

103^D CONGRESS
1ST SESSION

H. R. 3351

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20 (legislative day, NOVEMBER 2), 1993

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

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. CERTAINTY OF PUNISHMENT FOR YOUNG OF-**
4 **FENDERS.**

5 (a) IN GENERAL.—Title I of the Omnibus Crime
6 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
7 et seq.), is amended—

1 (1) by redesignating part Q as part R;

2 (2) by redesignating section 1701 as section
3 1801; and

4 (3) by inserting after part P the following:

5 **“PART Q—ALTERNATIVE PUNISHMENTS FOR**
6 **YOUNG OFFENDERS**

7 **“SEC. 1701. GRANT AUTHORIZATION.**

8 “(a) IN GENERAL.—The Director of the Bureau of
9 Justice Assistance (referred to in this part as the ‘Direc-
10 tor’) may make grants under this part to States, for the
11 use by States and units of local government in the States,
12 for the purpose of developing alternative methods of pun-
13 ishment for young offenders to traditional forms of incar-
14 ceration and probation.

15 “(b) ALTERNATIVE METHODS.—The alternative
16 methods of punishment referred to in subsection (a)
17 should ensure certainty of punishment for young offenders
18 and promote reduced recidivism, crime prevention, and as-
19 sistance to victims, particularly for young offenders who
20 can be punished more effectively in an environment other
21 than a traditional correctional facility, including—

22 “(1) alternative sanctions that create account-
23 ability and certainty of punishment for young of-
24 fenders;

1 “(2) boot camp prison programs that include
2 education and job training activities such as pro-
3 grams modeled, to the extent practicable, after ac-
4 tivities carried out under part B of title IV of the
5 Job Training Partnership Act (relating to Job
6 Corps) (29 U.S.C. 1691 et seq.);

7 “(3) technical training and support for the im-
8 plementation and maintenance of State and local
9 restitution programs for young offenders;

10 “(4) innovative projects, such as projects con-
11 sisting of education and job training activities for in-
12 carcerated young offenders, modeled, to the extent
13 practicable, after activities carried out under part B
14 of title IV of the Job Training Partnership Act (re-
15 lating to Job Corps) (29 U.S.C. 1691 et seq.);

16 “(5) correctional options, such as community-
17 based incarceration, weekend incarceration, and elec-
18 tronic monitoring of offenders;

19 “(6) community service programs that provide
20 work service placement for young offenders at non-
21 profit, private organizations and community organi-
22 zations;

23 “(7) demonstration restitution projects that are
24 evaluated for effectiveness;

1 “(8) innovative methods that address the prob-
2 lems of young offenders convicted of serious sub-
3 stance abuse (including alcohol abuse, and gang-re-
4 lated offenses), including technical assistance and
5 training to counsel and treat such offenders; and

6 “(9) the provision for adequate and appropriate
7 after care programs for the young offenders, such as
8 substance abuse treatment, education programs, vo-
9 cational training, job placement counseling, and
10 other support programs upon release.

11 **“SEC. 1702. STATE APPLICATIONS.**

12 “(a) IN GENERAL.—(1) To request a grant under
13 this part, the chief executive of a State shall submit an
14 application to the Director in such form and containing
15 such information as the Director may reasonably require.

16 “(2) Such application shall include assurances that
17 Federal funds received under this part shall be used to
18 supplement, not supplant, non-Federal funds that would
19 otherwise be available for activities funded under this part.

20 “(b) STATE OFFICE.—The office designated under
21 section 507 of this title—

22 “(1) shall prepare the application as required
23 under subsection (a); and

24 “(2) shall administer grant funds received
25 under this part, including review of spending, proc-

1 essing, progress, financial reporting, technical assist-
2 ance, grant adjustments, accounting, auditing, and
3 fund disbursement.

4 **“SEC. 1703. REVIEW OF STATE APPLICATIONS.**

5 “(a) IN GENERAL.—The Director, in consultation
6 with the Director of the National Institute of Corrections,
7 shall make a grant under section 1701(a) to carry out the
8 projects described in the application submitted by such ap-
9 plicant under section 1702 upon determining that—

10 “(1) the application is consistent with the re-
11 quirements of this part; and

12 “(2) before the approval of the application, the
13 Director has made an affirmative finding in writing
14 that the proposed project has been reviewed in ac-
15 cordance with this part.

16 “(b) APPROVAL.—Each application submitted under
17 section 1702 shall be considered approved, in whole or in
18 part, by the Director not later than 45 days after first
19 received unless the Director informs the applicant of spe-
20 cific reasons for disapproval.

21 “(c) RESTRICTION.—Grant funds received under this
22 part shall not be used for land acquisition or construction
23 projects, other than alternative facilities described in sec-
24 tion 1701(b).

1 “(d) DISAPPROVAL NOTICE AND RECONSIDER-
2 ATION.—The Director shall not disapprove any application
3 without first affording the applicant reasonable notice and
4 an opportunity for reconsideration.

5 **“SEC. 1704. LOCAL APPLICATIONS.**

6 “(a) IN GENERAL.—(1) To request funds under this
7 part from a State, the chief executive of a unit of local
8 government shall submit an application to the office des-
9 ignated under section 1701(b).

10 “(2) Such application shall be considered approved,
11 in whole or in part, by the State not later than 45 days
12 after such application is first received unless the State in-
13 forms the applicant in writing of specific reasons for dis-
14 approval.

15 “(3) The State shall not disapprove any application
16 submitted to the State without first affording the appli-
17 cant reasonable notice and an opportunity for reconsider-
18 ation.

19 “(4) If such application is approved, the unit of local
20 government is eligible to receive such funds.

21 “(b) DISTRIBUTION TO UNITS OF LOCAL GOVERN-
22 MENT.—A State that receives funds under section 1701
23 in a fiscal year shall make such funds available to units
24 of local government with an application that has been sub-
25 mitted and approved by the State within 45 days after

1 the Director has approved the application submitted by
2 the State and has made funds available to the State. The
3 Director shall have the authority to waive the 45-day re-
4 quirement in this section upon a finding that the State
5 is unable to satisfy such requirement under State statutes.

6 **“SEC. 1705. ALLOCATION AND DISTRIBUTION OF FUNDS.**

7 “(a) STATE DISTRIBUTION.—Of the total amount ap-
8 propriated under this part in any fiscal year—

9 “(1) 0.4 percent shall be allocated to each of
10 the participating States; and

11 “(2) of the total funds remaining after the allo-
12 cation under paragraph (1), there shall be allocated
13 to each of the participating States an amount which
14 bears the same ratio to the amount of remaining
15 funds described in this paragraph as the number of
16 young offenders of such State bears to the number
17 of young offenders in all the participating States.

18 “(b) LOCAL DISTRIBUTION.—(1) A State that re-
19 ceives funds under this part in a fiscal year shall distribute
20 to units of local government in such State for the purposes
21 specified under section 1701 that portion of such funds
22 which bears the same ratio to the aggregate amount of
23 such funds as the amount of funds expended by all units
24 of local government for correctional programs in the pre-
25 ceding fiscal year bears to the aggregate amount of funds

1 expended by the State and all units of local government
2 in such State for correctional programs in such preceding
3 fiscal year.

4 “(2) Any funds not distributed to units of local gov-
5 ernment under paragraph (1) shall be available for ex-
6 penditure by such State for purposes specified under sec-
7 tion 1701.

8 “(3) If the Director determines, on the basis of infor-
9 mation available during any fiscal year, that a portion of
10 the funds allocated to a State for such fiscal year will not
11 be used by such State or that a State is not eligible to
12 receive funds under section 1701, the Director shall award
13 such funds to units of local government in such State giv-
14 ing priority to the units of local government that the Di-
15 rector considers to have the greatest need.

16 “(c) GENERAL REQUIREMENT.—Notwithstanding
17 the provisions of subsections (a) and (b), not less than
18 two-thirds of funds received by a State under this part
19 shall be distributed to units of local government unless the
20 State applies for and receives a waiver from the Director
21 of the Bureau of Justice Assistance.

22 “(d) FEDERAL SHARE.—The Federal share of a
23 grant made under this part may not exceed 75 percent
24 of the total costs of the projects described in the applica-

1 tion submitted under section 1702(a) for the fiscal year
2 for which the projects receive assistance under this part.

3 “(e) CONSIDERATION.—Notwithstanding subsections
4 (a) and (b), in awarding grants under this part, the Direc-
5 tor shall consider as an important factor whether a State
6 has in effect throughout such State a law or policy
7 which—

8 “(1) requires that a juvenile who is in posses-
9 sion of a firearm or other weapon on school property
10 or convicted of a crime involving the use of a firearm
11 or weapon on school property—

12 “(A) be suspended from school for a rea-
13 sonable period of time; and

14 “(B) lose driving license privileges for a
15 reasonable period of time;

16 “(2) bans firearms and other weapons in a 100-
17 yard radius of school property, but the State may
18 allow exceptions for school-sponsored activities, as
19 well as other reasonable exceptions.

20 “(f) DEFINITION.—For purposes of this part, ‘juve-
21 nile’ means 18 years of age or younger.

22 **“SEC. 1706. EVALUATION.**

23 “(a) IN GENERAL.—(1) Each State and local unit of
24 government that receives a grant under this part shall
25 submit to the Director an evaluation not later than March

1 1 of each year in accordance with guidelines issued by the
2 Director and in consultation with the National Institute
3 of Justice.

4 “(2) The Director may waive the requirement speci-
5 fied in paragraph (1) if the Director determines that such
6 evaluation is not warranted in the case of the State or
7 unit of local government involved.

8 “(b) DISTRIBUTION.—The Director shall make avail-
9 able to the public on a timely basis evaluations received
10 under subsection (a).

11 “(c) ADMINISTRATIVE COSTS.—A State and local
12 unit of government may use not more than 5 percent of
13 funds it receives under this part to develop an evaluation
14 program under this section.”.

15 (b) CONFORMING AMENDMENT.—The table of con-
16 tents of title I of the Omnibus Crime Control and Safe
17 Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended
18 by striking the matter relating to part Q and inserting
19 the following:

“PART Q—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

“Sec. 1701. Grant authorization.

“Sec. 1702. State applications.

“Sec. 1703. Review of State applications.

“Sec. 1704. Local applications.

“Sec. 1705. Allocation and distribution of funds.

“Sec. 1706. Evaluation.

“PART R—TRANSITION—EFFECTIVE DATE—REPEALER

“Sec. 1801. Continuation of rules, authorities, and proceedings.”.

1 (c) DEFINITION.—Section 901(a) of the Omnibus
2 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
3 3791(a)), is amended by adding after paragraph (23) the
4 following:

5 “(24) The term ‘young offender’ means an indi-
6 vidual, convicted of a crime, 22 years of age or
7 younger—

8 “(A) who has not been convicted of—

9 “(i) a crime of sexual assault; or

10 “(ii) a crime involving the use of a
11 firearm in the commission of the crime;

12 and

13 “(B) who has no prior convictions for a
14 crime of violence (as defined by section 16 of
15 title 18, United States Code) punishable by a
16 period of 1 or more years of imprisonment.”.

17 **SEC. 2. AUTHORIZATION OF APPROPRIATION.**

18 Section 1001(a) of title I of the Omnibus Crime Con-
19 trol and Safe Streets Act of 1968 (42 U.S.C. 3793) is
20 amended by adding after paragraph (10) the following:

21 “(11) There are authorized to be appropriated
22 \$200,000,000 for each of the fiscal years 1994, 1995, and
23 1996 to carry out the projects under part Q.”.

