

104TH CONGRESS
1ST SESSION

H. R. 600

To allow States to use funds to develop a system which increases the extent of consequences for juveniles repeatedly found guilty of offenses and to construct, develop, expand, modify, operate or improve youth correctional facilities.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 1995

Mr. WYDEN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To allow States to use funds to develop a system which increases the extent of consequences for juveniles repeatedly found guilty of offenses and to construct, develop, expand, modify, operate or improve youth correctional facilities.

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 “Consequences in
5 Sentencing for Young Offenders Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) The juvenile justice system in this country
2 is built around an outdated philosophy that places
3 the goal of rehabilitation above community safety
4 concerns.

5 (2) Violent juvenile crime is increasing at a rate
6 that is double that for adults, and few juveniles are
7 held accountable for their offenses.

8 (3) Many juvenile justice programs do not col-
9 lect data or analyze whether sanctions or treatment
10 programs now in use are effective in reducing recidi-
11 vism.

12 (4) The Federal Government should encourage
13 the States to pursue new juvenile justice policies
14 that emphasize community safety, individual ac-
15 countability, work, restitution to victims, parental
16 involvement, and zero-tolerance for repeated criminal
17 acts.

18 (b) PURPOSES.—The purposes of the Act are as
19 follows:

20 (1) To provide States with an incentive to es-
21 tablish a system of graduated sanctions for juvenile
22 delinquents with sentencing options ranging from
23 restitution and community service to youth correc-
24 tional facilities to remand to adult court for older
25 violent juvenile offenders. If a juvenile continues to

1 commit offenses, he or she will move up a ladder of
2 increasing consequences.

3 (2) To promote parental involvement and re-
4 sponsibility in the juvenile justice system.

5 (3) To provide incentives for States to develop
6 periodic evaluations of the effectiveness of their juve-
7 nile justice systems in keeping communities safe and
8 working to reduce rates of juvenile recidivism.

9 **SEC. 3. GRANTS FOR CORRECTIONAL FACILITIES.**

10 The Violent Crime Control and Law Enforcement Act
11 of 1994 is amended—

12 (1) in section 20101(a), by inserting “adult and
13 juvenile” before “correctional facilities” each place it
14 appears;

15 (2) in section 20103(b)(2), by adding at the
16 end: “In making allocations under this paragraph,
17 the Attorney General shall give a preference to
18 States that provide assurances to the Attorney Gen-
19 eral that such States have in effect graduated sanc-
20 tions for the State’s juvenile justice system.”; and

21 (3) in section 20102(b)(2), by striking “shall
22 transfer” and all that follows through “paragraph
23 (1).” and inserting “shall—

24 “(A) make grants from a portion, deter-
25 mined by the Attorney General, of any funds

1 made available to carry out this section that are
2 not allocated to an eligible State under para-
3 graph (1), to a State or States that provide as-
4 surances to the Attorney General that such
5 State or States have in effect graduated sanc-
6 tions, for the construction, development, expan-
7 sion, modification, operation, or improvement of
8 juvenile facilities; and

9 “(B) transfer to the funds to be allocated
10 under section 20103(b)(1) any remainder of the
11 funds so made available but not allocated under
12 paragraph (1) or used for grants under sub-
13 paragraph (A).”

14 **SEC. 4. OPTIONAL USE OF GRANTS FOR CORRECTIONAL**
15 **FACILITIES.**

16 (a) USE OF GRANT MONEY.—A State, or States or-
17 ganized as multi-State compact, may opt to use any Fed-
18 eral grant money allocated to such State or States for
19 adult correctional facilities to construct, develop, expand,
20 modify, operate, or improve youth correctional facilities,
21 such as secure youth correctional facilities, youth acad-
22 emies, juvenile boot camps, and restitution centers, which
23 provide the State with a range of dispositional options and
24 promote reduced recidivism.

1 (b) ELIGIBILITY.—To be eligible to opt to use grant
2 money in the manner provided in subsection (a), the State
3 or States shall submit an application to the Attorney Gen-
4 eral which includes, at a minimum—

5 (1) assurances that—

6 (A) the State or States has established or
7 is in the process of establishing a system of
8 graduated sanctions for the State’s juvenile jus-
9 tice system in which the State bases disposi-
10 tions for juveniles on a scale of increasingly se-
11 vere sanctions for the commission of a repeat
12 offense, particularly if the subsequent offense
13 committed by such juvenile is of similar or
14 greater seriousness or if a court dispositional
15 order for a delinquent act is violated;

16 (B) such dispositions should, to the extent
17 practicable, require the juvenile delinquent to
18 compensate victims for losses and compensates
19 the juvenile justice authorities for supervision
20 costs;

21 (2) assurances that the State or States imposes
22 a sanction on each juvenile adjudicated delinquent;

23 (3) assurances that the State or States requires
24 that a State court concur in allowing a juvenile to

1 be sent to a diversionary program in lieu of juvenile
2 court proceedings;

3 (4) assurances that the State or States has pro-
4 grams that address the need for effective bindover
5 systems or for the prosecution as adults of juveniles,
6 15 years of age or older, who are charged with a
7 crime of violence as defined in section 16 of title 18,
8 United States Code;

9 (5) assurances that where practicable and ap-
10 propriate, the State or States requires parents to
11 participate in meeting the dispositional requirements
12 imposed on the juvenile by the court;

13 (6) assurances that the State or States has con-
14 sulted with any units of local government responsible
15 for youth secure facilities in setting priorities for
16 construction, development, expansion and modifica-
17 tion, operation or improvement of juvenile facilities,
18 and to the extent practicable, ensures that the needs
19 of entities currently administering juvenile facilities
20 are addressed; and

21 (7) assurances that the State or States have in
22 place or are putting in place systems to provide ob-
23 jective evaluations of State and local juvenile justice
24 systems to determine such systems' effectiveness in

1 protecting the community, reducing recidivism, and
2 ensuring compliance with dispositions.

3 **SEC. 5. DEFINITIONS.**

4 Section 20108 of the Violent Crime Control and Law
5 Enforcement Act of 1994 is amended by adding at the
6 end the following:

7 “‘youth academy’ means a residential facility
8 that provides basic education, rehabilitation services,
9 job skills training and apprenticeship programs to
10 young offenders.

11 “‘restitution center’ means a residential facility
12 with an intensive program of accountability centered
13 activities that provide a needed community service.

14 “‘juvenile boot camps’ means a residential facil-
15 ity or program based on a military basic training
16 model that includes extensive discipline, physical
17 work, physical exercise, and military drill.

18 “‘secure youth correctional facility’ means a fa-
19 cility that provides the highest level of security and
20 direct supervision for juvenile offenders.

21 “‘youth correctional facility’ means any public
22 or private residential facility which—

23 “(A) includes construction fixtures de-
24 signed to physically restrict the movements and

1 activities of juveniles held in lawful custody;
2 and

3 “(B) is used for the placement, after adju-
4 dication and disposition, for any juvenile who
5 has been adjusted as having committed an of-
6 fense, or any juvenile tried and convicted of a
7 crime as an adult.

8 “‘sanctions’ means a penalty for a delinquent
9 act that ensures accountability and may range from
10 community service and restitution requirements to
11 incarceration in a secure youth correctional facility,
12 and, to the extent practicable, that ensures com-
13 pensation to victims for losses and compensation to
14 the juvenile justice authorities for supervision costs.

15 “‘offense’ means an act by a juvenile that
16 would be considered a crime if it were committed by
17 an adult.

18 “‘delinquent act’ has the same meaning as the
19 term offense.

20 “‘graduated sanctions’ means that—

21 “(A) the State or States has established or
22 is in the process of establishing a system of
23 sanctions for the State’s juvenile justice system
24 in which the State bases dispositions for juve-
25 niles on a scale of increasingly severe sanctions

1 for the commission of a repeat offense, particu-
2 larly if the subsequent offense committed by
3 such juvenile is of similar or greater seriousness
4 or if a court dispositional order for a delinquent
5 act is violated;

6 “(B) such dispositions should, to the ex-
7 tent practicable, require the juvenile delinquent
8 to compensate victims for losses and com-
9 pensates the juvenile justice authorities for su-
10 pervision costs;

11 “(C) the State or States imposes a sanc-
12 tion on each juvenile adjudicated delinquent;

13 “(D) the State or States requires that a
14 State court concur in allowing a juvenile to be
15 sent to a diversionary program in lieu of juve-
16 nile court proceedings;

17 “(E) the State or States has programs
18 that address the need for effective bindover sys-
19 tems or for the prosecution as adults of juve-
20 niles, 15 years of age or older, who are charged
21 with a crime of violence as defined in section 16
22 of title 18, United States Code;

23 “(F) where practicable and appropriate,
24 the State or States requires parents to partici-

1 pate in meeting the dispositional requirements
2 imposed on the juvenile by the court;

3 “(G) the State or States has consulted
4 with any units of local government responsible
5 for youth secure facilities in setting priorities
6 for construction, development, expansion and
7 modification, operation or improvement of juve-
8 nile facilities, and to the extent practicable, en-
9 sures that the needs of entities currently ad-
10 ministering juvenile facilities are addressed; and

11 “(H) the State or States have in place or
12 are putting in place systems to provide objective
13 evaluations of State and local juvenile justice
14 systems to determine such systems’ effective-
15 ness in protecting the community, reducing re-
16 cidivism, and ensuring compliance with disposi-
17 tions.”;”.

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