

118TH CONGRESS
1ST SESSION

S. 2448

To establish a grant to provide mental and behavioral health services and diversion programs to at-risk youth, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2023

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

A BILL

To establish a grant to provide mental and behavioral health services and diversion programs to at-risk youth, 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.**

4 This Act may be cited as the “Eliminating Debtor’s
5 Prison for Kids Act of 2023”.

6 **SEC. 2. YOUTH MENTAL HEALTH AND DIVERSION PRO-**
7 **GRAM GRANTS.**

8 (a) IN GENERAL.—Beginning not later than 180
9 days after the date of enactment of this Act, the Attorney
10 General shall carry out a program under which the Attor-

1 ney General makes grants to eligible States for the pur-
2 pose of—

3 (1) providing evidence-based and trauma-in-
4 formed mental and behavioral health services to at-
5 risk youth, including juveniles in secure detention fa-
6 cilities or secure correctional facilities in the State;
7 and

8 (2) implementing pre-adjudication and post-ad-
9 judication diversion programs for at-risk youth to
10 limit their involvement in the juvenile system.

11 (b) ELIGIBILITY.—To be eligible to receive a grant
12 under this section, a State shall—

13 (1) certify to the Attorney General that the
14 laws of the State prohibit an adjudicated youth or
15 a parent or guardian of such a youth from being or-
16 dered to pay probation supervision fees or court ad-
17 ministrative fees, including the cost of court-ap-
18 pointed attorneys or public defenders, the cost of
19 prosecution, or other administrative costs of the
20 court;

21 (2) certify to the Attorney General that the
22 laws of the State prohibit a parent or guardian of
23 an adjudicated youth from paying child support or
24 other costs for detention or post-adjudication place-
25 ment to the State; and

1 (3) submit to the Attorney General an applica-
2 tion at such time, in such manner, and containing
3 such information as the Attorney General may re-
4 quire.

5 (c) USE OF FUNDS.—A State that receives a grant
6 under this section shall use the grant—

7 (1) to provide evidence-based and trauma-in-
8 formed mental and behavioral health services to at-
9 risk youth, including juveniles in secure detention fa-
10 cilities or secure correctional facilities in the State;
11 and

12 (2) to implement pre-adjudication and post-ad-
13 judication diversion programs.

14 (d) CONTRACTS AND SUBGRANTS.—

15 (1) IN GENERAL.—A State may, in using a
16 grant under this section for purposes authorized by
17 subsection (c), use all or a portion of that grant to
18 contract with or make one or more subgrants to one
19 or more units of local government.

20 (2) USE OF FUNDS.—An entity that receives a
21 contract or a subgrant under this subsection may
22 use such funds to provide services or benefits de-
23 scribed under subsection (c).

24 (e) INFORMATION FOR REPORT.—A State that re-
25 ceives a grant under this section shall provide to an inde-

1 pendent criminal justice organization, selected by the At-
2 torney General, such information as is necessary to com-
3 plete the report described in section 3.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 \$500,000,000 for each of fiscal years 2023 through 2027.

7 **SEC. 3. NATIONAL REPORT.**

8 (a) INDEPENDENT REPORT.—Not later than 18
9 months after the date of enactment of this Act, an inde-
10 pendent criminal justice organization, selected by the At-
11 torney General, shall submit to the Committee on the Ju-
12 diciary of the Senate and the Committee on the Judiciary
13 of the House of Representatives and a national report on
14 fines and fees imposed on adults and juveniles in the
15 criminal justice system, including—

16 (1) information with respect to the monetary
17 amount of fines and fees imposed, including the
18 race, ethnicity, Tribal affiliation, and other demo-
19 graphic data of the individuals upon whom such
20 fines and fees are imposed and the rate at which in-
21 dividuals are reincarcerated within 1 year of release
22 from a secure detention facility or a secure correc-
23 tional facility;

24 (2) a description of each type of service for
25 which a fee is imposed;

1 (3) a description of each type of charge for
2 which a fine is imposed;

3 (4) a comparison of the average length of incar-
4 ceration or detention for individuals who are unable
5 to pay a fine and the average length of incarceration
6 or detention for individuals who are able to pay a
7 fine based on the amount of the fine; and

8 (5) a disclosure of the sum total of fines and
9 fees collected minus the cost to collect such sum.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section
12 \$2,000,000 for fiscal year 2023, which shall remain avail-
13 able until expended.

14 **SEC. 4. DEFINITIONS.**

15 In this Act:

16 (1) ADJUDICATED YOUTH.—The term “ adju-
17 dicated youth” means an individual—

18 (A) who has not attained the age of 21;

19 and

20 (B)(i) against whom a petition is filed for
21 the adjudication of a delinquency offense under
22 the laws of a State or the United States; or

23 (ii) who has been adjudicated delinquent
24 for a delinquency offense under the laws of a
25 State or the United States.

1 (2) AT-RISK YOUTH.—The term “at-risk youth”
2 means an individual who—

3 (A) has not attained the age of 21; and

4 (B)(i) is likely to fail academically without
5 intervention, including an individual who—

6 (I) has a high truancy rate;

7 (II) has withdrawn from school pre-
8 viously;

9 (III) is not less than 1 year behind
10 the appropriate grade level for an indi-
11 vidual of the same age; or

12 (IV) has limited English language
13 proficiency;

14 (ii) has a history of or is actively using
15 drugs or alcohol;

16 (iii) is pregnant or a parent;

17 (iv) is a gang member;

18 (v) is in contact with the juvenile justice
19 system; or

20 (vi) is homeless, has run away from home,
21 or is in foster care.

22 (3) EVIDENCE-BASED.—The term “evidence-
23 based” has the meaning given such term in section
24 103 of the Juvenile Justice and Delinquency Preven-
25 tion Act of 1974 (34 U.S.C. 11103).

1 (4) SECURE CORRECTIONAL FACILITY.—The
2 term “secure correctional facility” has the meaning
3 given such term in section 103 of the Juvenile Jus-
4 tice and Delinquency Prevention Act of 1974 (34
5 U.S.C. 11103).

6 (5) SECURE DETENTION FACILITY.—The term
7 “secure detention facility” has the meaning given
8 such term in section 103 of the Juvenile Justice and
9 Delinquency Prevention Act of 1974 (34 U.S.C.
10 11103).

11 (6) STATE.—The term “State” means any
12 State of the United States, the District of Columbia,
13 the Commonwealth of Puerto Rico, the United
14 States Virgin Islands, Guam, American Samoa, the
15 Commonwealth of the Northern Mariana Islands,
16 and any possession of the United States.

17 (7) TRAUMA-INFORMED.—The term “trauma-
18 informed” has the meaning given such term in sec-
19 tion 103 of the Juvenile Justice and Delinquency
20 Prevention Act of 1974 (34 U.S.C. 11103).

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