

104TH CONGRESS  
2D SESSION

# H. R. 4055

To require initial intake screenings and the use of youth development specialists in Federal juvenile proceedings, and to encourage States and local governments to use similar procedures.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 1996

Ms. LOFGREN 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

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## A BILL

To require initial intake screenings and the use of youth development specialists in Federal juvenile proceedings, and to encourage States and local governments to use similar procedures.

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 “Juvenile Crime Avoid-  
5 ance and Prevention Act of 1996”.

1       **TITLE I—FEDERAL JUVENILE**  
2                                   **PROCEEDINGS**

3       **SEC. 101. FEDERAL JUVENILE PROCEEDINGS.**

4           (a) IN GENERAL.—Chapter 403 of title 18, United  
5 States Code, is amended by inserting after section 5032  
6 the following:

7       **“§ 5032A. Initial intake screening and referrals to**  
8                                   **youth development specialists**

9           “(a) INTAKE SCREENING.—Before any decision is  
10 made to proceed against a juvenile as a juvenile, to pros-  
11 ecute that juvenile as an adult, or to refer the juvenile  
12 to State authorities, an appropriate Federal authority,  
13 designated by the Attorney General, shall perform an ini-  
14 tial intake screening of each juvenile taken into custody  
15 who is alleged to have committed an offense against the  
16 United States or an act of juvenile delinquency, to deter-  
17 mine whether that juvenile is an at risk juvenile, as de-  
18 scribed in subsection (b). If the juvenile is determined to  
19 be an at risk juvenile at the initial intake screening and  
20 the juvenile is proceeded against under this chapter as a  
21 juvenile, that juvenile shall promptly be referred to a  
22 youth development specialist under subsection (c). If the  
23 juvenile is referred to State authorities for further pro-  
24 ceedings or transferred for prosecution as an adult, the  
25 results of the intake screening shall promptly be made

1 available to those authorities or the entity to which the  
2 juvenile is so transferred.

3 “(b) AT RISK DETERMINATION.—

4 “(1) GENERALLY.—The screening body shall  
5 determine that a juvenile is at risk if it determines  
6 that the juvenile is likely to exhibit recidivist or in-  
7 creasingly violent crimes, based on the following fac-  
8 tors in the juvenile’s development:

9 “(A) School behavior or performance, in-  
10 cluding truancy, recent suspensions or expul-  
11 sion, functioning significantly below grade level,  
12 and failing to achieve passing grades.

13 “(B) Family problems, including traumatic  
14 family situations such as death or incarceration  
15 of one or both parents, financial difficulties,  
16 family divorce or ongoing conflicts, child abuse  
17 or neglect, and abuse of controlled substances  
18 or other criminal activities in the home.

19 “(C) Substance abuse problems, including  
20 a pattern of alcohol or controlled substance  
21 abuse.

22 “(D) Runaway tendencies, previous delin-  
23 quent activities, participation in a gang, or  
24 other similar activities.

1           “(E) Such other factors as the National  
2           Institute of Justice approves, based on an on-  
3           going evaluation aimed at isolating those fac-  
4           tors that can predict patterns of juvenile recidi-  
5           vism in 90 percent of cases.

6           “(2) LIMITATION ON USE.—The at risk deter-  
7           mination shall only be used in the administration of  
8           this section or a similar State operation, and shall  
9           not be made part of a juvenile’s school, medical, or  
10          other official record.

11          “(c) YOUTH DEVELOPMENT SPECIALIST.—

12           “(1) A youth development specialist (herein-  
13          after in this subsection referred to as a ‘specialist’)  
14          is a person designated by a court to carry out the  
15          duties described in paragraph (2). The specialist  
16          shall—

17           “(A) be the employee or contractee of the  
18          court or of the Government agency responsible  
19          for the referral; and

20           “(B) have appropriate experience in the  
21          assessment and counseling of juveniles and an  
22          understanding of the juvenile criminal system.

23          “(2) A specialist to whom a juvenile is referred  
24          shall—

1           “(A) determine a course of action for the  
2 juvenile that will avoid continued criminal activ-  
3 ity and help the juvenile successfully reintegrate  
4 into his community and school;

5           “(B) promptly convene a group meeting of  
6 any or all of the juvenile’s community group, to  
7 determine an appropriate course of action for  
8 the juvenile pending and after completion of  
9 any court action;

10           “(C) after completing the meeting of the  
11 juvenile’s community group—

12           “(i) present a written report to be in-  
13 cluded in any court proceedings against  
14 the juvenile, which shall include rec-  
15 ommendations for community actions that  
16 would help prevent instances of recidivism  
17 by the juvenile;

18           “(ii) meet with the juvenile’s parents  
19 or guardian, and, at the specialist’s discre-  
20 tion, any other interested parties from the  
21 juvenile’s community group to discuss the  
22 findings of the report; and

23           “(iii) provide assistance and guidance  
24 to the juvenile’s parents and community

1 group to implement the recommendations  
2 outlined in the report.

3 “(iv) work with the juvenile, in con-  
4 junction with the juvenile’s parents or  
5 guardians and community group, to imple-  
6 ment the actions recommended in the re-  
7 port.

8 “(D) monitor the juvenile’s progress  
9 through the court system;

10 “(E) act as a liaison to the juvenile’s fam-  
11 ily and community group and work with the ju-  
12 venile’s attorney;

13 “(F) maintain contact with the juvenile  
14 during custody, any court proceedings, any in-  
15 carceration, and after release until—

16 “(i) the juvenile is no longer subject  
17 to juvenile jurisdiction; or

18 “(ii) such time as the court, in con-  
19 sultation with the juvenile, the specialist,  
20 and the juvenile’s parents or guardian, de-  
21 termines that further contact is no longer  
22 necessary with the juvenile to prevent fu-  
23 ture delinquency.

24 “(3) As part of the specialist’s duties under  
25 subsection (a), the specialist, in consultation with

1 the juvenile and the juvenile's community, may pay  
2 for any expenses, of which the portion paid from ap-  
3 propriated funds shall not to exceed \$10,000 annu-  
4 ally, of implementing the recommendations of the  
5 specialist, including—

6 (A) tutors, counselors, test preparation,  
7 additional education, and mentoring programs;

8 (B) nutrition, or alcohol or controlled sub-  
9 stance abuse treatment programs;

10 (C) incentive programs for academic  
11 achievement, including but not limited to books  
12 and other educational material;

13 (D) arrangements for community based ac-  
14 tivities to occupy the juvenile in wholesome uses  
15 of his time;

16 (E) parenting instruction for the juvenile's  
17 parents or guardians; and

18 (F) such other expenditures designed to  
19 stabilize the juvenile's life and direct the juve-  
20 nile toward a peaceful and productive future in-  
21 stead of crime, as are approved by the juvenile  
22 court.

23 “(4) Of the amount paid under paragraph (3),  
24 not more than 20 percent may be used for the sala-

1       ries and administration of the youth development  
2       specialist operation.

3               “(5) For the purposes of this subsection a juve-  
4       nile’s community group includes the juvenile’s par-  
5       ents or guardians, extended family, teachers, clergy,  
6       athletic and other coaches, family friends, personal  
7       friends, and other interested parties.

8       (b) CLERICAL AMENDMENT.—The table of sections  
9       at the beginning of chapter 403 of title 18, United States  
10      Code, is amended by adding at the end the following new  
11      item:

      “5032A. Initial intake screening and referrals to youth development special-  
          ists.”.

12      (c) COLLECTION OF DATA.—The Attorney General  
13      shall collect data on the effects of screening and youth  
14      specialist activities under the amendments made by this  
15      section and similar State and local activities, including  
16      their costs compared to incarceration, and their effects on  
17      recidivism rates and rehabilitation of at risk juveniles and  
18      make that data available to the States, localities, and the  
19      public.

## 20   **TITLE II—GRANT PROGRAM FOR** 21                   **AT RISK JUVENILES**

### 22   **SEC. 201. GRANT AUTHORIZATION.**

23      (a) IN GENERAL.—The Attorney General shall award  
24      grants to an entity that has implemented at risk juvenile

1 screening programs and youth development specialist re-  
2 ferral services modeled after the program and services de-  
3 scribed in subsections (b) and (c) of section 5032 of title  
4 18, United States Code.

5 (b) GRANTS.—The Attorney General shall award an  
6 entity that meets the requirements of this title not more  
7 than \$10,000 each year for each juvenile that receives  
8 services pursuant to this title.

9 **SEC. 202. ELIGIBILITY.**

10 To be eligible to receive funds under this title, an en-  
11 tity shall submit an application to the Attorney General  
12 that includes an assurance that such entity will use funds  
13 received under this title in accordance with section 203.

14 **SEC. 203. USES OF FUNDS.**

15 An entity may use funds received under this title—

16 (1) to pay not more than 20 percent of the total  
17 amount received to pay for salaries and administra-  
18 tion of youth development specialist operations; and

19 (2) upon the recommendation of the youth de-  
20 velopment specialist, in consultation with the juve-  
21 nile and a representative of the juvenile justice sys-  
22 tem, to pay for programs recommended by the spe-  
23 cialist, including—

24 (A) tutors, counselors, test preparation  
25 and other educational and mentoring programs;

1 (B) nutrition, alcohol, or controlled sub-  
2 stance abuse programs;

3 (C) incentive programs for academic  
4 achievement, including books and other edu-  
5 cational material;

6 (D) arrangements for community-based ac-  
7 tivities to occupy the juvenile in constructive  
8 uses of time;

9 (E) parenting instruction for the juvenile's  
10 parents or guardians; and

11 (F) such other expenditures, if approved  
12 by the court, that are designed to stabilize the  
13 juvenile's life and direct the juvenile towards a  
14 peaceful and productive future.

15 **SEC. 204. DEFINITION.**

16 For purposes of this title, the term "entity" means  
17 one of the 50 States or a unit of local government that  
18 has jurisdiction over the juvenile justice system for the  
19 county or city of such unit, as the case may be.

20 **SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) GRANT PROGRAM.—There are authorized to be  
22 appropriated beginning in 1997, such sums as may be nec-  
23 essary to carry out this title.

1       (b) SOURCE OF APPROPRIATIONS.—Funds author-  
2 ized by this section to be appropriated may be appro-  
3 priated from the Violent Crime Reduction Trust Fund.

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