlled substance, the State shall  
 9           provide for a criminal penalty for the adult.

10          “(B) DEFINITIONS.—In this paragraph:

11           “(i) CONTROLLED SUBSTANCE.—The  
 12           term ‘controlled substance’ has the same  
 13           meaning as in section 102 of the Con-  
 14           trolled Substances Act (21 U.S.C. 802) for  
 15           which the penalty is imprisonment of not  
 16           less than 5 years.

17           “(ii) CRIME OF VIOLENCE.—The term  
 18           ‘crime of violence’ has the same meaning  
 19           as in section 16 of title 18, United States  
 20           Code.

21           “(iii) USES.—The term ‘uses’ means  
 22           employs, hires, persuades, induces, entices,  
 23           or coerces.

24          “(b) ADDITIONAL AMOUNT BASED ON ACCOUNT-  
 25          ABILITY-BASED JUVENILE CRIME CONTROL PRAC-

1 TICES.—Each State that receives a grant under this part  
 2 shall be eligible to receive an additional amount added to  
 3 the grant, if the State demonstrates that the State has  
 4 in effect, or will have in effect not later than 1 year after  
 5 the deadline established by the Administrator for the sub-  
 6 mission of applications under subsection (a) for the fiscal  
 7 year at issue, 1 or more of the following accountability-  
 8 based juvenile crime control practices:

9 “(1) GRADUATED SANCTIONS.—Graduated  
 10 sanctions for juvenile delinquents, ensuring a sanc-  
 11 tion for every delinquent act, and escalating the  
 12 sanction with each subsequent delinquent act.

13 “(2) VICTIMS’ RIGHTS.—Increased victims’  
 14 rights, including—

15 “(A) the right to be present at any juvenile  
 16 proceeding at which the juvenile defendant has  
 17 that right;

18 “(B) the right to be notified of any release  
 19 or escape of an offender who committed a crime  
 20 against a particular victim; and

21 “(C) the right to full restitution.

22 “(3) RESTITUTION PROGRAMS FOR YOUNG OF-  
 23 FENDERS.—Restitution programs, such as any pro-  
 24 gram that gives juvenile offenders the opportunity to  
 25 assume responsibility for their delinquent acts by

1       earning restitution for their victims while working at  
 2       community or public agencies.

3               “(4) HABITUAL OFFENDER PROGRAM.—A seri-  
 4       ous habitual offender comprehensive action program  
 5       that—

6               “(A) establishes a multidisciplinary inter-  
 7       agency case management and information shar-  
 8       ing system, that enables the juvenile and crimi-  
 9       nal justice system, schools, and social service  
 10      agencies to make informed decisions regarding  
 11      early identification, control, supervision, and  
 12      treatment of juveniles who repeatedly commit  
 13      serious delinquent or criminal acts;

14              “(B) requires, under each program de-  
 15      scribed in subparagraph (A), each unit of local  
 16      government in a State to establish a multidisci-  
 17      plinary agency comprised of representatives  
 18      from—

19                      “(i) law enforcement organizations;

20                      “(ii) school districts;

21                      “(iii) State’s attorneys offices;

22                      “(iv) court services;

23                      “(v) State and county children and  
 24      family services; and

1                   “(vi) any additional organizations,  
2                   groups, or agencies determined by the  
3                   State to be appropriate to accomplish the  
4                   purposes described in subparagraph (A),  
5                   including—

6                               “(I) juvenile detention centers;

7                               “(II) mental and medical health  
8                   agencies; and

9                               “(III) the community;

10                   “(C) requires each multidisciplinary agency  
11                   established under subparagraph (B) to adopt,  
12                   by a majority of its members, criteria to iden-  
13                   tify individuals who are serious habitual offend-  
14                   ers;

15                   “(D)(i) requires each multidisciplinary  
16                   agency established under subparagraph (B) to  
17                   adopt, by a majority of its members, an inter-  
18                   agency information sharing agreement to be  
19                   signed by the chief executive officer of each or-  
20                   ganization and agency represented in the multi-  
21                   disciplinary agency; and

22                   “(ii) requires an interagency information  
23                   sharing agreement referred to in clause (i) to  
24                   require that—

1                   “(I) all records pertaining to serious  
 2                   habitual offenders shall be kept confiden-  
 3                   tial to the extent required by State law;

4                   “(II) information in the records may  
 5                   be made available to other staff from mem-  
 6                   ber organizations and agencies as author-  
 7                   ized by the multidisciplinary agency for the  
 8                   purposes of promoting case management,  
 9                   community supervision, conduct control,  
 10                  and tracking of the serious habitual of-  
 11                  fender for the application and coordination  
 12                  of appropriate services; and

13                  “(III) access to the information in the  
 14                  records shall be limited to individuals who  
 15                  provide direct services to the serious habit-  
 16                  ual offender or who provide community  
 17                  conduct control and supervision to the seri-  
 18                  ous habitual offender.

19                  “(5) CONSTRUCTION OF JUVENILE CORREC-  
 20                  TIONAL FACILITIES.—

21                  “(A) IN GENERAL.—The construction, de-  
 22                  velopment, expansion, modification, or improve-  
 23                  ment of secure juvenile correctional facilities or  
 24                  secure detention facilities.

25                  “(B) DEFINITIONS.—In this paragraph:



1 “(i) SECURE DETENTION FACILITY.—

2 The term ‘secure detention facility’ means  
 3 a residential facility that includes construc-  
 4 tion fixtures designed to physically restrict  
 5 the movements and activities of juveniles,  
 6 and is used for the temporary placement of  
 7 any juvenile who is accused of having com-  
 8 mitted an offense.

9 “(ii) SECURE JUVENILE CORRECTION  
 10 FACILITY.—The term ‘secure juvenile cor-  
 11 rection facility’ means a residential facility  
 12 that includes construction fixtures designed  
 13 to physically restrict the movements and  
 14 activities of juveniles and is used for place-  
 15 ment, after adjudication and disposition, of  
 16 any juvenile who has been adjudicated as  
 17 having committed an offense.

18 “(c) NOTICE.—The Director shall issue regulations  
 19 establishing procedures under which a State that receives  
 20 a grant under this part shall be required to provide notice  
 21 to the Director regarding the proposed use of amounts  
 22 made available under this part.

23 **“SEC. 1804. ALLOCATION AND DISTRIBUTION OF AMOUNTS.**

24 “(a) STATE ALLOCATION.—

1           “(1) IN GENERAL.—In accordance with regula-  
 2           tions promulgated pursuant to this part, of the total  
 3           amount made available to carry out this part in each  
 4           fiscal year, the Director shall distribute—

5                   “(A) 0.2 percent to each State; and

6                   “(B) of the total amount remaining after  
 7           the allocation under subparagraph (A), to each  
 8           State, an amount that bears the same ratio to  
 9           that remaining amount as the population of ju-  
 10          veniles living in the State for the most recent  
 11          calendar year in which that data is available  
 12          bears to the population of juveniles of all the  
 13          States for that fiscal year.

14          “(2) PROPORTIONAL REDUCTION.—

15                 “(A) IN GENERAL.—If amounts available  
 16           to carry out paragraph (1)(A) for any payment  
 17           period are insufficient to pay in full the total  
 18           payment that any State is otherwise eligible to  
 19           receive under paragraph (1)(A) for that period,  
 20           the Director shall reduce payments under para-  
 21           graph (1)(A) for that payment period to the ex-  
 22           tent of the insufficiency.

23                 “(B) ALLOCATION.—Any reduction under  
 24           subparagraph (A) shall be allocated among the  
 25           States (other than States whose payment is de-

1           terminated under paragraph (2)) in the same pro-  
 2           portions as amounts would be allocated under  
 3           paragraph (1) without regard to paragraph (2).

4           “(3) PROHIBITION.—No amount allocated to a  
 5           State under this subsection or received by a State  
 6           for distribution under subsection (b) may be distrib-  
 7           uted by the Director or by the State at issue for any  
 8           program other than a program described in an appli-  
 9           cation approved under this part.

10          “(b) LOCAL DISTRIBUTION.—

11           “(1) IN GENERAL.—Each State that receives  
 12           amounts under subsection (a)(1) in a fiscal year  
 13           shall distribute not less than 75 percent of those  
 14           amounts among units of local government for activi-  
 15           ties described in section 1802(b).

16           “(2) RATIO.—In making any distribution under  
 17           paragraph (1), a State shall allocate to each unit of  
 18           local government described an amount that bears the  
 19           same ratio to the aggregate of those amounts as—

20                   “(A) the sum of—

21                           “(i) the product of—

22                                   “(I) two-thirds; multiplied by

23   “(II) the average law enforce-  
 24   ment expenditure for the unit of local  
 25   government for the 3 most recent cal-

1                   endar years for which such data is  
2                   available; plus

3                   “(ii) the product of—

4                         “(I) one-third; multiplied by

5                         “(II) the average annual number  
6                   of part 1 violent crimes in the unit of  
7                   local government for the 3 most re-  
8                   cent calendar years for which such  
9                   data is available, bears to—

10                   “(B) the sum of the products determined  
11                   under subparagraph (A) for all those units of  
12                   local government in the State.

13                   “(3) EXPENDITURES.—The allocation that any  
14                   unit of local government shall receive under para-  
15                   graph (2) for a payment period shall not exceed 100  
16                   percent of law enforcement expenditures of the unit  
17                   of local government for that payment period.

18                   “(4) REALLOCATION.—The amount of any allo-  
19                   cation to a unit of local government that is not avail-  
20                   able to the unit of local government by operation of  
21                   paragraph (3) shall be available to other units of  
22                   local government that are not affected by the oper-  
23                   ation of that paragraph in accordance with this sub-  
24                   section.

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

6               “(1) investigate the methodology used by the  
 7 unit of local government to determine the accuracy  
 8 of the submitted data; and

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

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

20 **“SEC. 1805. STATE OPTIONS.**

21       “(a) IN GENERAL.—Subject to subsection (b), each  
 22 State that receives a grant under this part (including a  
 23 unit of local government that receives amounts from a  
 24 State through the grant) may—

1           “(1) administer and provide services under a  
2           program authorized under this part through con-  
3           tracts with charitable, religious, or private organiza-  
4           tions; and

5           “(2) provide beneficiaries of assistance under a  
6           program authorized under this part with certificates,  
7           vouchers, or other forms of disbursement that are  
8           redeemable with those organizations.

9           “(b) RELIGIOUS ORGANIZATIONS.—

10           “(1) IN GENERAL.—A State that contracts  
11           under this section with a religious organization to  
12           carry out a program authorized under this part or  
13           that allows a religious organization to accept certifi-  
14           cates, vouchers, or other forms of disbursement  
15           under any program authorized under this part, shall  
16           do so on the same basis that it contracts with any  
17           other nongovernmental provider, without impairing  
18           the religious character of the organization or dimin-  
19           ishing the religious freedom of beneficiaries of as-  
20           sistance funded under the program.

21           “(2) NONDISCRIMINATION AGAINST RELIGIOUS  
22           ORGANIZATIONS.—A State exercising the authority  
23           described in subsection (a) shall ensure that reli-  
24           gious organizations are eligible, on the same basis as  
25           any other private organization, as contractors to

1 provide assistance, or to accept certificates, vouch-  
 2 ers, or other forms of disbursement, under any orga-  
 3 nization on the basis that it has religious orientation  
 4 any program authorized under this part, and shall  
 5 not discriminate against any organization on the  
 6 basis that it has a religious organization, so long as  
 7 the programs are implemented consistent with the  
 8 Establishment Clause of the first amendment to the  
 9 Constitution of the United States.

10 “(3) RELIGIOUS CHARACTER AND FREEDOM.—

11 “(A) RELIGIOUS ORGANIZATIONS.—A reli-  
 12 gious organization that participates in a pro-  
 13 gram funded under this part shall retain its  
 14 independence from Federal, State, and local  
 15 governments, including such organization’s con-  
 16 trol over the definition, development, practice,  
 17 and expression of its religious beliefs.

18 “(B) ADDITIONAL SAFEGUARDS.—Neither  
 19 the Federal Government nor a State shall re-  
 20 quire a religious organization to—

21 “(i) alter its form of internal govern-  
 22 ance; or

23 “(ii) remove religious art, icons, scrip-  
 24 ture, or other symbols;

1           in order to be eligible to contract to provide as-  
2           sistance, or to accept certificates, vouchers, or  
3           other forms of disbursement, funded under a  
4           program authorized under this part.

5           “(4) EMPLOYMENT PRACTICES.—A religious or-  
6           ganization’s exemption provided under section 702  
7           of the Civil Rights Act of 1964 (42 U.S.C. 2000e–  
8           1a) regarding employment practices shall not be af-  
9           fected by its participation in, or receipt of amounts  
10          from, programs authorized under this part.

11          “(5) RIGHTS OF BENEFICIARIES OF ASSIST-  
12          ANCE.—If juvenile offender objects to the religious  
13          character of the organization from which the juvenile  
14          receives, or would receive, assistance funded under  
15          any program funded under this part, the State in  
16          which the juvenile resides shall provide the juvenile  
17          (if otherwise eligible for that assistance), within a  
18          reasonable period of time after the date of such ob-  
19          jection, with assistance from an alternative provider  
20          that is accessible to the juvenile and the value of  
21          which is not less than the value of assistance that  
22          the juvenile would have received from such organiza-  
23          tion.

24          “(6) NONDISCRIMINATION AGAINST BENE-  
25          FICIARIES.—Except as otherwise provided in law, a



1 religious organization shall not discriminate against  
2 an individual in regard to rendering assistance fund-  
3 ed under any program authorized under this part on  
4 the basis of religion, a religious belief, or refusal to  
5 actively participate in a religious practice.

6 “(7) FISCAL ACCOUNTABILITY.—

7 “(A) IN GENERAL.—Except as provided in  
8 subparagraph (B), any religious organization  
9 contracting to provide assistance funded under  
10 any program authorized under this part shall be  
11 subject to the same regulations as other con-  
12 tractors to account in accord with generally ac-  
13 cepted accounting principles for the use of those  
14 amounts provided under the programs.

15 “(B) LIMITED AUDIT.—If such organiza-  
16 tion segregates Federal funds provided under  
17 such programs into separate accounts, only the  
18 financial assistance provided with such amounts  
19 shall be subject to audit.

20 “(8) COMPLIANCE.—Any party which seeks to  
21 enforce its rights under this subsection may assert  
22 a civil action for injunctive relief exclusively in an  
23 appropriate Federal district court against the official  
24 or governmental agency alleged to have committed  
25 such violation.

1           “(9) LIMITATIONS ON USE OF AMOUNTS FOR  
2       CERTAIN PURPOSES.—No State may use amounts  
3       provided under this part to fund sectarian worship,  
4       proselytization, or prayer, or for any purpose other  
5       than the provision of social services under this part.

6   **“SEC. 1806. TIMING.**

7       “(a) TIMING OF PAYMENTS.—The Director shall dis-  
8       tribute amounts in accordance with this part to each  
9       State, not later than 90 days after the date on which the  
10      amount is made available to the Director.

11      “(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

12           “(1) REPAYMENT REQUIRED.—Not later than  
13      27 months after the receipt of amounts from the Di-  
14      rector under this section, from amounts appro-  
15      priated under this part, a State shall refund to the  
16      Director any amounts that are not expended by the  
17      State before the expiration of the 2-year period be-  
18      ginning on the date on which those amounts are re-  
19      ceived from the Director under this section.

20           “(2) PENALTY FOR FAILURE TO REPAY.—If the  
21      amount required to be repaid under paragraph (1)  
22      is not repaid by a State in accordance with that  
23      paragraph, the Director shall reduce the amount of  
24      any payment to the State under this part in any fu-  
25      ture payment period accordingly.

1           “(3) DEPOSIT OF AMOUNTS REPAID.—Any  
 2           amounts received by the Director under paragraph  
 3           (2) shall be deposited in a designated fund for fu-  
 4           ture payments to States.

5           “(c) ADMINISTRATIVE COSTS.—A State or unit of  
 6           local government that receives amounts under this part  
 7           may use not more than 3 percent of those amounts for  
 8           administrative costs.

9           “(d) NONSUPPLANTING REQUIREMENT.—Amounts  
 10          made available under this part to States or units of local  
 11          government—

12                 “(1) shall not be used to supplant State or local  
 13          funds, as applicable; and

14                 “(2) shall be used to increase the amount that  
 15          would, in the absence of amounts made available  
 16          under this part, be made available from State or  
 17          local sources, as applicable.

18          “(e) MATCHING FUNDS.—The Federal share of a  
 19          grant received under this part may not exceed 90 percent  
 20          of the total cost of a program or activity funded under  
 21          this part.

22          **“SEC. 1807. ADMINISTRATIVE PROVISIONS.**

23                 “(a) IN GENERAL.—Each State that receives a grant  
 24          under this part shall—

1           “(1) establish a trust fund into which all pay-  
 2       ments received under this part shall be deposited;  
 3       and

4           “(2) use amounts deposited in that trust fund  
 5       (including interest) during a period not to exceed 2  
 6       years from the date on which the initial grant pay-  
 7       ment is made to the State under this part;

8           “(3) designate an official of the State to submit  
 9       to the Director such reports as the Director may  
 10      reasonably require, in addition to the annual reports  
 11      required under this part; and

12          “(4) expend the grant amount only for activities  
 13      described in section 1802(b).

14          “(b) TITLE I PROVISIONS.—The administrative pro-  
 15      visions of part H apply to this part and, for purposes of  
 16      this section, any reference in those provisions to title I  
 17      shall be deemed to include a reference to this part.

18      **“SEC. 1808. AUTHORIZATION OF APPROPRIATIONS.**

19          “(a) AUTHORIZATION OF APPROPRIATIONS.—There  
 20      are authorized to be appropriated to carry out this part—

21              “(1) \$250,000,000 for fiscal year 1998;

22              “(2) \$250,000,000 for fiscal year 1999; and

23              “(3) \$250,000,000 for fiscal year 2000.

24          “(b) ALLOCATION.—Of the amount made available  
 25      under subsection (a) for any fiscal year—

1           “(1) 50 percent shall be allocated among States  
2           that meet the requirements of section 1803(a); and

3           “(2) 50 percent shall be allocated among States  
4           that meet the requirements of both subsections (a)  
5           and (b) of section 1803.

6           “(c) OVERSIGHT ACCOUNTABILITY AND ADMINIS-  
7           TRATION.—For each of fiscal years 1998 through 2000,  
8           not more than 1 percent of the amount appropriated  
9           under subsection (a), shall be available (to remain avail-  
10          able until expended) to the Director for—

11           “(1) studying the overall effectiveness and effi-  
12           ciency of this part, including the establishment and  
13           execution of an oversight plan for monitoring the ac-  
14           tivities of grant recipients;

15           “(2) assuring compliance with the provisions of  
16           this part; and

17           “(3) administrative costs to carry out the pur-  
18           poses of this part.

19           “(d) FUNDING SOURCE.—Notwithstanding any other  
20           provision of law, amounts authorized to be appropriated  
21           to carry out this part may be appropriated from the Vio-  
22           lent Crime Reduction Trust Fund established under sec-  
23           tion 310001 of the Violent Crime Control and Law En-  
24           forcement Act of 1994 (42 U.S.C. 14211).”.

(b) CONFORMING AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the item relating to part R and inserting the following:

“PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

“Sec. 1801. Definitions.

“Sec. 1802. Grant authorization.

“Sec. 1803. Eligibility.

“Sec. 1804. Allocation and distribution of amounts.

“Sec. 1805. State option.

“Sec. 1806. Timing.

“Sec. 1807. Administrative provisions.

“Sec. 1808. Authorization of appropriations.”.

## **TITLE III—REFORM OF GRANT PROGRAMS**

### **SEC. 301. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) FINDINGS.—Congress finds that—

“(1) the Nation’s juvenile justice system is in trouble as evidenced by a number of factors, including dangerously overcrowded facilities, overworked field staff, and a growing number of children who are breaking the law;

“(2) a redesigned juvenile corrections program for the next century should be based on 4 principles—

1                   “(A) protecting the community;

2                   “(B) accountability for offenders and their  
3 families;

4                   “(C) restitution for victims and the com-  
5 munity; and

6                   “(D) community-based prevention;

7                   “(3) existing programs have not adequately re-  
8 sponded to the particular problems of juvenile  
9 delinquents in the 1990’s;

10                  “(4) State and local communities, which experi-  
11 ence directly the devastating failure of the juvenile  
12 justice system, do not have sufficient resources to  
13 deal comprehensively with the problems of juvenile  
14 crime and delinquency;

15                  “(5) limited State and local resources are being  
16 unnecessarily wasted complying with overly technical  
17 Federal requirements for ‘sight and sound’ separa-  
18 tion imposed by the 1974 Act, while prohibiting the  
19 commingling of adults and juvenile populations  
20 would achieve the same purpose without imposing an  
21 undue burden on State and local governments;

22                  “(6) limited State and local resources are being  
23 unnecessarily wasted complying with the overly re-  
24 strictive Federal mandate that no juveniles be de-  
25 tained or confined in any jail or lockup for adults,

1       which imposes a particularly onerous burden on  
2       rural communities;

3               “(7) the juvenile justice system should give ad-  
4       ditional attention to the problem of juveniles who  
5       commit serious crimes, with particular attention  
6       given to the area of sentencing;

7               “(8) local school districts lack information nec-  
8       essary to track serious violent juvenile offenders, in-  
9       formation that is essential to promoting safety in  
10      public schools;

11              “(9) the term ‘prevention’ should mean both en-  
12      suring that families have a greater chance to raise  
13      their children so that those children do not engage  
14      in criminal or delinquent activities, and preventing  
15      children who have engaged in such activities from  
16      becoming permanently entrenched in the juvenile  
17      justice system;

18              “(10) in 1994, there were more than 330,000  
19      juvenile arrests for violent crimes, and between 1985  
20      and 1994, the number of juvenile criminal homicide  
21      cases increased by 144 percent, and the number of  
22      juvenile weapons cases increased by 156 percent;

23              “(11) in 1994, males age 14 through 24 con-  
24      stituted only 8 percent of the population, but ac-



1 counted for more than 25 percent of all homicide  
2 victims and nearly half of all convicted murderers;

3 “(12) in a survey of 250 judges, 93 percent of  
4 those judges stated that juvenile offenders should be  
5 fingerprinted, 85 percent stated that juvenile criminal  
6 records should be made available to adult au-  
7 thorities, and 40 percent stated that the minimum  
8 age for facing murder charges should be 14 or 15;

9 “(13) studies indicate that good parenting  
10 skills, including normative development, monitoring,  
11 and discipline, clearly affect whether children will  
12 become delinquent, and adequate supervision of free-  
13 time activities, whereabouts, and peer interaction is  
14 critical to ensure that children do not drift into de-  
15 linquency;

16 “(14) in the 1970’s, less than half of our Na-  
17 tion’s cities reported gang activity, while 2 decades  
18 later, a nationwide survey reported a total of 23,388  
19 gangs and 664,906 gang members on the streets of  
20 United States cities in 1995;

21 “(15) the high incidence of delinquency in the  
22 United States results in an enormous annual cost  
23 and substantial loss of human life, a reduction in  
24 personal security, and wasted human resources; and

1           “(16) juvenile delinquency constitutes a grow-  
2           ing threat to the national welfare, requiring imme-  
3           diate and comprehensive action by the Federal Gov-  
4           ernment to reduce and eliminate the threat.”; and

5           (2) in subsection (b)—

6                   (A) by striking “further”; and

7                   (B) by striking “Federal Government” and  
8           inserting “Federal, State, and local govern-  
9           ments”.

10          (b) PURPOSES.—Section 102 of the Juvenile Justice  
11          and Delinquency Prevention Act of 1974 (42 U.S.C. 5602)  
12          is amended to read as follows:

13          **“SEC. 102. PURPOSES.**

14          “The purposes of this title and title II are—

15               “(1) to assist State and local governments in  
16               promoting public safety by supporting juvenile delin-  
17               quency prevention and control activities;

18               “(2) to give greater flexibility to schools to de-  
19               sign academic programs and educational services for  
20               juvenile delinquents expelled or suspended for dis-  
21               ciplinary reasons;

22               “(3) to assist State and local governments in  
23               promoting public safety by encouraging accountabil-  
24               ity through the imposition of meaningful sanctions  
25               for acts of juvenile delinquency;

1           “(4) to assist State and local governments in  
2           promoting public safety by improving the extent, ac-  
3           curacy, availability, and usefulness of juvenile court  
4           and law enforcement records and the openness of  
5           the juvenile justice system to the public;

6           “(5) to assist teachers and school officials in  
7           ensuring school safety by improving their access to  
8           information concerning juvenile offenders attending  
9           or intending to enroll in their schools or school-relat-  
10          ed activities;

11          “(6) to assist State and local governments in  
12          promoting public safety by encouraging the identi-  
13          fication of violent and hardcore juveniles and in  
14          transferring such juveniles out of the jurisdiction of  
15          the juvenile justice system and into the jurisdiction  
16          of adult criminal court;

17          “(7) to provide for the evaluation of federally  
18          assisted juvenile crime control programs, and train-  
19          ing necessary for the establishment and operation of  
20          such programs;

21          “(8) to ensure the dissemination of information  
22          regarding juvenile crime control programs by provid-  
23          ing a national clearinghouse; and

1           “(9) to provide technical assistance to public  
2           and private nonprofit juvenile justice and delin-  
3           quency prevention programs.”.

4   **SEC. 302. DEFINITIONS.**

5           Section 103 of the Juvenile Justice and Delinquency  
6   Prevention Act of 1974 (42 U.S.C. 5603) is amended—

7           (1) in paragraph (3), by inserting “punish-  
8           ment,” after “control,”;

9           (2) in paragraph (22)(iii), by striking “and” at  
10          the end;

11          (3) in paragraph (23), by striking the period at  
12          the end and inserting a semicolon; and

13          (4) by adding at the end the following:

14          “(24) the term ‘serious violent crime’ means—

15               “(A) murder or nonnegligent man-  
16               slaughter, or robbery;

17               “(B) aggravated assault committed with  
18               the use of a dangerous or deadly weapon, forc-  
19               ible rape, kidnaping, felony aggravated battery,  
20               assault with intent to commit a serious violent  
21               crime, and vehicular homicide committed while  
22               under the influence of an intoxicating liquor or  
23               controlled substance; or

24               “(C) a serious drug offense;

1           “(25) the term ‘serious drug offense’ means an  
2           act or acts that, if committed by an adult subject to  
3           Federal criminal jurisdiction, would be punishable  
4           under section 401(b)(1)(A) or 408 of the Controlled  
5           Substances Act (21 U.S.C. 841(b)(1)(A), 848) or  
6           section 1010(b)(1)(A) of the Controlled Substances  
7           Import and Export Act (21 U.S.C. 960(b)(1)(A));  
8           and

9           “(26) the term ‘serious habitual offender’  
10          means a juvenile who—

11               “(A) has been adjudicated delinquent and  
12               subsequently arrested for a capital offense, life  
13               offense, first degree aggravated sexual offense,  
14               or serious drug offense;

15               “(B) has had not fewer than 5 arrests,  
16               with 3 arrests chargeable as felonies if commit-  
17               ted by an adult and not fewer than 3 arrests  
18               occurring within the most recent 12-month pe-  
19               riod;

20               “(C) has had not fewer than 10 arrests,  
21               with 2 arrests chargeable as felonies if commit-  
22               ted by an adult and not fewer than 3 arrests  
23               occurring within the most recent 12-month pe-  
24               riod; or

1           “(D) has had not fewer than 10 arrests,  
 2           with 8 or more arrests for misdemeanor crimes  
 3           involving theft, assault, battery, narcotics pos-  
 4           session or distribution, or possession of weap-  
 5           ons, and not fewer than 3 arrests occurring  
 6           within the most recent 12-month period.”.

7 **SEC. 303. OFFICE OF JUVENILE JUSTICE AND DELIN-**  
 8 **QUENCY PREVENTION.**

9           Section 204 of the Juvenile Justice and Delinquency  
 10 Prevention Act of 1974 (42 U.S.C. 5614) is amended—

11           (1) in subsection (a)(1)—

12                   (A) by striking “shall develop” and insert-  
 13           ing the following: “shall—

14                   “(A) develop”;

15                   (B) by inserting “punishment,” before “di-  
 16           version”; and

17                   (C) in the first sentence, by striking  
 18           “States” and all that follows before the period  
 19           at the end of the paragraph and inserting the  
 20           following: “States; and

21                   “(B) annually submit the plan required  
 22           under subparagraph (A) to Congress”;

23           (2) in subsection (b)—

24                   (A) in paragraph (1), by adding “and” at  
 25           the end; and

1 (B) by striking paragraphs (2) through (7)  
2 and inserting the following:

3 “(2) reduce duplication among Federal juvenile  
4 delinquency programs and activities conducted by  
5 Federal departments and agencies.”;

6 (3) by redesignating subsection (h) as sub-  
7 section (f); and

8 (4) by striking subsection (i).

9 **SEC. 304. ANNUAL REPORT.**

10 Section 207 of the Juvenile Justice and Delinquency  
11 Prevention Act of 1974 (42 U.S.C. 5617) is amended to  
12 read as follows:

13 **“SEC. 207. ANNUAL REPORT.**

14 “Not later than 180 days after the end of each fiscal  
15 year, the Administrator shall submit to the President, the  
16 Speaker of the House of Representatives, the President  
17 pro tempore of the Senate, and the Governor of each  
18 State, a report that contains each of the following with  
19 respect to that fiscal year:

20 “(1) SUMMARY AND ANALYSIS.—

21 “(A) IN GENERAL.—A detailed summary and  
22 analysis of the most recent data available regarding  
23 the number of juveniles taken into custody, the rate  
24 at which juveniles are taken into custody, the num-  
25 ber of repeat juvenile offenders, the number of juve-

1       niles using weapons, the number of juvenile and  
 2       adult victims of juvenile crime and the trends dem-  
 3       onstrated by the data required by clauses (i), (ii),  
 4       and (iii) of subparagraph (C).

5               “(B) SEPARATION OF INFORMATION.—The  
 6       summary and analysis described in subpara-  
 7       graph (A) shall set out the information required  
 8       by clauses (i), (ii), (iii), and (iv) of subpara-  
 9       graph (C) separately for juvenile nonoffenders,  
 10      juvenile status offenders, and other juvenile of-  
 11      fenders.

12              “(C) DATA.—The summary and analysis  
 13      under subparagraph (A) shall separately ad-  
 14      dress with respect to each category of juveniles  
 15      specified in subparagraph (B)—

16                   “(i) the types of offenses with which  
 17                   the juveniles are charged, data on serious  
 18                   violent crimes committed by juveniles, and  
 19                   data on serious habitual offenders;

20                   “(ii) the race and gender of the juve-  
 21                   niles and their victims;

22                   “(iii) the ages of the juveniles and  
 23                   their victims;

24                   “(iv) the types of facilities used to  
 25                   hold the juveniles (including juveniles



1 treated as adults for purposes of prosecu-  
2 tion) in custody, including secure detention  
3 facilities, secure correctional facilities, jails,  
4 and lockups;

5 “(v) the number of juveniles who died  
6 while in custody and the circumstances  
7 under which they died;

8 “(vi) the educational status of juve-  
9 niles, including information relating to  
10 learning disabilities, failing performance,  
11 grade retention, and dropping out of  
12 school;

13 “(vii) the number of juveniles who are  
14 substance abusers; and

15 “(viii) information on juveniles father-  
16 ing or giving birth to children out of wed-  
17 lock, and whether such juveniles have as-  
18 sumed financial responsibility for their  
19 children.

20 “(2) ACTIVITIES FUNDED.—A description of  
21 the activities for which funds are expended under  
22 this part.

23 “(3) STATE COMPLIANCE.—A description based  
24 on the most recent data available of the extent to  
25 which each State complies with section 223 and with

1 the plan submitted under that section by the State  
 2 for that fiscal year.

3 “(4) SUMMARY AND EXPLANATION.—A sum-  
 4 mary of each program or activity for which assist-  
 5 ance is provided under part D, an evaluation of the  
 6 results of such program or activity, and a determina-  
 7 tion of the feasibility and advisability of replacing  
 8 such program or activity in other locations.

9 “(5) EXEMPLARY PROGRAMS AND PRAC-  
 10 TICES.—A description of selected exemplary delin-  
 11 quency prevention programs and accountability-  
 12 based youth violence reduction practices.”.

13 **SEC. 305. BLOCK GRANTS FOR STATE AND LOCAL PRO-**  
 14 **GRAMS.**

15 (a) SECTION 221.—Section 221 of the Juvenile Jus-  
 16 tice and Delinquency Prevention Act of 1974 (42 U.S.C.  
 17 5631) is amended—

18 (1) in subsection (a)—

19 (A) by inserting “(1)” before “The Admin-  
 20 istrator”;

21 (B) by inserting “, including charitable  
 22 and religious organizations,” after “and private  
 23 agencies”;

24 (C) by inserting before the period at the  
 25 end the following: “, including—

1           “(A) initiatives for holding juveniles account-  
2           able for any act for which they are adjudicated de-  
3           linquent;

4           “(B) increasing public awareness of juvenile  
5           proceedings;

6           “(C) improving the content, accuracy, availabil-  
7           ity, and usefulness of juvenile court and law enforce-  
8           ment records (including fingerprints and photo-  
9           graphs); and

10          “(D) education programs such as funding for  
11          extended hours for libraries and recreational pro-  
12          grams that benefit all juveniles”; and

13                       (D) by adding at the end the following:

14           “(2) ASSISTANCE TO RELIGIOUS ORGANIZA-  
15          TIONS.—

16                       “(A) IN GENERAL.—Subject to subpara-  
17                       graph (B), each State or local government that  
18                       receives a grant under paragraph (1) may con-  
19                       tract with religious organizations or allow reli-  
20                       gious organizations to accept grants under any  
21                       program described in this title.

22                       “(B) RELIGIOUS ORGANIZATIONS.—

23                               “(i) IN GENERAL.—A State or local  
24                               government that contracts under this para-  
25                               graph with a religious organization to

1 carry out a program authorized under this  
2 title or that allows a religious organization  
3 to accept a grant under any program de-  
4 scribed in this title, shall do so on the  
5 same basis that it contracts with any other  
6 nongovernmental provider, without impair-  
7 ing the religious character of the organiza-  
8 tion or diminishing the religious freedom of  
9 beneficiaries of assistance funded under  
10 the program.

11 “(ii) NONDISCRIMINATION AGAINST  
12 RELIGIOUS ORGANIZATIONS.—A State or  
13 local government exercising the authority  
14 described in subparagraph (A) shall ensure  
15 that religious organizations are eligible, on  
16 the same basis as any other private organi-  
17 zation, as contractors to provide assist-  
18 ance, or to accept certificates, vouchers, or  
19 other forms of disbursement, under any or-  
20 ganization on the basis that it has religious  
21 orientation any program authorized under  
22 this title, and shall not discriminate  
23 against any organization on the basis that  
24 it has a religious organization, so long as  
25 the programs are implemented consistent

1 with the Establishment Clause of the first  
2 amendment to the Constitution of the  
3 United States.

4 “(C) RELIGIOUS CHARACTER AND FREE-  
5 DOM.—

6 “(i) RELIGIOUS ORGANIZATIONS.—A  
7 religious organization that participates in a  
8 program funded under this title shall re-  
9 tain its independence from Federal, State,  
10 and local governments, including such or-  
11 ganization’s control over the definition, de-  
12 velopment, practice, and expression of its  
13 religious beliefs.

14 “(ii) ADDITIONAL SAFEGUARDS.—Nei-  
15 ther the Federal Government nor a State  
16 or local government shall require a reli-  
17 gious organization to—

18 “(I) alter its form of internal  
19 governance; or

20 “(II) remove religious art, icons,  
21 scripture, or other symbols;

22 in order to be eligible to contract to pro-  
23 vide assistance, or to accept certificates,  
24 vouchers, or other forms of disbursement,

1           funded under a program authorized under  
2           this title.

3           “(D) EMPLOYMENT PRACTICES.—A reli-  
4           gious organization’s exemption provided under  
5           section 702 of the Civil Rights Act of 1964 (42  
6           U.S.C. 2000e–1a) regarding employment prac-  
7           tices shall not be affected by its participation  
8           in, or receipt of amounts from, programs au-  
9           thorized under this title.

10          “(E) RIGHTS OF BENEFICIARIES OF AS-  
11          SISTANCE.—If a juvenile offender objects to the  
12          religious character of the organization from  
13          which the juvenile receives, or would receive, as-  
14          sistance funded under any program funded  
15          under this title, the State in which the juvenile  
16          resides shall provide the juvenile (if otherwise  
17          eligible for that assistance), within a reasonable  
18          period of time after the date of such objection,  
19          with assistance from an alternative provider  
20          that is accessible to the juvenile and the value  
21          of which is not less than the value of assistance  
22          that the juvenile would have received from such  
23          organization.

24          “(F) NONDISCRIMINATION AGAINST BENE-  
25          FICIARIES.—Except as otherwise provided in

1 law, a religious organization shall not discrimi-  
 2 nate against an individual in regard to render-  
 3 ing assistance funded under any program au-  
 4 thorized under this title on the basis of religion,  
 5 a religious belief, or refusal to actively partici-  
 6 pate in a religious practice.

7 “(G) FISCAL ACCOUNTABILITY.—

8 “(i) IN GENERAL.—Except as pro-  
 9 vided in clause (ii), any religious organiza-  
 10 tion contracting to provide assistance fund-  
 11 ed under any program authorized under  
 12 this title shall be subject to the same regu-  
 13 lations as other contractors to account in  
 14 accord with generally accepted accounting  
 15 principles for the use of those amounts  
 16 provided under the programs.

17 “(ii) LIMITED AUDIT.—If such organi-  
 18 zation segregates Federal funds provided  
 19 under such programs into separate ac-  
 20 counts, only the financial assistance pro-  
 21 vided with such amounts shall be subject  
 22 to audit.

23 “(H) COMPLIANCE.—Any party which  
 24 seeks to enforce its rights under this subpara-  
 25 graph may assert a civil action for injunctive

relief exclusively in an appropriate Federal district court against the official or governmental agency alleged to have committed such violation.

“(I) LIMITATIONS ON USE OF AMOUNTS FOR CERTAIN PURPOSES.—No State or local government may use amounts provided under this title to fund sectarian worship, proselytization, or prayer, or for any purpose other than the provision of social services under this title.”; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

“(1) Of amounts made available to carry out this part in any fiscal year, \$10,000,000 or 1 percent (whichever is greater) may be used by the Administrator—

“(A) to establish and maintain a clearinghouse to disseminate to the States information on juvenile delinquency prevention, treatment, and control; and

“(B) to provide training and technical assistance to States to improve the administration of the juvenile justice system.”.

(b) SECTION 223.—Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—



1           (1) by striking “or through” and inserting  
2           “through”; and

3           (2) by inserting “or through grants and con-  
4           tracts with religious organizations in accordance  
5           with section 221(b)(2)(B)” after “agencies,”.

6 **SEC. 306. STATE PLANS.**

7           Section 223 of the Juvenile Justice and Delinquency  
8           Prevention Act of 1974 (42 U.S.C. 5633) is amended—

9           (1) in subsection (a)—

10                   (A) by striking the second sentence;

11                   (B) by striking paragraph (3) and insert-  
12           ing the following:

13                   “(3) provide for an advisory group, which—

14                           “(A) shall—

15                                   “(i)(I) consist of such number of  
16                                   members deemed necessary to carry out  
17                                   the responsibilities of the group and ap-  
18                                   pointed by the chief executive officer of the  
19                                   State; and

20                                   “(II) consist of a majority of members  
21                                   (including the chairperson) who are not  
22                                   full-time employees of the Federal Govern-  
23                                   ment, or a State or local government;

1 “(ii) include members who have train-  
2 ing, experience, or special knowledge con-  
3 cerning—

4 “(I) the prevention and treat-  
5 ment of juvenile delinquency;

6 “(II) the administration of juve-  
7 nile justice, including law enforce-  
8 ment; and

9 “(III) the representation of the  
10 interests of the victims of violent juve-  
11 nile crime and their families; and

12 “(iii) include as members at least 1  
13 locally elected official representing general  
14 purpose local government;

15 “(B) shall participate in the development  
16 and review of the State’s juvenile justice plan  
17 prior to submission to the supervisory board for  
18 final action;

19 “(C) shall be afforded an opportunity to  
20 review and comment, not later than 30 days  
21 after the submission to the advisory group, on  
22 all juvenile justice and delinquency prevention  
23 grants submitted to the State agency des-  
24 ignated under paragraph (1);

25 “(D) shall, consistent with this title—

1 “(i) advise the State agency des-  
2 ignated under paragraph (1) and its super-  
3 visory board; and

4 “(ii) submit to the chief executive offi-  
5 cer and the legislature of the State not less  
6 frequently than annually recommendations  
7 regarding State compliance with this sub-  
8 section; and

9 “(E) may, consistent with this title—

10 “(i) advise on State supervisory board  
11 and local criminal justice advisory board  
12 composition;

13 “(ii) review progress and accomplish-  
14 ments of projects funded under the State  
15 plan; and

16 “(iii) contact and seek regular input  
17 from juveniles currently under the jurisdic-  
18 tion of the juvenile justice system;”;

19 (C) in paragraph (10)—

20 (i) in subparagraph (N), by striking  
21 “and” at the end;

22 (ii) in subparagraph (O), by striking  
23 the period at the end and inserting “;  
24 and”; and

1 (iii) by adding at the end the follow-  
 2 ing:

3 “(P) programs implementing the practices  
 4 described in sections 1802(b), 1803(a), and  
 5 1803(b) of part R of title I of the Omnibus  
 6 Crime Control and Safe Streets Act of 1968  
 7 (42 U.S.C. 3796ee–1(b), 3796ee–2(a), 3796ee–  
 8 2(b));”;

9 (D) by striking paragraph (13) and insert-  
 10 ing the following:

11 “(13) provide assurances that, in each secure  
 12 facility located in the State (including any jail or  
 13 lockup for adults), there is no commingling in the  
 14 same cell or community room of, or any other regu-  
 15 lar, sustained, physical contact between—

16 “(A) any juvenile detained or confined for  
 17 any period of time in that facility; and

18 “(B) any adult offender detained or con-  
 19 fined for any period of time in that facility.”;

20 (E) by striking paragraphs (8), (9), (12),  
 21 (14), (15), (17), (18), (19), (24), and (25);

22 (F) by redesignating paragraphs (10),  
 23 (11), (13), (16), (20), (21), (22), and (23) as  
 24 paragraphs (8) through (15), respectively;

1 (G) in paragraph (14), as redesignated, by  
 2 adding “and” at the end; and

3 (H) in paragraph (15), as redesignated, by  
 4 striking the semicolon at the end and inserting  
 5 a period; and

6 (2) by striking subsections (c) and (d).

7 **SEC. 307. REPEALS.**

8 The Juvenile Justice and Delinquency Prevention Act  
 9 of 1974 (42 U.S.C. 5601 et seq.) is amended—

10 (1) in title II—

11 (A) by striking parts C, E, F, G, and H;

12 (B) by striking part I, as added by section  
 13 2(i)(1)(C) of Public Law 102–586; and

14 (C) by striking the heading of part I, as  
 15 redesignated by section 2(i)(1)(A) of Public  
 16 Law 102–586, and inserting the following:

17 “PART E—GENERAL AND ADMINISTRATIVE  
 18 PROVISIONS”; and

19 (2) by striking title V, as added by section 5(a)  
 20 of Public Law 102–586.

21 **SEC. 308. AUTHORIZATION OF APPROPRIATIONS.**

22 Section 299 of the Juvenile Justice and Delinquency  
 23 Prevention Act of 1974 (42 U.S.C. 5671) is amended by  
 24 striking subsections (a) through (e) and inserting the fol-  
 25 lowing:

1       “(a) OFFICE OF JUVENILE DELINQUENCY PREVEN-  
2 TION.—There are authorized to be appropriated for each  
3 of fiscal years 1998, 1999, and 2000, such sums as may  
4 be necessary to carry out part A.

5       “(b) BLOCK GRANTS FOR STATE AND LOCAL PRO-  
6 GRAMS.—There is authorized to be appropriated  
7 \$100,000,000 for each of fiscal years 1998, 1999, and  
8 2000, to carry out part B.

9       “(c) SOURCE OF APPROPRIATIONS.—Notwithstand-  
10 ing any other provision of law, amounts authorized to be  
11 appropriated under this section may be appropriated from  
12 the Violent Crime Reduction Trust Fund established  
13 under section 310001 of the Violent Crime Control and  
14 Law Enforcement Act of 1994 (42 U.S.C. 14211).”.

