

106TH CONGRESS
1ST SESSION

H. R. 1501

To provide grants to ensure increased accountability for juvenile offenders.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1999

Mr. MCCOLLUM (for himself, Mr. SCOTT, Mr. HYDE, Mr. CONYERS, Mr. CHABOT, Mr. BARR of Georgia, Mr. GEKAS, Mr. COBLE, Mr. SMITH of Texas, Mr. CANADY of Florida, Mr. HUTCHINSON, Mr. MEEHAN, Mr. ROTHMAN, Mr. WEINER, Ms. JACKSON-LEE of Texas, Mr. WATT of North Carolina, Mr. DELAHUNT, Mr. WEXLER, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide grants to ensure increased accountability for
juvenile offenders.

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 for Juve-
5 nile Offenders Act of 1999”.

1 **SEC. 2. GRANT PROGRAM.**

2 (a) IN GENERAL.—Part R of title I of the Omnibus
3 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
4 3796 et seq.) is amended to read as follows:

5 **“PART R—JUVENILE ACCOUNTABILITY BLOCK**
6 **GRANTS**

7 **“SEC. 1801. PROGRAM AUTHORIZED.**

8 “(a) IN GENERAL.—The Attorney General is author-
9 ized to provide grants to States, for use by States and
10 units of local government, and in certain cases directly to
11 specially qualified units.

12 “(b) AUTHORIZED ACTIVITIES.—Amounts paid to a
13 State or a unit of local government under this part shall
14 be used by the State or unit of local government for the
15 purpose of strengthening the juvenile justice system,
16 which includes—

17 “(1) developing, implementing, and admin-
18 istering graduated sanctions for juvenile offenders;

19 “(2) building, expanding, renovating, or oper-
20 ating temporary or permanent juvenile correction,
21 detention, or community corrections facilities;

22 “(3) hiring juvenile court judges, probation offi-
23 cers, and court-appointed defenders and special ad-
24 vocates, and funding pretrial services for juvenile of-

1 fenders, to promote the effective and expeditious ad-
2 ministration of the juvenile justice system;

3 “(4) hiring additional prosecutors, so that more
4 cases involving violent juvenile offenders can be
5 prosecuted and case backlogs reduced;

6 “(5) providing funding to enable prosecutors to
7 address drug, gang, and youth violence problems
8 more effectively and for technology, equipment, and
9 training to assist prosecutors in identifying and ex-
10 pediting the prosecution of violent juvenile offenders;

11 “(6) establishing and maintaining training pro-
12 grams for law enforcement and other court per-
13 sonnel with respect to preventing and controlling ju-
14 venile crime;

15 “(7) establishing juvenile gun courts for the
16 prosecution and adjudication of juvenile firearms of-
17 fenders;

18 “(8) establishing drug court programs for juve-
19 nile offenders that provide continuing judicial super-
20 vision over juvenile offenders with substance abuse
21 problems and the integrated administration of other
22 sanctions and services for such offenders;

23 “(9) establishing and maintaining a system of
24 juvenile records designed to promote public safety;

1 “(10) establishing and maintaining interagency
2 information-sharing programs that enable the juve-
3 nile and criminal justice system, schools, and social
4 services agencies to make more informed decisions
5 regarding the early identification, control, super-
6 vision, and treatment of juveniles who repeatedly
7 commit serious delinquent or criminal acts;

8 “(11) establishing and maintaining account-
9 ability-based programs designed to reduce recidivism
10 among juveniles who are referred by law enforce-
11 ment personnel or agencies.

12 “(12) establishing and maintaining programs to
13 conduct risk and need assessments of juvenile of-
14 fenders that facilitate the effective early intervention
15 and the provision of comprehensive services, includ-
16 ing mental health screening and treatment and sub-
17 stance abuse testing and treatment to such offend-
18 ers; and

19 “(13) establishing and maintaining account-
20 ability-based programs that are designed to enhance
21 school safety.

22 **“SEC. 1802. GRANT ELIGIBILITY.**

23 “(a) STATE ELIGIBILITY.—To be eligible to receive
24 a grant under this section, a State shall submit to the
25 Attorney General an application at such time, in such

1 form, and containing such assurances and information as
2 the Attorney General may require by rule, including assur-
3 ances that the State and any unit of local government to
4 which the State provides funding under section 1803(b),
5 has in effect (or shall have in effect, not later than 1 year
6 after the date that the State submits such application)
7 laws, or has implemented (or shall implement, not later
8 than 1 year after the date that the State submits such
9 application) policies and programs, that provide for a sys-
10 tem of graduated sanctions described in subsection (c).

11 “(b) LOCAL ELIGIBILITY.—

12 “(1) SUBGRANT ELIGIBILITY.—To be eligible to
13 receive a subgrant, a unit of local government, other
14 than a specially qualified unit, shall provide such as-
15 surances to the State as the State shall require,
16 that, to the maximum extent applicable, the unit of
17 local government has in effect (or shall have in ef-
18 fect, not later than 1 year after the date that the
19 unit submits such application) laws, or has imple-
20 mented (or shall implement, not later than 1 year
21 after the date that the unit submits such applica-
22 tion) policies and programs, that provide for a sys-
23 tem of graduated sanctions described in subsection
24 (c).

1 “(2) SPECIAL RULE.—The requirements of
2 paragraph (1) shall apply to a specially qualified
3 unit that receives funds from the Attorney General
4 under section 1803(e), except that information that
5 is otherwise required to be submitted to the State
6 shall be submitted to the Attorney General.

7 “(c) GRADUATED SANCTIONS.—A system of grad-
8 uated sanctions, which may be discretionary as provided
9 in subsection (d), shall ensure, at a minimum, that—

10 “(1) sanctions are imposed on juvenile offend-
11 ers for every offense;

12 “(2) sanctions escalate in intensity with each
13 subsequent, more serious delinquent or criminal of-
14 fense;

15 “(3) there is sufficient flexibility to allow for in-
16 dividualized sanctions and services suited to the indi-
17 vidual juvenile offender; and

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

20 “(d) DISCRETIONARY USE OF SANCTIONS.—

21 “(1) VOLUNTARY PARTICIPATION.—A State or
22 unit of local government may be eligible to receive
23 a grant under this part if—

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

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

5 “(2) REPORTING REQUIREMENT IF GRADUATED
6 SANCTIONS NOT USED.—

7 “(A) JUVENILE COURTS.—A State or unit
8 of local government in which the imposition of
9 graduated sanctions is discretionary shall re-
10 quire each juvenile court within its
11 jurisdiction—

12 “(i) which has not implemented a sys-
13 tem of graduated sanctions, to submit an
14 annual report that explains why such court
15 did not implement graduated sanctions;
16 and

17 “(ii) which has implemented a system
18 of graduated sanctions but has not im-
19 posed graduated sanctions in 1 or more
20 specific cases, to submit an annual report
21 that explains why such court did not im-
22 pose graduated sanctions in each such
23 case.

24 “(B) UNITS OF LOCAL GOVERNMENT.—
25 Each unit of local government, other than a

1 specially qualified unit, that has 1 or more juve-
2 nile courts that use a discretionary system of
3 graduated sanctions shall collect the informa-
4 tion reported under subparagraph (A) for sub-
5 mission to the State each year.

6 “(C) STATES.—Each State and specially
7 qualified unit that has 1 or more juvenile courts
8 that use a discretionary system of graduated
9 sanctions shall collect the information reported
10 under subparagraph (A) for submission to the
11 Attorney General each year. A State shall also
12 collect and submit to the Attorney General the
13 information collected under subparagraph (B).

14 “(e) DEFINITIONS.—For purposes of this section:

15 “(1) The term ‘discretionary’ means that a sys-
16 tem of graduated sanctions is not required to be im-
17 posed by each and every juvenile court in a State or
18 unit of local government.

19 “(2) The term ‘sanctions’ means tangible, pro-
20 portional consequences that hold the juvenile of-
21 fender accountable for the offense committed. A
22 sanction may include counseling, restitution, commu-
23 nity service, a fine, supervised probation, or confine-
24 ment.

1 **“SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.**

2 “(a) STATE ALLOCATION.—

3 “(1) IN GENERAL.—In accordance with regula-
4 tions promulgated pursuant to this part and except
5 as provided in paragraph (3), the Attorney General
6 shall allocate—

7 “(A) 0.25 percent for each State; and

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

18 “(2) PROHIBITION.—No funds allocated to a
19 State under this subsection or received by a State
20 for distribution under subsection (b) may be distrib-
21 uted by the Attorney General or by the State in-
22 volved for any program other than a program con-
23 tained in an approved application.

24 “(3) INCREASE FOR STATE RESERVE.—

25 “(A) IN GENERAL.—Subject to subpara-
26 graph (B), if a State demonstrates and certifies

1 to the Attorney General that the State’s law en-
2 forcement expenditures in the fiscal year pre-
3 ceeding the date in which an application is sub-
4 mitted under this part is more than 25 percent
5 of the aggregate amount of law enforcement ex-
6 penditures by the State and its eligible units of
7 local government, the percentage referred to in
8 paragraph (1)(A) shall equal the percentage de-
9 termined by dividing the State’s law enforce-
10 ment expenditures by such aggregate.

11 “(B) LAW ENFORCEMENT EXPENDITURES
12 OVER 50 PERCENT.—If the law enforcement ex-
13 penditures of a State exceed 50 percent of the
14 aggregate amount described in subparagraph
15 (A), the Attorney General shall consult with as
16 many units of local government in such State
17 as practicable regarding the State’s proposed
18 uses of funds.

19 “(b) LOCAL DISTRIBUTION.—

20 “(1) IN GENERAL.—Except as provided in sub-
21 section (a)(3), each State which receives funds under
22 subsection (a)(1) in a fiscal year shall distribute not
23 less than 75 percent of such amounts received
24 among units of local government, for the purposes
25 specified in section 1801. In making such distribu-

1 tion the State shall allocate to such units of local
2 government an amount which bears the same ratio
3 to the aggregate amount of such funds as—

4 “(A) the sum of—

5 “(i) the product of—

6 “(I) three-quarters; multiplied by

7 “(II) the average law enforce-

8 ment expenditure for such unit of

9 local government for the 3 most re-

10 cent calendar years for which such

11 data is available; plus

12 “(ii) the product of—

13 “(I) one-quarter; multiplied by

14 “(II) the average annual number

15 of part 1 violent crimes in such unit

16 of local government for the 3 most re-

17 cent calendar years for which such

18 data is available, bears to—

19 “(B) the sum of the products determined

20 under subparagraph (A) for all such units of

21 local government in the State.

22 “(2) EXPENDITURES.—The allocation any unit

23 of local government shall receive under paragraph

24 (1) for a payment period shall not exceed 100 per-

1 cent of law enforcement expenditures of the unit for
2 such payment period.

3 “(3) REALLOCATION.—The amount of any unit
4 of local government’s allocation that is not available
5 to such unit by operation of paragraph (2) shall be
6 available to other units of local government that are
7 not affected by such operation in accordance with
8 this subsection.

9 “(c) UNAVAILABILITY OF DATA FOR UNITS OF
10 LOCAL GOVERNMENT.—If the State has reason to believe
11 that the reported rate of part 1 violent crimes or law en-
12 forcement expenditures for a unit of local government is
13 insufficient or inaccurate, the State shall—

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

17 “(2) if necessary, use the best available com-
18 parable data regarding the number of violent crimes
19 or law enforcement expenditures for the relevant
20 years for the unit of local government.

21 “(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS
22 THAN \$5,000.—If under this section a unit of local gov-
23 ernment is allocated less than \$5,000 for a payment pe-
24 riod, the amount allotted shall be expended by the State
25 on services to units of local government whose allotment

1 is less than such amount in a manner consistent with this
2 part.

3 “(e) DIRECT GRANTS TO SPECIALLY QUALIFIED
4 UNITS.—

5 “(1) IN GENERAL.—If a State does not qualify
6 or apply for funds reserved for allocation under sub-
7 section (a) by the application deadline established by
8 the Attorney General, the Attorney General shall re-
9 serve not more than 75 percent of the allocation that
10 the State would have received under subsection (a)
11 for such fiscal year to provide grants to specially
12 qualified units which meet the requirements for
13 funding under section 1802.

14 “(2) AWARD BASIS.—In addition to the quali-
15 fication requirements for direct grants for specially
16 qualified units the Attorney General may use the av-
17 erage amount allocated by the States to units of
18 local government as a basis for awarding grants
19 under this section.

20 **“SEC. 1804. REGULATIONS.**

21 “(a) IN GENERAL.—The Attorney General shall issue
22 regulations establishing procedures under which a State
23 or unit of local government that receives funds under sec-
24 tion 1803 is required to provide notice to the Attorney

1 General regarding the proposed use of funds made avail-
2 able under this part.

3 “(b) **ADVISORY BOARD.**—The regulations referred to
4 in subsection (a) shall include a requirement that such eli-
5 gible State or unit of local government establish and con-
6 vene an advisory board to review the proposed uses of such
7 funds. The board shall include representation from, if
8 appropriate—

9 “(1) the State or local police department;

10 “(2) the local sheriff’s department;

11 “(3) the State or local prosecutor’s office;

12 “(4) the State or local juvenile court;

13 “(5) the State or local probation officer;

14 “(6) the State or local educational agency;

15 “(7) a State or local social service agency; and

16 “(8) a nonprofit, religious, or community group.

17 **“SEC. 1805. PAYMENT REQUIREMENTS.**

18 “(a) **TIMING OF PAYMENTS.**—The Attorney General
19 shall pay to each State or unit of local government that
20 receives funds under section 1803 that has submitted an
21 application under this part not later than—

22 “(1) 90 days after the date that the amount is
23 available, or

1 “(2) the first day of the payment period if the
2 State has provided the Attorney General with the as-
3 surances required by subsection (c),
4 whichever is later.

5 “(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

6 “(1) REPAYMENT REQUIRED.—From amounts
7 awarded under this part, a State or specially quali-
8 fied unit shall repay to the Attorney General, or a
9 unit of local government shall repay to the State by
10 not later than 27 months after receipt of funds from
11 the Attorney General, any amount that is not ex-
12 pended by the State within 2 years after receipt of
13 such funds from the Attorney General.

14 “(2) PENALTY FOR FAILURE TO REPAY.—If the
15 amount required to be repaid is not repaid, the At-
16 torney General shall reduce payment in future pay-
17 ment periods accordingly.

18 “(3) DEPOSIT OF AMOUNTS REPAID.—Amounts
19 received by the Attorney General as repayments
20 under this subsection shall be deposited in a des-
21 ignated fund for future payments to States and spe-
22 cially qualified units.

23 “(c) ADMINISTRATIVE COSTS.—A State or unit of
24 local government that receives funds under this part may

1 use not more than 5 percent of such funds to pay for ad-
2 ministrative costs.

3 “(d) NONSUPPLANTING REQUIREMENT.—Funds
4 made available under this part to States and units of local
5 government shall not be used to supplant State or local
6 funds as the case may be, but shall be used to increase
7 the amount of funds that would, in the absence of funds
8 made available under this part, be made available from
9 State or local sources, as the case may be.

10 “(e) MATCHING FUNDS.—The Federal share of a
11 grant received under this part may not exceed 90 percent
12 of the costs of a program or proposal funded under this
13 part.

14 **“SEC. 1806. UTILIZATION OF PRIVATE SECTOR.**

15 “Funds or a portion of funds allocated under this
16 part may be utilized to contract with private, nonprofit
17 entities, or community-based organizations to carry out
18 the purposes specified under section 1801(a)(2).

19 **“SEC. 1807. ADMINISTRATIVE PROVISIONS.**

20 “(a) IN GENERAL.—A State or specially qualified
21 unit that receives funds under this part shall—

22 “(1) establish a trust fund in which the govern-
23 ment will deposit all payments received under this
24 part;

1 “(2) use amounts in the trust fund (including
2 interest) during a period not to exceed 2 years from
3 the date the first grant payment is made to the
4 State or specially qualified unit;

5 “(3) designate an official of the State or spe-
6 cially qualified unit to submit reports as the Attor-
7 ney General reasonably requires, in addition to the
8 annual reports required under this part; and

9 “(4) spend the funds only for the purposes
10 under section 1801(b).

11 “(b) TITLE I PROVISIONS.—Except as otherwise pro-
12 vided, the administrative provisions of part H shall apply
13 to this part and for purposes of this section any reference
14 in such provisions to title I shall be deemed to include
15 a reference to this part.

16 **“SEC. 1808. DEFINITIONS.**

17 “For purposes of this part:

18 “(1) The term ‘unit of local government’
19 means—

20 “(A) a county, township, city, or political
21 subdivision of a county, township, or city, that
22 is a unit of local government as determined by
23 the Secretary of Commerce for general statis-
24 tical purposes; and

1 “(B) the District of Columbia and the rec-
2 cognized governing body of an Indian tribe or
3 Alaskan Native village that carries out substan-
4 tial governmental duties and powers.

5 “(2) The term ‘specially qualified unit’ means a
6 unit of local government which may receive funds
7 under this part only in accordance with section
8 1803(e).

9 “(3) The term ‘State’ means any State of the
10 United States, the District of Columbia, the Com-
11 monwealth of Puerto Rico, the Virgin Islands, Amer-
12 ican Samoa, Guam, and the Northern Mariana Is-
13 lands, except that American Samoa, Guam, and the
14 Northern Mariana Islands shall be considered as 1
15 State and that, for purposes of section 1803(a), 33
16 percent of the amounts allocated shall be allocated
17 to American Samoa, 50 percent to Guam, and 17
18 percent to the Northern Mariana Islands.

19 “(4) The term ‘juvenile’ means an individual
20 who is 17 years of age or younger.

21 “(5) The term ‘law enforcement expenditures’
22 means the expenditures associated with prosecu-
23 torial, legal, and judicial services, and corrections as
24 reported to the Bureau of the Census for the fiscal

1 year preceding the fiscal year for which a determina-
2 tion is made under this part.

3 “(6) The term ‘part 1 violent crimes’ means
4 murder and nonnegligent manslaughter, forcible
5 rape, robbery, and aggravated assault as reported to
6 the Federal Bureau of Investigation for purposes of
7 the Uniform Crime Reports.

8 **“SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.**

9 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this part—

11 “(1) \$500,000,000 for fiscal year 2000;

12 “(2) \$500,000,000 for fiscal year 2001; and

13 “(3) \$500,000,000 for fiscal year 2002.

14 “(b) OVERSIGHT ACCOUNTABILITY AND ADMINIS-
15 TRATION.—Not more than 3 percent of the amount au-
16 thorized to be appropriated under subsection (a), with
17 such amounts to remain available until expended, for each
18 of the fiscal years 2000 through 2002 shall be available
19 to the Attorney General for evaluation and research re-
20 garding the overall effectiveness and efficiency of the pro-
21 visions of this part, assuring compliance with the provi-
22 sions of this part, and for administrative costs to carry
23 out the purposes of this part. The Attorney General shall
24 establish and execute an oversight plan for monitoring the
25 activities of grant recipients.

1 “(c) FUNDING SOURCE.—Appropriations for activi-
2 ties authorized in this part may be made from the Violent
3 Crime Reduction Trust Fund.”.

4 (b) CLERICAL AMENDMENTS.—The table of contents
5 of title I of the Omnibus Crime Control and Safe Streets
6 Act of 1968 is amended by striking the item relating to
7 part R and inserting the following:

“PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

- “Sec. 1801. Program authorized.
- “Sec. 1802. Grant eligibility.
- “Sec. 1803. Allocation and distribution of funds.
- “Sec. 1804. Regulations.
- “Sec. 1805. Payment requirements.
- “Sec. 1806. Utilization of private sector.
- “Sec. 1807. Administrative provisions.
- “Sec. 1808. Definitions.
- “Sec. 1809. Authorization of appropriations.”.

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