

110TH CONGRESS
2D SESSION

H. R. 5178

To enhance public safety by improving the reintegration of youth offenders into the families and communities to which they are returning.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2008

Mr. GRIJALVA (for himself, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. SCOTT of Virginia, and Ms. CLARKE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and Labor and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To enhance public safety by improving the reintegration of youth offenders into the families and communities to which they are returning.

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 “Youth Reentry Im-
5 provement Act of 2008”.

1 **TITLE I—JUVENILE JUSTICE**
2 **AND DELINQUENCY PREVEN-**
3 **TION FORMULA GRANTS**

4 **SEC. 101. ANNUAL REPORT.**

5 Section 207(1) of the Juvenile Justice and Delin-
6 quency Prevention Act of 1974 (42 U.S.C. 5617(1)) is
7 amended—

8 (1) in subparagraph (E) by striking “and” at
9 the end;

10 (2) in subparagraph (F) by striking the period
11 at the end and inserting “; and”; and

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

13 “(G) the number of juveniles released from
14 custody and the types of living arrangement to
15 which the juveniles were released.”.

16 **SEC. 102. STATE PLAN.**

17 Section 223(a) of the Juvenile Justice and Delin-
18 quency Prevention Act of 1974 (42 U.S.C. 5633(a)) is
19 amended—

20 (1) in paragraph (27), at the end by striking
21 “and”;

22 (2) in paragraph (28), at the end by striking
23 the period and inserting a semicolon; and

24 (3) by adding at the end the following new
25 paragraphs:

1 “(29) ensure a procedure for assuring that each
2 adjudicated juvenile has a written case plan, based
3 on an assessment of such juvenile’s needs and devel-
4 oped in consultation with the juvenile and their fam-
5 ily (as appropriate), that—

6 “(A) describes the pre-release and post-re-
7 lease programs and services that will be pro-
8 vided to the juvenile to promote the juvenile’s
9 learning and treatment while under the jurisdic-
10 tion of the juvenile justice system and to facili-
11 tate the juvenile’s successful reintegration into
12 the community; and

13 “(B) includes—

14 “(i) a description of the living ar-
15 rangement to which the juvenile is to be
16 discharged, including a discussion of the
17 safety, appropriateness, and permanence of
18 the living arrangement; and

19 “(ii) a plan for enrollment of the juve-
20 nile in post-release financial, housing,
21 counseling, medical, mental health, sub-
22 stance abuse, employment, vocational,
23 training, educational, family support, pub-
24 lic assistance, legal, and victim service pro-
25 grams and services, as appropriate;

1 “(30) support the development of procedural
2 safeguards which will be applied, among other
3 things, to assure each adjudicated juvenile of a hear-
4 ing, in a family or juvenile court or another court
5 (including a tribal court) of competent jurisdiction,
6 or by an administrative body appointed or approved
7 by the court, no earlier than 30 days prior to the ju-
8 venile’s scheduled release, which hearing shall deter-
9 mine the discharge plan for the juvenile, including a
10 determination whether a safe, appropriate, and per-
11 manent living arrangement has been secured for the
12 juvenile and whether enrollment in financial, hous-
13 ing, counseling, medical, mental health, substance
14 abuse, employment, vocational, training, educational,
15 family support, public assistance, legal, and victim
16 service programs and services, as appropriate, has
17 been arranged for the juvenile;

18 “(31) ensure that discharge planning and pro-
19 cedures are accomplished in a timely fashion prior to
20 each adjudicated juvenile’s release from custody and
21 do not delay the juvenile’s release from custody; and

22 “(32) provide a description of the State’s use of
23 funds under this part and other funds for post-re-
24 lease and aftercare services for juveniles released
25 from confinement in a juvenile justice facility.”.

1 **SEC. 103. RESEARCH AND EVALUATION; STATISTICAL**
2 **ANALYSES; INFORMATION DISSEMINATION.**

3 Section 251 of the Juvenile Justice and Delinquency
4 Prevention Act of 1974 (42 U.S.C. 5661) by adding at
5 the end the following:

6 “(f) **OUTCOME STUDY OF FORMER JUVENILE OF-**
7 **FENDERS.**—The Administrator shall, directly or via con-
8 tract, conduct a study of adjudicated juveniles to report
9 on outcomes for juveniles who have reintegrated into the
10 community. The study should provide information on out-
11 comes in the areas of family reunification, housing, edu-
12 cation, employment, medical, mental health, substance
13 abuse recovery, repeat maltreatment, repeat victimization,
14 and repeat offending. The study shall include an analysis
15 of the juveniles’ fidelity to their discharge plans, including
16 whether the post-release resources and services anticipated
17 in their discharge plans to be made available to the juve-
18 niles were in fact made available.”.

19 **TITLE II—YOUTH OFFENDER**
20 **REENTRY GRANTS PROGRAM**

21 **SEC. 201. ESTABLISHMENT OF PROGRAM.**

22 The Attorney General shall carry out a program
23 under which the Attorney General may award grants to
24 States to provide for programs designed and conducted for
25 the following purposes:

1 (1) To identify individuals who are incarcerated
2 in correctional facilities and who are likely to be re-
3 leased from such facilities before attaining 25 years
4 of age.

5 (2) To help such individuals make the transi-
6 tion to self-sufficiency by providing—

7 (A) pre-release services such as discharge
8 planning and reentry planning;

9 (B) training in—

10 (i) daily living skills;

11 (ii) parenting skills;

12 (iii) budgeting and financial manage-
13 ment skills; and

14 (iv) victimization avoidance;

15 (C) substance abuse prevention;

16 (D) mental health counseling;

17 (E) preventive health activities (including
18 smoking avoidance, nutrition education, sexu-
19 ally transmitted illnesses prevention (including
20 HIV prevention), and pregnancy prevention);
21 and

22 (F) assistance in applying for income as-
23 sistance, health insurance, proof of identity, a
24 driver's license, and applicable vital records, for
25 which the individual may be eligible.

1 (3) To help such individuals receive at the pre-
2 release and post-release stages the education, train-
3 ing, and services necessary to obtain employment
4 and housing.

5 (4) To help such individuals at the pre-release
6 and post-release stages prepare for and enter post-
7 secondary training and education institutions.

8 (5) To provide personal and emotional support
9 to such individuals at the pre-release and post-re-
10 lease stages through mentors and the promotion of
11 interactions with dedicated adults.

12 (6) To provide post-release financial, housing,
13 counseling, employment, vocational training, edu-
14 cational, medical, mental health, substance abuse
15 services, assistance in applying for public benefits,
16 family support, and legal and victim service pro-
17 grams and services, and other appropriate support
18 and services to such individuals to—

19 (A) complement their own efforts to
20 achieve self-sufficiency; and

21 (B) assure that program participants rec-
22 ognize and accept their personal responsibility
23 for preparing for and then making the transi-
24 tion from adolescence to adulthood.

1 (7) To make available to such individuals post-
2 release vouchers for postsecondary education and
3 training.

4 (8) To help such individuals at the pre-release
5 and post-release stages repair harm to victims, fam-
6 ily members, and communities caused by their of-
7 fense, including through community service, through
8 victim impact programming, through conflict resolu-
9 tion, and through dialogue processes.

10 **SEC. 202. APPLICATIONS.**

11 (a) IN GENERAL.—A State may apply for funds from
12 its allotment under section 203 for a period of five con-
13 secutive fiscal years by submitting to the Attorney Gen-
14 eral, in writing, a plan that meets the requirements of sub-
15 section (b) and the certifications required by subsection
16 (c) with respect to the plan.

17 (b) STATE PLAN.—A plan meets the requirements of
18 this subsection if the plan specifies which State agency
19 or agencies will administer, supervise, or oversee the pro-
20 grams carried out under the plan, and describes how the
21 State intends to do the following:

22 (1) Design and deliver programs to achieve the
23 purposes of this title.

1 (2) Ensure utilization of funds for both pre-re-
2 lease and post-release supports and services, though
3 not necessarily in a uniform manner.

4 (3) Ensure that the programs serve individuals
5 described in section 201(1) of various ages and at
6 various stages of achieving independence.

7 (4) Involve the public and private sectors in
8 helping such individuals achieve independence.

9 (5) Distribute funds provided to the State
10 under this section among a diverse range of qualified
11 private nonprofit providers of pre-release and post-
12 release supports and services, and ensure that the
13 entities have equal opportunity to receive the funds.

14 (6) Cooperate in national evaluations of the ef-
15 fects of the programs in achieving the purposes of
16 this title.

17 (c) CERTIFICATIONS.—The certifications required by
18 this paragraph with respect to a plan are the following:

19 (1) A certification by the chief executive officer
20 of the State that the State will provide assistance
21 and services to individuals described in section
22 201(1).

23 (2) A certification by the chief executive officer
24 of the State that not more than 30 percent of the
25 amounts paid to the State from its allotment under

1 section 203 for a fiscal year will be expended for
2 post-release room or board for such individuals.

3 (3) A certification by the chief executive officer
4 of the State that the State will provide training to
5 help family members, providers of supports and
6 services, and correctional facility personnel under-
7 stand and address the issues confronting such indi-
8 viduals preparing for independent living.

9 (4) A certification by the chief executive officer
10 of the State that the State has consulted widely with
11 public and private organizations in developing the
12 plan and that the State has given all interested
13 members of the public at least 60 days to submit
14 comments on the plan.

15 (5) A certification by the chief executive officer
16 of the State that the State will make every effort to
17 coordinate the State programs receiving funds pro-
18 vided from an allotment made to the State under
19 section 203 with other Federal and State programs
20 for any of such individuals (especially the John H.
21 Chafee Foster Care Independence Program under 42
22 U.S.C. 677 and transitional living youth projects
23 funded under part B of title III of the Juvenile Jus-
24 tice and Delinquency Prevention Act of 1974 (42
25 U.S.C. 5714–1 et seq.)), local housing programs,

1 programs for disabled individuals, applicable Federal
2 TRIO programs authorized under chapter 1 of sub-
3 part 2 of part A of title IV of the Higher Education
4 Act of 1965 (20 U.S.C. 1070a–11 et seq.), and
5 youth activities of local workforce one-stop centers.

6 (6) A certification by the chief executive officer
7 of the State that each Indian tribe in the State has
8 been consulted about the programs to be carried out
9 under the plan; that there have been efforts to co-
10 ordinate the programs with such tribes; and that
11 benefits and services under the programs will be
12 made available to such individuals who are Indian in
13 the State on the same basis as to other such individ-
14 uals in the State.

15 (7) A certification by the chief executive officer
16 of the State that, when or before an individual de-
17 scribed in section 201(1) leaves a correctional facil-
18 ity, the State will inform the individual of the full
19 range of available financial, housing, counseling,
20 medical, mental health, substance abuse, employ-
21 ment, vocational training, education, public benefit
22 assistance, family support, legal assistance, commu-
23 nity service, victim impact, and other appropriate
24 programs, training, support, and services for which

1 the individual is eligible and which are located in the
2 community to which the individual is returning.

3 (8) A certification by the chief executive officer
4 of the State that the State will ensure that such in-
5 dividuals participating in the program under this
6 title participate directly in designing their own case
7 plans, discharge plans, reentry plans and program
8 activities that prepare them for independent living
9 and that such individuals accept personal responsi-
10 bility for living up to their part of the program.

11 (9) A certification by the chief executive officer
12 of the State that the State has established and will
13 enforce standards and procedures to prevent fraud
14 and abuse in the programs carried out under the
15 plan.

16 (10) A certification by the chief executive offi-
17 cer of the State that the State educational and
18 training voucher program under this title is in com-
19 pliance with the conditions specified in section 209,
20 including a statement describing methods the State
21 will use—

22 (A) to ensure that the total amount of edu-
23 cational assistance to any such individual under
24 this title and under other Federal and federally

1 supported programs does not exceed the limita-
2 tion specified in section 209(3); and

3 (B) to avoid duplication of benefits under
4 this and any other Federal or federally assisted
5 benefit program.

6 (d) APPROVAL.—The Attorney General shall approve
7 an application submitted by a State pursuant to sub-
8 section (a) for a period if—

9 (1) the application is submitted on or before
10 June 30 of the calendar year in which such period
11 begins; and

12 (2) the Attorney General finds that the applica-
13 tion contains the material required by subsection
14 (a).

15 (e) AUTHORITY TO IMPLEMENT CERTAIN AMEND-
16 MENTS; NOTIFICATION.—A State with an application ap-
17 proved under subsection (d) may implement any amend-
18 ment to the plan contained in the application if the appli-
19 cation, incorporating the amendment, would be approvable
20 under subsection (d). Within 30 days after a State imple-
21 ments any such amendment, the State shall notify the At-
22 torney General of the amendment.

23 (f) AVAILABILITY.—The State shall make available to
24 the public, including by posting on a public Internet site,
25 any application submitted by the State pursuant to sub-

1 section (a), and a brief summary of the plan contained
2 in the application.

3 (g) STATE DEFINED.—For purposes of this title, the
4 term “State” means any State of the United States, the
5 District of Columbia, and Puerto Rico.

6 **SEC. 203. ALLOTMENTS TO STATES.**

7 (a) GENERAL PROGRAM ALLOTMENT.—From the
8 amount specified in section 208(1) that remains after ap-
9 plying section 207(b) for a fiscal year, the Attorney Gen-
10 eral shall allot to each State with an application approved
11 under section 202 for the fiscal year the amount which
12 bears the ratio to such remaining amount equal to the
13 State youth ratio, as adjusted in accordance with sub-
14 section (b).

15 (b) HOLD HARMLESS POSITION.—

16 (1) IN GENERAL.—The Attorney General shall
17 allot to each State whose allotment for a fiscal year
18 under subsection (a) is less than the greater of
19 \$500,000 or the amount payable to the State under
20 this title for fiscal year 2008, an additional amount
21 equal to the difference between such allotment and
22 such greater amount.

23 (2) RATABLE REDUCTION OF CERTAIN ALLOT-
24 MENTS.—In the case of a State not described in
25 paragraph (1) for a fiscal year, the Attorney General

1 shall reduce the amount allotted to the State for the
2 fiscal year under subsection (a) by the amount that
3 bears the same ratio to the sum of the differences
4 determined under paragraph (1) for the fiscal year
5 as the excess of the amount so allotted over the
6 greater of \$500,000 or the amount payable to the
7 State under this title for fiscal year 2008 bears to
8 the sum of such excess amounts determined for all
9 such States.

10 (c) VOUCHER PROGRAM ALLOTMENT.—From the
11 amount, if any, appropriated pursuant to section 208(2)
12 for a fiscal year, the Attorney General may allot to each
13 State with an application approved under section 202 for
14 the fiscal year an amount equal to the State youth ratio
15 multiplied by the amount so specified.

16 (d) STATE YOUTH RATIO.—In this section, the term
17 “State youth ratio” means the ratio of the number individ-
18 uals who have attained at least age 12 and who have not
19 attained age 25 in the State in the most recent fiscal year
20 for which the information is available to the total number
21 of individuals who have attained at least age 12 and who
22 have not attained age 25 in all States for the most recent
23 fiscal year.

1 **SEC. 204. USE OF FUNDS.**

2 (a) IN GENERAL.—A State to which an amount is
3 paid from its allotment under section 203 may use the
4 amount in any manner that is reasonably calculated to ac-
5 complish the purposes of this title.

6 (b) NO SUPPLANTATION OF OTHER FUNDS AVAIL-
7 ABLE FOR SAME GENERAL PURPOSES.—The amounts
8 paid to a State from its allotment under section 203 shall
9 be used to supplement and not supplant any other funds
10 which are available for the same general purposes in the
11 State.

12 (c) TWO-YEAR AVAILABILITY OF FUNDS.—Payments
13 made to a State under this title for a fiscal year shall be
14 expended by the State in the fiscal year or in the suc-
15 ceeding fiscal year.

16 (d) REALLOCATION OF UNUSED FUNDS.—If a State
17 does not apply for funds under this title for a fiscal year
18 within such time as may be provided by the Attorney Gen-
19 eral, the funds to which the State would be entitled for
20 the fiscal year shall be reallocated to 1 or more other
21 States on the basis of their relative need for additional
22 payments under this title, as determined by the Attorney
23 General.

24 **SEC. 205. PENALTIES.**

25 (a) USE OF GRANT IN VIOLATION OF THIS PART.—
26 The Attorney General shall assess a penalty against a

1 State that operates a program receiving funds from an
 2 allotment made to a State under section 203 in a manner
 3 that is not consistent with, or not disclosed in the State
 4 application approved under section 202, in an amount
 5 equal to not less than 1 percent and not more than 5 per-
 6 cent of the amount of the allotment.

7 (b) FAILURE TO COMPLY WITH DATA REPORTING
 8 REQUIREMENT.—The Attorney General shall assess a
 9 penalty against a State that fails during a fiscal year to
 10 comply with an information collection plan implemented
 11 under section 206 in an amount equal to not less than
 12 1 percent and not more than 5 percent of the amount al-
 13 lotted to the State for the fiscal year.

14 (c) PENALTIES BASED ON DEGREE OF NONCOMPLI-
 15 ANCE.—The Attorney General shall assess penalties under
 16 this subsection based on the degree of noncompliance.

17 **SEC. 206. DATA COLLECTION AND PERFORMANCE MEAS-**
 18 **UREMENT.**

19 (a) IN GENERAL.—The Attorney General, in con-
 20 sultation with State and local public officials responsible
 21 for administering juvenile justice and criminal justice pro-
 22 grams, juvenile justice and criminal justice advocates,
 23 youth service providers, and researchers, shall—

24 (1) develop outcome measures (including meas-
 25 ures of educational attainment, high school diploma

1 (or its equivalent), employment, homelessness, abuse
2 and neglect of released juveniles, nonmarital child-
3 birth, recidivism, and high-risk behaviors) that can
4 be used to assess the performance of States in oper-
5 ating youth offender reentry programs;

6 (2) identify data elements needed to track—

7 (A) the number and characteristics of
8 youths receiving services under this title;

9 (B) the type and quantity of services being
10 provided; and

11 (C) State performance on the outcome
12 measures; and

13 (3) develop and implement a plan to collect the
14 needed information beginning with the second fiscal
15 year beginning after December 14, 2008.

16 **SEC. 207. EVALUATIONS.**

17 (a) IN GENERAL.—The Attorney General shall con-
18 duct evaluations of such State programs funded under this
19 title as the Attorney General deems to be innovative or
20 of potential national significance. The evaluation of any
21 such program shall include information on the effects of
22 the program on education, employment, mental and phys-
23 ical health, personal development, and housing, and the
24 use of room and board services and how the use of the
25 services improves housing outcomes for the individuals. To

1 the maximum extent practicable, the evaluations shall be
 2 based on rigorous scientific standards including, where
 3 practicable, random assignment to treatment and control
 4 groups. The Attorney General is encouraged to work di-
 5 rectly with State and local governments to design methods
 6 for conducting the evaluations, directly or by grant or con-
 7 tract.

8 (b) FUNDING OF EVALUATIONS.—The Attorney Gen-
 9 eral shall reserve 1.5 percent of the amount under section
 10 208 for a fiscal year to carry out, during the fiscal year,
 11 evaluation, technical assistance, performance measure-
 12 ment, and data collection activities related to this title,
 13 directly or through grants or contracts with appropriate
 14 entities.

15 **SEC. 208. LIMITATIONS ON AUTHORIZATION OF APPRO-**
 16 **PRIATIONS.**

17 There are authorized to be appropriated for each fis-
 18 cal year—

- 19 (1) \$200,000,000 to carry out this title; and
- 20 (2) \$60,000,000 to carry out section 209.

21 **SEC. 209. EDUCATIONAL AND TRAINING VOUCHERS.**

22 The following conditions shall apply to a State edu-
 23 cational and training voucher program under this title:

1 (1) Vouchers under the program may be avail-
2 able to individuals who are eligible for other services
3 under the State program carried out under this title.

4 (2) Vouchers provided for an individual under
5 this title—

6 (A) may be available for the cost of attend-
7 ance at an institution of higher education, as
8 defined in section 102 of the Higher Education
9 Act of 1965 (20 U.S.C. 1002); and

10 (B) shall not exceed the lesser of \$5,000
11 per year or the total cost of attendance, as de-
12 fined in section 472 of the Higher Education
13 Act of 1965 (20 U.S.C. 1087l).

14 (3) The amount of a voucher under this title
15 may be disregarded for purposes of determining the
16 recipient's eligibility for, or the amount of, any other
17 Federal or federally supported assistance, except
18 that the total amount of educational assistance to an
19 individual under this title and under other Federal
20 and federally supported programs shall not exceed
21 such total cost of attendance and except that the
22 State agency shall take appropriate steps to prevent
23 duplication of benefits under this and other Federal
24 or federally supported programs.

(4) Vouchers provided for an individual under this title shall not be used for purposes of—

(A) enrollment in a private school or program offering elementary or secondary education; or

(B) supplementing costs for attending such a school or program.

(5) The program is coordinated with other appropriate education and training programs.

TITLE III—TREATMENT OF MEDICAID BENEFITS

SEC. 301. RESTORATION OF MEDICAID BENEFITS FOR YOUTH UPON RELEASE FROM PUBLIC INSTI- TUTIONS.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) by striking “and” at the end of paragraph (69);

(2) by striking the period at the end of paragraph (70) and inserting “; and”; and

(3) by inserting after paragraph (70) the following new paragraph:

“(71) provide that in the case of any individual who is less than 25 years of age as of the date of becoming an inmate of a public institution for a pe-

1 riod and who is less than 25 years of age at the time
2 of release from such institution, if the individual was
3 enrolled for medical assistance under the State plan
4 immediately before becoming such an inmate—

5 “(A) the State must suspend, rather than
6 terminate, such medical assistance for such in-
7 dividual during such period; and

8 “(B) such individual shall be presumed en-
9 rolled for such assistance upon release from
10 such institution unless and until there is a de-
11 termination that the individual is no longer eli-
12 gible to be so enrolled.”.

13 (b) EFFECTIVE DATE.—

14 (1) IN GENERAL.—Subject to paragraph (2),
15 the amendments made by subsection (a) shall apply
16 to individuals who become inmates of a public insti-
17 tution on or after January 1, 2009.

18 (2) EXCEPTION IF STATE LEGISLATION RE-
19 QUIRED.—In the case of a State plan for medical as-
20 sistance under title XIX of the Social Security Act
21 which the Secretary of Health and Human Services
22 determines requires State legislation (other than leg-
23 islation appropriating funds) in order for the plan to
24 meet the additional requirement imposed by the
25 amendment made by subsection (a)(3), the State

1 plan shall not be regarded as failing to comply with
2 the requirements of such title solely on the basis of
3 its failure to meet this additional requirement before
4 the first day of the first calendar quarter beginning
5 after the close of the first regular session of the
6 State legislature that begins after the date of the en-
7 actment of this Act. For purposes of the previous
8 sentence, in the case of a State that has a 2-year
9 legislative session, each year of such session shall be
10 deemed to be a separate regular session of the State
11 legislature.

○