

107TH CONGRESS
1ST SESSION

H. R. 863

To provide grants to ensure increased accountability for juvenile offenders.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2001

Mr. SMITH of Texas (for himself, Mr. SCOTT, Mr. BARR of Georgia, Mr. CHABOT, Mr. COBLE, Mr. DELAHUNT, Mr. GOODLATTE, Mr. GREEN of Wisconsin, Mr. HUTCHINSON, Ms. JACKSON-LEE of Texas, Mr. KELLER, Mr. MEEHAN, and Mr. WEINER) 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 2001”.

6 **SEC. 2. GRANT PROGRAM.**

7 (a) IN GENERAL.—Part R of title I of the Omnibus
8 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
9 3796 et seq.) is amended to read as follows:

1 **“PART R—JUVENILE ACCOUNTABILITY BLOCK**

2 **GRANTS**

3 **“SEC. 1801. PROGRAM AUTHORIZED.**

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

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

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

15 “(2) building, expanding, renovating, or oper-
16 ating temporary or permanent juvenile correction,
17 detention, or community corrections facilities;

18 “(3) hiring juvenile court judges, probation offi-
19 cers, and court-appointed defenders and special ad-
20 vocates, and funding pretrial services for juvenile of-
21 fenders, to promote the effective and expeditious ad-
22 ministration of the juvenile justice system;

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

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

6 “(6) establishing and maintaining training pro-
7 grams for law enforcement and other court per-
8 sonnel with respect to preventing and controlling ju-
9 venile crime;

10 “(7) establishing juvenile gun courts for the
11 prosecution and adjudication of juvenile firearms of-
12 fenders;

13 “(8) establishing drug court programs for juve-
14 nile offenders that provide continuing judicial super-
15 vision over juvenile offenders with substance abuse
16 problems and the integrated administration of other
17 sanctions and services for such offenders;

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

20 “(10) establishing and maintaining interagency
21 information-sharing programs that enable the juve-
22 nile and criminal justice system, schools, and social
23 services agencies to make more informed decisions
24 regarding the early identification, control, super-

1 vision, and treatment of juveniles who repeatedly
2 commit serious delinquent or criminal acts;

3 “(11) establishing and maintaining account-
4 ability-based programs designed to reduce recidivism
5 among juveniles who are referred by law enforce-
6 ment personnel or agencies;

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

14 “(13) establishing and maintaining account-
15 ability-based programs that are designed to enhance
16 school safety.

17 **“SEC. 1802. GRANT ELIGIBILITY.**

18 “(a) STATE ELIGIBILITY.—To be eligible to receive
19 a grant under this section, a State shall submit to the
20 Attorney General an application at such time, in such
21 form, and containing such assurances and information as
22 the Attorney General may require by rule, including assur-
23 ances that the State and any unit of local government to
24 which the State provides funding under section 1803(b),
25 has in effect (or shall have in effect, not later than 1 year

1 after the date that the State submits such application)
2 laws, or has implemented (or shall implement, not later
3 than 1 year after the date that the State submits such
4 application) policies and programs, that provide for a sys-
5 tem of graduated sanctions described in subsection (c).

6 “(b) LOCAL ELIGIBILITY.—

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

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

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

4 “(1) sanctions are imposed on a juvenile of-
5 fender for each delinquent offense;

6 “(2) sanctions escalate in intensity with each
7 subsequent, more serious delinquent offense;

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

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

13 “(d) DISCRETIONARY USE OF SANCTIONS.—

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

17 “(A) its system of graduated sanctions is
18 discretionary; and

19 “(B) it demonstrates that it has promoted
20 the use of a system of graduated sanctions by
21 taking steps to encourage implementation of
22 such a system by juvenile courts.

23 “(2) REPORTING REQUIREMENT IF GRADUATED
24 SANCTIONS NOT USED.—

1 “(A) JUVENILE COURTS.—A State or unit
2 of local government in which the imposition of
3 graduated sanctions is discretionary shall re-
4 quire each juvenile court within its
5 jurisdiction—

6 “(i) which has not implemented a sys-
7 tem of graduated sanctions, to submit an
8 annual report that explains why such court
9 did not implement graduated sanctions;
10 and

11 “(ii) which has implemented a system
12 of graduated sanctions but has not im-
13 posed graduated sanctions in 1 or more
14 specific cases, to submit an annual report
15 that explains why such court did not im-
16 pose graduated sanctions in each such
17 case.

18 “(B) UNITS OF LOCAL GOVERNMENT.—
19 Each unit of local government, other than a
20 specially qualified unit, that has 1 or more juve-
21 nile courts that use a discretionary system of
22 graduated sanctions shall collect the informa-
23 tion reported under subparagraph (A) for sub-
24 mission to the State each year.

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

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

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

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

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

21 “(a) STATE ALLOCATION.—

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

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

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

12 “(2) PROHIBITION.—No funds allocated to a
13 State under this subsection or received by a State
14 for distribution under subsection (b) may be distrib-
15 uted by the Attorney General or by the State in-
16 volved for any program other than a program con-
17 tained in an approved application.

18 “(3) INCREASE FOR STATE RESERVE.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B), if a State demonstrates and certifies
21 to the Attorney General that the State’s law en-
22 forcement expenditures in the fiscal year pre-
23 ceeding the date in which an application is sub-
24 mitted under this part is more than 25 percent
25 of the aggregate amount of law enforcement ex-

1 penditures by the State and its eligible units of
2 local government, the percentage referred to in
3 paragraph (1)(A) shall equal the percentage de-
4 termined by dividing the State’s law enforce-
5 ment expenditures by such aggregate.

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

14 “(b) LOCAL DISTRIBUTION.—

15 “(1) IN GENERAL.—Except as provided in sub-
16 section (a)(3), each State which receives funds under
17 subsection (a)(1) in a fiscal year shall distribute not
18 less than 75 percent of such amounts received
19 among units of local government, for the purposes
20 specified in section 1801. In making such distribu-
21 tion the State shall allocate to such units of local
22 government an amount which bears the same ratio
23 to the aggregate amount of such funds as—

24 “(A) the sum of—

25 “(i) the product of—

1 “(I) three-quarters; multiplied by

2 “(II) the average law enforce-
3 ment expenditure for such unit of
4 local government for the 3 most re-
5 cent calendar years for which such
6 data is available; plus

7 “(ii) the product of—

8 “(I) one-quarter; multiplied by

9 “(II) the average annual number
10 of part 1 violent crimes in such unit
11 of local government for the 3 most re-
12 cent calendar years for which such
13 data is available, bears to—

14 “(B) the sum of the products determined
15 under subparagraph (A) for all such units of
16 local government in the State.

17 “(2) EXPENDITURES.—The allocation any unit
18 of local government shall receive under paragraph
19 (1) for a payment period shall not exceed 100 per-
20 cent of law enforcement expenditures of the unit for
21 such payment period.

22 “(3) REALLOCATION.—The amount of any unit
23 of local government’s allocation that is not available
24 to such unit by operation of paragraph (2) shall be
25 available to other units of local government that are

1 not affected by such operation in accordance with
2 this subsection.

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

8 “(1) investigate the methodology used by the
9 unit to determine the accuracy of the submitted
10 data; and

11 “(2) if necessary, use the best available com-
12 parable data regarding the number of violent crimes
13 or law enforcement expenditures for the relevant
14 years for the unit of local government.

15 “(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS
16 THAN \$5,000.—If under this section a unit of local gov-
17 ernment is allocated less than \$5,000 for a payment pe-
18 riod, the amount allotted shall be expended by the State
19 on services to units of local government whose allotment
20 is less than such amount in a manner consistent with this
21 part.

22 “(e) DIRECT GRANTS TO SPECIALLY QUALIFIED
23 UNITS.—

24 “(1) IN GENERAL.—If a State does not qualify
25 or apply for funds reserved for allocation under sub-

1 section (a) by the application deadline established by
2 the Attorney General, the Attorney General shall re-
3 serve not more than 75 percent of the allocation that
4 the State would have received under subsection (a)
5 for such fiscal year to provide grants to specially
6 qualified units which meet the requirements for
7 funding under section 1802.

8 “(2) AWARD BASIS.—In addition to the quali-
9 fication requirements for direct grants for specially
10 qualified units the Attorney General may use the av-
11 erage amount allocated by the States to units of
12 local government as a basis for awarding grants
13 under this section.

14 **“SEC. 1804. REGULATIONS.**

15 “(a) IN GENERAL.—The Attorney General shall issue
16 regulations establishing procedures under which a State
17 or unit of local government that receives funds under sec-
18 tion 1803 is required to provide notice to the Attorney
19 General regarding the proposed use of funds made avail-
20 able under this part.

21 “(b) ADVISORY BOARD.—The regulations referred to
22 in subsection (a) shall include a requirement that such eli-
23 gible State or unit of local government establish and con-
24 vene an advisory board to review the proposed uses of such

1 funds. The board shall include representation from, if
2 appropriate—

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

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

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

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

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

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

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

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

11 **“SEC. 1805. PAYMENT REQUIREMENTS.**

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

16 “(1) 90 days after the date that the amount is
17 available, or

18 “(2) the first day of the payment period if the
19 State has provided the Attorney General with the as-
20 surances required by subsection (c),

21 whichever is later.

22 “(b) **REPAYMENT OF UNEXPENDED AMOUNTS.**—

23 “(1) **REPAYMENT REQUIRED.**—From amounts
24 awarded under this part, a State or specially quali-
25 fied unit shall repay to the Attorney General, or a

1 unit of local government shall repay to the State by
2 not later than 27 months after receipt of funds from
3 the Attorney General, any amount that is not ex-
4 pended by the State within 2 years after receipt of
5 such funds from the Attorney General.

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

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

15 “(c) ADMINISTRATIVE COSTS.—A State or unit of
16 local government that receives funds under this part may
17 use not more than 5 percent of such funds to pay for ad-
18 ministrative costs.

19 “(d) NONSUPPLANTING REQUIREMENT.—Funds
20 made available under this part to States and units of local
21 government shall not be used to supplant State or local
22 funds as the case may be, but shall be used to increase
23 the amount of funds that would, in the absence of funds
24 made available under this part, be made available from
25 State or local sources, as the case may be.

1 “(e) MATCHING FUNDS.—The Federal share of a
2 grant received under this part may not exceed 90 percent
3 of the costs of a program or proposal funded under this
4 part.

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

6 “Funds or a portion of funds allocated under this
7 part may be used by a State or unit of local government
8 that receives a grant under this part to contract with pri-
9 vate, nonprofit entities, or community-based organizations
10 to carry out the purposes specified under section 1801(b).

11 **“SEC. 1807. ADMINISTRATIVE PROVISIONS.**

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

14 “(1) establish a trust fund in which the govern-
15 ment will deposit all payments received under this
16 part;

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

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

1 “(4) spend the funds only for the purposes
2 under section 1801(b).

3 “(b) TITLE I PROVISIONS.—Except as otherwise pro-
4 vided, the administrative provisions of part H shall apply
5 to this part and for purposes of this section any reference
6 in such provisions to title I shall be deemed to include
7 a reference to this part.

8 **“SEC. 1808. DEFINITIONS.**

9 “For purposes of this part:

10 “(1) The term ‘unit of local government’
11 means—

12 “(A) a county, township, city, or political
13 subdivision of a county, township, or city, that
14 is a unit of local government as determined by
15 the Secretary of Commerce for general statis-
16 tical purposes; and

17 “(B) the District of Columbia and the rec-
18 ognized governing body of an Indian tribe or
19 Alaskan Native village that carries out substan-
20 tial governmental duties and powers.

21 “(2) The term ‘specially qualified unit’ means a
22 unit of local government which may receive funds
23 under this part only in accordance with section
24 1803(e).

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

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

13 “(5) The term ‘law enforcement expenditures’
14 means the expenditures associated with prosecu-
15 torial, legal, and judicial services, and corrections as
16 reported to the Bureau of the Census for the fiscal
17 year preceding the fiscal year for which a determina-
18 tion is made under this part.

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

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

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

4 “(1) \$500,000,000 for fiscal year 2002;

5 “(2) \$500,000,000 for fiscal year 2003; and

6 “(3) \$500,000,000 for fiscal year 2004.

7 “(b) OVERSIGHT ACCOUNTABILITY AND ADMINIS-
8 TRATION.—Not more than 3 percent of the amount au-
9 thorized to be appropriated under subsection (a), with
10 such amounts to remain available until expended, for each
11 of the fiscal years 2002 through 2004 shall be available
12 to the Attorney General for evaluation and research re-
13 garding the overall effectiveness and efficiency of the pro-
14 visions of this part, assuring compliance with the provi-
15 sions of this part, and for administrative costs to carry
16 out the purposes of this part. The Attorney General shall
17 establish and execute an oversight plan for monitoring the
18 activities of grant recipients.

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

22 (b) CLERICAL AMENDMENTS.—The table of contents
23 of title I of the Omnibus Crime Control and Safe Streets
24 Act of 1968 is amended by striking the item relating to
25 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.”.

