

105TH CONGRESS
1ST SESSION

S. 867

To assist State and local governments in establishing effective criminal records concerning serious and violent juvenile offenders and information concerning adult members of violent criminal gangs and Federal, State, and local criminal justice officials in countering the rise in serious crime, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 10, 1997

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

A BILL

To assist State and local governments in establishing effective criminal records concerning serious and violent juvenile offenders and information concerning adult members of violent criminal gangs and Federal, State, and local criminal justice officials in countering the rise in serious crime, 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.**

4 This Act may be cited as the “Violent Juvenile Crimi-
5 nal Records Act of 1997”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) in recent years, the United States has expe-
4 rienced a significant increase in juvenile crime, espe-
5 cially with respect to serious and violent offenses;

6 (2) a great proportion of the serious and violent
7 offenses referred to in paragraph (1) are committed
8 by individuals whose past criminal record is not re-
9 vealed to criminal justice agencies, including courts,
10 because of the current or former status of those in-
11 dividuals as juveniles;

12 (3) in recent years, because of the increased
13 mobility and ease of travel by juvenile offenders, es-
14 pecially members of criminal street gangs, to other
15 States and units of local government, the officials of
16 those States and units of local government are
17 often—

18 (A) unable to obtain any record of prior
19 serious offenses of those juvenile offenders; and

20 (B) unprepared for the violent behavior of
21 those juvenile offenders; and

22 (4) the inaccessibility of records indicating past
23 violent offenses committed by juvenile offenders—

24 (A) endangers public safety officers who
25 may encounter those offenders;

1 (B) increases risks to students at schools
 2 where those offenders may be enrolled; and
 3 (C) prevents judicial officials from making
 4 the best decision with respect to such an of-
 5 fender that is necessary to protect innocent citi-
 6 zens.

7 **SEC. 3. ASSISTANCE TO STATE AND LOCAL GOVERNMENTS.**

8 (a) IN GENERAL.—Title I of the Omnibus Crime
 9 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
 10 et seq.) is amended—

- 11 (1) by redesignating part Y as part Z;
 12 (2) by redesignating section 2501 as section
 13 2601; and
 14 (3) by inserting after part X the following:

15 **“PART Y—INCENTIVE GRANTS FOR STATE AND**
 16 **LOCAL CRIMINAL RECORDS SYSTEMS**

17 **“SEC. 2501. DEFINITION.**

18 “In this part, the term ‘violent criminal gang’ means
 19 an ongoing group, club, organization, or association of 3
 20 or more persons, whether formal or informal, that engages
 21 in, or has engaged in within a 2-year period preceding the
 22 date on which criminal history records are entered for pur-
 23 poses of this part, 2 or more felonies or serious mis-
 24 demeanors committed in furtherance of, or in connection
 25 with, that group.

1 **“SEC. 2502. INCENTIVE GRANTS.**

2 “(a) IN GENERAL.—With funds made available to
3 carry out this part, the Attorney General, acting through
4 the Director of the Bureau of Justice Statistics, shall
5 make grants to States and units of local government (or
6 any combination thereof) to enable—

7 “(1) States to assist units of local government
8 in carrying out programs described in paragraphs
9 (1) through (3) of subsection (b); and

10 “(2) States and units of local government to
11 carry out the programs described in paragraphs (1)
12 through (3) of subsection (b).

13 “(b) PURPOSES.—The Attorney General, acting
14 through the Director of the Bureau of Justice Statistics,
15 shall make grants under subsection (a)—

16 “(1) to establish programs to obtain finger-
17 prints and photographs of juveniles arrested for the
18 offenses described in paragraph (2)(A);

19 “(2) to establish, develop, update, or upgrade
20 the criminal history records systems of State and
21 local governments to—

22 “(A) include arrest, detention, and disposi-
23 tion records, fingerprints, photographs, and (if
24 used) DNA barcodes, for juveniles arrested or
25 detained for—

1 “(i) violent offenses which, if commit-
2 ted by an adult, would be a felony or seri-
3 ous misdemeanor;

4 “(ii) serious drug offenses which, if
5 committed by an adult, would be a felony
6 or serious misdemeanor;

7 “(iii) serious property crimes which, if
8 committed by an adult, would be a felony;

9 “(iv) illegal possession, use, or carry-
10 ing of a handgun, or other firearm; or

11 “(v) participation in violent criminal
12 gangs or other violent criminal organiza-
13 tions;

14 “(B) maintain the records described in
15 subparagraph (A) at the State agency respon-
16 sible for the operation of the adult criminal his-
17 tory record system of that State;

18 “(C) submit such information to the Fed-
19 eral Bureau of Investigation as is necessary to
20 enable the records described in subparagraph
21 (A) to be accessed in the same manner as are
22 records for adult criminal histories; and

23 “(D) ensure that, each time an informa-
24 tion on a criminal offense or activity described
25 in subparagraph (A) or other criminal offense

1 is reported to a State repository for juvenile
2 and adult criminal records described in sub-
3 paragraph (B), a criminal history including in-
4 formation that relates to that individual for the
5 preceding 5-year period is submitted to that re-
6 pository;

7 “(3) to establish, develop, update, or upgrade
8 the criminal information systems of State and local
9 governments, and regional intelligence sharing sys-
10 tems, to—

11 “(A) include identification, and criminal
12 investigative and intelligence information con-
13 cerning adults who participate in the illegal ac-
14 tivities of violent criminal gangs or other violent
15 criminal organizations;

16 “(B) maintain the records described in
17 subparagraph (A) at the appropriate State
18 agency; and

19 “(C) submit such information as is nec-
20 essary to enable the records referred to in sub-
21 paragraph (B) to be accessed, to the Federal
22 Bureau of Investigation or a regional intel-
23 ligence sharing system; and

24 “(4) to establish State programs to provide fi-
25 nancial assistance to units of local government, if

1 necessary to meet any purpose specified in para-
2 graphs (1) through (3).

3 “(c) APPLICATIONS.—To request a grant under this
4 part, the chief executive officer of a State or unit of local
5 government shall submit an application in such form as
6 the Attorney General, acting through the Director of the
7 Bureau of Justice Statistics (who shall consult with the
8 Director of the Federal Bureau of Investigation), shall re-
9 quire.

10 “(d) APPLICATION REQUIREMENTS.—

11 “(1) FORMULA GRANTS.—The Attorney Gen-
12 eral, acting through the Director of the Bureau of
13 Justice Statistics, may award a grant under section
14 2503(a) only to a State with respect to which the
15 chief executive officer submits an application under
16 subsection (c) that provides assurances that are sat-
17 isfactory to the Attorney General that the State will
18 use the assistance provided under the grant to carry
19 out programs that meet the purposes described in
20 paragraphs (1) through (3) of subsection (b). The
21 State may provide for the participation of units of
22 local government in the grant program that is the
23 subject of a grant application.

24 “(2) DISCRETIONARY GRANTS.—The Attorney
25 General, acting through the Director of the Bureau

1 of Justice Statistics, may award a grant under sec-
2 tion 2503(b) to a State or unit of local government
3 (or a combination of a State and 1 or more units
4 of local government) that provides assurances that
5 the State, unit of local government, or combination
6 will use the assistance provided under the grant to
7 carry out at least 1 program that meets at least 1
8 of the purposes described in paragraphs (1) through
9 (3) of subsection (b).

10 **“SEC. 2503. ALLOCATION OF GRANTS.**

11 “(a) FORMULA GRANTS.—Of the total amount made
12 available by appropriations to carry out this part for each
13 fiscal year, 90 percent shall be used to make grants to
14 eligible States described in section 2502(d)(1) that submit
15 an application that the Attorney General, acting through
16 the Director of the Bureau of Justice Statistics, deter-
17 mines to be satisfactory in accordance with the following
18 formula:

19 “(1) the greater of 0.25 percent of that amount
20 or \$250,000 shall be allocated to each eligible State;
21 and

22 “(2) of the total amount remaining after the al-
23 location under paragraph (1) (referred to in this
24 paragraph as the ‘remaining funds’), there shall be
25 allocated to each State an amount which bears the

1 same ratio to the remaining funds as the population
 2 of that State bears to the population of all States.

3 “(b) DISCRETIONARY GRANTS.—Of the total amount
 4 made available to carry out this part for each fiscal year,
 5 10 percent shall be used by the Attorney General, acting
 6 through the Director of the Bureau of Justice Statistics,
 7 for grants to States and units of local government that
 8 submit an application that the Attorney General, acting
 9 through the Director, determines to meet the requirements
 10 of section 2502(d)(2).

11 “(c) CONTRACTING AUTHORITY.—A State that re-
 12 ceives a grant under this section may enter into a contract
 13 with a person or entity to carry out an activity that is
 14 related to a purpose specified in section 2502(b).

15 **“SEC. 2504. FUNDING SOURCE.**

16 “Appropriations for activities authorized in this part
 17 may be made from the Violent Crime Reduction Trust
 18 Fund.”.

19 (b) CONFORMING AMENDMENT.—The table of con-
 20 tents of title I of the Omnibus Crime Control and Safe
 21 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
 22 by adding at the end the following:

“PART Y—INCENTIVE GRANTS FOR STATE AND LOCAL CRIMINAL RECORDS
 SYSTEMS

“Sec. 2501. Definition.

“Sec. 2502. Incentive grants.

“Sec. 2503. Allocation of grants.

“Sec. 2504. Funding source.

“PART Z—TRANSITION-EFFECTIVE DATE-REPEALER

“Sec. 2601. Continuation of rules, authorities, and proceedings.”.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
2 1001 of the Omnibus Crime Control and Safe Streets Act
3 of 1968 (42 U.S.C. 3793) is amended—

4 (1) in paragraph (3), by striking “and X” and
5 inserting “X, and Y”; and

6 (2) by adding at the end the following:

7 “(23) There are authorized to be appropriated
8 to carry out part Y—

9 “(A) \$50,000,000 for fiscal year 1998;

10 “(B) \$50,000,000 for fiscal year 1999;

11 “(C) \$50,000,000 for fiscal year 2000;

12 “(D) \$50,000,000 for fiscal year 2001;

13 and

14 “(E) \$50,000,000 for fiscal year 2002.”.

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