

110TH CONGRESS
1ST SESSION

S. 2451

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

IN THE SENATE OF THE UNITED STATES

DECEMBER 11, 2007

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

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 “First Step Forward
5 Act of 2007”.

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

4 **SEC. 101. ADDITIONAL INFORMATION IN THE ANNUAL RE-**
 5 **PORT.**

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

9 (1) in subparagraph (E), by striking “and”
 10 after the semicolon;

11 (2) in subparagraph (F), by striking the period
 12 and inserting “; and”; and

13 (3) by inserting at the end the following:

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

17 **SEC. 102. ADDITIONAL REQUIREMENTS FOR STATE PLANS.**

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

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

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

1 (3) by adding at the end the following new
2 paragraphs:

3 “(28) ensure a procedure for assuring that each
4 adjudicated juvenile has a written case plan, based
5 on an assessment of such juvenile’s needs and devel-
6 oped in consultation with the juvenile and his or her
7 family (as appropriate), that—

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

15 “(B) includes—

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

21 “(ii) a plan for enrollment of the juve-
22 nile in post-release financial, housing,
23 counseling, medical, mental health, sub-
24 stance abuse, employment, vocational,
25 training, educational, family support, pub-

1 lic assistance, legal, and victim service pro-
2 grams and services, as appropriate;

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

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

24 “(31) provide a description of the State’s use of
25 funds under this part and other funds for post-re-

1 lease and aftercare services for juveniles released
 2 from confinement in a juvenile justice facility.”.

3 **SEC. 103. RESEARCH AND EVALUATION.**

4 Section 251(a)(1)(B) of the Juvenile Justice and De-
 5 linquency Prevention Act of 1974 (42 U.S.C.
 6 5661(a)(1)(B)) is amended—

7 (1) by redesignating clauses (x) and (xi) as
 8 clauses (xi) and (xii), respectively; and

9 (2) by inserting after clause (ix) the following:

10 “(x) outcomes for adjudicated juve-
 11 niles who have been released from custody
 12 and reintegrated into communities, includ-
 13 ing outcomes in the areas of family reunifi-
 14 cation, housing, education, employment,
 15 health, mental health, substance abuse,
 16 abuse or neglect of such juveniles by oth-
 17 ers, victimization of such juveniles by oth-
 18 ers, and recidivism by such juveniles.”.

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 21 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,
24 drivers licenses, and vital records for which the
25 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 cation, health, mental health, substance abuse, as-
15 sistance in applying for public benefits, family sup-
16 port, legal and victim service programs and services,
17 and other appropriate support and services to such
18 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 and
8 through victim impact programming, including con-
9 flict resolution and 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, projects receiving
2 Federal TRIO grants under title IV of the Higher
3 Education Act of 1965, and youth activities of local
4 workforce one-stop centers.

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

14 (7) A certification by the chief executive officer
15 that, when or before an individual described in sec-
16 tion 201(1) leaves a correctional facility, the State
17 will inform the individual of the full range of avail-
18 able financial, housing, counseling, medical, mental
19 health, substance abuse, employment, vocational
20 training, education, public benefit assistance, family
21 support, legal, community service, victim impact,
22 and other appropriate programs, training, support,
23 and services for which the individual is eligible, and
24 which are located in the community to which the in-
25 dividual is returning.

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

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

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

20 (A) to ensure that the total amount of edu-
21 cational assistance to any such individual under
22 this title and under other Federal and federally
23 supported programs does not exceed the limita-
24 tion specified in section 209(3); and

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

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

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

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

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

21 (f) AVAILABILITY.—The State shall make available to
22 the public, including posting on an Internet site, any appli-
23 cation submitted by the State pursuant to subsection (a),
24 and a brief summary of the plan contained in the applica-
25 tion.

1 (g) DEFINITION.—For purposes of this title, the term
 2 “State” means any State of the United States, the Dis-
 3 trict of Columbia, and Puerto Rico.

4 **SEC. 203. ALLOTMENTS TO STATES.**

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

13 (b) HOLD HARMLESS POSITION.—

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

21 (2) RATABLE REDUCTION OF CERTAIN ALLOT-
 22 MENTS.—In the case of a State not described in
 23 paragraph (1) for a fiscal year, the Attorney General
 24 shall reduce the amount allotted to the State for the
 25 fiscal year under subsection (a) by the amount that

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

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

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

22 **SEC. 204. USE OF FUNDS.**

23 (a) IN GENERAL.—A State to which an amount is
24 paid from its allotment under section 203 may use the

1 amount in any manner that is reasonably calculated to ac-
2 complish the purposes of this title.

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

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

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

21 **SEC. 205. PENALTIES.**

22 (a) USE OF GRANT IN VIOLATION OF THIS PART.—
23 The Attorney General shall assess a penalty against a
24 State that operates a program receiving funds from an
25 allotment made to a State under section 203 in a manner

1 that is not consistent with, or not disclosed in the State
 2 application approved under section 202 in an amount
 3 equal to not less than 1 percent and not more than 5 per-
 4 cent of the amount of the allotment.

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

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

15 **SEC. 206. DATA COLLECTION AND PERFORMANCE MEAS-**
 16 **UREMENT.**

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

22 (1) develop outcome measures (including meas-
 23 ures of educational attainment, employment, home-
 24 lessness, abuse and neglect of released juveniles, re-
 25 cidivism, and high-risk behaviors) that can be used

1 to assess the performance of States in operating
2 youth offender reentry programs;

3 (2) identify data elements needed to track—

4 (A) the number and characteristics of
5 youths receiving services under this title;

6 (B) the type and quantity of services being
7 provided; and

8 (C) State performance on the outcome
9 measures; and

10 (3) develop and implement a plan to collect the
11 needed information beginning with the second fiscal
12 year beginning after the date of enactment of this
13 Act.

14 **SEC. 207. EVALUATIONS.**

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

1 practicable, random assignment to treatment and control
 2 groups. The Attorney General is encouraged to work di-
 3 rectly with State and local governments to design methods
 4 for conducting the evaluations, directly or by grant or con-
 5 tract.

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

13 **SEC. 208. LIMITATIONS ON AUTHORIZATION OF APPRO-**
 14 **PRIATIONS.**

15 There are authorized to be appropriated for each fis-
 16 cal year—

17 (1) \$200,000,000 to carry out this title; and

18 (2) \$60,000,000 to carry out section 209.

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

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

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

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

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

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

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

22 (4) The program is coordinated with other ap-
23 propriate education and training programs.

**TITLE III—TREATMENT OF
MEDICAID BENEFITS**

**SEC. 301. RESTORATION OF MEDICAID BENEFITS FOR
YOUTHS 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 21 years of age as of the date of becoming an inmate of a public institution for a period and who is less than 21 years of age at the time of release from such institution, if the individual was enrolled for medical assistance under the State plan immediately before becoming such an inmate—

“(A) the State must suspend, rather than terminate, such medical assistance for such individual during such period; and

“(B) such individual shall be presumed enrolled for such assistance upon release from

1 such institution unless and until there is a de-
2 termination that the individual is no longer eli-
3 gible to be so enrolled.”.

4 (b) EFFECTIVE DATE.—

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

9 (2) EXCEPTION IF STATE LEGISLATION RE-
10 QUIRED.—In the case of a State plan for medical as-
11 sistance under title XIX of the Social Security Act
12 which the Secretary of Health and Human Services
13 determines requires State legislation (other than leg-
14 islation appropriating funds) in order for the plan to
15 meet the additional requirement imposed by the
16 amendment made by subsection (a)(3), the State
17 plan shall not be regarded as failing to comply with
18 the requirements of such title solely on the basis of
19 its failure to meet this additional requirement before
20 the first day of the first calendar quarter beginning
21 after the close of the first regular session of the
22 State legislature that begins after the date of the en-
23 actment of this Act. For purposes of the previous
24 sentence, in the case of a State that has a 2-year
25 legislative session, each year of such session shall be

- 1 deemed to be a separate regular session of the State
- 2 legislature.

