

111TH CONGRESS
1ST SESSION

S. 1370

To provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2009

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

A BILL

To provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children.

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 “Violence Against Chil-
5 dren Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) According to data from the National Inci-
9 dent-Based Reporting System, people under the age
10 of 18 make up approximately 26 percent of violent

1 crime victims reported to police, including 70 per-
2 cent of all reported sexual assaults. Of the victims
3 under the age of 18, approximately 37 percent were
4 under the age of 12.

5 (2) According to data from the Bureau of Jus-
6 tice Statistics, people between the ages of 12 and 19
7 are victims of violent crime twice as often as people
8 over the age of 20.

9 (3) According to data from the Bureau of Jus-
10 tice Statistics, only 35 percent of violent crimes
11 against people between ages 12 and 19 are actually
12 reported to police.

13 (4) According to data from the Department of
14 Health and Human Services, it is estimated that
15 more than 85,000 children were victims of physical
16 abuse in 2006, of which approximately 465 were fa-
17 talities.

18 (5) Child abuse has long-lasting negative effects
19 upon children and families, including delayed devel-
20 opment, depression, substance abuse, and increased
21 likelihood of experiencing or perpetrating domestic
22 violence as an adult.

23 (6) Local law enforcement agencies are in need
24 of additional resources to protect and serve the
25 needs of children and families.

1 (7) Legal representation, including training re-
2 quirements for attorneys, guardians ad litem (GAL),
3 and court appointed special advocates (CASA), and
4 caseload restrictions, for children in dependency
5 court varies substantially by State and jurisdiction.

6 (8) With an estimated 30,000 gangs operating
7 within the United States, gang violence and drug
8 trafficking remain serious problems throughout the
9 country, causing injury and death to innocent vic-
10 tims, often children.

11 (9)(A) For example, on November 13, 2005, a
12 gang-related dispute broke out in San Bernardino,
13 California, and gunfire sprayed an apartment build-
14 ing, killing 11-year-old Mynisha Crenshaw and seri-
15 ously wounding her 14-year-old sister as they ate
16 Sunday dinner with their family.

17 (B) This tragic shooting symbolizes the struggle
18 that so many communities across the United States,
19 like San Bernardino, face in combating gang vio-
20 lence, and serves as a reminder of the nationwide
21 problem of protecting children from senseless vio-
22 lence.

23 (10) Coordination of Federal resources is need-
24 ed to reduce gang violence through proven and
25 proactive prevention and intervention programs, in-

1 including programs that focus on keeping at-risk
2 youth in school and out of the criminal justice sys-
3 tem.

4 (11) According to a 2006 report by the Wash-
5 ington State Attorney General and the Department
6 of Justice (Office of Juvenile Justice and Delin-
7 quency Prevention), in 76 percent of murders of an
8 abducted child, the murder is committed within 3
9 hours of the abduction.

10 (12) The same report found that in 89 percent
11 of missing child murders, the child died within 24
12 hours of disappearing.

13 (13) For example, on March 27, 2009, 8-year-
14 old Sandra Cantu of Tracy, California, was reported
15 missing by her mother. Following more than a week
16 of search and investigation, she was found dead, the
17 victim of kidnapping and murder.

18 (14) Federal, State, and local law enforcement
19 must have more tools to act quickly in investigating
20 reports of crimes against children, particularly child
21 abductions.

1 **TITLE I—ENHANCED ASSIST-**
2 **ANCE FOR CRIMINAL INVES-**
3 **TIGATIONS AND PROSECU-**
4 **TIONS BY STATE AND LOCAL**
5 **ENFORCEMENT OFFICIALS**

6 **SEC. 101. ENHANCED ASSISTANCE FOR CRIMINAL INVES-**
7 **TIGATIONS AND PROSECUTIONS BY STATE**
8 **AND LOCAL LAW ENFORCEMENT OFFICIALS.**

9 (a) IN GENERAL.—At the request of a State, Indian
10 tribal government, or unit of local government, the Attor-
11 ney General shall provide technical, forensic, prosecutorial,
12 or any other form of assistance in the criminal investiga-
13 tion or prosecution of any crime that—

14 (1) constitutes a felony under the laws of the
15 State or Indian tribe; and

16 (2) is committed against a person under 18
17 years of age.

18 (b) PRIORITY.—If the Attorney General determines
19 that there are insufficient resources to fulfill requests
20 made pursuant to subsection (a), the Attorney General
21 shall give priority to requests for assistance to—

22 (1) crimes committed by, or believed to be com-
23 mitted by, offenders who have committed crimes in
24 more than 1 State; and

1 (2) jurisdictions that have limited resources and
2 difficulty covering the extraordinary expenses relat-
3 ing to the investigation or prosecution of the crime.

4 (c) REPORTING REQUIREMENTS.—

5 (1) IN GENERAL.—Every 180 days following
6 the date of enactment of this Act, the Attorney Gen-
7 eral shall submit to Congress a report on applica-
8 tions for Federal assistance under this Act, and
9 Federal assistance provided under this Act.

10 (2) CONTENTS.—Each report under paragraph
11 (1) shall include—

12 (A) a listing of all applications for Federal
13 assistance under this title during the previous
14 180 days;

15 (B) a description of each application sub-
16 mitted during the previous 180 days, whether
17 approved, denied, or pending, including the
18 name of the requesting party and the nature of
19 the request for assistance;

20 (C) reasons for approval or denial of each
21 application, and the persons involved in the re-
22 view and decision-making process for each ap-
23 plication; and

1 (D) if Federal assistance was provided, a
2 description of the assistance provided, including
3 the date on which the assistance was provided.

4 (d) ENHANCED TRACKING AND COORDINATION OF
5 FBI EFFORTS IN ADDRESSING CRIMES AGAINST CHIL-
6 DREN.—

7 (1) IN GENERAL.—Not later than 90 days after
8 the date of enactment of this Act, the Attorney Gen-
9 eral shall submit a report to the appropriate com-
10 mittees of Congress, the Director of the Office of
11 Management and Budget and the Domestic Policy
12 Council that sets forth the proposed systems, proce-
13 dures and protocols developed and implemented in
14 response to Chapter 3 of the Office of Inspector
15 General’s Audit Report 09–08 (January 2009) enti-
16 tled “The Federal Bureau of Investigation’s Efforts
17 to Combat Crimes Against Children,” including any
18 additional funding needs for development and imple-
19 mentation of the recommendations.

20 (2) APPROPRIATE COMMITTEES.—In this sub-
21 section, the term “appropriate committees of Con-
22 gress” means—

23 (A) the Committee on the Judiciary, the
24 Committee on Appropriations, and the Com-

mittee on Health, Education, Labor, and Pen-
sions of the Senate; and

(B) the Committee on the Judiciary, the
Committee on Appropriations, the Committee
on Education and Labor, and the Committee on
Energy and Commerce of the House of Rep-
resentatives.

TITLE II—GRANT PROGRAMS

SEC. 201. FEDERAL ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—The Attorney General shall award
grants to assist States, Indian tribal governments, and
units of local government to develop and strengthen effec-
tive law enforcement and prosecution of crimes against
children.

(b) PURPOSES.—Grants provided under this section
shall provide personnel, training, technical assistance,
data collection, and other equipment for the more wide-
spread apprehension, prosecution, and adjudication of per-
sons committing crimes against children, and specifically,
for the purposes of—

(1) training law enforcement officers, prosecu-
tors, judges, and other court personnel to more ef-
fectively identify and respond to crimes against chil-
dren;

1 (2) developing, training, or expanding units of
2 law enforcement officers, prosecutors, or courts spe-
3 cifically targeting crimes against children;

4 (3) developing and implementing more effective
5 police and prosecution policies, protocols, orders, and
6 services specifically devoted to preventing, identi-
7 fying, and responding to crimes against children;

8 (4) developing, installing, or expanding data
9 collection and communication systems, including
10 computerized systems, linking police, prosecutors,
11 and courts for the purpose of identifying and track-
12 ing arrests, prosecutions, and convictions for crimes
13 against children;

14 (5) encouraging, developing, and strengthening
15 programs, procedures, and policies that enhance
16 cross-collaboration and cross-communication between
17 law enforcement and child services agencies regard-
18 ing the care, treatment, and services for child vic-
19 tims;

20 (6) developing, enlarging, or strengthening pro-
21 grams addressing the needs and circumstances of
22 Indian tribes in dealing with crimes against children;
23 and

24 (7) developing, training, or expanding units of
25 law enforcement officers, prosecutors, or courts to

1 investigate and prosecute Internet crimes against
2 children, including increased development and train-
3 ing in the use of forensic methods.

4 (c) APPLICATION.—

5 (1) IN GENERAL.—Each State, Indian tribal
6 government, or unit of local government that desires
7 a grant under this section shall submit an applica-
8 tion to the Attorney General at such time, in such
9 manner, and accompanied by or containing such in-
10 formation as the Attorney General shall reasonably
11 require.

12 (2) REQUIREMENTS.—A State, Indian tribal
13 government, or unit of local government applying for
14 a grant under this section shall—

15 (A) describe—

16 (i) the purposes for which the grant is
17 needed;

18 (ii) the intended use of the grant
19 funds; and

20 (iii) the expected results from the use
21 of grant funds;

22 (B) demonstrate that, in developing a plan
23 to implement the grant, the State, Indian tribal
24 government, or unit of local government has
25 consulted and coordinated with nonprofit, non-

1 governmental victim services programs that
2 have experience in providing services to victims
3 of crimes against children; and

4 (C) certify that—

5 (i) any Federal funds received under
6 this section will be used to supplement, not
7 supplant, non-Federal funds that would
8 otherwise be available for activities funded
9 under this section; and

10 (ii) the State, the Indian tribal gov-
11 ernment, or the State in which the unit of
12 local government is located is in compli-
13 ance with sections 301 and 302.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$50,000,000 for each of the fiscal years 2008 through
17 2010.

18 **SEC. 202. EDUCATION, PREVENTION, AND VICTIMS' ASSIST-**
19 **ANCE GRANTS.**

20 (a) IN GENERAL.—The Attorney General shall award
21 grants to assist States, Indian tribal governments, units
22 of local government, universities, and nongovernmental or-
23 ganizations to provide education, prevention, intervention,
24 and victims' assistance services regarding crimes against
25 children.

1 (b) PURPOSES.—Grants provided under this section
2 shall be used to provide education, prevention, and inter-
3 vention services to prevent crimes against children and to
4 provide assistance to children, and the families of children,
5 who are victims of crime, including—

6 (1) educational seminars;

7 (2) the operation of hotlines;

8 (3) training programs for professionals;

9 (4) the preparation of informational material
10 for education and public awareness;

11 (5) multidisciplinary training curricula at ac-
12 credited schools of law and undergraduate institu-
13 tions in order to provide a broad and comprehensive
14 foundation for improved intervention and representa-
15 tion of abused and neglected children;

16 (6) intervention services to prevent crimes
17 against children;

18 (7) other efforts to increase awareness of the
19 facts about, or to help prevent, crimes against chil-
20 dren, including efforts to increase awareness in un-
21 derserved racial, ethnic, and language minority com-
22 munities;

23 (8) emergency medical treatment for victims;

24 (9) counseling to victims of crimes against chil-
25 dren and their families; and

1 (10) increasing the supply of mental health pro-
2 fessionals specializing in the mental health of victims
3 of crimes against children.

4 (c) APPLICATION.—

5 (1) IN GENERAL.—Each State, Indian tribal
6 government, unit of local government, or nongovern-
7 mental organization that desires a grant under this
8 section shall submit an application to the Attorney
9 General at such time, in such manner, and accom-
10 panied by or containing such information as the At-
11 torney General shall reasonably require.

12 (2) REQUIREMENTS.—A State, Indian tribal
13 government, unit of local government, or nongovern-
14 mental organization applying for a grant under this
15 section shall—

16 (A) describe—

17 (i) the purposes for which the grant is
18 needed;

19 (ii) the intended use of the grant
20 funds; and

21 (iii) the expected results from the use
22 of grant funds;

23 (B) demonstrate that, in developing a plan
24 to implement the grant—

1 (i) in the case of a State, Indian tribal
2 government, or unit of local government,
3 that the State, Indian tribal government,
4 or unit of local government has consulted
5 and coordinated with nonprofit, nongovern-
6 mental victim services programs that have
7 experience in providing services to victims
8 of crimes against children; and

9 (ii) in the case of a nongovernmental
10 organization, that the nongovernmental or-
11 ganization has experience in providing edu-
12 cation, prevention, or intervention services
13 regarding crimes against children or has
14 experience in providing services to victims
15 of crimes against children; and

16 (C) certify that—

17 (i) any Federal funds received under
18 this section will be used to supplement, not
19 supplant, non-Federal funds that would
20 otherwise be available for activities funded
21 under this section, provided that the Attor-
22 ney General may waive such requirement
23 for nongovernmental organizations in ex-
24 traordinary circumstances; and

(ii) the State, the Indian tribal government, the State in which the unit of local government is located, or the State in which the nongovernmental organization will operate the activities funded under this section is located, is in compliance with section 303.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$50,000,000 for each of the fiscal years 2008 through 2010.

TITLE III—NATIONWIDE PROGRAMS

SEC. 301. IMPROVED STATISTICAL GATHERING.

Each State receiving grants pursuant to title II shall use, or shall be in the process of testing or developing protocols to use, the National Incident-Based Reporting System.

SEC. 302. IMPROVED CHILD PROTECTION SERVICES PROGRAMS.

Not later than 180 days after the date of enactment of this Act, each State receiving an allotment for child welfare services under subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.) shall submit to the Secretary of Health and Human Services a report

1 detailing the State's program funded under that subpart,
2 including the process for maintaining records and
3 verifying the well-being of the children under the State's
4 care.

5 **SEC. 303. MODEL TRAINING AND CASELOAD STANDARDS.**

6 (a) DEVELOPMENT.—

7 (1) MODEL CURRICULUM AND TRAINING
8 STANDARDS.—The Secretary of Health and Human
9 Services, in conjunction with the Attorney General,
10 shall develop model standards for curriculum and
11 training for individuals who are guardians ad litem,
12 court appointed special advocates, or attorneys ad
13 litem, in child abuse and neglect cases (as defined in
14 section 111 of the Child Abuse Prevention and
15 Treatment Act (42 U.S.C. 5106g)). The Secretary
16 of Health and Human Services shall design the
17 standards to improve the quality of representation
18 by, and uniformity of practices of, such individuals,
19 throughout the United States.

20 (2) CASELOAD STANDARDS.—The Secretary of
21 Health and Human Services, after consulting with
22 the Attorney General, shall develop caseload stand-
23 ards for the individuals described in paragraph (1).

24 (b) DISSEMINATION.—Not later than 18 months
25 after the date of enactment of this Act, the Secretary of

1 Health and Human Services shall disseminate the stand-
 2 ards developed under paragraphs (1) and (2) of subsection
 3 (a) to State child welfare agencies receiving assistance
 4 under subpart 1 of part B of title IV of the Social Security
 5 Act (42 U.S.C. 620 et seq.).

6 **TITLE IV—MYNISHA’S LAW**

7 **SEC. 401. SHORT TITLE.**

8 This title may be cited as “Mynisha’s Law”.

9 **SEC. 402. DESIGNATION AS A HIGH INTENSITY GANG ACTIV-** 10 **ITY AREA.**

11 (a) IN GENERAL.—A unit of local government, city,
 12 county, tribal government, or a group of counties (whether
 13 located in 1 or more States) may submit an application
 14 to the Attorney General for designation as a High Inten-
 15 sity Gang Activity Area.

16 (b) CRITERIA.—

17 (1) IN GENERAL.—The Attorney General shall
 18 establish criteria for reviewing applications sub-
 19 mitted under subsection (a).

20 (2) CONSIDERATIONS.—In establishing criteria
 21 under subsection (a) and evaluating an application
 22 for designation as a High Intensity Gang Activity
 23 Area, the Attorney General shall consider—

24 (A) the current and predicted levels of
 25 gang crime activity in the area;

1 (B) the extent to which violent crime in
2 the area appears to be related to criminal gang
3 activity;

4 (C) the extent to which the area is already
5 engaged in local or regional collaboration re-
6 garding, and coordination of, gang prevention
7 activities; and

8 (D) such other criteria as the Attorney
9 General determines to be appropriate.

10 **SEC. 403. PURPOSE OF THE TASK FORCE.**

11 (a) IN GENERAL.—In order to coordinate Federal as-
12 sistance to High Intensity Gang Activity Areas, the Attor-
13 ney General shall establish an Interagency Gang Preven-
14 tion Task Force (in this title referred to as the “Task
15 Force”) in each such area, consisting of a representative
16 from—

17 (1) the Department of Justice;

18 (2) the Department of Education;

19 (3) the Department of Labor;

20 (4) the Department of Health and Human
21 Services; and

22 (5) the Department of Housing and Urban De-
23 velopment.

1 (b) COORDINATION.—For each High Intensity Gang
2 Activity Area designated by the Attorney General under
3 section 403, the Task Force shall—

- 4 (1) coordinate the activities of the Federal Gov-
5 ernment to create a comprehensive gang prevention
6 response, focusing on early childhood intervention,
7 at-risk youth intervention, literacy, employment,
8 community policing, and comprehensive community-
9 based programs such as Operation Cease Fire; and
10 (2) coordinate its efforts with local and regional
11 gang prevention efforts.

12 (c) PROGRAMS.—Each Task Force shall prioritize the
13 needs of a High Intensity Gang Activity Area for funding
14 under—

15 (1) the Child Care and Development Block
16 Grant Act of 1990 (42 U.S.C. 9858 et seq.);

17 (2) the Even Start programs under subpart 3
18 of part B of title I of the Elementary and Secondary
19 Education Act of 1965 (20 U.S.C. 6381 et seq.);

20 (3) the Healthy Start Initiative under section
21 330H of the Public Health Services Act (42 U.S.C.
22 254c–8);

23 (4) the Head Start Act (42 U.S.C. 9831 et
24 seq.);

1 (5) the 21st Century Community Learning Cen-
2 ters program under part B of title IV of the Ele-
3 mentary and Secondary Education Act of 1965 (20
4 U.S.C. 7171 et seq.);

5 (6) the Job Corps program under subtitle C of
6 title I of the Workforce Investment Act of 1998 (29
7 U.S.C. 2881 et seq.);

8 (7) the community development block grant
9 program under title I of the Housing and Commu-
10 nity Development Act of 1974 (42 U.S.C. 5301 et
11 seq.);

12 (8) the Gang Resistance Education and Train-
13 ing projects under subtitle X of title III of the Vio-
14 lent Crime Control and Law Enforcement Act of
15 1994 (42 U.S.C. 13921);

16 (9) any program administered by the Office of
17 Community Oriented Policing Services;

18 (10) the Juvenile Accountability Block Grant
19 program under part R of title I of the Omnibus
20 Crime Control and Safe Streets Act of 1968 (42
21 U.S.C. 3796ee et seq.);

22 (11) the Edward Byrne Memorial Justice As-
23 sistance Grant Program under subpart 1 of part E
24 of title I of the Omnibus Crime Control and Safe
25 Streets Act of 1968 (42 U.S.C. 3750 et seq.); and

1 (12) any other program that the Task Force
2 determines to be appropriate.

3 (d) REPORTING REQUIREMENTS.—

4 (1) ANNUAL TASK FORCE REPORTS TO AG.—
5 Not later than September 1 of each year, each Task
6 Force shall submit to the Attorney General a report
7 on the funding needs and programmatic outcomes
8 for each area designated as a High Intensity Gang
9 Activity Area.

10 (2) ANNUAL AG REPORT TO CONGRESS.—Not
11 later than December 1 of each year, the Attorney
12 General shall submit a report to the appropriate
13 committees of Congress and the Director of the Of-
14 fice of Management and Budget and the Domestic
15 Policy Council that describes, for each designated
16 High Intensity Gang Activity Area—

17 (A) the specific long-term and short-term
18 goals and objectives of each such area;

19 (B) the measurements used to evaluate the
20 performance of the High Intensity Gang Activ-
21 ity Area in achieving the long-term and short-
22 term goals described under subparagraph (A);

23 (C) the age, composition, and membership
24 of gangs in each such area;

1 (D) the number and nature of crimes com-
2 mitted by gangs and gang members in each
3 such area;

4 (E) the definition of the term “gang” used
5 to compile the information required under this
6 subsection for each such area; and

7 (F) the programmatic outcomes and fund-
8 ing need of each High Intensity Gang Activity
9 Area, including—

10 (i) an evidence-based analysis of the
11 best practices and outcomes from the work
12 of the relevant local collaborative working
13 group; and

14 (ii) an analysis of whether Federal re-
15 sources distributed meet the needs of the
16 High Intensity Gang Activity Area and, if
17 any programmatic funding shortfalls exist,
18 recommendations for programs or funding
19 to meet such shortfalls.

20 **SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated such sums
22 as are necessary to meet any needs identified by the Attor-
23 ney General or in any report submitted under section
24 403(d)(2).

TITLE V—SCHOOL SAFETY ENHANCEMENTS

SEC. 501. GRANT PROGRAM FOR SCHOOL SECURITY.

Section 2701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “Placement” and inserting “Installation”; and

(ii) by inserting “surveillance equipment,” after “detectors,”;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

“(5) Establishment of hotlines or tiplines for the reporting of potentially dangerous students and situations.”;

(2) by striking subsection (d)(1) and inserting the following:

“(1) The Federal share of the costs of a program provided by a grant under subsection (a) shall be not more than 80 percent of the total of such costs.”; and

(3) by adding at the end the following:

1 “(g) INTERAGENCY TASK FORCE.—Not later than 60
 2 days after the date of enactment of this paragraph, the
 3 Director and the Secretary of Education, or the designee
 4 of the Secretary, shall establish an interagency task force
 5 to develop and promulgate a set of advisory school safety
 6 guidelines. The advisory school safety guidelines shall be
 7 published in the Federal Register by not later than 1 year
 8 after such date of enactment. In developing the final advi-
 9 sory school safety guidelines, the interagency task force
 10 shall consult with stakeholders and interested parties, in-
 11 cluding parents, teachers, and agencies.”.

12 **SEC. 502. APPLICATIONS.**

13 Section 2702(a)(2) of the Omnibus Crime Control
 14 and Safe Streets Act of 1968 (42 U.S.C. 3797b(a)(2)) is
 15 amended to read as follows:

16 “(2) be accompanied by a report, signed by the
 17 chief education officer and the attorney general or
 18 other chief legal officer of the State, unit of local
 19 government, or Indian tribe, demonstrating that
 20 each proposed use of the grant funds will be—

21 “(A) an effective means for improving the
 22 safety of 1 or more schools;

23 “(B) consistent with a comprehensive ap-
 24 proach to preventing school violence; and

1 “(C) individualized to the needs of each
2 school at which those improvements are to be
3 made.”.

4 **SEC. 503. AUTHORIZATION OF APPROPRIATIONS.**

5 Section 2705 of the Omnibus Crime Control and Safe
6 Streets Act of 1968 (42 U.S.C. 3797e) is amended by
7 striking “\$30,000,000” and inserting “\$50,000,000”.

○