

104TH CONGRESS
2D SESSION

H. R. 3565

To amend title 18, United States Code, with respect to juvenile offenders,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 1996

Mr. MCCOLLUM (for himself, Mr. HYDE, Mr. CUNNINGHAM, Mr. COBLE, Mr. BUYER, Mr. HEINEMAN, and Mr. BRYANT of Tennessee) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Economic and Educational Opportunities, 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 amend title 18, United States Code, with respect to
juvenile offenders, 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 “Violent Youth Predator
5 Act of 1996”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Today, no population poses a larger threat
2 to public safety than young adult criminals.

3 (2) While overall crime rates have decreased
4 modestly between 1992 and 1995, this general de-
5 cline masks an unprecedented surge of youth vio-
6 lence that has only begun to gather momentum.
7 Homicides by youths under 17 years of age tripled
8 between 1984 and 1994.

9 (3) Teenagers account for the largest portion of
10 all violent crime in the United States. Offenders
11 under the age of 21 commit more than $\frac{1}{4}$ of all vio-
12 lent crime.

13 (4) The number of juveniles arrested for weap-
14 ons offenses has more than doubled in the last 10
15 years. Almost $\frac{1}{4}$ of those arrested for weapons of-
16 fenses in 1993 were under the age of 18.

17 (5) The dramatic increase in youth crime over
18 the past decade occurred while the youth population
19 was declining. In contrast, this nation will soon have
20 more teenagers than it has had in decades. Today's
21 enormous cohort of children under 10 years of age
22 will be tomorrow's teenagers. By the year 2010, the
23 number of juveniles is expected to increase 30 per-
24 cent.

1 (6) Youth drug use is taking a sharp turn for
2 the worse; marijuana use by teenagers has nearly
3 doubled in the last 4 years.

4 (7) If national trends continue as they have
5 over the past 10 years, juvenile arrests for violent
6 crime will more than double by the year 2010. The
7 number of juveniles arrested for murder are ex-
8 pected to increase 145 percent over the 1992 level;
9 forcible rape arrests to increase by 66 percent; and
10 aggravated assault arrests by 129 percent.

11 (8) The challenges faced by law enforcement
12 will be unparalleled as the United States enters the
13 next century. The criminal justice system is simply
14 not prepared to face tomorrow's wave of violent
15 young people. Revolving door justice and the failure
16 to hold criminals accountable for their crimes contin-
17 ues to plague the justice system, and particularly the
18 juvenile justice system.

19 (9) Only by taking decisive action now can
20 America prevent this wave of young people from
21 committing unprecedented numbers of violent crime.

1 **TITLE I—FEDERAL PROSECU-**
2 **TION OF SERIOUS VIOLENT**
3 **JUVENILES**

4 **SEC. 101. DELINQUENCY PROCEEDINGS OR CRIMINAL**
5 **PROSECUTIONS IN DISTRICT COURTS.**

6 Section 5032 of title 18, United States Code, is
7 amended to read as follows:

8 **“§ 5032. Delinquency proceedings or criminal pros-**
9 **ecutions in district courts**

10 “(a)(1) A juvenile alleged to have committed an of-
11 fense against the United States or an act of juvenile delin-
12 quency may be surrendered to State authorities, but if not
13 so surrendered, shall be proceeded against as a juvenile
14 under this subsection or tried as an adult in the cir-
15 cumstances described in subsections (b) and (c).

16 “(2) A juvenile may be proceeded against as a juve-
17 nile in a court of the United States under this subsection
18 if the Attorney General, after investigation, certifies to the
19 appropriate United States district court that—

20 “(A) the juvenile court or other appropriate
21 court of a State does not have jurisdiction or de-
22 clines to assume jurisdiction over the juvenile with
23 respect to the alleged act of juvenile delinquency,
24 and

1 “(B) there is a substantial Federal interest in
2 the case or the offense to warrant the exercise of
3 Federal jurisdiction.

4 “(3) If the Attorney General does not so certify and
5 does not have authority to try such juvenile as an adult,
6 such juvenile shall be surrendered to the appropriate legal
7 authorities of such State.

8 “(4) If a juvenile alleged to have committed an act
9 of juvenile delinquency is proceeded against as a juvenile
10 under this section, any proceedings against the juvenile
11 shall be in an appropriate district court of the United
12 States. For such purposes, the court may be convened at
13 any time and place within the district, in chambers or oth-
14 erwise. The Attorney General shall proceed by information
15 or as authorized by section 3401(g) of this title, and no
16 criminal prosecution shall be instituted except as provided
17 in this chapter.

18 “(b) A juvenile shall be prosecuted as an adult—

19 “(1) if the juvenile has requested in writing
20 upon advice of counsel to be prosecuted as an adult;
21 or

22 “(2) if the juvenile is alleged to have committed
23 an act after the juvenile attains the age of 14 years
24 which if committed by an adult would be a serious
25 crime of violence or an offense described in section

1 408 of the Controlled Substances Act (21 U.S.C.
2 848) or a conspiracy or attempt to commit that of-
3 fense which is punishable under section 406 of the
4 Controlled Substances Act (21 U.S.C. 846).

5 “(c)(1) A juvenile may also be prosecuted as an adult
6 if the juvenile is alleged to have committed an act after
7 the juvenile has attained the age of 13 years which if com-
8 mitted by an adult would be a felony under Federal law,
9 upon approval of the Attorney General or the Attorney
10 General’s designee.

11 “(2) Any such designee shall be at a level not lower
12 than a Deputy Assistant Attorney General.

13 “(3) Such approval shall not be granted, with respect
14 to such a juvenile who is subject to the criminal jurisdic-
15 tion of an Indian tribal government and who is alleged
16 to have committed an act over which, if committed by an
17 adult, there would be Federal jurisdiction based solely on
18 its commission in Indian country (as defined in section
19 1151), unless the governing body of the tribe having juris-
20 diction over the place in which the alleged act was commit-
21 ted has before such act notified the Attorney General in
22 writing of its election that prosecution may take place
23 under this subsection.

1 “(d) A determination to approve or not to approve,
2 or to institute or not to institute, a prosecution under sub-
3 section (b) or (c) shall not be reviewable in any court.

4 “(e) In a prosecution under subsection (b) or (c),
5 other than one described in subsection (b)(2), the juvenile
6 may be prosecuted and convicted as an adult for any other
7 offense which is properly joined under the Federal Rules
8 of Criminal Procedure, and may also be convicted of a
9 lesser included offense.

10 “(f) As used in this section—

11 “(1) the term ‘State’ includes a State of the
12 United States, the District of Columbia, any com-
13 monwealth, territory, or possession of the United
14 States and, with regard to an act of juvenile delin-
15 quency that would have been a misdemeanor if com-
16 mitted by an adult, a federally recognized tribe; and

17 “(2) the term ‘serious violent crime’ means a
18 Federal offense described in section
19 3559(e)(2)(F)(i).”.

20 **SEC. 102. CUSTODY PRIOR TO APPEARANCE BEFORE JUDI-**
21 **CIAL OFFICER.**

22 Section 5033 of title 18, United States Code, is
23 amended to read as follows:

1 **“§ 5033. Custody prior to appearance before judicial**
2 **officer**

3 “(a) Whenever a juvenile is taken into custody, the
4 arresting officer shall immediately advise such juvenile of
5 the juvenile’s rights, in language comprehensible to a juve-
6 nile. The arresting officer shall promptly take reasonable
7 steps to notify the juvenile’s parents, guardian, or custo-
8 dian of such custody, of the rights of the juvenile, and
9 of the nature of the alleged offense.

10 “(b) The juvenile shall be taken before a judicial offi-
11 cer without unreasonable delay.”.

12 **SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS TO**
13 **SECTION 5034.**

14 Section 5034 of title 18, United States Code, is
15 amended—

16 (1) by striking “The” each place it appears at
17 the beginning of a paragraph and inserting “the”;

18 (2) by striking “If” at the beginning of the 3rd
19 paragraph and inserting “if”;

20 (3) by designating the 3 paragraphs as para-
21 graphs (1), (2), and (3), respectively; and

22 (4) by inserting at the beginning of such section
23 before those paragraphs the following: “In a pro-
24 ceeding under section 5032(a)—”.

1 **SEC. 104. DETENTION PRIOR TO DISPOSITION OR SENTENC-**
2 **ING.**

3 Section 5035 of title 18, United States Code, is
4 amended to read as follows:

5 **“§ 5035. Detention prior to disposition or sentencing**

6 “(a)(1) A juvenile prosecuted pursuant to subsection
7 (b) of section 5032, or a juvenile 15 years of age or older
8 prosecuted pursuant to subsection (c) of such section, if
9 detained at any time prior to sentencing, shall be detained
10 in such suitable place as the Attorney General may des-
11 ignate. Preference shall be given to a place located within,
12 or within a reasonable distance of, the district in which
13 the juvenile is being prosecuted.

14 “(2) A juvenile less than 15 years of age prosecuted
15 pursuant to subsection (c) of section 5032, if detained at
16 any time prior to sentencing, shall be detained in a suit-
17 able juvenile facility located within, or within a reasonable
18 distance of, the district in which the juvenile is being pros-
19 ecuted. If such a facility is not available, such a juvenile
20 may be detained in any other suitable facility located with-
21 in, or within a reasonable distance of, such district. If no
22 such facility is available, such a juvenile may be detained
23 in any other suitable place as the Attorney General may
24 designate.

25 “(3) To the maximum extent feasible, a juvenile less
26 than 15 years of age prosecuted pursuant to subsection

1 (c) of section 5032 shall not be detained prior to sentenc-
2 ing in any facility in which the juvenile has regular contact
3 with adult persons convicted of a crime or awaiting trial
4 on criminal charges.

5 “(b) A juvenile proceeded against under section
6 5032(a) shall not be detained prior to disposition in any
7 facility in which the juvenile has regular contact with adult
8 persons convicted of a crime or awaiting trial on criminal
9 charges.

10 “(c) Every juvenile who is detained prior to dispo-
11 sition or sentencing shall be provided with reasonable safety
12 and security and with adequate food, heat, light, sanitary
13 facilities, bedding, clothing, recreation, education, and
14 medical care, including necessary psychiatric, psycho-
15 logical, or other care and treatment.”.

16 **SEC. 105. SPEEDY TRIAL.**

17 Section 5036 of title 18, United States Code, is
18 amended by—

19 (1) striking “If an alleged delinquent” and in-
20 sserting “If a juvenile proceeded against under sec-
21 tion 5032(a)”;

22 (2) striking “thirty” and inserting “45”; and

23 (3) striking “the court,” and all that follows
24 through the end of the section and inserting “the

1 court. The periods of exclusion under section
2 3161(h) of this title shall apply to this section.”.

3 **SEC. 106. DISPOSITION; AVAILABILITY OF INCREASED DE-**
4 **TENTION, FINES AND SUPERVISED RELEASE**
5 **FOR JUVENILE OFFENDERS.**

6 (a) DISPOSITION.—Section 5037 of title 18, United
7 States Code, is amended to read as follows:

8 **“§ 5037. Disposition**

9 “(a) In a proceeding under section 5032(a), if the
10 court finds a juvenile to be a juvenile delinquent, the court
11 shall hold a hearing concerning the appropriate disposition
12 of the juvenile no later than 40 court days after the find-
13 ing of juvenile delinquency, unless the court has ordered
14 further study pursuant to subsection (e). A predisposition
15 report shall be prepared by the probation officer who shall
16 promptly provide a copy to the juvenile, the juvenile’s
17 counsel, and the attorney for the Government. Victim im-
18 pact information shall be included in the report, and vic-
19 tims, or in appropriate cases their official representatives,
20 shall be provided the opportunity to make a statement to
21 the court in person or present any information in relation
22 to the disposition. After the dispositional hearing, and
23 after considering possible sanctions established pursuant
24 to subsection (f), the court shall impose an appropriate
25 sanction, including the ordering of restitution pursuant to

1 section 3556 of this title. With respect to release or deten-
2 tion pending an appeal or a petition for a writ of certiorari
3 after disposition, the court shall proceed pursuant to the
4 provisions of chapter 207.

5 “(b) The term for which probation may be ordered
6 for a juvenile found to be a juvenile delinquent may not
7 extend beyond the maximum term that would be author-
8 ized by section 3561(c) if the juvenile had been tried and
9 convicted as an adult. Sections 3563, 3564, and 3565 are
10 applicable to an order placing a juvenile on probation.

11 “(c) The term for which official detention may be or-
12 dered for a juvenile found to be a juvenile delinquent may
13 not extend beyond the lesser of—

14 “(1) the maximum term of imprisonment that
15 would be authorized if the juvenile had been tried
16 and convicted as an adult;

17 “(2) ten years; or

18 “(3) the date when the juvenile becomes twen-
19 ty-six years old.

20 Section 3624 is applicable to an order placing a juvenile
21 in detention.

22 “(d) The term for which supervised release may be
23 ordered for a juvenile found to be a juvenile delinquent
24 may not extend beyond 5 years. Subsections (c) through

1 (i) of sections 3583 apply to an order placing a juvenile
2 on supervised release.

3 “(e) If the court desires more detailed information
4 concerning a juvenile alleged to have committed an act of
5 juvenile delinquency or a juvenile adjudicated delinquent,
6 it may commit the juvenile, after notice and hearing at
7 which the juvenile is represented by counsel, to the custody
8 of the Attorney General for observation and study by an
9 appropriate agency or entity. Such observation and study
10 shall be conducted on an outpatient basis, unless the court
11 determines that inpatient observation and study are nec-
12 essary to obtain the desired information. In the case of
13 an alleged juvenile delinquent, inpatient study may be or-
14 dered only with the consent of the juvenile and the juve-
15 nile’s attorney. The agency or entity shall make a study
16 of all matters relevant to the alleged or adjudicated delin-
17 quent behavior and the court’s inquiry. The Attorney Gen-
18 eral shall submit to the court and the attorneys for the
19 juvenile and the Government the results of the study with-
20 in 30 days after the commitment of the juvenile, unless
21 the court grants additional time. Time spent in custody
22 under this subsection shall be excluded for purposes of sec-
23 tion 5036.

24 “(f) The Attorney General shall develop a list of pos-
25 sible sanctions for juveniles adjudicated delinquent. Such

1 list shall be comprehensive in nature and encompass pun-
2 ishments of varying levels of severity.”.

3 (b) EFFECTIVE DATE.—The Attorney General shall
4 develop the list required pursuant to section 5037(f), as
5 amended by subsection (a), not later than 180 days after
6 the date of the enactment of this Act.

7 **SEC. 107. JUVENILE RECORDS AND FINGERPRINTING.**

8 Section 5038 of title 18, United States Code, is
9 amended to read as follows:

10 **“§ 5038. Juvenile records and fingerprinting**

11 “(a)(1) Throughout and upon the completion of the
12 juvenile delinquency proceeding under section 5032(a), the
13 court shall keep a record relating to the arrest and adju-
14 dication that is—

15 “(A) equivalent to the record that would be
16 kept of an adult arrest and conviction for such an
17 offense; and

18 “(B) retained for a period of time that is equal
19 to the period of time records are kept for adult con-
20 victions.

21 “(2) Such records shall be made available for official
22 purposes, including communications with any victim or
23 school officials, and to the public to the same extent as
24 court records regarding the criminal prosecutions of adults
25 are available.

1 “(b) The Attorney General shall establish guidelines
2 for fingerprinting and photographing a juvenile who is the
3 subject of any proceeding authorized under this chapter.
4 Such guidelines shall address the availability of pictures
5 of any juvenile taken into custody but not prosecuted as
6 an adult. Fingerprints and photographs of a juvenile who
7 is prosecuted as an adult shall be made available in the
8 manner applicable to adult offenders.

9 “(c) Whenever a juvenile has been adjudicated delin-
10 quent, the court shall transmit to the Federal Bureau of
11 Investigation, Identification Division, the information con-
12 cerning the adjudications, including name, date of adju-
13 dication, court, offenses, and sentence, along with the no-
14 tation that the matters were juvenile adjudications.

15 “(d) In addition to any other authorization under this
16 section for the reporting, retention, disclosure, or avail-
17 ability of records or information, if the law of the State
18 in which a Federal juvenile delinquency proceeding takes
19 place permits or requires the reporting, retention, disclo-
20 sure, or availability of records or information relating to
21 a juvenile or to a juvenile delinquency proceeding or adju-
22 dication in certain circumstances, then such reporting, re-
23 tention, disclosure, or availability is permitted under this
24 section whenever the same circumstances exist.”.

1 **SEC. 108. RESTRICTION ON COMMITMENT.**

2 Section 5039 of title 18, United States Code, is
3 amended to read as follows:

4 **“§ 5039. Commitment**

5 “(a) The Attorney General shall not cause any juve-
6 nile less than 19 years of age adjudicated delinquent under
7 section 5032(a) to be placed or retained in an adult jail
8 or correctional facility in which the juvenile has regular
9 contact with adults incarcerated because they have been
10 convicted of a crime or are awaiting trial on criminal
11 charges, except for placement in a community-based facil-
12 ity.

13 “(b) Every juvenile adjudicated delinquent who has
14 been committed shall be provided with reasonable safety
15 and security and with adequate food, heat, light, sanitary
16 facilities, bedding, clothing, recreation, counseling, edu-
17 cation, training, and medical care including necessary psy-
18 chiatric, psychological, or other care and treatment.”.

19 **SEC. 109. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND**
20 **5034.**

21 (a) SECTION 5031.—Sections 5031 and 5034 of title
22 18, United States Code, are each amended by striking
23 “his” each place it appears and inserting “the juvenile’s”.

24 (b) SECTION 5034.—Section 5034 of title 18, United
25 States Code, is amended—

1 (1) in the heading of such section, by striking
 2 “magistrate” and inserting “judicial officer”; and
 3 (2) by striking “magistrate” each place it ap-
 4 pears and inserting “judicial officer”.

5 **SEC. 110. SERIOUS JUVENILE DELINQUENCY DRUG TRAF-**
 6 **FICKING ADJUDICATIONS AS ARMED CAREER**
 7 **CRIMINAL ACT PREDICATES.**

8 Section 924(e)(2)(A) of title 18, United States Code,
 9 is amended—

- 10 (1) by striking “or” at the end of clause (i);
 11 (2) by inserting “or” at the end of clause (ii);
 12 and
 13 (3) by adding at the end the following:
 14 “(iii) any act of juvenile delinquency
 15 that if committed by an adult would be a
 16 serious drug offense described in this para-
 17 graph;”.

18 **SEC. 111. CLERICAL AMENDMENTS TO TABLE OF SECTIONS**
 19 **FOR CHAPTER.**

20 The table of sections at the beginning of chapter 403
 21 of title 18, United States Code, is amended to read as
 22 follows:

23 **“CHAPTER 403—JUVENILE DELINQUENCY**

“Sec.

“5031. Definitions.

“5032. Delinquency proceedings or criminal prosecutions in district courts.

“5033. Custody prior to appearance before judicial officer.

“5034. Duties of judicial officer.

“5035. Detention prior to disposition or sentencing.

“5036. Speedy trial.

“5037. Disposition.

“5038. Juvenile records and fingerprints.

“5039. Commitment.

“5040. Support.

“5041. Repealed.

“5042. Revocation of probation.”.

1 **TITLE II—MANDATORY MINI-**
 2 **MUM SENTENCES FOR ARMED**
 3 **VIOLENT PREDATORS**

4 **SEC. 201. MANDATORY PRISON TERMS FOR POSSESSING,**
 5 **BRANDISHING, OR DISCHARGING A FIREARM**
 6 **OR DESTRUCTIVE DEVICE DURING A FED-**
 7 **ERAL CRIME THAT IS A CRIME OF VIOLENCE**
 8 **OR A DRUG TRAFFICKING CRIME.**

9 Section 924(e) of title 18, United States Code, is
 10 amended—

11 (1) by redesignating paragraphs (2) and (3) as
 12 paragraphs (4) and (5), respectively; and

13 (2) by striking paragraph (1) and inserting the
 14 following:

15 “(1) A person who, during and in relation to any
 16 crime of violence or drug trafficking crime (including a
 17 crime of violence or drug trafficking crime which provides
 18 for an enhanced punishment if committed by the use of
 19 a deadly or dangerous weapon or device) for which the
 20 person may be prosecuted in a court of the United
 21 States—

1 “(A) possesses a firearm, shall, in addition to
2 the sentence imposed for the crime of violence or
3 drug trafficking crime, be sentenced to imprison-
4 ment for 5 years;

5 “(B) brandishes a firearm, shall, in addition to
6 the sentence imposed for the crime of violence or
7 drug trafficking crime, be sentenced to imprison-
8 ment for 10 years; or

9 “(C) discharges a firearm with the intent to in-
10 jure another person, shall, in addition to the sen-
11 tence imposed for the crime of violence or drug traf-
12 ficking crime, be sentenced to imprisonment for 20
13 years;

14 except that if the firearm is a short-barreled rifle or short-
15 barreled shotgun, or is equipped with a large capacity am-
16 munition feeding device, such additional sentence shall be
17 imprisonment for 10 years more than the term of impris-
18 onment that would otherwise be imposed under this para-
19 graph, and if the firearm is a machinegun or destructive
20 device or is equipped with a firearm silencer or firearm
21 muffler, such additional sentence shall be imprisonment
22 for 30 years.

23 “(2) In the case of the second or subsequent convic-
24 tion of a person under this subsection—

1 “(A) if the person possessed a firearm during
2 and in relation to such second or subsequent crime
3 of violence or drug trafficking crime, the person
4 shall, in addition to the sentence imposed for such
5 second or subsequent offense, be sentenced to im-
6 prisonment for not less than 20 years;

7 “(B) if the person brandished a firearm during
8 and in relation to such second or subsequent crime
9 of violence or drug trafficking crime, the person
10 shall, in addition to the sentence imposed for such
11 second or subsequent offense, be sentenced to im-
12 prisonment for not less than 25 years; or

13 “(C) if the person discharged a firearm with
14 the intent to injure another person during and in re-
15 lation to such second or subsequent crime of violence
16 or drug trafficking crime, the person shall, in addi-
17 tion to the sentence imposed for such second or sub-
18 sequent offense, be sentenced to imprisonment for
19 not less than 30 years;

20 except that if the firearm is a machinegun or destructive
21 device or is equipped with a firearm silencer or firearm
22 muffler, the person shall, in addition to the sentence im-
23 posed for such second or subsequent offense, be sentenced
24 to life imprisonment.

1 “(3)(A) Notwithstanding any other provision of law,
2 the court shall not impose a probationary sentence on any
3 person convicted of a violation of this subsection, nor shall
4 a term of imprisonment imposed under this subsection run
5 concurrently with any other term of imprisonment includ-
6 ing that imposed for the crime of violence or drug traffick-
7 ing crime in which the firearm was used.

8 “(B) No person sentenced under this subsection shall
9 be released for any reason whatsoever during a term of
10 imprisonment imposed under this subsection.”.

11 **TITLE III—ARMED VIOLENT**
12 **YOUTH PREDATOR APPRE-**
13 **HENSION DIRECTIVE**

14 **SEC. 301. ARMED VIOLENT YOUTH PREDATOR APPREHEN-**
15 **SION DIRECTIVE.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of the enactment of this Act, the Attorney General
18 of the United States shall establish an armed violent youth
19 predator apprehension program consistent with the follow-
20 ing requirements:

21 (1) Each United States attorney shall designate
22 at least 1 assistant United States attorney to pros-
23 ecute armed violent youth predators.

24 (2) Each United States attorney shall establish
25 an armed youth predator criminal apprehension task

1 force comprised of appropriate law enforcement rep-
2 resentatives. The task force shall develop strategies
3 for removing armed violent youth predators from the
4 streets, taking into consideration—

5 (A) the importance of severe punishment
6 in deterring armed violent youth crime;

7 (B) the effectiveness of Federal and State
8 laws pertaining to apprehension and prosecu-
9 tion of armed violent youth predators;

10 (C) the resources available to each law en-
11 forcement agency participating in the task
12 force;

13 (D) the nature and extent of the violent
14 youth crime occurring in the district for which
15 the United States attorney is appointed; and

16 (E) the principle of limited Federal in-
17 volvement in the prosecution of crimes tradi-
18 tionally prosecuted in State and local jurisdic-
19 tions.

20 (3) Not less frequently than monthly, the Attor-
21 ney General shall require each United States attor-
22 ney to report to the Department of Justice the num-
23 ber of youths charged with, or convicted of, violating
24 section 922(g) or 924 of title 18, United States

1 Code, in the district for which the United States at-
2 torney is appointed.

3 (4) Not less frequently than twice annually, the
4 Attorney General shall submit to the Congress a
5 compilation of the information received by the De-
6 partment of Justice pursuant to paragraph (3) and
7 a report on all waivers granted under subsection (b).

8 (b) WAIVER AUTHORITY.—

9 (1) REQUEST FOR WAIVER.—A United States
10 attorney may request the Attorney General to waive
11 the requirements of subsection (a) with respect to
12 the United States attorney.

13 (2) PROVISION OF WAIVER.—The Attorney
14 General may waive the requirements of subsection
15 (a) pursuant to a request made under paragraph
16 (1), in accordance with guidelines which shall be es-
17 tablished by the Attorney General. In establishing
18 the guidelines, the Attorney General shall take into
19 consideration the number of assistant United States
20 attorneys in the office of the United States attorney
21 making the request and the level of violent youth
22 crime committed in the district for which the United
23 States attorney is appointed.

24 (c) ARMED VIOLENT YOUTH PREDATOR DEFINED.—

25 As used in this section, the term “armed violent youth

1 predator” means a person who has not attained 18 years
2 of age and is accused of violating—

3 (1) section 922(g)(1) of title 18, United States
4 Code, having been previously convicted of—

5 (A) a violent crime; or

6 (B) conduct that would have been a violent
7 crime had the person been an adult; or

8 (2) section 924 of such title.

9 (d) SUNSET.—This section shall have no force or ef-
10 fect after the 5-year period that begins 180 days after the
11 date of the enactment of this Act.

12 **TITLE IV—BLOCK GRANTS AND**
13 **INCENTIVE GRANTS FOR AC-**
14 **COUNTABILITY-BASED RE-**
15 **FORMS**

16 **SEC. 401. FINDINGS AND PURPOSE.**

17 (a) FINDINGS.—Section 101 of the Juvenile Justice
18 and Delinquency Prevention Act of 1974 (42 U.S.C. 5601)
19 is amended—

20 (1) by striking subsection (a), and

21 (2) in subsection (b)—

22 (A) by striking “(b)”, and

23 (B) by striking “Federal Government” and
24 inserting “Federal, State, and local govern-
25 ments”.

1 (b) PURPOSE.—Section 102 of the Juvenile Justice
2 and Delinquency Prevention Act of 1974 (42 U.S.C. 5602)
3 is amended to read as follows:

4 **“SEC. 102. PURPOSES.**

5 “The purposes of this title and title II are—

6 “(1) to assist State and local governments in
7 promoting public safety by supporting juvenile delin-
8 quency prevention and control activities;

9 “(2) to encourage and promote programs de-
10 signed to keep in school juvenile delinquents expelled
11 or suspended for disciplinary reasons;

12 “(3) to assist State and local governments in
13 promoting public safety by encouraging accountabil-
14 ity through the imposition of meaningful sanctions
15 for acts of juvenile delinquency;

16 “(4) to assist State and local governments in
17 promoting public safety by improving the extent, ac-
18 curacy, availability and usefulness of juvenile court
19 and law enforcement records and the openness of
20 the juvenile justice system;

21 “(5) to assist State and local governments in
22 promoting public safety by encouraging the identi-
23 fication of violent and hard-core juveniles and trans-
24 ferring such juveniles out of the jurisdiction of the

1 juvenile justice system and into the jurisdiction of
2 adult criminal court;

3 “(6) to assist State and local governments in
4 promoting public safety by providing resources to
5 States to build or expand juvenile detention facili-
6 ties;

7 “(7) to provide for the evaluation of federally
8 assisted juvenile crime control programs, and train-
9 ing necessary for the establishment and operation of
10 such programs; and

11 “(8) to ensure the dissemination of information
12 regarding juvenile crime control programs by provid-
13 ing a national clearinghouse.”.

14 **SEC. 402. DEFINITIONS.**

15 Section 103 of the Juvenile Justice and Delinquency
16 Prevention Act of 1974 (42 U.S.C. 5603) is amended—

17 (1) in paragraph (22)(iii) by striking “and” at
18 the end;

19 (2) in paragraph (23) by striking the period at
20 the end and inserting a semicolon,

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

22 “(24) the term ‘serious violent crime’ means—

23 “(A) murder or nonnegligent man-
24 slaughter, forcible rape, or robbery, or

1 “(B) aggravated assault committed with
2 the use of a firearm; and

3 “(25) the term ‘serious habitual offender’
4 means a juvenile who meets one or more of the fol-
5 lowing criteria:

6 “(A) Arrest for a capital, life, or first de-
7 gree aggravated sexual offense.

8 “(B) Not less than 5 arrests, with 3 ar-
9 rests chargeable as felonies and at least 3 ar-
10 rests occurring within the preceding 12 months.

11 “(C) Not less than 10 arrests, with 2 ar-
12 rests chargeable as felonies and at least 3 ar-
13 rests occurring within the preceding 12 months.

14 “(D) At least 1 arrest for conduct involv-
15 ing 3 or more burglaries, robberies, or sexual
16 assaults within the preceding 12 months.

17 “(E) Not less than 10 arrests, with 8 or
18 more arrests for misdemeanor crimes involving
19 theft, assault, battery, narcotics, controlled sub-
20 stance abuse, or possession of weapons, and at
21 least 3 arrests occurring within the preceding
22 12 months.”.

1 **SEC. 403. NAME OF OFFICE.**

2 Title II of the Juvenile Justice and Delinquency Pre-
3 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amend-
4 ed—

5 (1) by amending the heading of part A to read
6 as follows:

7 “Part A—Office of Juvenile Crime Control”;

8 (2) in section 201(a) by striking “Justice and
9 Delinquency Prevention” and inserting “Crime Con-
10 trol”;

11 (3) in section 206—

12 (A) in the heading by striking “JUSTICE
13 AND DELINQUENCY PREVENTION” and inserting
14 “CRIME CONTROL”; and

15 (B) in subsections (a)(1), (b), and (c)(1)
16 by striking “Justice and Delinquency Preven-
17 tion” each place it appears and inserting
18 “Crime Control”;

19 (4) by amending the heading of part B to read
20 as follows:

21 “Part B—Block Grants for State and Local Programs”;

22 (5) in subsections section 299A(c)(2) by strik-
23 ing “Justice and Delinquency Prevention” and in-
24 serting “Crime Control”;

1 (6) in section 385(c) by striking “Justice and
2 Delinquency Prevention” and inserting “Crime Con-
3 trol”; and

4 (7) in section 403(2) by striking “Justice and
5 Delinquency Prevention” and inserting “Crime Con-
6 trol”.

7 **SEC. 404. AUTHORITY TO MAKE GRANTS AND CONTRACTS.**

8 Section 221 of the Juvenile Justice and Delinquency
9 Prevention Act of 1974 (42 U.S.C. 5631) is amended—

10 (1) in subsection (a) by inserting before the pe-
11 riod at the end the following:

12 “, including initiatives for holding juveniles accountable
13 for any act for which they are adjudicated delinquent, in-
14 creasing public awareness of juvenile proceedings, and im-
15 proving the content, accuracy, availability, and usefulness
16 of juvenile court and law enforcement records (including
17 fingerprints and photographs)”,

18 (2) in subsection (b)—

19 (A) by amending paragraph (1) to read as
20 follows:

21 “(1) Of the funds made available to carry out this
22 part in a fiscal year, \$10,000,000 or 4 percent (whichever
23 is greater) may be used by the Administrator—

1 “(A) to establish and maintain a clearinghouse
2 to disseminate to the States information on juvenile
3 delinquency prevention, treatment, and control;

4 “(B) to carry out research regarding juvenile
5 delinquency prevention, treatment, and control; and

6 “(C) to provide training and technical assist-
7 ance to States to improve the administration of the
8 juvenile justice system.”, and

9 (B) in paragraph (2) by striking the last
10 sentence.

11 **SEC. 405. ALLOCATION.**

12 Section 222 of the Juvenile Justice and Delinquency
13 Prevention Act of 1974 (42 U.S.C. 5662) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1) by inserting “avail-
16 able to carry out this part” after “funds”,

17 (B) in paragraph (2)—

18 (i) in subparagraph (A) by striking
19 “title (other than parts D and E)” and in-
20 serting “part”,

21 (ii) in subparagraph (B)—

22 (I) by striking “title (other than
23 parts D and E)” and inserting
24 “part”,

1 (II) by striking “or such greater”
2 and all that follows through “299(a)
3 (1) and (3)”, and
4 (2) by striking subsection (d).

5 **SEC. 406. STATE PLANS.**

6 Section 223 of the Juvenile Justice and Delinquency
7 Prevention Act of 1974 (42 U.S.C. 5633) is amended—

8 (1) in subsection (a)—

9 (A) by striking the 2d sentence,

10 (B) in paragraph (5)—

11 (i) by striking “, other than” and all
12 that follows through “section 222(d),”,

13 (ii) in subparagraph (A) by adding
14 “and” at the end

15 (iii) in subparagraph (B) by striking
16 “; and” at the end and inserting a period,
17 and

18 (iv) by striking subparagraph (C),

19 (C) by striking paragraphs (3), (8), (9),
20 (10), (12), (13), (14), (15), (16), (17), (18),
21 (19), (23), (24), and (25),

22 (D) in paragraph (21) by adding “and” at
23 the end,

24 (E) in paragraph (22) by striking the
25 colon at the end and inserting a period, and

1 (F) by redesignating paragraphs (4), (5),
2 (6), (7), (11), (20), (21), and (22) as para-
3 graphs (3), (4), (5), (6), (7), (8), (9), and (10),
4 respectively, and
5 (2) by striking subsections (c) and (d).

6 **SEC. 407. REPEALERS.**

7 The Juvenile Justice and Delinquency Prevention Act
8 of 1974 (42 U.S.C. 5601 et seq.) is amended—

9 (1) in title II—

10 (A) by striking parts C, D, E, F, G, and
11 H,

12 (B) by striking part I, as added by Public
13 Law 102–586, and

14 (C) by amending the heading of part I, as
15 in effect immediately before the enactment of
16 Public Law 102–586, to read as follows:

17 “PART D—GENERAL AND ADMINISTRATIVE
18 PROVISIONS”, and

19 (2) by striking title V, as added by Public Law
20 102–586.

21 **SEC. 408. INCENTIVE GRANTS FOR ACCOUNTABILITY-**
22 **BASED REFORMS.**

23 Title II of the Juvenile Justice and Delinquency Pre-
24 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended
25 by inserting after part B the following:

1 “PART C—INCENTIVE GRANTS FOR ACCOUNTABILITY-
2 BASED REFORMS

3 **“SEC. 241. AUTHORIZATION OF GRANTS.**

4 “The Administrator shall provide juvenile delinquent
5 accountability grants under section 242 to eligible States
6 to carry out the purposes of this title.

7 **“SEC. 242. ACCOUNTABILITY-BASED INCENTIVE GRANTS.**

8 “(a) **ELIGIBILITY FOR GRANT.**—To be eligible to re-
9 ceive a grant under section 241, a State shall submit to
10 the Administrator an application at such time, in such
11 form, and containing such assurances and information as
12 the Administrator may require by rule, including assur-
13 ances that the State has in effect (or will have in effect
14 not later than 1 year after the date State submits such
15 application) laws, or has implemented (or will implement
16 not later than 1 year after the date State submits such
17 application) policies and programs, that ensure that juve-
18 niles who commit an act after attaining 14 years of age
19 that would be a serious violent crime if committed by an
20 adult are treated as adults for purposes of prosecution.

21 “(b) **ADDITIONAL AMOUNT BASED ON ACCOUNT-**
22 **ABILITY-BASED JUVENILE CRIME CONTROL PRAC-**
23 **TICES.**—A State that receives a grant under subsection
24 (a) is eligible to receive an additional amount of funds
25 added to such grant if such State demonstrates that the

1 State has in effect, or will have in effect not later than
2 1 year after the deadline established by the Administrator
3 for the submitting of applications under subsection (a) for
4 the fiscal year involved, the following accountability-based
5 juvenile crime control practices and 3 or more of the prac-
6 tices specified in subsection (c):

7 “(1) Graduated sanctions for juvenile
8 delinquents, ensuring a sanction for every delinquent
9 act, and escalating the sanction with each subse-
10 quent delinquent act.

11 “(2) A system of records relating to any adju-
12 dication of juveniles less than 15 years of age who
13 are adjudicated delinquent for conduct that if com-
14 mitted by an adult would constitute a felony under
15 Federal or State law. Such records shall be—

16 “(A) equivalent to the records that would
17 be kept of adults arrested for such conduct, in-
18 cluding fingerprints and photographs;

19 “(B) submitted to the Federal Bureau of
20 Investigation in the same manner as adult
21 records are so submitted;

22 “(C) retained for a period of time that is
23 equal to the period of time records are retained
24 for adults; and

1 “(D) available to law enforcement agen-
2 cies, the courts, and school officials (and such
3 school officials shall be subject to the same
4 standards and penalties that law enforcement
5 and juvenile justice system employees are sub-
6 ject to under Federal and State law, for hand-
7 ing and disclosing such information).

8 “(3) Alternative schools or classrooms for juve-
9 nile delinquents or juveniles who are expelled or sus-
10 pended for disciplinary reasons.

11 “(c) ADDITIONAL ACCOUNTABILITY-BASED JUVE-
12 NILE CRIME CONTROL PRACTICES.—For purposes of sub-
13 section (b), a State may select from among the following
14 accountability-based juvenile crime control practices:

15 “(1) Parental responsibility for serious delin-
16 quent acts of children released by a juvenile court to
17 the custody of their parents.

18 “(2) Mandatory restitution.

19 “(3) Public availability of records of juvenile
20 delinquency proceedings.

21 “(4) Public access to juvenile delinquency pro-
22 ceedings to the public.

23 “(5) Mandatory penalties for the use of a fire-
24 arm in committing a violent crime or serious drug

1 offense, as defined in section 924(e)(2)(A) of title 18
2 of the United States Code.

3 “(6) Curfew laws for juveniles.

4 “(7) A serious habitual offender comprehensive
5 action program as described in subsection (d).

6 “(d) SERIOUS HABITUAL OFFENDER COMPREHEN-
7 SIVE ACTION PROGRAM.—

8 “(1) IN GENERAL.—Serious habitual offender
9 comprehensive action programs referred to in sub-
10 section (e) (referred to in this subsection as ‘pro-
11 grams’) shall be multidisciplinary interagency case
12 management and information sharing systems, meet-
13 ing the requirements of this subsection, that enable
14 the juvenile and criminal justice system, schools, and
15 social service agencies to make more informed deci-
16 sions regarding early identification, control, super-
17 vision, and treatment of juveniles who repeatedly
18 commit serious delinquent or criminal acts.

19 “(2) MULTIDISCIPLINARY AGENCIES.—Under
20 such programs, units of local government in a State
21 shall establish a multidisciplinary agency comprised
22 of representatives from—

23 “(A) law enforcement organizations;

24 “(B) school districts;

25 “(C) State’s attorneys offices;

1 “(D) court services;

2 “(E) State and county children and family
3 services; and

4 “(F) any additional organizations, groups,
5 or agencies deemed appropriate to accomplish
6 the purposes described in paragraph (1), includ-
7 ing—

8 “(i) juvenile detention centers;

9 “(ii) mental and medical health agen-
10 cies; and

11 “(iii) the community at large.

12 “(3) IDENTIFICATION OF SERIOUS HABITUAL
13 OFFENDERS.—Each multidisciplinary agency estab-
14 lished under paragraph (2) shall adopt, by a major-
15 ity of its members, criteria to identify individuals
16 who are serious habitual offenders as defined in sec-
17 tion 103(24).

18 “(4) INTERAGENCY INFORMATION SHARING
19 AGREEMENT.—

20 “(A) IN GENERAL.—Each multidisciplinary
21 agency established under paragraph (2) shall
22 adopt, by a majority of its members, an inter-
23 agency information sharing agreement to be
24 signed by the chief executive officer of each or-

1 organization and agency represented in the multi-
2 disciplinary agency.

3 “(B) DISCLOSURE OF INFORMATION.—The
4 interagency information sharing agreement
5 shall require that—

6 “(i) all records pertaining to serious
7 habitual offenders shall be kept confiden-
8 tial to the extent required by State law;

9 “(ii) information in the records may
10 be made available to other staff from mem-
11 ber organizations and agencies as author-
12 ized by the multidisciplinary agency for the
13 purposes of promoting case management,
14 community supervision, conduct control,
15 and tracking of the serious habitual of-
16 fender for the application and coordination
17 of appropriate services; and

18 “(iii) access to the information in the
19 records shall be limited to individuals who
20 provide direct services to the serious habit-
21 ual offender or who provide community
22 conduct control and supervision to the seri-
23 ous habitual offender.

1 **“SEC. 243. FORMULAS FOR GRANTS.**

2 “Of the amount available for any fiscal year for
3 grants under section 241—

4 “(1) 50 percent shall be allocated among the
5 States that meet the requirements of section 242(a),
6 and

7 “(2) 50 percent shall be allocated among the
8 States that meet the requirements of both sub-
9 sections (a) and (b) of section 242,
10 proportionately on the basis of the number of residents
11 of such States who are less than 18 years of age.

12 **“SEC. 244. ACCOUNTABILITY.**

13 “A State that receives a grant under section 241 shall
14 use accounting, audit, and fiscal procedures that conform
15 to guidelines prescribed by the Administrator, and shall
16 ensure that any funds used to carry out section 241 shall
17 represent the best value for the State at the lowest pos-
18 sible cost and employ the best available technology.

19 **“SEC. 245. LIMITATION ON USE OF FUNDS.**

20 “(a) NONSUPPLANTING REQUIREMENT.—Funds
21 made available under section 241 shall not be used to sup-
22 plant State funds, but shall be used to increase the
23 amount of funds that would, in the absence of Federal
24 funds, be made available from State sources.

25 “(b) ADMINISTRATIVE AND RELATED COSTS.—Not
26 more than 2 percent of the funds appropriated under sec-

1 tion 291(c) for a fiscal year shall be available to the Ad-
2 ministrator for such fiscal year for purposes of—

3 “(1) research and evaluation, including assess-
4 ment of the effect on public safety and other effects
5 of the expansion of correctional capacity and sen-
6 tencing reforms implemented pursuant to this part,
7 and

8 “(2) technical assistance relating to the use of
9 grants made under section 241, and development
10 and implementation of policies, programs, and prac-
11 tices described in section 242.

12 “(b) CARRYOVER OF APPROPRIATIONS.—Funds ap-
13 propriated under section 291(c) shall remain available
14 until expended.

15 “(c) MATCHING FUNDS.—The Federal share of a
16 grant received under this part may not exceed 90 percent
17 of the costs of a proposal as described in an application
18 approved under this part.”.

19 **SEC. 409. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 299 of the Juvenile Justice and Delinquency
21 Prevention Act of 1974 (42 U.S.C. 5671) is amended to
22 read as follows:

23 **“SEC. 291. AUTHORIZATION OF APPROPRIATIONS.**

24 “(a) OFFICE OF JUVENILE CRIME CONTROL.—There
25 are authorized to be appropriated for each of the fiscal

1 years 1997, 1998, 1999, 2000, and 2001 such sums as
2 may be necessary to carry out part A.

3 “(b) BLOCK GRANTS FOR STATE AND LOCAL PRO-
4 GRAMS.—There is authorized to be appropriated to carry
5 out part B \$250,000,000 for each of the fiscal years 1997,
6 1998, 1999, 2000, and 2001.

7 “(c) INCENTIVE GRANTS FOR ACCOUNTABILITY-
8 BASED REFORMS.—There is authorized to be appro-
9 priated to carry out part C \$250,000,000 for each of the
10 fiscal years 1997, 1998, 1999, 2000, and 2001.

11 “(d) SOURCE OF APPROPRIATIONS.—Funds author-
12 ized by this section to be appropriated may be appro-
13 priated from the Violent Crime Reduction Trust Fund.”.

14 **SEC. 410. RELATED TECHNICAL AND CONFORMING AMEND-**
15 **MENTS.**

16 (a) TECHNICAL AMENDMENTS.—Title II of the Juve-
17 nile Justice and Delinquency Prevention Act of 1974 (42
18 U.S.C. 5611 et seq.) is amended—

19 (1) in section 299A by striking “this Act” each
20 place it appears and inserting “this title”,

21 (2) by striking section 299C,

22 (3) in section 299D—

23 (A) in subsection (b) by striking “Except
24 as provided in the second sentence of section

1 222(c), financial” and inserting “Financial”,
2 and

3 (B) by striking subsection (d), and

4 (4) by redesignating sections 299A, 299B, and
5 299D as sections 292, 293, and 294, respectively.

6 (b) CONFORMING AMENDMENTS.—(1) Section 5315
7 of title 5 of the United States Code is amended by striking
8 “Office of Juvenile Justice and Delinquency Prevention”
9 and inserting “Office of Juvenile Crime Control”.

10 (2) Section 4315(b) of title 18 of the United States
11 Code is amended by striking “Office of Juvenile Justice
12 and Delinquency Prevention” and inserting “Office of Ju-
13 venile Crime Control”.

14 (3) Subsections (a)(1) and (c) of section 3221 of title
15 39 of the United States Code is amended by striking “Of-
16 fice of Juvenile Justice and Delinquency Prevention” each
17 place it appears and inserting “Office of Juvenile Crime
18 Control”.

19 (4) Section 663(f) of the Social Security Act is
20 amended by striking “Office of Juvenile Justice and De-
21 linquency Prevention” and inserting “Office of Juvenile
22 Crime Control”.

23 (5) Sections 801(a)(1), 804, 805, and 813 of title I
24 of the Omnibus Crime Control and Safe Streets Act of
25 1968 (42 U.S.C. 3712, 3782, 3785, 3786, 3789i) are

1 amended by striking “Office of Juvenile Justice and De-
2 linquency Prevention” each place it appears and inserting
3 “Office of Juvenile Crime Control”.

4 (6) Sections 217 and 222 of the Victims of Child
5 Abuse Act (42 U.S.C. 13013, 13022) are amended by
6 striking “Office of Juvenile Justice and Delinquency Pre-
7 vention” each place it appears and inserting “Office of Ju-
8 venile Crime Control”.

9 **SEC. 411. EFFECTIVE DATE; APPLICATION OF AMEND-**
10 **MENTS.**

11 (a) **EFFECTIVE DATE.**—Except as provided in sub-
12 section (b), this title and the amendments made by this
13 title shall take effect on the first day of the first fiscal
14 year beginning after the date of the enactment of this title.

15 (b) **APPLICATION OF AMENDMENTS.**—The amend-
16 ments made by this title shall not apply with respect to
17 fiscal years beginning before the effective date of this title.

○