

106TH CONGRESS
1ST SESSION

S. 838

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

IN THE SENATE OF THE UNITED STATES

APRIL 20, 1999

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

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
 14 Administrator 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 2000, 2001, 2002,
 18 2003, and 2004, 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 2000, 2001, 2002,
 23 2003, and 2004, 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 2000, 2001,
2 2002, 2003, and 2004, 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.”.

○