

106TH CONGRESS  
1ST SESSION

# H. R. 1498

To amend the Juvenile Justice and Delinquency Prevention Act of 1974,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 1999

Mrs. WILSON introduced the following bill; which was referred to the  
Committee on Education and the Workforce

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## A BILL

To amend the Juvenile Justice and Delinquency Prevention  
Act of 1974, 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       “Juvenile Crime Control and Community Protection Act  
6       of 1999”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Severability.

TITLE I—REFORM OF EXISTING PROGRAMS

Sec. 101. Findings and purposes.  
 Sec. 102. Definitions.  
 Sec. 103. Office of Juvenile Justice and Delinquency Prevention.  
 Sec. 104. Annual report.  
 Sec. 105. Block grants for State and local programs.  
 Sec. 106. State plans.  
 Sec. 107. Repeals.

## TITLE II—INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS

Sec. 201. Incentive grants for accountability-based reforms.

## TITLE III—GENERAL PROVISIONS

Sec. 301. Authorization of appropriations.

### 1 **SEC. 2. SEVERABILITY.**

2       If any provision of this Act, an amendment made by  
 3 this Act, or the application of such provision or amend-  
 4 ment to any person or circumstance is held to be unconsti-  
 5 tutional, the remainder of this Act, the amendments made  
 6 by this Act, and the application of the provisions of such  
 7 to any person or circumstance shall not be affected there-  
 8 by.

## 9 **TITLE I—REFORM OF EXISTING** 10 **PROGRAMS**

### 11 **SEC. 101. FINDINGS AND PURPOSES.**

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

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

17       “(a) FINDINGS.—Congress finds that—

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

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

8                   “(A) protecting the community;

9                   “(B) accountability for offenders and their  
10           families;

11                   “(C) restitution for victims and the com-  
12           munity; and

13                   “(D) community-based prevention;

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

17           “(4) State and local communities, which experi-  
18           ence directly the devastating failure of the juvenile  
19           justice system, do not have sufficient resources to  
20           deal comprehensively with the problems of juvenile  
21           crime and delinquency;

22           “(5) limited State and local resources are being  
23           unnecessarily wasted complying with overly technical  
24           Federal requirements for ‘sight and sound’ separa-  
25           tion currently in effect under the 1974 Act, while

1 prohibiting the commingling of adults and juvenile  
2 populations would achieve this important purpose  
3 without imposing an undue burden on State and  
4 local governments;

5 “(6) limited State and local resources are being  
6 unnecessarily wasted complying with the overly re-  
7 strictive Federal mandate that no juveniles be de-  
8 tained or confined in any jail or lockup for adults,  
9 which mandate is particularly burdensome for rural  
10 communities;

11 “(7) the juvenile justice system should give ad-  
12 ditional attention to the problem of juveniles who  
13 commit serious crimes, with particular attention  
14 given to the area of sentencing;

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

19 “(9) the term ‘prevention’ should mean both en-  
20 suring that families have a greater chance to raise  
21 their children so that those children do not engage  
22 in criminal or delinquent activities, and preventing  
23 children who have engaged in such activities from  
24 becoming permanently entrenched in the juvenile  
25 justice system;

1           “(10) in 1994, there were more than 330,000  
2       juvenile arrests for violent crimes, and between 1985  
3       and 1994, the number of juvenile criminal homicide  
4       cases increased by 144 percent, and the number of  
5       juvenile weapons cases increased by 156 percent;

6           “(11) in 1994, males age 14 through 24 con-  
7       stituted only 8 percent of the population, but ac-  
8       counted for more than 25 percent of all homicide  
9       victims and nearly half of all convicted murderers;

10          “(12) in a survey of 250 judges, 93 percent of  
11       those judges stated that juvenile offenders should be  
12       fingerprinted, 85 percent stated that juvenile crimi-  
13       nal records should be made available to adult au-  
14       thorities, and 40 percent stated that the minimum  
15       age for facing murder charges should be 14 or 15;

16          “(13) studies indicate that good parenting  
17       skills, including normative development, monitoring,  
18       and discipline, clearly affect whether children will  
19       become delinquent, and adequate supervision of free-  
20       time activities, whereabouts, and peer interaction is  
21       critical to ensure that children do not drift into de-  
22       linquency;

23          “(14) school officials lack the information nec-  
24       essary to ensure that school environments are safe  
25       and conducive to learning;

1           “(15) in the 1970’s, less than half of our Na-  
2           tion’s cities reported gang activity, while 2 decades  
3           later, a nationwide survey reported a total of 23,388  
4           gangs and 664,906 gang members on the streets of  
5           United States cities in 1995;

6           “(16) the high incidence of delinquency in the  
7           United States results in an enormous annual cost  
8           and an immeasurable loss of human life, personal se-  
9           curity, and wasted human resources; and

10          “(17) juvenile delinquency constitutes a grow-  
11          ing threat to the national welfare, requiring imme-  
12          diate and comprehensive action by the Federal Gov-  
13          ernment to reduce and eliminate the threat.”; and

14          (2) in subsection (b)—

15                  (A) by striking “further”; and

16                  (B) by striking “Federal Government” and  
17                  inserting “Federal, State, and local govern-  
18                  ments”.

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

22          **“SEC. 102. PURPOSES.**

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

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

4           “(2) to give greater flexibility to schools to de-  
5           sign academic programs and educational services for  
6           juvenile delinquents expelled or suspended for dis-  
7           ciplinary reasons;

8           “(3) to assist State and local governments in  
9           promoting public safety by encouraging account-  
10          ability through the imposition of meaningful sanc-  
11          tions for acts of juvenile delinquency;

12          “(4) to assist State and local governments in  
13          promoting public safety by improving the extent, ac-  
14          curacy, availability, and usefulness of juvenile court  
15          and law enforcement records and the openness of  
16          the juvenile justice system to the public;

17          “(5) to assist teachers and school officials in  
18          ensuring school safety by improving their access to  
19          information concerning juvenile offenders attending  
20          or intending to enroll in their schools or school-re-  
21          lated activities;

22          “(6) to assist State and local governments in  
23          promoting public safety by encouraging the identi-  
24          fication of violent and hardcore juveniles and in  
25          transferring such juveniles out of the jurisdiction of

1 the juvenile justice system and into the jurisdiction  
2 of adult criminal court;

3 “(7) to provide for the evaluation of federally  
4 assisted juvenile crime control programs, and train-  
5 ing necessary for the establishment and operation of  
6 such programs;

7 “(8) to ensure the dissemination of information  
8 regarding juvenile crime control programs by pro-  
9 viding a national clearinghouse; and

10 “(9) to provide technical assistance to public  
11 and private nonprofit juvenile justice and delin-  
12 quency prevention programs.”.

13 **SEC. 102. DEFINITIONS.**

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

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

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

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

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

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

24 “(A) murder or nonnegligent man-  
25 slaughter, or robbery;

1           “(B) aggravated assault committed with  
2           the use of a dangerous or deadly weapon, forc-  
3           ible rape, kidnaping, felony aggravated battery,  
4           assault with intent to commit a serious violent  
5           crime, and vehicular homicide committed while  
6           under the influence of an intoxicating liquor or  
7           controlled substance; or

8           “(C) a serious drug offense;

9           “(25) the term ‘serious drug offense’ means an  
10          act or acts which, if committed by an adult subject  
11          to Federal criminal jurisdiction, would be punishable  
12          under section 401(b)(1)(A) or 408 of the Controlled  
13          Substances Act (21 U.S.C. 841(b)(1)(A), 848) or  
14          section 1010(b)(1)(A) of the Controlled Substances  
15          Import and Export Act (21 U.S.C. 960(b)(1)(A));  
16          and

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

19               “(A) has been adjudicated delinquent and  
20               subsequently arrested for a capital offense, life  
21               offense, first degree aggravated sexual offense,  
22               or serious drug offense;

23               “(B) has had not fewer than 5 arrests,  
24               with 3 arrests chargeable as felonies if com-  
25               mitted by an adult and not fewer than 3 arrests

1 occurring within the most recent 12-month pe-  
 2 riod;

3 “(C) has had not fewer than 10 arrests,  
 4 with 2 arrests chargeable as felonies if com-  
 5 mitted by an adult and not fewer than 3 arrests  
 6 occurring within the most recent 12-month pe-  
 7 riod; or

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

14 **SEC. 103. OFFICE OF JUVENILE JUSTICE AND DELIN-**  
 15 **QUENCY PREVENTION.**

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

18 (1) in subsection (a)(1)—

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

21 “(A) develop”;

22 (B) by inserting “punishment,” before “di-  
 23 version”; and

24 (C) in the first sentence, by striking  
 25 “States” and all that follows through the end of

1 the paragraph and inserting the following:

2 “States; and

3 “(B) annually submit the plan required by  
4 subparagraph (A) to the Congress.”;

5 (2) in subsection (b)—

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

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

10 “(2) reduce duplication among Federal juvenile  
11 delinquency programs and activities conducted by  
12 Federal departments and agencies.”;

13 (3) by redesignating subsection (h) as sub-  
14 section (f); and

15 (4) by striking subsection (i).

16 **SEC. 104. ANNUAL REPORT.**

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

20 **“SEC. 207. ANNUAL REPORT.**

21 “Not later than 180 days after the end of a fiscal  
22 year, the Administrator shall submit to the President, the  
23 Speaker of the House of Representatives, the President  
24 pro tempore of the Senate, and the Governor of each

1 State, a report that contains the following with respect  
2 to such fiscal year:

3           “(1) SUMMARY AND ANALYSIS.—A detailed  
4 summary and analysis of the most recent data avail-  
5 able regarding the number of juveniles taken into  
6 custody, the rate at which juveniles are taken into  
7 custody, the number of repeat juvenile offenders, the  
8 number of juveniles using weapons, the number of  
9 juvenile and adult victims of juvenile crime and the  
10 trends demonstrated by the data required by sub-  
11 paragraphs (A), (B), and (C). Such summary and  
12 analysis shall set out the information required by  
13 subparagraphs (A), (B), (C), and (D) separately for  
14 juvenile nonoffenders, juvenile status offenders, and  
15 other juvenile offenders. Such summary and analysis  
16 shall separately address with respect to each cat-  
17 egory of juveniles specified in the preceding  
18 sentence—

19           “(A) the types of offenses with which the  
20 juveniles are charged, data on serious violent  
21 crimes committed by juveniles, and data on se-  
22 rious habitual offenders;

23           “(B) the race and gender of the juveniles  
24 and their victims;

1           “(C) the ages of the juveniles and their  
2 victims;

3           “(D) the types of facilities used to hold the  
4 juveniles (including juveniles treated as adults  
5 for purposes of prosecution) in custody, includ-  
6 ing secure detention facilities, secure correc-  
7 tional facilities, jails, and lockups;

8           “(E) the number of juveniles who died  
9 while in custody and the circumstances under  
10 which they died;

11           “(F) the educational status of juveniles, in-  
12 cluding information relating to learning disabil-  
13 ities, failing performance, grade retention, and  
14 dropping out of school;

15           “(G) the number of juveniles who are sub-  
16 stance abusers; and

17           “(H) information on juveniles fathering or  
18 giving birth to children out of wedlock, and  
19 whether such juveniles have assumed financial  
20 responsibility for their children.

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

24           “(3) STATE COMPLIANCE.—A description based  
25 on the most recent data available of the extent to

1       which each State complies with section 223 and with  
 2       the plan submitted under that section by the State  
 3       for that fiscal year.

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

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

14   **SEC. 105. BLOCK GRANTS FOR STATE AND LOCAL PRO-**  
 15               **GRAMS.**

16       Section 221 of the Juvenile Justice and Delinquency  
 17   Prevention Act of 1974 (42 U.S.C. 5631) is amended—

18               (1) in subsection (a)—

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

21                       (B) by inserting before the period at the  
 22       end the following: “, including—

23                       “(A) initiatives for holding juveniles account-  
 24       able for any act for which they are adjudicated de-  
 25       linquent;

1           “(B) increasing public awareness of juvenile  
2       proceedings;

3           “(C) improving the content, accuracy, avail-  
4       ability, and usefulness of juvenile court and law en-  
5       forcement records (including fingerprints and photo-  
6       graphs); and

7           “(D) education programs such as funding for  
8       extended hours for libraries and recreational pro-  
9       grams which benefit all juveniles”; and

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

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

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

18           “(B) to provide training and technical assist-  
19       ance to States to improve the administration of the  
20       juvenile justice system.”.

21       **SEC. 106. STATE PLANS.**

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

24           (1) in subsection (a)—

25                (A) by striking the second sentence;

1 (B) by striking paragraph (3) and insert-  
2 ing the following:

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

4 “(A) shall—

5 “(i)(I) consist of not less than 5 mem-  
6 bers appointed by the chief executive offi-  
7 cer of the State; and

8 “(II) consist of a majority of members  
9 (including the chairperson) who are not  
10 full-time employees of the Federal Govern-  
11 ment, or a State or local government;

12 “(ii) include members who have train-  
13 ing, experience, or special knowledge  
14 concerning—

15 “(I) the prevention and treat-  
16 ment of juvenile delinquency;

17 “(II) the administration of juve-  
18 nile justice, including law enforce-  
19 ment; and

20 “(III) the representation of the  
21 interests of the victims of violent juve-  
22 nile crime and their families; and

23 “(iii) include as members at least 1  
24 locally elected official representing general  
25 purpose local government;

1           “(B) shall participate in the development  
2           and review of the State’s juvenile justice plan  
3           prior to submission to the supervisory board for  
4           final action;

5           “(C) shall be afforded an opportunity to  
6           review and comment, not later than 30 days  
7           after the submission to the advisory group, on  
8           all juvenile justice and delinquency prevention  
9           grants submitted to the State agency des-  
10          ignated under paragraph (1);

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

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

15               “(ii) submit to the chief executive offi-  
16               cer and the legislature of the State not less  
17               frequently than annually recommendations  
18               regarding State compliance with this sub-  
19               section; and

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

21               “(i) advise on State supervisory board  
22               and local criminal justice advisory board  
23               composition;

1 “(ii) review progress and accomplish-  
2 ments of projects funded under the State  
3 plan; and

4 “(iii) contact and seek regular input  
5 from juveniles currently under the jurisdic-  
6 tion of the juvenile justice system;”;

7 (C) in paragraph (10)—

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

10 (ii) in subparagraph (O), by striking  
11 the period at the end and inserting “;  
12 and”; and

13 (iii) by adding at the end the fol-  
14 lowing:

15 “(P) programs implementing the practices  
16 described in paragraphs (6) through (12) and  
17 (17) and (18) of section 242(b);”;

18 (D) by striking paragraph (13) and insert-  
19 ing the following:

20 “(13) provide assurances that, in each secure  
21 facility located in the State (including any jail or  
22 lockup for adults), there is no commingling in the  
23 same cell or community room of, or any other reg-  
24 ular, sustained, physical contact between any juve-  
25 nile detained or confined for any period of time in

1 that facility and any adult offender detained or con-  
 2 fined for any period of time in that facility, except  
 3 that this paragraph may not be construed to pro-  
 4 hibit the use of a community room or other common  
 5 area of the facility by such juveniles and adults at  
 6 different times, or to prohibit the use of the same  
 7 staff for both juvenile and adult inmates;”;

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

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

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

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

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

19 **SEC. 107. REPEALS.**

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

22 (1) in title II—

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

24 (B) by striking part I, as added by section

25 2(i)(1)(C) of Public Law 102–586; and

1 (C) by amending the heading of part I, as  
 2 redesignated by section 2(i)(1)(A) of Public  
 3 Law 102–586, to read as follows:

4 “PART E—GENERAL AND ADMINISTRATIVE  
 5 PROVISIONS”; and

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

8 **TITLE II—INCENTIVE GRANTS**  
 9 **FOR ACCOUNTABILITY-BASED**  
 10 **REFORMS**

11 **SEC. 201. INCENTIVE GRANTS FOR ACCOUNTABILITY-**  
 12 **BASED REFORMS.**

13 Title II of the Juvenile Justice and Delinquency Pre-  
 14 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended  
 15 by inserting after part B the following:

16 “PART C—INCENTIVE GRANTS FOR ACCOUNTABILITY-  
 17 BASED REFORMS

18 **“SEC. 241. AUTHORIZATION OF GRANTS.**

19 “The Administrator shall provide juvenile delinquent  
 20 accountability grants under section 242 to eligible States  
 21 to carry out this title.

22 **“SEC. 242. ACCOUNTABILITY-BASED INCENTIVE GRANTS.**

23 “(a) ELIGIBILITY FOR GRANT.—To be eligible to re-  
 24 ceive a grant under section 241, a State shall submit to  
 25 the Administrator an application at such time, in such

1 form, and containing such assurances and information as  
2 the Administrator may require by rule, including assur-  
3 ances that the State has in effect (or will have in effect  
4 not later than 1 year after the date on which the State  
5 submits such application) laws, or has implemented (or  
6 will implement not later than 1 year after the date on  
7 which the State submits such application)—

8           “(1) policies and programs that ensure that all  
9 juveniles who commit an act after attaining 14 years  
10 of age that would be a serious violent crime if com-  
11 mitted by an adult are treated as adults for pur-  
12 poses of prosecution, unless on a case-by-case basis,  
13 as a matter of law or prosecutorial discretion, the  
14 transfer of such juveniles for disposition in the juve-  
15 nile system is determined to be in the interest of jus-  
16 tice, except that the age of the juvenile alone shall  
17 not be determinative of whether such transfer is in  
18 the interest of justice;

19           “(2) graduated sanctions for juvenile offenders,  
20 ensuring a sanction for every delinquent or criminal  
21 act, ensuring that the sanction is of increasing se-  
22 verity based on the nature of the act, and escalating  
23 the sanction with each subsequent delinquent or  
24 criminal act; and

1           “(3) a system of records relating to any adju-  
2       dication of juveniles less than 15 years of age who  
3       are adjudicated delinquent for conduct that if com-  
4       mitted by an adult would constitute a serious violent  
5       crime, which records are—

6           “(A) equivalent to the records that would  
7       be kept of adults arrested for such conduct, in-  
8       cluding fingerprints and photographs;

9           “(B) submitted to the Federal Bureau of  
10      Investigation in the same manner in which  
11      adult records are submitted;

12          “(C) retained for a period of time that is  
13      equal to the period of time that records are re-  
14      tained for adults; and

15          “(D) available to law enforcement agen-  
16      cies, prosecutors, the courts, and school offi-  
17      cials.

18      “(b) STANDARDS FOR HANDLING AND DISCLOSING  
19      INFORMATION.—School officials referred to in subsection  
20      (a)(3)(D) shall be subject to the same standards and pen-  
21      alties to which law enforcement and juvenile justice system  
22      employees are subject under Federal and State law for  
23      handling and disclosing information referred to in that  
24      paragraph.

1       “(c) ADDITIONAL AMOUNT BASED ON ACCOUNT-  
2 ABILITY-BASED YOUTH VIOLENCE REDUCTION PRAC-  
3 TICES.—A State that receives a grant under subsection  
4 (a) is eligible to receive an additional amount of funds  
5 added to such grant if such State demonstrates that the  
6 State has in effect, or will have in effect, not later than  
7 1 year after the deadline established by the Administrator  
8 for the submission of applications under subsection (a) for  
9 the fiscal year at issue, not fewer than 5 of the following  
10 practices:

11           “(1) VICTIMS’ RIGHTS.—Increased victims’  
12 rights, including—

13               “(A) the right to be treated with fairness  
14 and with respect for the dignity and privacy of  
15 the victim;

16               “(B) the right to be reasonably protected  
17 from the accused offender;

18               “(C) the right to be notified of court pro-  
19 ceedings; and

20               “(D) the right to information about the  
21 conviction, sentencing, imprisonment, and re-  
22 lease of the offender.

23           “(2) RESTITUTION.—Mandatory victim and  
24 community restitution, including statewide programs

1 to reach restitution collection levels of not less than  
2 80 percent.

3 “(3) ACCESS TO PROCEEDINGS.—Public access  
4 to juvenile court delinquency proceedings.

5 “(4) PARENTAL RESPONSIBILITY.—Juvenile  
6 nighttime curfews and parental civil liability for seri-  
7 ous acts committed by juveniles released to the cus-  
8 tody of their parents by the court.

9 “(5) ZERO TOLERANCE FOR DEADBEAT JUVE-  
10 NILE PARENTS.—A requirement as conditions of pa-  
11 role that—

12 “(A) any juvenile offender who is a parent  
13 demonstrates parental responsibility by working  
14 and paying child support; and

15 “(B) the juvenile attends and successfully  
16 completes school or pursues vocational training.

17 “(6) SERIOUS HABITUAL OFFENDERS COM-  
18 PREHENSIVE ACTION PROGRAM (SHOCAP).—

19 “(A) IN GENERAL.—Implementation of a  
20 serious habitual offender comprehensive action  
21 program which is a multidisciplinary inter-  
22 agency case management and information shar-  
23 ing system that enables the juvenile and crimi-  
24 nal justice system, schools, and social service  
25 agencies to make more informed decisions re-

1           garding early identification, control, super-  
2           vision, and treatment of juveniles who repeat-  
3           edly commit serious delinquent or criminal acts.

4           “(B) MULTIDISCIPLINARY AGENCIES.—Es-  
5           tablishment by units of local government in the  
6           State under a program referred to in subpara-  
7           graph (A), of a multidisciplinary agency com-  
8           prised of representatives from—

9                   “(i) law enforcement organizations;

10                   “(ii) school districts;

11                   “(iii) State’s attorneys offices;

12                   “(iv) court services;

13                   “(v) State and county children and  
14           family services; and

15                   “(vi) any additional organizations,  
16           groups, or agencies deemed appropriate to  
17           accomplish the purposes described in sub-  
18           paragraph (A), including—

19                   “(I) juvenile detention centers;

20                   “(II) mental and medical health  
21           agencies; and

22                   “(III) the community at large.

23           “(C) IDENTIFICATION OF SERIOUS HABIT-  
24           UAL OFFENDERS.—Each multidisciplinary  
25           agency established under subparagraph (B)

1 shall adopt, by a majority of its members, cri-  
2 teria to identify individuals who are serious ha-  
3 bitual offenders.

4 “(D) INTERAGENCY INFORMATION SHAR-  
5 ING AGREEMENT.—

6 “(i) IN GENERAL.—Each multidisci-  
7 plinary agency established under subpara-  
8 graph (B) shall adopt, by a majority of its  
9 members, an interagency information shar-  
10 ing agreement to be signed by the chief ex-  
11 ecutive officer of each organization and  
12 agency represented in the multidisciplinary  
13 agency.

14 “(ii) DISCLOSURE OF INFORMA-  
15 TION.—The interagency information shar-  
16 ing agreement shall require that—

17 “(I) all records pertaining to se-  
18 rious habitual offenders shall be kept  
19 confidential to the extent required by  
20 State law;

21 “(II) information in the records  
22 may be made available to other staff  
23 from member organizations and agen-  
24 cies as authorized by the multidisci-  
25 plinary agency for the purposes of

1 promoting case management, commu-  
2 nity supervision, conduct control, and  
3 tracking of the serious habitual of-  
4 fender for the application and coordi-  
5 nation of appropriate services; and

6 “(III) access to the information  
7 in the records shall be limited to indi-  
8 viduals who provide direct services to  
9 the serious habitual offender or who  
10 provide community conduct control  
11 and supervision to the serious habit-  
12 ual offender.

13 “(7) COMMUNITY-WIDE PARTNERSHIPS.—Com-  
14 munity-wide partnerships involving county, munic-  
15 ipal government, school districts, appropriate State  
16 agencies, and nonprofit organizations to administer  
17 a unified approach to juvenile delinquency.

18 “(8) ZERO TOLERANCE FOR TRUANCY.—Imple-  
19 mentation by school districts of programs to curb  
20 truancy and implement certain and swift punish-  
21 ments for truancy, including parental notification of  
22 every absence, mandatory Saturday school makeup  
23 sessions for truants or weekends in jail for truants  
24 and denial of participation or attendance at extra-  
25 curricular activities by truants.

1           “(9) ALTERNATIVE SCHOOLING.—A require-  
2           ment that, as a condition of receiving any State  
3           funding provided to school districts in accordance  
4           with a formula allocation based on the number of  
5           children enrolled in school in the school district, each  
6           school district shall establish one or more alternative  
7           schools or classrooms for juvenile offenders or juve-  
8           niles who are expelled or suspended for disciplinary  
9           reasons and shall require that such juveniles attend  
10          the alternative schools or classrooms. Any juvenile  
11          who refuses to attend such alternative school or  
12          classroom shall be immediately detained pending a  
13          hearing. If a student is transferred from a regular  
14          school to an alternative school for juvenile offenders  
15          or juveniles who are expelled or suspended for dis-  
16          ciplinary reasons such State funding shall also be  
17          transferred to the alternative school.

18          “(10) JUDICIAL JURISDICTION.—A system  
19          under which municipal and magistrate courts have—

20                 “(A) jurisdiction over minor delinquency  
21                 offenses such as truancy, curfew violations, and  
22                 vandalism; and

23                 “(B) short term detention authority for  
24                 habitual minor delinquent behavior.

1           “(11) ELIMINATION OF CERTAIN INEFFECTIVE  
2       PENALTIES.—Elimination of ‘counsel and release’ or  
3       ‘refer and release’ as a penalty for juveniles with re-  
4       spect to the second or subsequent offense for which  
5       the juvenile is referred to a juvenile probation offi-  
6       cer.

7           “(12) REPORT BACK ORDERS.—A system of ‘re-  
8       port back’ orders when juveniles are placed on pro-  
9       bation, so that after a period of time (not to exceed  
10      2 months) the juvenile appears before and advises  
11      the judge of the progress of the juvenile in meeting  
12      certain goals.

13          “(13) PENALTIES FOR USE OF FIREARM.—  
14      Mandatory penalties for the use of a firearm during  
15      a violent crime or a drug felony.

16          “(14) STREET GANGS.—A prohibition on en-  
17      gaging in criminal conduct as a member of a street  
18      gang and imposition of severe penalties for terrorism  
19      by criminal street gangs.

20          “(15) CHARACTER COUNTS.—Establishment of  
21      character education and training for juvenile offend-  
22      ers.

23          “(16) MENTORING.—Establishment of men-  
24      toring programs for at-risk youth.

1           “(17) DRUG COURTS AND COMMUNITY-ORI-  
2           ENTED POLICING STRATEGIES.—Establishment of  
3           courts for juveniles charged with drug offenses and  
4           community-oriented policing strategies.

5           “(18) RECORDKEEPING AND FINGER-  
6           PRINTING.—Programs that provide that, whenever a  
7           juvenile who has not achieved his or her 14th birth-  
8           day is adjudicated delinquent (as defined by Federal  
9           or State law in a juvenile delinquency proceeding)  
10          for conduct that, if committed by an adult, would  
11          constitute a felony under Federal or State law, the  
12          State shall ensure that a record is kept relating to  
13          the adjudication that is—

14                 “(A) equivalent to the record that would be  
15                 kept of an adult conviction for such an offense;

16                 “(B) retained for a period of time that is  
17                 equal to the period of time that records are  
18                 kept for adult convictions;

19                 “(C) made available to prosecutors, courts,  
20                 and law enforcement agencies of any jurisdic-  
21                 tion upon request; and

22                 “(D) made available to officials of a school,  
23                 school district, or postsecondary school where  
24                 the individual who is the subject of the juvenile  
25                 record seeks, intends, or is instructed to enroll,

1           and that such officials are held liable to the  
2           same standards and penalties that law enforce-  
3           ment and juvenile justice system employees are  
4           held liable to, for handling and disclosing such  
5           information.

6           “(19) EVALUATION.—Establishment of a com-  
7           prehensive process for monitoring and evaluating the  
8           effectiveness of State juvenile justice and delin-  
9           quency prevention programs in reducing juvenile  
10          crime and recidivism.

11          “(20) BOOT CAMPS.—Establishment of State  
12          boot camps with an intensive restitution or work and  
13          community service requirement as part of a system  
14          of graduated sanctions.

15   **“SEC. 243. GRANT AMOUNTS.**

16          “(a) ALLOCATION AND DISTRIBUTION OF FUNDS.—

17                  “(1) ELIGIBILITY.—Of the total amount made  
18                  available to carry out part C for each fiscal year,  
19                  subject to subsection (b), each State shall be eligible  
20                  to receive the sum of—

21                          “(A) an amount that bears the same rela-  
22                          tion to one-third of such total as the number of  
23                          juveniles in the State bears to the number of  
24                          juveniles in all States;

1           “(B) an amount that bears the same rela-  
2           tion to one-third of such total as the number of  
3           juveniles from families with incomes below the  
4           poverty line in the State bears to the number  
5           of such juveniles in all States; and

6           “(C) an amount that bears the same rela-  
7           tion to one-third of such total as the average  
8           annual number of part 1 violent crimes re-  
9           ported by the State to the Federal Bureau of  
10          Investigation for the 3 most recent calendar  
11          years for which such data are available, bears  
12          to the number of part 1 violent crimes reported  
13          by all States to the Federal Bureau of Inves-  
14          tigation for such years.

15          “(2) MINIMUM REQUIREMENT.—Each State  
16          shall be eligible to receive not less than 3.5 percent  
17          of one-third of the total amount appropriated to  
18          carry out part C for each fiscal year, except that the  
19          amount for which the Virgin Islands of the United  
20          States, Guam, American Samoa, and the Common-  
21          wealth of the Northern Mariana Islands is eligible  
22          shall be not less than \$100,000 and the amount for  
23          which Palau is eligible shall be not less than  
24          \$15,000.

1           “(3) UNAVAILABILITY OF INFORMATION.—For  
 2           purposes of this subsection, if data regarding the  
 3           measures governing allocation of funds under para-  
 4           graphs (1) and (2) in any State are unavailable or  
 5           substantially inaccurate, the Administrator and the  
 6           State shall utilize the best available comparable data  
 7           for the purposes of allocation of any funds under  
 8           this section.

9           “(b) ALLOCATED AMOUNT.—The amount made  
 10          available to carry out part C for any fiscal year shall be  
 11          allocated among the States as follows:

12           “(1) 50 percent of the amount for which a  
 13          State is eligible under subsection (a) shall be allo-  
 14          cated to that State if it meets the requirements of  
 15          section 242(a).

16           “(2) 50 percent of the amount for which a  
 17          State is eligible under subsection (a) shall be allo-  
 18          cated to that State if it meets the requirements of  
 19          subsections (a) and (c) of section 242.

20           “(c) AVAILABILITY.—Any amounts made available  
 21          under this section to carry out part C shall remain avail-  
 22          able until expended.

23   **“SEC. 244. ACCOUNTABILITY.**

24           “A State that receives a grant under section 241 shall  
 25          use accounting, audit, and fiscal procedures that conform

1 to guidelines prescribed by the Administrator, and shall  
2 ensure that any funds used to carry out section 241 shall  
3 represent the best value for the State at the lowest pos-  
4 sible cost and employ the best available technology.

5 **“SEC. 245. LIMITATION ON USE OF FUNDS.**

6       “(a) NONSUPPLANTING REQUIREMENT.—Funds  
7 made available under section 241 shall not be used to sup-  
8 plant State funds, but shall be used to increase the  
9 amount of funds that would, in the absence of Federal  
10 funds, be made available from State sources.

11       “(b) ADMINISTRATIVE AND RELATED COSTS.—Not  
12 more than 2 percent of the funds appropriated under sec-  
13 tion 299(a) for a fiscal year shall be available to the Ad-  
14 ministrator for such fiscal year for purposes of—

15               “(1) research and evaluation, including assess-  
16 ment of the effect on public safety and other effects  
17 of the expansion of correctional capacity and sen-  
18 tencing reforms implemented pursuant to this part;  
19 and

20               “(2) technical assistance relating to the use of  
21 grants made under section 241, and development  
22 and implementation of policies, programs, and prac-  
23 tices described in section 242.

1       “(c) CARRYOVER OF APPROPRIATIONS.—Funds ap-  
 2       propriated under section 299(a) shall remain available  
 3       until expended.

4       “(d) MATCHING FUNDS.—The Federal share of a  
 5       grant received under this part may not exceed 90 percent  
 6       of the costs of a proposal, as described in an application  
 7       approved under this part.”.

## 8                   **TITLE III—GENERAL** 9                   **PROVISIONS**

### 10   **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

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

15       “(a) OFFICE OF JUVENILE JUSTICE AND DELIN-  
 16       QUENCY PREVENTION.—There are authorized to be ap-  
 17       propriated for each of fiscal years 1998, 1999, 2000,  
 18       2001, and 2002, such sums as may be necessary to carry  
 19       out part A.

20       “(b) BLOCK GRANTS FOR STATE AND LOCAL PRO-  
 21       GRAMS.—There is authorized to be appropriated  
 22       \$200,000,000 for each of fiscal years 1998, 1999, 2000,  
 23       2001, and 2002, to carry out part B.

24       “(c) INCENTIVE GRANTS FOR ACCOUNTABILITY-  
 25       BASED REFORMS.—There is authorized to be appro-

1    appropriated \$300,000,000 for each of fiscal years 1998, 1999,  
2    2000, 2001, and 2002, to carry out part C.

3            “(d) SOURCE OF APPROPRIATIONS.—Funds author-  
4    ized to be appropriated by this section may be appro-  
5    priated from the Violent Crime Reduction Trust Fund.”.

○