

tion officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism;

(16) hiring detention and corrections personnel, and establishing and maintaining training programs for such personnel to improve facility practices and programming; or

(17) establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful re-entry of juvenile offenders from State or local custody in the community.

(c) Definition

In this section the term “restorative justice program” means a program that emphasizes the moral accountability of an offender toward the victim and the affected community and may include community reparations boards, restitution (in the form of monetary payment or service to the victim or, where no victim can be identified, service to the affected community), and mediation between victim and offender.

(Pub. L. 90-351, title I, §1801, as added Pub. L. 107-273, div. C, title II, §12102(a), Nov. 2, 2002, 116 Stat. 1859; amended Pub. L. 109-162, title XI, §§1165, 1186, Jan. 5, 2006, 119 Stat. 3121, 3127.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 3796ee of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 1801 of title I of Pub. L. 90-351, as added Pub. L. 103-322, title II, §20201(a)(3), Sept. 13, 1994, 108 Stat. 1819; amended Pub. L. 105-277, div. A, §101(f) [title VIII, §405(d)(34), (f)(26)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-426, 2681-433, authorized grants for the purpose of developing alternative methods of punishment for young offenders, prior to the general amendment of part R of title I of Pub. L. 90-351 by Pub. L. 107-273.

Another prior section 1801 of Pub. L. 90-351 was renumbered section 2601 and is classified to section 10541 of this title.

AMENDMENTS

2006—Subsec. (b)(13). Pub. L. 109-162, §1186, amended par. (13) generally. Prior to amendment, par. (13) read as follows: “establishing and maintaining accountability-based programs that are designed to enhance school safety;”.

Subsec. (b)(17). Pub. L. 109-162, §1165, added par. (17).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 107-273, div. C, title II, §12102(b), Nov. 2, 2002, 116 Stat. 1869, provided that: “The amendments made by subsection (a) [enacting this subchapter] shall take effect on the first day of the first fiscal year that begins after the date of enactment of this Act [Nov. 2, 2002].”

§ 10402. Tribal grant program authorized

(a) In general

From the amount reserved under section 1810(b),¹ the Attorney General shall make grants

to Indian tribes for programs to strengthen tribal juvenile justice systems and to hold tribal youth accountable.

(b) Eligibility

Indian tribes, as defined by section 5130 of title 25, or a consortia of such tribes, shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require. Only tribes that carry out tribal juvenile justice functions shall be eligible to receive a grant under this section.

(c) Awards

The Attorney General shall award grants under this section on a competitive basis.

(d) Guidelines

The Attorney General shall issue guidelines establishing application, use, and award criteria and processes consistent with the purposes and requirements of this Act.

(Pub. L. 90-351, title I, §1801A, as added Pub. L. 107-273, div. C, title II, §12102(a), Nov. 2, 2002, 116 Stat. 1861.)

Editorial Notes

REFERENCES IN TEXT

Section 1810(b), referred to in subsec. (a), is section 1810(b) of title I of Pub. L. 90-351, as added by Pub. L. 107-273, div. C, title II, §12102(a), Nov. 2, 2002, 116 Stat. 1868, which was classified to section 3796ee-10 of Title 42, The Public Health and Welfare, and was omitted from the Code as obsolete.

This Act, referred to in subsec. (d), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197, known as the Omnibus Crime Control and Safe Streets Act of 1968. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 3796ee-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 10403. Grant eligibility

(a) State eligibility

To be eligible to receive a grant under this subchapter, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by guidelines, including—

(1) information about—

(A) the activities proposed to be carried out with such grant; and

(B) the criteria by which the State proposes to assess the effectiveness of such activities on achieving the purposes of this subchapter, including the extent to which evidence-based approaches are utilized; and

(2) assurances that the State and any unit of local government to which the State provides funding under section 10404(b) of this title, has in effect (or shall have in effect, not later than 1 year after the date that the State submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the State submits such application) policies and programs, that provide for a

¹ See References in Text note below.

system of graduated sanctions described in subsection (d).

(b) Local eligibility

(1) Subgrant eligibility

To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide to the State—

(A) information about—

(i) the activities proposed to be carried out with such subgrant; and

(ii) the criteria by which the unit proposes to assess the effectiveness of such activities on achieving the purposes of this subchapter, including the extent to which evidence-based approaches are utilized; and

(B) such assurances as the State shall require, that, to the maximum extent applicable, the unit of local government has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (d).

(2) Special rule

The requirements of paragraph (1) shall apply to a specially qualified unit that receives funds from the Attorney General under section 10404(e) of this title, except that information that is otherwise required to be submitted to the State shall be submitted to the Attorney General.

(c) Role of courts

In the development of the grant application, the States and units of local governments shall take into consideration the needs of the judicial branch in strengthening the juvenile justice system and specifically seek the advice of the chief of the highest court of the State and where appropriate, the chief judge of the local court, with respect to the application.

(d) Graduated sanctions

A system of graduated sanctions, which may be discretionary as provided in subsection (e), shall ensure, at a minimum, that—

(1) sanctions are imposed on a juvenile offender for each delinquent offense;

(2) sanctions escalate in intensity with each subsequent, more serious delinquent offense;

(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and

(4) appropriate consideration is given to public safety and victims of crime.

(e) Discretionary use of sanctions

(1) Voluntary participation

A State or unit of local government may be eligible to receive a grant under this subchapter if—

(A) its system of graduated sanctions is discretionary; and

(B) it demonstrates that it has promoted the use of a system of graduated sanctions by taking steps to encourage implementation of such a system by juvenile courts.

(2) Reporting requirement if graduated sanctions not used

(A) Juvenile courts

A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—

(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in all cases, to submit an annual report that explains why such court did not impose graduated sanctions in all cases.

(B) Units of local government

Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.

(C) States

Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).

(f) Definitions

In this section:

(1) Discretionary

The term “discretionary” means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

(2) Sanctions

The term “sanctions” means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

(Pub. L. 90-351, title I, §1802, as added Pub. L. 107-273, div. C, title II, §12102(a), Nov. 2, 2002, 116 Stat. 1861; amended Pub. L. 109-162, title XI, §1168(a), formerly §1168, Jan. 5, 2006, 119 Stat. 3122, renumbered §1168(a), Pub. L. 109-271, §8(n)(5)(A), Aug. 12, 2006, 120 Stat. 768.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 3796ee-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 1802 of title I of Pub. L. 90-351, as added Pub. L. 103-322, title II, §20201(a)(3), Sept. 13, 1994, 108 Stat. 1820, and classified to former section 3796ee-1

of Title 42, The Public Health and Welfare, related to State applications for grants, prior to the general amendment of part R of title I of Pub. L. 90-351 by Pub. L. 107-273.

AMENDMENTS

2006—Subsecs. (a)(1)(B), (b)(1)(A)(ii). Pub. L. 109-162, §1168(a), formerly §1168, as renumbered by Pub. L. 109-271, inserted “, including the extent to which evidence-based approaches are utilized” after “subchapter”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-162, title XI, §1168(b), as added by Pub. L. 109-271, §8(n)(5)(B), Aug. 12, 2006, 120 Stat. 768, provided that: “The amendments made by this section [amending this section] shall take effect on October 1, 2006.”

§ 10404. Allocation and distribution of funds

(a) State allocation

(1) In general

In accordance with regulations promulgated pursuant to this subchapter and except as provided in paragraph (3), the Attorney General shall allocate—

(A) 0.50 percent for each State; and

(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

(2) Prohibition

No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

(b) Local distribution

(1) In general

Except as provided in paragraph (2), each State which receives funds under subsection (a)(1) in a fiscal year shall distribute among units of local government, for the purposes specified in section 10401 of this title, not less than 75 percent of such amounts received.

(2) Waiver

If a State submits to the Attorney General an application for waiver that demonstrates and certifies to the Attorney General that—

(A) the State’s juvenile justice expenditures in the fiscal year preceding the date in which an application is submitted under this subchapter (the “State percentage”) is more than 25 percent of the aggregate amount of juvenile justice expenditures by the State and its eligible units of local government; and

(B) the State has consulted with as many units of local government in such State, or organizations representing such units, as practicable regarding the State’s calculation

of expenditures under subparagraph (A), the State’s application for waiver under this paragraph, and the State’s proposed uses of funds.

(3) Allocation

In making the distribution under paragraph (1), the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

(A) the sum of—

(i) the product of—

(I) three-quarters; multiplied by

(II) the average juvenile justice expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

(ii) the product of—

(I) one-quarter; multiplied by

(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

(4) Expenditures

The allocation any unit of local government shall receive under paragraph (3) for a payment period shall not exceed 100 percent of juvenile justice expenditures of the unit for such payment period.

(5) Reallocation

The amount of any unit of local government’s allocation that is not available to such unit by operation of paragraph (4) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

(c) Unavailability of data for units of local government

If the State has reason to believe that the reported rate of part 1 violent crimes or juvenile justice expenditures for a unit of local government is insufficient or inaccurate, the State shall—

(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

(2) if necessary, use the best available comparable data regarding the number of violent crimes or juvenile justice expenditures for the relevant years for the unit of local government.

(d) Local government with allocations less than \$10,000

If under this section a unit of local government is allocated less than \$10,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this subchapter.

(e) Direct grants to specially qualified units

(1) In general

If a State does not qualify or apply for funds reserved for allocation under subsection (a) by