

Calendar No. 243

111TH CONGRESS
1ST SESSION

S. 678

To reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 24, 2009

Mr. LEAHY (for himself, Mr. SPECTER, Mr. KOHL, Mr. DURBIN, Ms. COLLINS, Ms. SNOWE, Mr. CARDIN, and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

DECEMBER 17, 2009

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

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 Justice and
5 Delinquency Prevention Reauthorization Act of 2009”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

- Sec. 101. Findings.
- Sec. 102. Purposes.
- Sec. 103. Definitions.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

- Sec. 201. Concentration of Federal efforts.
- Sec. 202. Coordinating Council on Juvenile Justice and Delinquency Prevention.
- Sec. 203. Annual report.
- Sec. 204. Allocation of funds.
- Sec. 205. State plans.
- Sec. 206. Authority to make grants.
- Sec. 207. Grants to Indian tribes.
- Sec. 208. Research and evaluation; statistical analyses; information dissemination.
- Sec. 209. Training and technical assistance.
- Sec. 210. Incentive grants for State and local programs.
- Sec. 211. Authorization of appropriations.
- Sec. 212. Administrative authority.
- Sec. 213. Technical and conforming amendments.

TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

- Sec. 301. Definitions.
- Sec. 302. Grants for delinquency prevention programs.
- Sec. 303. Authorization of appropriations.
- Sec. 304. Technical and conforming amendment.

3 **TITLE I—FINDINGS AND**
4 **DECLARATION OF PURPOSE**

5 **SEC. 101. FINDINGS.**

6 Section 101 of the Juvenile Justice and Delinquency
7 Prevention Act of 1974 (42 U.S.C. 5601) is amended to
8 read as follows:

9 **“SEC. 101. FINDINGS.**

10 **“Congress finds the following:**

1 “(1) A growing body of adolescent development
2 research supports the use of developmentally appropriate
3 services and sanctions for youth in the juvenile
4 justice system and those at risk for delinquent
5 behavior to help prevent youth crime and to successfully
6 intervene with youth who have already entered
7 the system.

8 “(2) Research has shown that targeted investments
9 to redirect offending juveniles onto a different
10 path are cost effective and can help reduce juvenile
11 recidivism and adult crime.

12 “(3) Minorities are disproportionately represented
13 in the juvenile justice system.

14 “(4) Between 1990 and 2004, the number of
15 youth in adult jails increased by 208 percent.

16 “(5) Every day in the United States, an average
17 of 7,500 youth are incarcerated in adult jails.

18 “(6) Youth who have been previously tried as
19 adults are, on average, 34 percent more likely to
20 commit crimes than youth retained in the juvenile
21 justice system.

22 “(7) Research has shown that every dollar
23 spent on evidence based programs can yield up to
24 \$13 in cost savings.

1 “(8) Each child prevented from engaging in re-
2 peat criminal offenses can save the community
3 \$1,700,000 to \$3,400,000.

4 “(9) Youth are 19 times more likely to commit
5 suicide in jail than youth in the general population
6 and 36 times more likely to commit suicide in an
7 adult jail than in a juvenile detention facility.

8 “(10) Seventy percent of youth in detention are
9 held for nonviolent charges, and more than $\frac{2}{3}$ are
10 charged with property offenses, public order of-
11 fenses, technical probation violations, or status of-
12 fenses, such as truancy, running away, or breaking
13 curfew.

14 “(11) The prevalence of mental disorders
15 among youth in juvenile justice systems is 2 to 3
16 times higher than among youth in the general popu-
17 lation.

18 “(12) Eighty percent of juveniles in juvenile
19 justice systems have a nexus to substance abuse.

20 “(13) The proportion of girls entering the jus-
21 tice system has increased steadily over the past sev-
22 eral decades, rising from 20 percent in 1980 to 29
23 percent in 2003.”.

1 **SEC. 102. PURPOSES.**

2 Section 102 of the Juvenile Justice and Delinquency
3 Prevention Act of 1974 (42 U.S.C. 5602) is amended—

4 (1) in paragraph (2), by striking “and” at the
5 end;

6 (2) in paragraph (3), by striking the period at
7 the end and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(4) to support a continuum of programs (in-
10 cluding delinquency prevention, intervention, mental
11 health and substance abuse treatment, and
12 aftercare) to address the needs of at-risk youth and
13 youth who come into contact with the justice sys-
14 tem.”.

15 **SEC. 103. DEFINITIONS.**

16 Section 103 of the Juvenile Justice and Delinquency
17 Prevention Act of 1974 (42 U.S.C. 5603) is amended—

18 (1) in paragraph (8), by amending subpara-
19 graph (C) to read as follows:

20 “(C) an Indian tribe; or”;

21 (2) by amending paragraph (18) to read as fol-
22 lows:

23 “(18) the term ‘Indian tribe’ has the meaning
24 given that term in section 4 of the Indian Self-De-
25 termination and Education Assistance Act (25
26 U.S.C. 450b);”;

1 (3) in paragraph (22), by striking “or confine
2 adults” and all that follows and inserting “or con-
3 fine adult inmates;”;

4 (4) in paragraph (25), by striking “contact”
5 and inserting “sight and sound contact”;

6 (5) by amending paragraph (26) to read as fol-
7 lows:

8 “(26) the term ‘adult inmate’—

9 “(A) means an individual who—

10 “(i) has reached the age of full crimi-
11 nal responsibility under applicable State
12 law; and

13 “(ii) has been arrested and is in cus-
14 tody for or awaiting trial on a criminal
15 charge; or is convicted of a criminal charge
16 offense; and

17 “(B) does not include an individual who—

18 “(i) at the time of the time of the of-
19 fense, was younger than the maximum age
20 at which a youth can be held in a juvenile
21 facility under applicable State law; and

22 “(ii) was committed to the care and
23 custody of a juvenile correctional agency by
24 a court of competent jurisdiction or by op-
25 eration of applicable State law;”;

1 (6) in paragraph (28), by striking “and” at the
2 end;

3 (7) in paragraph (29), by striking the period at
4 the end and inserting a semicolon; and

5 (8) by adding at the end the following:

6 “(30) the term ‘core requirements’ means the
7 requirements described in paragraphs (11), (12),
8 (13), and (15) of section 223(a);

9 “(31) the term ‘chemical agent’ means a spray
10 used to temporarily incapacitate a person, including
11 oleoresin capsicum spray, tear gas, and 2-
12 chlorobenzalmalononitrile gas;

13 “(32) the term ‘isolation’—

14 “(A) means any instance in which a youth
15 is confined alone for more than 15 minutes in
16 a room or cell; and

17 “(B) does not include confinement during
18 regularly scheduled sleeping hours, or for not
19 more than 1 hour during any 24-hour period in
20 the room or cell in which the youth usually
21 sleeps, protective confinement (for injured
22 youths or youths whose safety is threatened),
23 separation based on an approved treatment pro-
24 gram, confinement that is requested by the
25 youth, or the separation of the youth from a

1 group in a non-locked setting for the purpose of
2 calming;

3 “(33) the term ‘restraint’ has the meaning
4 given that term in section 591 of the Public Health
5 Service Act (42 U.S.C. 290ii);

6 “(34) the term ‘evidence based’ means a pro-
7 gram or practice that is demonstrated to be effective
8 and that—

9 “(A) is based on a clearly articulated and
10 empirically supported theory;

11 “(B) has measurable outcomes, including a
12 detailed description of what outcomes were pro-
13 duced in a particular population; and

14 “(C) has been scientifically tested, opti-
15 mally through randomized control studies or
16 comparison group studies;

17 “(35) the term ‘promising’ means a program or
18 practice that is demonstrated to be effective based
19 on positive outcomes from 1 or more objective eval-
20 uations, as documented in writing to the Adminis-
21 trator;

22 “(36) the term ‘dangerous practice’ means an
23 act, procedure, or program that creates an unreason-
24 able risk of physical injury, pain, or psychological

1 harm to a juvenile subjected to the act, procedure,
2 or program;

3 “(37) the term ‘screening’ means a brief pro-
4 cess—

5 “(A) designed to identify youth who may
6 have mental health or substance abuse needs
7 requiring immediate attention, intervention, and
8 further evaluation; and

9 “(B) the purpose of which is to quickly
10 identify a youth with a possible mental health
11 or substance abuse need in need of further as-
12 sessment;

13 “(38) the term ‘assessment’ includes, at a min-
14 imum, an interview and review of available records
15 and other pertinent information—

16 “(A) by a mental health or substance
17 abuse professional who meets the criteria of the
18 applicable State for licensing and education in
19 the mental health or substance abuse field; and

20 “(B) which is designed to identify signifi-
21 cant mental health or substance abuse treat-
22 ment needs to be addressed during a youth’s
23 confinement; and

24 “(39) the term ‘contact’ means the point at
25 which a youth interacts with the juvenile justice sys-

1 (ii) by striking “Commissioner of Im-
2 migration and Naturalization” and insert-
3 ing “Assistant Secretary for Immigration
4 and Customs Enforcement”; and

5 (B) in paragraph (2)(A), by inserting “(in-
6 cluding at least 1 representative from the men-
7 tal health fields)” after “field of juvenile jus-
8 tice”; and

9 (2) in subsection (c)—

10 (A) in paragraph (1), by striking “para-
11 graphs (12)(A), (13), and (14) of section
12 223(a) of this title” and inserting “the core re-
13 quirements”; and

14 (B) in paragraph (2)—

15 (i) in the matter preceding subpara-
16 graph (A), by inserting “, on an annual
17 basis” after “collectively”;

18 (ii) in subparagraph (A), by striking
19 “and” at the end;

20 (iii) in subparagraph (B),

21 (I) by striking “180 days after
22 the date of the enactment of this
23 paragraph” and inserting “May 3,
24 2009”;

1 (II) by striking “Committee on
2 Education and the Workforce” and
3 inserting “Committee on Education
4 and Labor”; and

5 (III) by striking the period and
6 inserting “; and”; and

7 (iv) by adding at the end the fol-
8 lowing:

9 “(C) not later than 120 days after the comple-
10 tion of the last meeting in any fiscal year, submit to
11 Congress a report regarding the recommendations
12 described in subparagraph (A), which shall—

13 “(i) include a detailed account of the ac-
14 tivities conducted by the Council during the fis-
15 cal year, including a complete detailed account-
16 ing of expenses incurred by the Coordinating
17 Council to conduct operations in accordance
18 with this section;

19 “(ii) be published on the websites of the
20 Department of Justice and the Coordinating
21 Council; and

22 “(iii) be in addition to the annual report
23 required by section 207.”.

1 **SEC. 203. ANNUAL REPORT.**

2 Section 207 of the Juvenile Justice and Delinquency
3 Prevention Act of 1974 (42 U.S.C. 5617) is amended—

4 (1) in the matter preceding paragraph (1), by
5 striking “a fiscal year” and inserting “each fiscal
6 year”;

7 (2) in paragraph (1)—

8 (A) in subparagraph (B), by inserting
9 “, ethnicity,” after “race”;

10 (B) in subparagraph (E), by striking
11 “and” at the end;

12 (C) in subparagraph (F)—

13 (i) by inserting “and other” before
14 “disabilities,”; and

15 (ii) by striking the period at the end
16 and inserting a semicolon; and

17 (D) by adding at the end the following:

18 “(G) a summary of data from 1 month of
19 the applicable fiscal year of the use of restraints
20 and isolation upon juveniles held in the custody
21 of secure detention and correctional facilities
22 operated by a State or unit of local government;

23 “(H) the number of juveniles released from
24 custody and the type of living arrangement to
25 which each such juvenile was released;

1 “(I) the number of status offense cases pe-
2 titioned to court (including a breakdown by
3 type of offense and disposition); number of sta-
4 tus offenders held in secure detention; the find-
5 ings used to justify the use of secure detention;
6 and the average period of time a status of-
7 fender was held in secure detention; and

8 “(J) the number of pregnant juveniles held
9 in the custody of secure detention and corre-
10 tional facilities operated by a State or unit of
11 local government.”; and

12 (3) by adding at the end the following:

13 “(5) A description of the criteria used to deter-
14 mine what programs qualify as evidence based and
15 promising programs under this title and title V and
16 a comprehensive list of those programs the Adminis-
17 trator has determined meet such criteria.

18 “(6) A description of funding provided to In-
19 dian tribes under this Act, including direct Federal
20 grants and funding provided to Indian tribes
21 through a State or unit of local government.

22 “(7) An analysis and evaluation of the internal
23 controls at Office of Juvenile Justice and Delin-
24 quency Prevention to determine if grantees are fol-
25 lowing the requirements of Office of Juvenile Justice

1 and Delinquency Prevention grant programs and
2 what remedial action Office of Juvenile Justice and
3 Delinquency Prevention has taken to recover any
4 grant funds that are expended in violation of the
5 grant programs, including instances where sup-
6 porting documentation was not provided for cost re-
7 ports, where unauthorized expenditures occurred,
8 and where subrecipients of grant funds were not
9 compliant with program requirements.

10 “(8) An analysis and evaluation of the total
11 amount of payments made to grantees that were re-
12 couped by the Office of Juvenile Justice and Delin-
13 quency Prevention from grantees that were found to
14 be in violation of policies and procedures of the Of-
15 fice of Juvenile Justice and Delinquency Prevention
16 grant programs. This analysis shall include the full
17 name and location of the grantee, the violation of
18 the program found, the amount of funds sought to
19 be recouped by the Office of Juvenile Justice and
20 Delinquency Prevention, and the actual amount re-
21 couped by the Office of Juvenile Justice and Delin-
22 quency Prevention.”

23 **SEC. 204. ALLOCATION OF FUNDS.**

24 (a) TECHNICAL ASSISTANCE.—Section 221(b)(1) of
25 the Juvenile Justice and Delinquency Prevention Act of

1 1974 (42 U.S.C. 5631(b)(1)) is amended by striking “2
2 percent” and inserting “5 percent”.

3 (b) OTHER ALLOCATIONS.—Section 222 of the Juve-
4 nile Justice and Delinquency Prevention Act of 1974 (42
5 U.S.C. 5632) is amended—

6 (1) in subsection (a)(1), by striking “age eight-
7 een.” and inserting “18 years of age, based on the
8 most recent census data to monitor any significant
9 changes in the relative population of people under
10 18 years of age occurring in the States.”;

11 (2) by redesignating subsections (e) and (d) as
12 subsections (d) and (e), respectively;

13 (3) by inserting after subsection (b) the fol-
14 lowing:

15 “(c)(1) If any amount allocated under subsection (a)
16 is withheld from a State due to noncompliance with the
17 core requirements, the funds shall be reallocated for an
18 improvement grant designed to assist the State in achiev-
19 ing compliance with the core requirements.

20 “(2) The Administrator shall condition a grant de-
21 scribed in paragraph (1) on—

22 “(A) the State, with the approval of the Admin-
23 istrator, developing specific action steps designed to
24 restore compliance with the core requirements; and

1 “(B) submitting to the Administrator semi-
 2 annually a report on progress toward implementing
 3 the specific action steps developed under subpara-
 4 graph (A).

5 “(3) The Administrator shall provide appropriate and
 6 effective technical assistance directly or through an agree-
 7 ment with a contractor to assist a State receiving a grant
 8 described in paragraph (1) in achieving compliance with
 9 the core requirements.”;

10 (4) in subsection (d), as so redesignated, by
 11 striking “efficient administration, including moni-
 12 toring, evaluation, and one full-time staff position”
 13 and inserting “effective and efficient administration,
 14 including the designation of at least 1 person to co-
 15 ordinate efforts to achieve and sustain compliance
 16 with the core requirements”; and

17 (5) in subsection (e), as so redesignated, by
 18 striking “5 per centum of the minimum” and insert-
 19 ing “not more than 5 percent of the”.

20 **SEC. 205. STATE PLANS.**

21 Section 223 of the Juvenile Justice and Delinquency
 22 Prevention Act of 1974 (42 U.S.C. 5633) is amended—

23 (1) in subsection (a)—

24 (A) in the matter preceding paragraph (1),
 25 by inserting “Not later than 30 days after the

1 date on which a plan or amended plan sub-
 2 mitted under this subsection is finalized, a
 3 State shall make the plan or amended plan pub-
 4 licly available by posting the plan or amended
 5 plan on a publicly available website.” after
 6 “compliance with State plan requirements.”;

7 ~~(B)~~ in paragraph ~~(3)~~—

8 ~~(i)~~ in subparagraph ~~(A)~~(ii)—

9 ~~(I)~~ in subclause ~~(II)~~, by striking
 10 “counsel for children and youth” and
 11 inserting “publicly supported court-
 12 appointed legal counsel for children
 13 and youth charged in delinquency
 14 matters”;

15 ~~(II)~~ in subclause ~~(III)~~, by strik-
 16 ing “mental health, education, special
 17 education” and inserting “children’s
 18 mental health, education, child and
 19 adolescent substance abuse, special
 20 education, services for youth with dis-
 21 abilities”;

22 ~~(III)~~ in subclause ~~(V)~~, by striking
 23 “delinquents or potential delinquents”
 24 and inserting “delinquent youth or
 25 youth at risk of delinquency, including

1 volunteers who work with youth of
2 color”;

3 ~~(IV)~~ in subclause ~~(VII)~~; by strik-
4 ing “and” at the end;

5 ~~(V)~~ by redesignating subclause
6 ~~(VIII)~~ as subclause ~~(XI)~~;

7 ~~(VI)~~ by inserting after subclause
8 ~~(VII)~~ the following:

9 “~~(VIII)~~ the executive director or
10 the designee of the executive director
11 of a public or nonprofit entity that is
12 located in the State and receiving a
13 grant under part A of title III;

14 “~~(IX)~~ persons with expertise and
15 competence in preventing and ad-
16 dressing mental health or substance
17 abuse needs in juvenile delinquents
18 and those at risk of delinquency;

19 “~~(X)~~ representatives of victim or
20 witness advocacy groups; and”;

21 ~~(VII)~~ in subclause ~~(XI)~~; as so re-
22 designated, by striking “disabilities”
23 and inserting “and other disabilities,
24 truancy reduction or school failure”;

1 (ii) in subparagraph (D)(ii), by strik-
2 ing “requirements of paragraphs (11),
3 (12), and (13)” and inserting “core re-
4 quirements”; and

5 (iii) in subparagraph (E)(i), by adding
6 “and” at the end;

7 (C) in paragraph (5)—

8 (i) in the matter preceding subpara-
9 graph (A), by striking “section 222(d)”
10 and inserting “section 222(e)”; and

11 (ii) in subparagraph (C), by striking
12 “Indian tribes” and all that follows
13 through “applicable to the detention and
14 confinement of juveniles” and inserting
15 “Indian tribes that agree to attempt to
16 comply with the core requirements applica-
17 ble to the detention and confinement of ju-
18 veniles”;

19 (D) in paragraph (7)(B)—

20 (i) by striking clause (i) and inserting
21 the following:

22 “(i) a plan for ensuring that the chief ex-
23 ecutive officer of the State, State legislature,
24 and all appropriate public agencies in the State
25 with responsibility for provision of services to

1 children, youth and families are informed of the
2 requirements of the State plan and compliance
3 with the core requirements;”;

4 (ii) in clause (iii), by striking “and”
5 at the end; and

6 (iii) by striking clause (iv) and insert-
7 ing the following:

8 “(iv) a plan to provide alternatives to de-
9 tention, including diversion to home-based or
10 community-based services that are culturally
11 and linguistically competent or treatment for
12 those youth in need of mental health, substance
13 abuse, or co-occurring disorder services at the
14 time such juveniles first come into contact with
15 the juvenile justice system;

16 “(v) a plan to reduce the number of chil-
17 dren housed in secure detention and corrections
18 facilities who are awaiting placement in residen-
19 tial treatment programs;

20 “(vi) a plan to engage family members in
21 the design and delivery of juvenile delinquency
22 prevention and treatment services, particularly
23 post-placement; and

24 “(vii) a plan to use community-based serv-
25 ices to address the needs of at-risk youth or

1 youth who have come into contact with the ju-
2 venile justice system;”;

3 (E) in paragraph (8), by striking “exist-
4 ing” and inserting “evidence based and prom-
5 ising”;

6 (F) in paragraph (9)—

7 (i) in the matter preceding subpara-
8 graph (A), by striking “section 222(d)”
9 and inserting “section 222(e)”;

10 (ii) in subparagraph (A)(i), by insert-
11 ing “status offenders and other” before
12 “youth who need”;

13 (iii) in subparagraph (B)(i)—

14 (I) by striking “parents and
15 other family members” and inserting
16 “status offenders, other youth, and
17 the parents and other family members
18 of such offenders and youth”; and

19 (II) by striking “be retained”
20 and inserting “remain”;

21 (iv) by redesignating subparagraphs
22 (G) through (S) as subparagraphs (J)
23 through (V), respectively;

1 (v) by redesignating subparagraphs
2 (E) and (F) as subparagraphs (F) and
3 (G), respectively;

4 (vi) by inserting after subparagraph
5 (D) the following:

6 “(E) providing training and technical as-
7 sistance to, and consultation with, juvenile jus-
8 tice and child welfare agencies of States and
9 units of local government to develop coordinated
10 plans for early intervention and treatment of
11 youth who have a history of abuse and juveniles
12 who have prior involvement with the juvenile
13 justice system;”;

14 (vii) in subparagraph (G), as so reded-
15 icated, by striking “expanding” and in-
16 serting “programs to expand”;

17 (viii) by inserting after subparagraph
18 (G), as so redesignated, the following:

19 “(H) programs to improve the recruitment,
20 selection, training, and retention of professional
21 personnel in the fields of medicine, law enforce-
22 ment, judiciary, juvenile justice, social work and
23 child protection, education, and other relevant
24 fields who are engaged in, or intend to work in,

1 the field of prevention, identification, and treat-
2 ment of delinquency;

3 “(I) expanding access to publicly sup-
4 ported, court-appointed legal counsel and en-
5 hancing capacity for the competent representa-
6 tion of every child;”;

7 (ix) in subparagraph (O), as so redesi-
8 gnated—

9 (I) in clause (i), by striking “re-
10 straints” and inserting “alternatives”;
11 and

12 (II) in clause (ii), by striking “by
13 the provision”; and

14 (x) in subparagraph (V), as so redesi-
15 gnated, by striking the period at the end
16 and inserting a semicolon;

17 (G) in paragraph (11)—

18 (i) in subparagraph (A), by striking
19 “and” at the end;

20 (ii) in subparagraph (B), by adding
21 “and” at the end; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(C) encourage the use of community-
25 based alternatives to secure detention, including

1 programs of public and nonprofit entities re-
2 ceiving a grant under part A of title III;”;

3 (H) in paragraph (12)(A), by striking
4 “contact” and inserting “sight and sound con-
5 tact”;

6 (I) in paragraph (13), by striking “con-
7 tact” each place it appears and inserting “sight
8 and sound contact”;

9 (J) by striking paragraph (22);

10 (K) by redesignating paragraphs (23)
11 through (28) as paragraphs (24) through (29),
12 respectively;

13 (L) by redesignating paragraphs (14)
14 through (21) as paragraphs (16) through (23),
15 respectively;

16 (M) by inserting after paragraph (13) the
17 following:

18 “(14) require that—

19 “(A) not later than 3 years after the date
20 of enactment of the Juvenile Justice and Delin-
21 quency Prevention Reauthorization Act of 2009,
22 unless a court finds, after a hearing and in
23 writing, that it is in the interest of justice, juve-
24 niles awaiting trial or other legal process who
25 are treated as adults for purposes of prosecu-

1 tion in criminal court and housed in a secure
2 facility—

3 “(i) shall not have sight and sound
4 contact with adult inmates; and

5 “(ii) except as provided in paragraph
6 (13), may not be held in any jail or lockup
7 for adults;

8 “(B) in determining under subparagraph
9 (A) whether it is in the interest of justice to
10 permit a juvenile to be held in any jail or lock-
11 up for adults; or have sight and sound contact
12 with adult inmates; a court shall consider—

13 “(i) the age of the juvenile;

14 “(ii) the physical and mental maturity
15 of the juvenile;

16 “(iii) the present mental state of the
17 juvenile; including whether the juvenile
18 presents an imminent risk of harm to the
19 juvenile;

20 “(iv) the nature and circumstances of
21 the alleged offense;

22 “(v) the juvenile’s history of prior de-
23 linquent acts;

24 “(vi) the relative ability of the avail-
25 able adult and juvenile detention facilities

1 to meet the specific needs of the juvenile
2 and to protect the public;

3 “(vii) whether placement in a juvenile
4 facility will better serve the long-term in-
5 terests of the juvenile and be more likely to
6 prevent recidivism;

7 “(viii) the availability of programs de-
8 signed to treat the juvenile’s behavioral
9 problems; and

10 “(ix) any other relevant factor; and

11 “(C) if a court determines under subpara-
12 graph (A) that it is in the interest of justice to
13 permit a juvenile to be held in any jail or lock-
14 up for adults, or have sight and sound contact
15 with adult inmates—

16 “(i) the court shall hold a hearing not
17 less frequently than once every 30 days to
18 review whether it is still in the interest of
19 justice to permit the juvenile to be so held
20 or have such sight and sound contact; and

21 “(ii) the juvenile shall not be held in
22 any jail or lockup for adults, or permitted
23 to have sight and sound contact with adult
24 inmates, for more than 180 days, unless
25 the court, in writing, determines there is

1 good cause for an extension of the juvenile
2 expressly waives this limitation;

3 “(15) implement policy, practice, and system
4 improvement strategies at the State, territorial,
5 local, and tribal levels, as applicable, to identify and
6 reduce racial and ethnic disparities among youth
7 who come into contact with the juvenile justice sys-
8 tem, without establishing or requiring numerical
9 standards or quotas, by—

10 “(A) establishing coordinating bodies, com-
11 posed of juvenile justice stakeholders at the
12 State, local, or tribal levels, to oversee and mon-
13 itor efforts by States, units of local government,
14 and Indian tribes to reduce racial and ethnic
15 disparities;

16 “(B) identifying and analyzing key decision
17 points in State, local, or tribal juvenile justice
18 systems to determine which points create racial
19 and ethnic disparities among youth who come
20 into contact with the juvenile justice system;

21 “(C) developing and implementing data
22 collection and analysis systems to identify
23 where racial and ethnic disparities exist in the
24 juvenile justice system and to track and analyze
25 such disparities;

1 “(D) developing and implementing a work
2 plan that includes measurable objectives for pol-
3 icy, practice, or other system changes, based on
4 the needs identified in the data collection and
5 analysis under subparagraphs (B) and (C); and

6 “(E) publicly reporting, on an annual
7 basis, the efforts made in accordance with sub-
8 paragraphs (B), (C), and (D);”

9 (N) in paragraph (16), as so redesign-
10 nated—

11 (i) by striking “adequate system” and
12 inserting “effective system”;

13 (ii) by striking “requirements of para-
14 graph (11),” and all that follows through
15 “monitoring to the Administrator” and in-
16 serting “the core requirements are met,
17 and for annual reporting to the Adminis-
18 trator of such plan, including the results of
19 such monitoring and all related enforce-
20 ment and educational activities”; and

21 (iii) by striking “, in the opinion of
22 the Administrator,”;

23 (O) in paragraph (17), as so redesignated,
24 by inserting “ethnicity,” after “race,”;

1 (P) in paragraph (24), as so redesignated—
2

3 (i) in subparagraph (B), by striking
4 “and” at the end;

5 (ii) in subparagraph (C)—

6 (I) in clause (i), by striking
7 “and” at the end;

8 (II) in clause (ii), by adding
9 “and” at the end; and

10 (III) by adding at the end the
11 following:

12 “(iii) if such court determines the juvenile should be placed in a secure detention facility or correctional facility for violating such order—

13 “(I) the court shall issue a written order that—

14 “(aa) identifies the valid
15 court order that has been violated;

16 “(bb) specifies the factual
17 basis for determining that there
18 is reasonable cause to believe
19 that the juvenile has violated
20 such order;

1 “(cc) includes findings of
2 fact to support a determination
3 that there is no appropriate less
4 restrictive alternative available to
5 placing the juvenile in such a fa-
6 cility, with due consideration to
7 the best interest of the juvenile;

8 “(dd) specifies the length of
9 time, not to exceed 7 days, that
10 the juvenile may remain in a se-
11 cure detention facility or correc-
12 tional facility, and includes a
13 plan for the juvenile’s release
14 from such facility; and

15 “(ee) may not be renewed or
16 extended; and

17 “(II) the court may not issue a
18 second or subsequent order described
19 in subclause (I) relating to a juvenile,
20 unless the juvenile violates a valid
21 court order after the date on which
22 the court issues an order described in
23 subclause (I);”;

24 (iii) by adding at the end the fol-
25 lowing:

1 ~~“(D) there are procedures in place to en-~~
2 ~~sure that any juvenile held in a secure detention~~
3 ~~facility or correctional facility pursuant to a~~
4 ~~court order described in this paragraph does~~
5 ~~not remain in custody longer than 7 days or the~~
6 ~~length of time authorized by the court, which~~
7 ~~ever is shorter; and~~

8 ~~“(E) not later than 3 years after the date~~
9 ~~of enactment of the Juvenile Justice and Delin-~~
10 ~~quency Prevention Reauthorization Act of 2009~~
11 ~~with a 1 year extension for each additional year~~
12 ~~that the State can demonstrate hardship as de-~~
13 ~~termined by the Administrator, the State will~~
14 ~~eliminate the use of valid court orders to pro-~~
15 ~~vide secure lockup of status offenders;”;~~

16 ~~(Q) in paragraph (26), as so redesignated,~~
17 ~~by striking “section 222(d)” and inserting “sec-~~
18 ~~tion 222(e)”;~~

19 ~~(R) in paragraph (27), as so redesign-~~
20 ~~ated—~~

21 ~~(i) by inserting “and in accordance~~
22 ~~with confidentiality concerns,” after “max-~~
23 ~~imum extent practicable;”;~~ and

1 (ii) by striking the semicolon at the
2 end and inserting the following: “, so as to
3 provide for—

4 “(A) a compilation of data reflecting infor-
5 mation on juveniles entering the juvenile justice
6 system with a prior reported history as victims
7 of child abuse or neglect through arrest, court
8 intake, probation and parole, juvenile detention,
9 and corrections; and

10 “(B) a plan to use the data described in
11 subparagraph (A) to provide necessary services
12 for the treatment of victims of child abuse and
13 neglect who have entered, or are at risk of en-
14 tering, the juvenile justice system;”;

15 (S) in paragraph (28), as so redesign-
16 nated—

17 (i) by striking “establish policies” and
18 inserting “establish protocols, policies, pro-
19 cedures;”; and

20 (ii) by striking “and” at the end;

21 (T) in paragraph (29), as so redesignated,
22 by striking the period at the end and inserting
23 a semicolon; and

24 (U) by adding at the end the following:

1 “(30) provide for the coordinated use of funds
2 provided under this Act with other Federal and
3 State funds directed at juvenile delinquency preven-
4 tion and intervention programs;

5 “(31) develop policies and procedures, and pro-
6 vide training for facility staff to eliminate the use of
7 dangerous practices, unreasonable restraints, and
8 unreasonable isolation, including by developing effec-
9 tive behavior management techniques;

10 “(32) describe—

11 “(A) how the State will ensure that mental
12 health and substance abuse screening, assess-
13 ment, referral, and treatment for juveniles in
14 the juvenile justice system includes efforts to
15 implement an evidence-based mental health and
16 substance abuse disorder screening and assess-
17 ment program for all juveniles held in a secure
18 facility for a period of more than 24 hours that
19 provides for 1 or more initial screenings and, if
20 an initial screening of a juvenile demonstrates
21 a need, further assessment;

22 “(B) the method to be used by the State
23 to provide screening and, where needed, assess-
24 ment, referral, and treatment for youth who re-
25 quest or show signs of needing mental health or

1 substance abuse screening; assessment; referral;
2 or treatment during the period after the initial
3 screening that the youth is incarcerated;

4 “(C) the method to be used by the State
5 to provide or arrange for mental health and
6 substance abuse disorder treatment for juve-
7 niles determined to be in need of such treat-
8 ment; and

9 “(D) the policies of the State designed to
10 develop and implement comprehensive collabo-
11 rative State or local plans to meet the service
12 needs of juveniles with mental health or sub-
13 stance abuse needs who come into contact with
14 the justice system and the families of the juve-
15 niles;

16 “(33) provide procedural safeguards to adju-
17 dicated juveniles, including—

18 “(A) a written case plan for each juvenile;
19 based on an assessment of the needs of the ju-
20 venile and developed and updated in consulta-
21 tion with the juvenile, the family of the juvenile;
22 and, if appropriate, counsel for the juvenile;
23 that—

1 “(i) describes the pre-release and
2 post-release programs and reentry services
3 that will be provided to the juvenile;

4 “(ii) describes the living arrangement
5 to which the juvenile is to be discharged;
6 and

7 “(iii) establishes a plan for the enroll-
8 ment of the juvenile in post-release health
9 care, behavioral health care, educational,
10 vocational, training, family support, public
11 assistance, and legal services programs, as
12 appropriate;

13 “(B) as appropriate, a hearing that—

14 “(i) shall take place in a family or ju-
15 venile court or another court (including a
16 tribal court) of competent jurisdiction, or
17 by an administrative body appointed or ap-
18 proved by the court, not earlier than 30
19 days before the date on which the juvenile
20 is scheduled to be released, and at which
21 the juvenile would be represented by coun-
22 sel; and

23 “(ii) shall determine the discharge
24 plan for the juvenile, including a deter-
25 mination of whether a safe, appropriate,

1 and permanent living arrangement has
2 been secured for the juvenile and whether
3 enrollment in health care, behavioral health
4 care, educational, vocational, training, fam-
5 ily support, public assistance and legal
6 services, as appropriate, has been arranged
7 for the juvenile; and

8 “(C) policies to ensure that discharge plan-
9 ning and procedures—

10 “(i) are accomplished in a timely fash-
11 ion prior to the release from custody of
12 each adjudicated juvenile; and

13 “(ii) do not delay the release from
14 custody of the juvenile; and

15 “(34) provide a description of the use by the
16 State of funds for reentry and aftercare services for
17 juveniles released from the juvenile justice system.”;

18 (2) in subsection (c)—

19 (A) in the matter preceding paragraph

20 (1)—

21 (i) by striking “applicable require-
22 ments of paragraphs (11), (12), (13), and
23 (22) of subsection (a)” and inserting “core
24 requirements”; and

1 (ii) by striking “2001, then” and in-
2 serting “2009”;

3 (B) in paragraph (1)—

4 (i) by striking “the subsequent fiscal
5 year” and inserting “that fiscal year”; and

6 (ii) by striking “, and” at the end and
7 inserting a semicolon;

8 (C) in paragraph (2)(B)(ii)—

9 (i) by inserting “, administrative,”
10 after “appropriate executive”; and

11 (ii) by striking the period at the end
12 and inserting “, as specified in section
13 222(c); and”; and

14 (D) by adding at the end the following:

15 “~~(3)~~ the State shall submit to the Adminis-
16 trator a report detailing the reasons for noncompli-
17 ance with the core requirements, including the plan
18 of the State to regain full compliance; and the State
19 shall make publicly available such report, not later
20 than 30 days after the date on which the Adminis-
21 trator approves the report, by posting the report on
22 a publicly available website.”;

23 ~~(3)~~ in subsection (d)—

24 (A) by striking “section 222(d)” and in-
25 serting “section 222(e)”;

1 (B) by striking “described in paragraphs
2 (11), (12), (13), and (22) of subsection (a)”
3 and inserting “described in the core require-
4 ments”; and

5 (C) by striking “the requirements under
6 paragraphs (11), (12), (13), and (22) of sub-
7 section (a)” and inserting “the core require-
8 ments”; and

9 (4) by striking subsection (f) and inserting the
10 following:

11 “(f) COMPLIANCE DETERMINATION.—

12 “(1) IN GENERAL.—Not later than 60 days
13 after the date of receipt of information indicating
14 that a State may be out of compliance with any of
15 the core requirements, the Administrator shall deter-
16 mine whether the State is in compliance with the
17 core requirements.

18 “(2) REPORTING.—The Administrator shall—

19 “(A) issue an annual public report—

20 “(i) describing any determination de-
21 scribed in paragraph (1) made during the
22 previous year, including a summary of the
23 information on which the determination is
24 based and the actions to be taken by the
25 Administrator (including a description of

1 any reduction imposed under subsection
2 (e)); and

3 “(ii) for any such determination that
4 a State is out of compliance with any of
5 the core requirements, describing the basis
6 for the determination; and

7 “(B) make the report described in sub-
8 paragraph (A) available on a publicly available
9 website.

10 “(g) TECHNICAL ASSISTANCE.—

11 “(1) ORGANIZATION OF STATE ADVISORY
12 GROUP MEMBER REPRESENTATIVES.—The Adminis-
13 trator shall provide technical and financial assist-
14 ance to an agency, institution, or organization to as-
15 sist in carrying out the activities described in para-
16 graph (3). The functions and activities of an agency,
17 institution, or organization under this subsection
18 shall not be subject to the Federal Advisory Com-
19 mittee Act.

20 “(2) COMPOSITION.—To be eligible to receive
21 assistance under this subsection, an agency, institu-
22 tion, or organization shall—

23 “(A) be governed by individuals who—

24 “(i) have been appointed by a chief
25 executive of a State to serve as a member

1 of a State advisory group established
2 under subsection (a)(3); and

3 “(ii) are elected to serve as a gov-
4 erning officer of such an agency, institu-
5 tion, or organization by a majority of the
6 member Chairs (or the designees of the
7 member Chairs) of all State advisory
8 groups established under subsection (a)(3);
9 “(B) include member representatives—

10 “(i) from a majority of the State advi-
11 sory groups established under subsection
12 (a)(3); and

13 “(ii) who are representative of region-
14 ally and demographically diverse State ju-
15 risdictions; and

16 “(C) annually seek advice from the Chairs
17 (or the designees of the member Chairs) of each
18 State advisory group established under sub-
19 section (a)(3) to implement the advisory func-
20 tions specified in subparagraphs (D) and (E) of
21 paragraph (3) of this subsection.

22 “(3) ACTIVITIES.—To be eligible to receive as-
23 sistance under this subsection, an agency, institu-
24 tion, or organization shall agree to—

1 “(A) conduct an annual conference of the
2 member representatives of the State advisory
3 groups established under subsection (a)(3) for
4 purposes relating to the activities of such State
5 advisory groups;

6 “(B) disseminate information, data, stand-
7 ards, advanced techniques, and program mod-
8 els;

9 “(C) review Federal policies regarding ju-
10 venile justice and delinquency prevention;

11 “(D) advise the Administrator regarding
12 particular functions or aspects of the work of
13 the Office; and

14 “(E) advise the President and Congress re-
15 garding State perspectives on the operation of
16 the Office and Federal legislation relating to ju-
17 venile justice and delinquency prevention.”.

18 **SEC. 206. AUTHORITY TO MAKE GRANTS.**

19 Section 241(a) of the Juvenile Justice and Delin-
20 quency Prevention Act of 1974 (42 U.S.C. 5651(a)) is
21 amended—

22 (1) in paragraph (1), by inserting “status of-
23 fenders,” before “juvenile offenders, and juveniles”;

1 (2) in paragraph (5), by striking “juvenile of-
2 fenders and juveniles” and inserting “status offend-
3 ers, juvenile offenders, and juveniles”;

4 (3) in paragraph (10), by inserting “, including
5 juveniles with disabilities” before the semicolon;

6 (4) in paragraph (17), by inserting “truancy
7 prevention and reduction,” after “mentoring,”;

8 (5) in paragraph (24), by striking “and” at the
9 end;

10 (6) by redesignating paragraph (25) as para-
11 graph (26); and

12 (7) by inserting after paragraph (24) the fol-
13 lowing:

14 “(25) projects that support the establishment of
15 partnerships between a State and a university, insti-
16 tution of higher education, or research center de-
17 signed to improve the recruitment, selection, train-
18 ing, and retention of professional personnel in the
19 fields of medicine, law enforcement, judiciary, juve-
20 nile justice, social work and child protection, edu-
21 cation, and other relevant fields who are engaged in,
22 or intend to work in, the field of prevention, identi-
23 fication, and treatment of delinquency; and”.

1 **SEC. 207. GRANTS TO INDIAN TRIBES.**

2 (a) **IN GENERAL.**—Section 246(a)(2) of the Juvenile
3 Justice and Delinquency Prevention Act of 1974 (42
4 U.S.C. 5656(a)(2)) is amended—

5 (1) by striking subparagraph (A);

6 (2) by redesignating subparagraphs (B)
7 through (E) as subparagraphs (A) through (D), re-
8 spectively; and

9 (3) in subparagraph (B)(ii), as so redesignated,
10 by striking “subparagraph (B)” and inserting “sub-
11 paragraph (A)”.

12 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—

13 Section 223(a)(7)(A) of the Juvenile Justice and Delin-
14 quency Prevention Act of 1974 (42 U.S.C. 5633(a)(7)(A))
15 is amended by striking “(including any geographical area
16 in which an Indian tribe performs law enforcement func-
17 tions)” and inserting “(including any geographical area of
18 which an Indian tribe has jurisdiction)”.

19 **SEC. 208. RESEARCH AND EVALUATION; STATISTICAL**
20 **ANALYSES; INFORMATION DISSEMINATION.**

21 (a) **IN GENERAL.**—Section 251 of the Juvenile Jus-
22 tice and Delinquency Prevention Act of 1974 (42 U.S.C.
23 5661) is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) in the matter proceeding subpara-
2 graph (A), by striking “may” and inserting
3 “shall”;

4 (ii) in subparagraph (A), by striking
5 “plan and identify” and inserting “annu-
6 ally provide a written and publicly avail-
7 able plan to identify”; and

8 (iii) in subparagraph (B)—

9 (I) by amending clause (iii) to
10 read as follows:

11 “(iii) successful efforts to prevent status
12 offenders and first-time minor offenders from
13 subsequent involvement with the criminal jus-
14 tice system;”;

15 (II) by amending clause (vii) to
16 read as follows:

17 “(vii) the prevalence and duration of be-
18 havioral health needs (including mental health,
19 substance abuse, and co-occurring disorders)
20 among juveniles pre-placement and post-place-
21 ment when held in the custody of secure deten-
22 tion and corrections facilities, including an ex-
23 amination of the effects of confinement;”;

1 (III) by redesignating clauses
2 (ix), (x), and (xi) as clauses (xi), (xii),
3 and (xiii), respectively; and

4 (IV) by inserting after clause
5 (viii) the following:

6 “(ix) training efforts and reforms that
7 have produced reductions in or elimination of
8 the use of dangerous practices;

9 “(x) methods to improve the recruitment,
10 selection, training, and retention of professional
11 personnel in the fields of medicine, law enforce-
12 ment, judiciary, juvenile justice, social work and
13 child protection, education, and other relevant
14 fields who are engaged in, or intend to work in,
15 the field of prevention, identification, and treat-
16 ment of delinquency;” and

17 (B) in paragraph (4)—

18 (i) in the matter preceding subpara-
19 graph (A), by inserting “and not later than
20 1 year after the date of enactment of the
21 Juvenile Justice and Delinquency Preven-
22 tion Reauthorization Act of 2009” after
23 “date of enactment of this paragraph”;

24 (ii) in subparagraph (F), by striking
25 “and” at the end;

1 (iii) in subparagraph (G), by striking
2 the period at the end and inserting a semi-
3 colon; and

4 (iv) by adding at the end the fol-
5 lowing:

6 “(H) a description of the best practices in dis-
7 charge planning; and

8 “(I) an assessment of living arrangements for
9 juveniles who cannot return to the homes of the ju-
10 veniles.”;

11 (2) in subsection (b), in the matter preceding
12 paragraph (a), by striking “may” and inserting
13 “shall”; and

14 (3) by adding at the end the following:

15 “(f) NATIONAL RECIDIVISM MEASURE.—The Admin-
16 istrator, in consultation with experts in the field of juve-
17 nile justice research, recidivism, and data collection,
18 shall—

19 “(1) establish a uniform method of data collec-
20 tion and technology that States shall use to evaluate
21 data on juvenile recidivism on an annual basis;

22 “(2) establish a common national juvenile re-
23 cidivism measurement system; and

1 “(3) make cumulative juvenile recidivism data
2 that is collected from States available to the pub-
3 lic.”

4 (b) STUDIES.—

5 (1) ASSESSMENT OF TREATING JUVENILES AS
6 ADULTS.—The Administrator shall—

7 (A) not later than 3 years after the date
8 of enactment of this Act, assess the effective-
9 ness of the practice of treating youth under 18
10 years of age as adults for purposes of prosecu-
11 tion in criminal court; and

12 (B) not later than 42 months after the
13 date of enactment of this Act, submit to Con-
14 gress and the President, and make publicly
15 available, a report on the findings and conclu-
16 sions of the assessment under subparagraph
17 (A) and any recommended changes in law iden-
18 tified as a result of the assessment under sub-
19 paragraph (A).

20 (2) OUTCOME STUDY OF FORMER JUVENILE
21 OFFENDERS.—The Administrator shall conduct a
22 study of adjudicated juveniles and publish a report
23 on the outcomes for juveniles who have reintegrated
24 into the community, which shall include information
25 on the outcomes relating to family reunification;

1 housing, education, employment, health care, behav-
 2 ioral health care, and repeat offending.

3 ~~(3) DISABILITIES.—~~Not later than 2 years
 4 after the date of enactment of this Act, the Adminis-
 5 trator shall conduct a study that addresses the prev-
 6 alence of disability and various types of disabilities
 7 in the juvenile justice population.

8 ~~(4) DEFINITION OF ADMINISTRATOR.—~~In this
 9 subsection, the term “Administrator” means the
 10 head of the Office of Juvenile Justice and Delin-
 11 quency Prevention.

12 **SEC. 209. TRAINING AND TECHNICAL ASSISTANCE.**

13 Section 252 of the Juvenile Justice and Delinquency
 14 Prevention Act of 1974 (42 U.S.C. 5662) is amended—

15 ~~(1) in subsection (a)—~~

16 ~~(A) in the matter preceding paragraph (1),~~
 17 ~~by striking “may”;~~

18 ~~(B) in paragraph (1), by inserting “shall”~~
 19 ~~before “develop and carry out projects”; and~~

20 ~~(C) in paragraph (2), by inserting “may”~~
 21 ~~before “make grants to and contracts with”;~~

22 ~~(2) in subsection (b)—~~

23 ~~(A) in the matter preceding paragraph (1),~~
 24 ~~by striking “may”;~~

25 ~~(B) in paragraph (1)—~~

1 (i) by inserting “shall” before “de-
2 velop and implement projects”; and

3 (ii) by striking “and” at the end;

4 (C) in paragraph (2)—

5 (i) by inserting “may” before “make
6 grants to and contracts with”; and

7 (ii) by striking the period at the end
8 and inserting a semicolon; and

9 (D) by adding at the end the following:

10 “(3) shall provide technical assistance to States
11 and units of local government on achieving compli-
12 ance with the amendments made by the Juvenile
13 Justice and Delinquency Prevention Reauthorization
14 Act of 2009; and

15 “(4) shall provide technical assistance to States
16 in support of efforts to establish partnerships be-
17 tween the State and a university, institution of high-
18 er education, or research center designed to improve
19 the recruitment, selection, training, and retention of
20 professional personnel in the fields of medicine, law
21 enforcement, judiciary, juvenile justice, social work
22 and child protection, education, and other relevant
23 fields who are engaged in, or intend to work in, the
24 field of prevention, identification, and treatment of
25 delinquency.”; and

1 (3) by adding at the end the following:

2 “(d) TECHNICAL ASSISTANCE TO STATES REGARD-
3 ING LEGAL REPRESENTATION OF CHILDREN.—The Ad-
4 ministrator shall develop and issue standards of practice
5 for attorneys representing children, and ensure that the
6 standards are adapted for use in States.

7 “(e) TRAINING AND TECHNICAL ASSISTANCE FOR
8 LOCAL AND STATE JUVENILE DETENTION AND CORREC-
9 TIONS PERSONNEL.—The Administrator shall coordinate
10 training and technical assistance programs with juvenile
11 detention and corrections personnel of States and units
12 of local government to—

13 “(1) promote methods for improving conditions
14 of juvenile confinement, including those that are de-
15 signed to minimize the use of dangerous practices,
16 unreasonable restraints, and isolation; and

17 “(2) encourage alternative behavior manage-
18 ment techniques.

19 “(f) TRAINING AND TECHNICAL ASSISTANCE TO
20 SUPPORT MENTAL HEALTH OR SUBSTANCE ABUSE
21 TREATMENT INCLUDING HOME-BASED OR COMMUNITY-
22 BASED CARE.—The Administrator shall provide training
23 and technical assistance, in conjunction with the appro-
24 priate public agencies, to individuals involved in making
25 decisions regarding the disposition of cases for youth who

1 enter the juvenile justice system about the appropriate
 2 services and placement for youth with mental health or
 3 substance abuse needs, including—

4 “(1) juvenile justice intake personnel;

5 “(2) probation officers;

6 “(3) juvenile court judges and court services
 7 personnel;

8 “(4) prosecutors and court-appointed counsel;

9 and

10 “(5) family members of juveniles and family ad-
 11 vocates.”.

12 **SEC. 210. INCENTIVE GRANTS FOR STATE AND LOCAL PRO-**
 13 **GRAMS.**

14 Title II of the Juvenile Justice and Delinquency Pre-
 15 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amend-
 16 ed—

17 (1) by redesignating part F as part G; and

18 (2) by inserting after part E the following:

19 **“PART F—INCENTIVE GRANTS FOR STATE AND**
 20 **LOCAL PROGRAMS**

21 **“SEC. 271. INCENTIVE GRANTS.**

22 “(a) **INCENTIVE GRANT FUNDS.**—The Administrator
 23 may make incentive grants to a State, unit of local govern-
 24 ment, or combination of States and local governments to
 25 assist a State, unit of local government, or combination

1 thereof in carrying out an activity identified in subsection
2 (b)(1):

3 “(b) USE OF FUNDS.—

4 “(1) IN GENERAL.—An incentive grant made by
5 the Administrator under this section may be used
6 to—

7 “(A) increase the use of evidence based or
8 promising prevention and intervention pro-
9 grams;

10 “(B) improve the recruitment, selection,
11 training, and retention of professional personnel
12 (including in the fields of medicine, law enforce-
13 ment, judiciary, juvenile justice, social work,
14 and child prevention) who are engaged in, or in-
15 tend to work in, the field of prevention, inter-
16 vention, and treatment of juveniles to reduce
17 delinquency;

18 “(C) establish or support a partnership be-
19 tween juvenile justice agencies of a State or
20 unit of local government and mental health au-
21 thorities of State or unit of local government to
22 establish and implement programs to ensure
23 there are adequate mental health and substance
24 abuse screening, assessment, referral, treat-

1 ment, and after-care services for juveniles who
2 come into contact with the justice system by—

3 “(i) carrying out programs that divert
4 from incarceration juveniles who come into
5 contact with the justice system (including
6 facilities contracted for operation by State
7 or local juvenile authorities) and have men-
8 tal health or substance abuse needs—

9 “(I) when such juveniles are at
10 imminent risk of being taken into cus-
11 tody;

12 “(II) at the time such juveniles
13 are initially taken into custody;

14 “(III) after such juveniles are
15 charged with an offense or act of juve-
16 nile delinquency;

17 “(IV) after such juveniles are ad-
18 judicated delinquent and before ease
19 disposition; and

20 “(V) after such juveniles are
21 committed to secure placement; or

22 “(ii) improving treatment of juveniles
23 with mental health needs by working to en-
24 sure—

25 “(I) that—

1 “(aa) initial mental health
2 screening is—

3 “(AA) completed for a
4 juvenile immediately upon
5 entering the juvenile justice
6 system or a juvenile facility;
7 and

8 “(BB) conducted by
9 qualified health and mental
10 health professionals or by
11 staff who have been trained
12 by qualified health, mental
13 health, and substance abuse
14 professionals; and

15 “(bb) in the case of screen-
16 ing, results that indicate possible
17 need for mental health or sub-
18 stance abuse services are re-
19 viewed by qualified mental health
20 or substance abuse treatment
21 professionals not later than 24
22 hours after the screening;

23 “(II) that a juvenile who suffers
24 from an acute mental disorder, is sui-

1 eidal, or is in need of medical atten-
2 tion due to intoxication is—

3 “(aa) placed in or imme-
4 diately transferred to an appro-
5 priate medical or mental health
6 facility; and

7 “(bb) only admitted to a se-
8 cure correctional facility with
9 written medical clearance;

10 “(III) that—

11 “(aa) for a juvenile identi-
12 fied by a screening as needing a
13 mental health assessment, the
14 mental health assessment and
15 any indicated comprehensive eval-
16 uation or individualized treat-
17 ment plan are written and imple-
18 mented—

19 “(AA) not later than 2
20 weeks after the date on
21 which the juvenile enters the
22 juvenile justice system; or

23 “(BB) if a juvenile is
24 entering a secure facility,
25 not later than 1 week after

1 the date on which the juve-
2 nile enters the juvenile jus-
3 tice system; and

4 “(bb) the assessments de-
5 scribed in item (aa) are com-
6 pleted by qualified health, mental
7 health, and substance abuse pro-
8 fessionals;

9 “(IV) that—

10 “(aa) if the need for treat-
11 ment is indicated by the assess-
12 ment of a juvenile, the juvenile is
13 referred to or treated by a quali-
14 fied professional;

15 “(bb) a juvenile who is re-
16 ceiving treatment for a mental
17 health or substance abuse need
18 on the date of the assessment
19 continues to receive treatment;

20 “(cc) treatment of a juvenile
21 continues until a qualified mental
22 health professional determines
23 that the juvenile is no longer in
24 need of treatment; and

1 “(dd) treatment plans for
2 juveniles are reevaluated at least
3 every 30 days;

4 “(V) that—

5 “(aa) discharge plans are
6 prepared for an incarcerated ju-
7 venile when the juvenile enters
8 the correctional facility in order
9 to integrate the juvenile back
10 into the family and the commu-
11 nity;

12 “(bb) discharge plans for an
13 incarcerated juvenile are updated,
14 in consultation with the family or
15 guardian of a juvenile, before the
16 juvenile leaves the facility; and

17 “(cc) discharge plans ad-
18 dress the provision of aftercare
19 services;

20 “(VI) that any juvenile in the ju-
21 venile justice system receiving psycho-
22 tropic medications is—

23 “(aa) under the care of a li-
24 censed psychiatrist; and

1 “(bb) monitored regularly by
2 trained staff to evaluate the effi-
3 cacy and side effects of the psy-
4 chotropic medications; and

5 “(VII) that specialized treatment
6 and services are continually available
7 to a juvenile in the juvenile justice
8 system who has—

9 “(aa) a history of mental
10 health needs or treatment;

11 “(bb) a documented history
12 of sexual offenses or sexual
13 abuse, as a victim or perpetrator;

14 “(cc) substance abuse needs
15 or a health problem, learning dis-
16 ability, or history of family abuse
17 or violence; or

18 “(dd) developmental disabil-
19 ities;

20 “(D) provide training, in conjunction with
21 the public or private agency that provides men-
22 tal health services, to individuals involved in
23 making decisions involving youth who enter the
24 juvenile justice system (including intake per-
25 sonnel, law enforcement, prosecutors, juvenile

1 court judges, public defenders, mental health
2 and substance abuse service providers and ad-
3 ministrators, probation officers, and parents)
4 that focuses on—

5 “(i) the availability of screening and
6 assessment tools and the effective use of
7 such tools;

8 “(ii) the purpose, benefits, and need
9 to increase availability of mental health or
10 substance abuse treatment programs (in-
11 cluding home-based and community-based
12 programs) available to juveniles within the
13 jurisdiction of the recipient;

14 “(iii) the availability of public and pri-
15 vate services available to juveniles to pay
16 for mental health or substance abuse treat-
17 ment programs; or

18 “(iv) the appropriate use of effective
19 home-based and community-based alter-
20 natives to juvenile justice or mental health
21 system institutional placement; and

22 “(E) develop comprehensive collaborative
23 plans to address the service needs of juveniles
24 with mental health or substance abuse disorders

1 who are at risk of coming into contact with the
2 juvenile justice system that—

3 “(i) revise and improve the delivery of
4 intensive home-based and community-based
5 services to juveniles who have been in con-
6 tact with or who are at risk of coming into
7 contact with the justice system;

8 “(ii) determine how the service needs
9 of juveniles with mental health or sub-
10 stance abuse disorders who come into con-
11 tact with the juvenile justice system will be
12 furnished from the initial detention stage
13 until after discharge in order for these ju-
14 veniles to avoid further contact with the
15 justice system;

16 “(iii) demonstrate that the State or
17 unit of local government has entered into
18 appropriate agreements with all entities re-
19 sponsible for providing services under the
20 plan, such as the agency of the State or
21 unit of local government charged with ad-
22 ministering juvenile justice programs; the
23 agency of the State or unit of local govern-
24 ment charged with providing mental health
25 services; the agency of the State or unit of

1 local government charged with providing
2 substance abuse treatment services; the
3 educational agency of the State or unit of
4 local government; the child welfare system
5 of the State or local government; and pri-
6 vate nonprofit community-based organiza-
7 tions;

8 “(iv) ensure that the State or unit of
9 local government has in effect any laws
10 necessary for services to be delivered in ac-
11 cordance with the plan;

12 “(v) establish a network of individuals
13 (or incorporates an existing network) to
14 provide coordination between mental health
15 service providers; substance abuse service
16 providers; probation and parole officers;
17 judges; corrections personnel; law enforce-
18 ment personnel; State and local edu-
19 cational agency personnel; parents and
20 families; and other appropriate parties re-
21 garding effective treatment of juveniles
22 with mental health or substance abuse dis-
23 orders;

24 “(vi) provide for cross-system training
25 among law enforcement personnel; correc-

1 tions personnel, State and local educational
2 agency personnel, mental health service
3 providers, and substance abuse service pro-
4 viders to enhance collaboration among sys-
5 tems;

6 “(vii) provide for coordinated and ef-
7 fective aftercare programs for juveniles
8 who have been diagnosed with a mental
9 health or substance abuse disorder and
10 who are discharged from home-based care,
11 community-based care, any other treat-
12 ment program, secure detention facilities,
13 secure correctional facilities, or jail;

14 “(viii) provide for the purchase of
15 technical assistance to support the imple-
16 mentation of the plan;

17 “(ix) estimate the costs of imple-
18 menting the plan and proposes funding
19 sources sufficient to meet the non-Federal
20 funding requirements for implementation
21 of the plan under subsection (c)(2)(E);

22 “(x) describe the methodology to be
23 used to identify juveniles at risk of coming
24 into contact with the juvenile justice sys-
25 tem;

1 ~~“(xi) provide a written plan to ensure~~
 2 ~~that all training and services provided~~
 3 ~~under the plan will be culturally and lin-~~
 4 ~~guistically competent; and~~

5 ~~“(xii) describe the outcome measures~~
 6 ~~and benchmarks that will be used to evalu-~~
 7 ~~ate the progress and effectiveness of the~~
 8 ~~plan.~~

9 ~~“(2) COORDINATION AND ADMINISTRATION.—A~~
 10 ~~State or unit of local government receiving a grant~~
 11 ~~under this section shall ensure that—~~

12 ~~“(A) the use of the grant under this sec-~~
 13 ~~tion is developed as part of the State plan re-~~
 14 ~~quired under section 223(a); and~~

15 ~~“(B) not more than 5 percent of the~~
 16 ~~amount received under this section is used for~~
 17 ~~administration of the grant under this section.~~

18 ~~“(c) APPLICATION.—~~

19 ~~“(1) IN GENERAL.—A State or unit of local~~
 20 ~~government desiring a grant under this section shall~~
 21 ~~submit an application at such time, in such manner,~~
 22 ~~and containing such information as the Adminis-~~
 23 ~~trator may prescribe.~~

24 ~~“(2) CONTENTS.—In accordance with guide-~~
 25 ~~lines that shall be established by the Administrator,~~

1 each application for incentive grant funding under
2 this section shall—

3 “(A) describe any activity or program the
4 funding would be used for and how the activity
5 or program is designed to carry out 1 or more
6 of the activities described in subsection (b);

7 “(B) if any of the funds provided under
8 the grant would be used for evidence based or
9 promising prevention or intervention programs;
10 include a detailed description of the studies,
11 findings, or practice knowledge that support the
12 assertion that such programs qualify as evi-
13 dence based or promising;

14 “(C) for any program for which funds pro-
15 vided under the grant would be used that is not
16 evidence based or promising; include a detailed
17 description of any studies, findings, or practice
18 knowledge which support the effectiveness of
19 the program;

20 “(D) if the funds provided under the grant
21 will be used for an activity described in sub-
22 section (b)(1)(D); include a certification that
23 the State or unit of local government—

24 “(i) will work with public or private
25 entities in the area to administer the train-

1 ing funded under subsection (b)(1)(D), to
2 ensure that such training is comprehensive,
3 constructive, linguistically and culturally
4 competent, and of a high quality;

5 “(ii) is committed to a goal of increas-
6 ing the diversion of juveniles coming under
7 its jurisdiction into appropriate home-
8 based or community-based care when the
9 interest of the juvenile and public safety
10 allow;

11 “(iii) intends to use amounts provided
12 under a grant under this section for an ac-
13 tivity described in subsection (b)(1)(D) to
14 further such goal; and

15 “(iv) has a plan to demonstrate, using
16 appropriate benchmarks, the progress of
17 the agency in meeting such goal; and

18 “(E) if the funds provided under the grant
19 will be used for an activity described in sub-
20 section (b)(1)(D), include a certification that
21 not less than 25 percent of the total cost of the
22 training described in subsection (b)(1)(D) that
23 is conducted with the grant under this section
24 will be contributed by non-Federal sources.

1 “(d) REQUIREMENTS FOR GRANTS TO ESTABLISH
2 PARTNERSHIPS.—

3 “(1) MANDATORY REPORTING.—A State or unit
4 of local government receiving a grant for an activity
5 described in subsection (b)(1)(C) shall keep records
6 of the incidence and types of mental health and sub-
7 stance abuse disorders in their juvenile justice popu-
8 lations, the range and scope of services provided,
9 and barriers to service. The State or unit of local
10 government shall submit an analysis of this informa-
11 tion yearly to the Administrator.

12 “(2) STAFF RATIOS FOR CORRECTIONAL FA-
13 CILITIES.—A State or unit of local government re-
14 ceiving a grant for an activity described in sub-
15 section (b)(1)(C) shall require that a secure correc-
16 tional facility operated by or on behalf of that State
17 or unit of local government—

18 “(A) has a minimum ratio of not fewer
19 than 1 mental health and substance abuse
20 counselor for every 50 juveniles, who shall be
21 professionally trained and certified or licensed;

22 “(B) has a minimum ratio of not fewer
23 than 1 clinical psychologist for every 100 juve-
24 niles; and

1 “(C) has a minimum ratio of not fewer
2 than 1 licensed psychiatrist for every 100 juve-
3 niles receiving psychiatric care.

4 “(3) LIMITATION ON ISOLATION.—A State or
5 unit of local government receiving a grant for an ac-
6 tivity described in subsection (b)(1)(C) shall require
7 that—

8 “(A) isolation is used only for immediate
9 and short-term security or safety reasons;

10 “(B) no juvenile is placed in isolation with-
11 out approval of the facility superintendent or
12 chief medical officer or their official staff des-
13 ignee;

14 “(C) all instances in which a juvenile is
15 placed in isolation are documented in the file of
16 a juvenile along with the justification;

17 “(D) a juvenile is in isolation only the
18 amount of time necessary to achieve security
19 and safety of the juvenile and staff;

20 “(E) staff monitor each juvenile in isola-
21 tion once every 15 minutes and conduct a pro-
22 fessional review of the need for isolation at least
23 every 4 hours; and

1 ~~“(F) any juvenile held in isolation for 24~~
2 ~~hours is examined by a physician or licensed~~
3 ~~psychologist.~~

4 ~~“(4) MEDICAL AND MENTAL HEALTH EMER-~~
5 ~~GENCIES.—A State or unit of local government re-~~
6 ~~ceiving a grant for an activity described in sub-~~
7 ~~section (b)(1)(C) shall require that a correctional fa-~~
8 ~~ility operated by or on behalf of that State or unit~~
9 ~~of local government has written policies and proce-~~
10 ~~dures on suicide prevention. All staff working in a~~
11 ~~correctional facility operated by or on behalf of a~~
12 ~~State or unit of local government receiving a grant~~
13 ~~for an activity described in subsection (b)(1)(C) shall~~
14 ~~be trained and certified annually in suicide preven-~~
15 ~~tion. A correctional facility operated by or on behalf~~
16 ~~of a State or unit of local government receiving a~~
17 ~~grant for an activity described in subsection~~
18 ~~(b)(1)(C) shall have a written arrangement with a~~
19 ~~hospital or other facility for providing emergency~~
20 ~~medical and mental health care. Physical and mental~~
21 ~~health services shall be available to an incarcerated~~
22 ~~juvenile 24 hours per day, 7 days per week.~~

23 ~~“(5) IDEA AND REHABILITATION ACT.—A~~
24 ~~State or unit of local government receiving a grant~~
25 ~~for an activity described in subsection (b)(1)(C) shall~~

1 require that all juvenile facilities operated by or on
 2 behalf of the State or unit of local government abide
 3 by all mandatory requirements and timelines set
 4 forth under the Individuals with Disabilities Edu-
 5 cation Act (20 U.S.C. 1400 et seq.) and section 504
 6 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

7 “(6) FISCAL RESPONSIBILITY.—A State or unit
 8 of local government receiving a grant for an activity
 9 described in subsection (b)(1)(C) shall provide for
 10 such fiscal control and fund accounting procedures
 11 as may be necessary to ensure prudent use, proper
 12 disbursement, and accurate accounting of funds re-
 13 ceived under this section that are used for an activ-
 14 ity described in subsection (b)(1)(C).”.

15 **SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

16 Section 299 of the Juvenile Justice and Delinquency
 17 Prevention Act of 1974 (42 U.S.C. 5671) is amended—

18 (1) in subsection (a)—

19 (A) in the subsection heading, by striking
 20 “PARTS C AND E” and inserting “PARTS C, E,
 21 AND F”;

22 (B) in paragraph (1), by striking “this
 23 title” and all that follows and inserting the fol-
 24 lowing: “this title—

25 “(A) \$245,900,000 for fiscal year 2010;

1 “(B) \$295,100,000 for fiscal year 2011;
 2 “(C) \$344,300,000 for fiscal year 2012;
 3 “(D) \$393,500,000 for fiscal year 2013; and
 4 “(E) \$442,700,000 for fiscal year 2014.”; and

5 (C) in paragraph (2), in the matter pre-
 6 ceding subparagraph (A), by striking “parts C
 7 and E” and inserting “parts C, E, and F”;

8 (2) in subsection (b), by striking “fiscal years
 9 2003, 2004, 2005, 2006, and 2007” and inserting
 10 “fiscal years 2010, 2011, 2012, 2013, and 2014”;

11 (3) in subsection (c), by striking “fiscal years
 12 2003, 2004, 2005, 2006, and 2007” and inserting
 13 “fiscal years 2010, 2011, 2012, 2013, and 2014”;

14 (4) by redesignating subsection (d) as sub-
 15 section (e); and

16 (5) by inserting after subsection (c) the fol-
 17 lowing:

18 “(d) AUTHORIZATION OF APPROPRIATIONS FOR
 19 PART F.—

20 “(1) IN GENERAL.—There are authorized to be
 21 appropriated to carry out part F, and authorized to
 22 remain available until expended, \$80,000,000 for
 23 each of fiscal years 2010, 2011, 2012, 2013, and
 24 2014.

1 “(2) ALLOCATION.—Of the sums that are ap-
2 propriated for a fiscal year to carry out part F—

3 “(A) not less than 40 percent shall be used
4 to fund programs that are carrying out an ac-
5 tivity described in subparagraph (C), (D), or
6 (E) of section 271(b)(1); and

7 “(B) not less than 50 percent shall be used
8 to fund programs that are carrying out an ac-
9 tivity described in subparagraph (A) of that
10 section.”.

11 **SEC. 212. ADMINISTRATIVE AUTHORITY.**

12 Section 299A(e) of the Juvenile Justice and Delin-
13 quency Prevention Act of 1974 (42 U.S.C. 5672(e)) is
14 amended by striking “requirements described in para-
15 graphs (11), (12), and (13) of section 223(a)” and insert-
16 ing “core requirements”.

17 **SEC. 213. TECHNICAL AND CONFORMING AMENDMENTS.**

18 The Juvenile Justice and Delinquency Prevention Act
19 of 1974 (42 U.S.C. 5601 et seq.) is amended—

20 (1) in section 204(b)(6), by striking “section
21 223(a)(15)” and inserting “section 223(a)(16)”;

22 (2) in section 246(a)(2)(D), by striking “section
23 222(e)” and inserting “section 222(d)”; and

24 (3) in section 299D(b), of by striking “section
25 222(e)” and inserting “section 222(d)”.

1 **TITLE III—INCENTIVE GRANTS**
 2 **FOR LOCAL DELINQUENCY**
 3 **PREVENTION PROGRAMS**

4 **SEC. 301. DEFINITIONS.**

5 Section 502 of the Incentive Grants for Local Delin-
 6 quency Prevention Programs Act of 2002 (42 U.S.C.
 7 5781) is amended—

8 (1) in the section heading, by striking “**DEFI-**
 9 **INITION**” and inserting “**DEFINITIONS**”; and

10 (2) by striking “this title, the term” and insert-
 11 ing the following: “this title—

12 “(1) the term ‘mentoring’ means matching 1
 13 adult with 1 or more youths (not to exceed 4 youths)
 14 for the purpose of providing guidance, support, and
 15 encouragement aimed at developing the character of
 16 the youths, where the adult and youths meet regu-
 17 larly for not less than 4 hours each month for not
 18 less than a 9-month period; and

19 “(2) the term”.

20 **SEC. 302. GRANTS FOR DELINQUENCY PREVENTION PRO-**
 21 **GRAMS.**

22 Section 504(a) of the Incentive Grants for Local De-
 23 linquency Prevention Programs Act of 2002 (42 U.S.C.
 24 5783(a)) is amended—

1 (1) in paragraph (7), by striking “and” at the
2 end;

3 (2) in paragraph (8), by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(9) mentoring programs.”.

7 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 505 of the Incentive Grants for Local Delin-
9 quency Prevention Programs Act of 2002 (42 U.S.C.
10 5784) is amended to read as follows:

11 **“SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated to carry out
13 this title—

14 “(1) \$322,800,000 for fiscal year 2010;

15 “(2) \$373,400,000 for fiscal year 2011;

16 “(3) \$424,000,000 for fiscal year 2012;

17 “(4) \$474,600,000 for fiscal year 2013; and

18 “(5) \$525,200,000 for fiscal year 2014.”.

19 **SEC. 304. TECHNICAL AND CONFORMING AMENDMENT.**

20 The Juvenile Justice and Delinquency Prevention Act
21 of 1974 is amended by striking title V, as added by the
22 Juvenile Justice and Delinquency Prevention Act of 1974
23 (Public Law 93–415; 88 Stat. 1133) (relating to miscella-
24 neous and conforming amendments).

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Juvenile Justice and*
 3 *Delinquency Prevention Reauthorization Act of 2009”.*

4 **SEC. 2. TABLE OF CONTENTS.**

5 *The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

Sec. 101. Findings.

Sec. 102. Purposes.

Sec. 103. Definitions.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Sec. 201. Concentration of Federal efforts.

Sec. 202. Coordinating Council on Juvenile Justice and Delinquency Prevention.

Sec. 203. Annual report.

Sec. 204. Allocation of funds.

Sec. 205. State plans.

Sec. 206. Authority to make grants.

Sec. 207. Grants to Indian tribes.

Sec. 208. Research and evaluation; statistical analyses; information dissemination.

Sec. 209. Training and technical assistance.

Sec. 210. Grants for youth and family serving organizations.

Sec. 211. Incentive grants for State and local programs.

Sec. 212. Authorization of appropriations.

Sec. 213. Administrative authority.

Sec. 214. Authority for Federal pretrial services with respect to juveniles.

Sec. 215. Technical and conforming amendments.

*TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY
 PREVENTION PROGRAMS*

Sec. 301. Definitions.

Sec. 302. Grants for delinquency prevention programs.

Sec. 303. Authorization of appropriations.

Sec. 304. Technical and conforming amendment.

TITLE IV—PRECAUTION ACT

Sec. 401. Short title.

Sec. 402. Purposes.

Sec. 403. Definitions.

Sec. 404. National Commission on Public Safety Through Crime Prevention.

Sec. 405. Innovative crime prevention and intervention strategies.

Sec. 406. Funding.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Evaluation by General Accounting Office.

1 **TITLE I—FINDINGS AND**
 2 **DECLARATION OF PURPOSE**

3 **SEC. 101. FINDINGS.**

4 *Section 101 of the Juvenile Justice and Delinquency*
 5 *Prevention Act of 1974 (42 U.S.C. 5601) is amended to read*
 6 *as follows:*

7 **“SEC. 101. FINDINGS.**

8 *“Congress finds the following:*

9 *“(1) A growing body of adolescent development*
 10 *research supports the use of developmentally appro-*
 11 *prate services and sanctions for youth in the juvenile*
 12 *justice system and those at risk for delinquent behav-*
 13 *ior to help prevent youth crime and to successfully in-*
 14 *tervene with youth who have already entered the sys-*
 15 *tem.*

16 *“(2) Research has shown that targeted invest-*
 17 *ments to redirect offending juveniles onto a different*
 18 *path are cost effective and can help reduce juvenile re-*
 19 *cidivism and adult crime.*

20 *“(3) Minorities are disproportionately rep-*
 21 *resented in the juvenile justice system.*

22 *“(4) Between 1990 and 2004, the number of*
 23 *youth in adult jails increased by 208 percent.*

1 “(5) *Every day in the United States, an average*
2 *of 7,500 youth are incarcerated in adult jails.*

3 “(6) *Youth who have been previously tried as*
4 *adults are, on average, 34 percent more likely to com-*
5 *mit crimes than youth retained in the juvenile justice*
6 *system.*

7 “(7) *Research has shown that every dollar spent*
8 *on evidence based programs can yield up to \$13 in*
9 *cost savings.*

10 “(8) *Each child prevented from engaging in re-*
11 *peat criminal offenses can save the community*
12 *\$1,700,000 to \$3,400,000.*

13 “(9) *Youth are 19 times more likely to commit*
14 *suicide in jail than youth in the general population*
15 *and 36 times more likely to commit suicide in an*
16 *adult jail than in a juvenile detention facility.*

17 “(10) *Seventy percent of youth in detention are*
18 *held for nonviolent charges, and more than $\frac{2}{3}$ are*
19 *charged with property offenses, public order offenses,*
20 *technical probation violations, or status offenses, such*
21 *as truancy, running away, or breaking curfew.*

22 “(11) *The prevalence of mental disorders among*
23 *youth in juvenile justice systems is 2 to 3 times high-*
24 *er than among youth in the general population.*

1 “(12) *Eighty percent of juveniles in juvenile jus-*
2 *tice systems have a nexus to substance abuse.*”

3 “(13) *The proportion of girls entering the justice*
4 *system has increased steadily over the past several*
5 *decades, rising from 20 percent in 1980 to 29 percent*
6 *in 2003.*”.

7 **SEC. 102. PURPOSES.**

8 *Section 102 of the Juvenile Justice and Delinquency*
9 *Prevention Act of 1974 (42 U.S.C. 5602) is amended—*

10 (1) *in paragraph (2), by striking “and” at the*
11 *end;*

12 (2) *in paragraph (3), by striking the period at*
13 *the end and inserting “; and”; and*

14 (3) *by adding at the end the following:*

15 “(4) *to support a continuum of programs (in-*
16 *cluding delinquency prevention, intervention, mental*
17 *health and substance abuse treatment, and aftercare)*
18 *to address the needs of at-risk youth and youth who*
19 *come into contact with the justice system.*”.

20 **SEC. 103. DEFINITIONS.**

21 *Section 103 of the Juvenile Justice and Delinquency*
22 *Prevention Act of 1974 (42 U.S.C. 5603) is amended—*

23 (1) *in paragraph (8), by amending subpara-*
24 *graph (C) to read as follows:*

25 “(C) *an Indian tribe; or*”;

1 (2) *by amending paragraph (18) to read as fol-*
2 *lows:*

3 “(18) *the term ‘Indian tribe’ has the meaning*
4 *given that term in section 4 of the Indian Self-Deter-*
5 *mination and Education Assistance Act (25 U.S.C.*
6 *450b);”;*

7 (3) *in paragraph (22), by striking “or confine*
8 *adults” and all that follows and inserting “or confine*
9 *adult inmates;”;*

10 (4) *in paragraph (25), by striking “contact” and*
11 *inserting “sight and sound contact”;*

12 (5) *by amending paragraph (26) to read as fol-*
13 *lows:*

14 “(26) *the term ‘adult inmate’—*

15 “(A) *means an individual who—*

16 “(i) *has reached the age of full crimi-*
17 *nal responsibility under applicable State*
18 *law; and*

19 “(ii) *has been arrested and is in cus-*
20 *tody for or awaiting trial on a criminal*
21 *charge, or is convicted of a criminal charge*
22 *offense; and*

23 “(B) *does not include an individual who—*

24 “(i) *at the time of the time of the of-*
25 *fense, was younger than the maximum age*

1 *at which a youth can be held in a juvenile*
2 *facility under applicable State law; and*

3 “(ii) *was committed to the care and*
4 *custody of a juvenile correctional agency by*
5 *a court of competent jurisdiction or by op-*
6 *eration of applicable State law;”;*

7 (6) *in paragraph (28), by striking “and” at the*
8 *end;*

9 (7) *in paragraph (29), by striking the period at*
10 *the end and inserting a semicolon; and*

11 (8) *by adding at the end the following:*

12 “(30) *the term ‘core requirements’ means the re-*
13 *quirements described in paragraphs (11), (12), (13),*
14 *(14), and (15) of section 223(a);*

15 “(31) *the term ‘chemical agent’ means a spray*
16 *used to temporarily incapacitate a person, including*
17 *oleoresin capsicum spray, tear gas, and 2-*
18 *chlorobenzalmalononitrile gas;*

19 “(32) *the term ‘isolation’—*

20 “(A) *means any instance in which a youth*
21 *is confined alone for more than 15 minutes in a*
22 *room or cell; and*

23 “(B) *does not include confinement during*
24 *regularly scheduled sleeping hours, or for not*
25 *more than 1 hour during any 24-hour period in*

1 *the room or cell in which the youth usually*
2 *sleeps, protective confinement (for injured youths*
3 *or youths whose safety is threatened), separation*
4 *based on an approved treatment program, con-*
5 *finement that is requested by the youth, or the*
6 *separation of the youth from a group in a non-*
7 *locked setting for the purpose of calming;*

8 “(33) the term ‘restraint’ has the meaning given
9 that term in section 591 of the Public Health Service
10 Act (42 U.S.C. 290ii);

11 “(34) the term ‘evidence based’ means a program
12 or practice that is demonstrated to be effective and
13 that—

14 “(A) is based on a clearly articulated and
15 empirically supported theory;

16 “(B) has measurable outcomes, including a
17 detailed description of what outcomes were pro-
18 duced in a particular population; and

19 “(C) has been scientifically tested, optimally
20 through randomized control studies or compari-
21 son group studies;

22 “(35) the term ‘promising’ means a program or
23 practice that is demonstrated to be effective based on
24 positive outcomes from 1 or more objective evalua-
25 tions, as documented in writing to the Administrator;

1 “(36) the term ‘dangerous practice’ means an
2 act, procedure, or program that creates an unreason-
3 able risk of physical injury, pain, or psychological
4 harm to a juvenile subjected to the act, procedure, or
5 program;

6 “(37) the term ‘screening’ means a brief proc-
7 ess—

8 “(A) designed to identify youth who may
9 have mental health or substance abuse needs re-
10 quiring immediate attention, intervention, and
11 further evaluation; and

12 “(B) the purpose of which is to quickly
13 identify a youth with a possible mental health or
14 substance abuse need in need of further assess-
15 ment;

16 “(38) the term ‘assessment’ includes, at a min-
17 imum, an interview and review of available records
18 and other pertinent information—

19 “(A) by a mental health or substance abuse
20 professional who meets the criteria of the appli-
21 cable State for licensing and education in the
22 mental health or substance abuse field; and

23 “(B) which is designed to identify signifi-
24 cant mental health or substance abuse treatment

1 *needs to be addressed during a youth’s confine-*
 2 *ment; and*

3 “(39) the term ‘contact’ means the point at
 4 *which a youth interacts with the juvenile justice sys-*
 5 *tem or criminal justice system, including interaction*
 6 *with a juvenile justice, juvenile court, or law enforce-*
 7 *ment official, and including brief, sustained, or re-*
 8 *peated interaction.”.*

9 **TITLE II—JUVENILE JUSTICE**
 10 **AND DELINQUENCY PREVEN-**
 11 **TION**

12 **SEC. 201. CONCENTRATION OF FEDERAL EFFORTS.**

13 *Section 204(a)(2)(B)(i) of the Juvenile Justice and De-*
 14 *linquency Prevention Act of 1974 (42 U.S.C.*
 15 *5614(a)(2)(B)(i)) is amended by striking “240 days after*
 16 *the date of enactment of this paragraph” and inserting*
 17 *“July 2, 2010”.*

18 **SEC. 202. COORDINATING COUNCIL ON JUVENILE JUSTICE**

19 **AND DELINQUENCY PREVENTION.**

20 *Section 206 of the Juvenile Justice and Delinquency*
 21 *Prevention Act of 1974 (42 U.S.C. 5616) is amended—*

22 *(1) in subsection (a)—*

23 *(A) in paragraph (1)—*

24 *(i) by inserting “the Administrator of*
 25 *the Substance Abuse and Mental Health*

1 *Services Administration, the Secretary of*
2 *Defense, the Secretary of Agriculture,” after*
3 *“the Secretary of Health and Human Serv-*
4 *ices,”; and*

5 *(ii) by striking “Commissioner of Im-*
6 *migration and Naturalization” and insert-*
7 *ing “Assistant Secretary for Immigration*
8 *and Customs Enforcement”; and*

9 *(B) in paragraph (2)(A), by inserting “(in-*
10 *cluding at least 1 representative from the mental*
11 *health fields)” after “field of juvenile justice”;*
12 *and*

13 *(2) in subsection (c)—*

14 *(A) in paragraph (1), by striking “para-*
15 *graphs (12)(A), (13), and (14) of section 223(a)*
16 *of this title” and inserting “the core require-*
17 *ments”; and*

18 *(B) in paragraph (2)—*

19 *(i) in the matter preceding subpara-*
20 *graph (A), by inserting “, on an annual*
21 *basis” after “collectively”;*

22 *(ii) in subparagraph (A), by striking*
23 *“and” at the end;*

24 *(iii) in subparagraph (B),*

1 (I) by striking “180 days after the
2 date of the enactment of this para-
3 graph” and inserting “May 3, 2010”;

4 (II) by striking “Committee on
5 Education and the Workforce” and in-
6 serting “Committee on Education and
7 Labor”; and

8 (III) by striking the period and
9 inserting “; and”; and

10 (iv) by adding at the end the following:

11 “(C) not later than 120 days after the comple-
12 tion of the last meeting in any fiscal year, submit to
13 Congress a report regarding the recommendations de-
14 scribed in subparagraph (A), which shall—

15 “(i) include a detailed account of the activi-
16 ties conducted by the Council during the fiscal
17 year, including a complete detailed accounting of
18 expenses incurred by the Coordinating Council to
19 conduct operations in accordance with this sec-
20 tion;

21 “(ii) be published on the websites of the De-
22 partment of Justice and the Coordinating Coun-
23 cil; and

24 “(iii) be in addition to the annual report
25 required by section 207.”.

1 **SEC. 203. ANNUAL REPORT.**

2 *Section 207 of the Juvenile Justice and Delinquency*
3 *Prevention Act of 1974 (42 U.S.C. 5617) is amended—*

4 *(1) in the matter preceding paragraph (1), by*
5 *striking “a fiscal year” and inserting “each fiscal*
6 *year”;*

7 *(2) in paragraph (1)—*

8 *(A) in subparagraph (B), by inserting*
9 *“, ethnicity,” after “race”;*

10 *(B) in subparagraph (E), by striking “and”*
11 *at the end;*

12 *(C) in subparagraph (F)—*

13 *(i) by inserting “and other” before*
14 *“disabilities,”; and*

15 *(ii) by striking the period at the end*
16 *and inserting a semicolon; and*

17 *(D) by adding at the end the following:*

18 *“(G) a summary of data from 1 month of*
19 *the applicable fiscal year of the use of restraints*
20 *and isolation upon juveniles held in the custody*
21 *of secure detention and correctional facilities op-*
22 *erated by a State or unit of local government;*

23 *“(H) the number of juveniles released from*
24 *custody and the type of living arrangement to*
25 *which each such juvenile was released;*

1 “(I) the number of status offense cases peti-
2 tioned to court (including a breakdown by type
3 of offense and disposition), number of status of-
4 fenders held in secure detention, the findings
5 used to justify the use of secure detention, and
6 the average period of time a status offender was
7 held in secure detention; and

8 “(J) the number of pregnant juveniles held
9 in the custody of secure detention and correc-
10 tional facilities operated by a State or unit of
11 local government.”; and

12 (3) by adding at the end the following:

13 “(5) A description of the criteria used to deter-
14 mine what programs qualify as evidence based and
15 promising programs under this title and title V and
16 a comprehensive list of those programs the Adminis-
17 trator has determined meet such criteria.

18 “(6) A description of funding provided to Indian
19 tribes under this Act, including direct Federal grants
20 and funding provided to Indian tribes through a
21 State or unit of local government.

22 “(7) An analysis and evaluation of the internal
23 controls at Office of Juvenile Justice and Delinquency
24 Prevention to determine if grantees are following the
25 requirements of Office of Juvenile Justice and Delin-

1 *quency Prevention grant programs and what reme-*
2 *dial action Office of Juvenile Justice and Delin-*
3 *quency Prevention has taken to recover any grant*
4 *funds that are expended in violation of the grant pro-*
5 *grams, including instances where supporting docu-*
6 *mentation was not provided for cost reports, where*
7 *unauthorized expenditures occurred, and where*
8 *subrecipients of grant funds were not compliant with*
9 *program requirements.*

10 *“(8) An analysis and evaluation of the total*
11 *amount of payments made to grantees that were re-*
12 *couped by the Office of Juvenile Justice and Delin-*
13 *quency Prevention from grantees that were found to*
14 *be in violation of policies and procedures of the Office*
15 *of Juvenile Justice and Delinquency Prevention grant*
16 *programs. This analysis shall include the full name*
17 *and location of the grantee, the violation of the pro-*
18 *gram found, the amount of funds sought to be re-*
19 *couped by the Office of Juvenile Justice and Delin-*
20 *quency Prevention, and the actual amount recouped*
21 *by the Office of Juvenile Justice and Delinquency*
22 *Prevention.”.*

23 **SEC. 204. ALLOCATION OF FUNDS.**

24 *(a) TECHNICAL ASSISTANCE.—Section 221(b)(1) of the*
25 *Juvenile Justice and Delinquency Prevention Act of 1974*

1 *(42 U.S.C. 5631(b)(1)) is amended by striking “2 percent”*
2 *and inserting “5 percent”.*

3 *(b) OTHER ALLOCATIONS.—Section 222 of the Juve-*
4 *nile Justice and Delinquency Prevention Act of 1974 (42*
5 *U.S.C. 5632) is amended—*

6 *(1) in subsection (a)(1), by striking “age eight-*
7 *een.” and inserting “18 years of age, based on the*
8 *most recent census data to monitor any significant*
9 *changes in the relative population of people under 18*
10 *years of age occurring in the States.”;*

11 *(2) by redesignating subsections (c) and (d) as*
12 *subsections (d) and (e), respectively;*

13 *(3) by inserting after subsection (b) the fol-*
14 *lowing:*

15 *“(c)(1) If any amount allocated under subsection (a)*
16 *is withheld from a State due to noncompliance with the*
17 *core requirements, the funds shall be reallocated for an im-*
18 *provement grant designed to assist the State in achieving*
19 *compliance with the core requirements.*

20 *“(2) The Administrator shall condition a grant de-*
21 *scribed in paragraph (1) on—*

22 *“(A) the State, with the approval of the Admin-*
23 *istrator, developing specific action steps designed to*
24 *restore compliance with the core requirements; and*

1 “(B) submitting to the Administrator semiannu-
2 ally a report on progress toward implementing the
3 specific action steps developed under subparagraph
4 (A).

5 “(3) The Administrator shall provide appropriate and
6 effective technical assistance directly or through an agree-
7 ment with a contractor to assist a State receiving a grant
8 described in paragraph (1) in achieving compliance with
9 the core requirements.”;

10 (4) in subsection (d), as so redesignated, by
11 striking “efficient administration, including moni-
12 toring, evaluation, and one full-time staff position”
13 and inserting “effective and efficient administration,
14 including the designation of at least 1 person to co-
15 ordinate efforts to achieve and sustain compliance
16 with the core requirements”; and

17 (5) in subsection (e), as so redesignated, by strik-
18 ing “5 per centum of the minimum” and inserting
19 “not more than 5 percent of the”.

20 **SEC. 205. STATE PLANS.**

21 Section 223 of the Juvenile Justice and Delinquency
22 Prevention Act of 1974 (42 U.S.C. 5633) is amended—

23 (1) in subsection (a)—

24 (A) in the matter preceding paragraph (1),
25 by inserting “Not later than 30 days after the

1 *date on which a plan or amended plan sub-*
2 *mitted under this subsection is finalized, a State*
3 *shall make the plan or amended plan publicly*
4 *available by posting the plan or amended plan*
5 *on a publicly available website.” after “compli-*
6 *ance with State plan requirements.”;*

7 *(B) in paragraph (3)—*

8 *(i) in subparagraph (A)(ii)—*

9 *(I) in subclause (II), by striking*
10 *“counsel for children and youth” and*
11 *inserting “publicly supported court-ap-*
12 *pointed legal counsel for children and*
13 *youth charged in delinquency matters”;*

14 *(II) in subclause (III), by striking*
15 *“mental health, education, special edu-*
16 *cation” and inserting “children’s men-*
17 *tal health, education, child and adoles-*
18 *cent substance abuse, special education,*
19 *services for youth with disabilities”;*

20 *(III) in subclause (V), by striking*
21 *“delinquents or potential delinquents”*
22 *and inserting “delinquent youth or*
23 *youth at risk of delinquency, including*
24 *volunteers who work with youth of*
25 *color”;*

1 (IV) in subclause (VII), by strik-
2 ing “and” at the end;

3 (V) by redesignating subclause
4 (VIII) as subclause (XI);

5 (VI) by inserting after subclause
6 (VII) the following:

7 “(VIII) the executive director or
8 the designee of the executive director of
9 a public or nonprofit entity that is lo-
10 cated in the State and receiving a
11 grant under part A of title III;

12 “(IX) persons with expertise and
13 competence in preventing and address-
14 ing mental health or substance abuse
15 needs in juvenile delinquents and those
16 at-risk of delinquency;

17 “(X) representatives of victim or
18 witness advocacy groups; and”;

19 (VII) in subclause (XI), as so re-
20 designated, by striking “disabilities”
21 and inserting “and other disabilities,
22 truancy reduction or school failure”;

23 (ii) in subparagraph (D)(ii), by strik-
24 ing “requirements of paragraphs (11), (12),

1 *and (13)” and inserting “core require-*
2 *ments”;* and

3 *(iii) in subparagraph (E)(i), by add-*
4 *ing “and” at the end;*

5 *(C) in paragraph (5)—*

6 *(i) in the matter preceding subpara-*
7 *graph (A), by striking “section 222(d)” and*
8 *inserting “section 222(e)”;* and

9 *(ii) in subparagraph (C), by striking*
10 *“Indian tribes” and all that follows through*
11 *“applicable to the detention and confine-*
12 *ment of juveniles” and inserting “Indian*
13 *tribes that agree to attempt to comply with*
14 *the core requirements applicable to the de-*
15 *tention and confinement of juveniles”;*

16 *(D) in paragraph (7)(B)—*

17 *(i) by striking clause (i) and inserting*
18 *the following:*

19 *“(i) a plan for ensuring that the chief exec-*
20 *utive officer of the State, State legislature, and*
21 *all appropriate public agencies in the State with*
22 *responsibility for provision of services to chil-*
23 *dren, youth and families are informed of the re-*
24 *quirements of the State plan and compliance*
25 *with the core requirements;”;*

1 (ii) in clause (iii), by striking “and”
2 at the end; and

3 (iii) by striking clause (iv) and insert-
4 ing the following:

5 “(iv) a plan to provide alternatives to de-
6 tention, including diversion to home-based or
7 community-based services that are culturally and
8 linguistically competent or treatment for those
9 youth in need of mental health, substance abuse,
10 or co-occurring disorder services at the time such
11 juveniles first come into contact with the juvenile
12 justice system;

13 “(v) a plan to reduce the number of chil-
14 dren housed in secure detention and corrections
15 facilities who are awaiting placement in residen-
16 tial treatment programs;

17 “(vi) a plan to engage family members in
18 the design and delivery of juvenile delinquency
19 prevention and treatment services, particularly
20 post-placement; and

21 “(vii) a plan to use community-based serv-
22 ices to address the needs of at-risk youth or
23 youth who have come into contact with the juve-
24 nile justice system;”;

1 (E) in paragraph (8), by striking “exist-
2 ing” and inserting “evidence based and prom-
3 ising”;

4 (F) in paragraph (9)—

5 (i) in the matter preceding subpara-
6 graph (A), by striking “section 222(d)” and
7 inserting “section 222(e)”;

8 (ii) in subparagraph (A)(i), by insert-
9 ing “status offenders and other” before
10 “youth who need”;

11 (iii) in subparagraph (B)(i)—

12 (I) by striking “parents and other
13 family members” and inserting “status
14 offenders, other youth, and the parents
15 and other family members of such of-
16 fenders and youth”; and

17 (II) by striking “be retained” and
18 inserting “remain”;

19 (iv) by redesignating subparagraphs
20 (G) through (S) as subparagraphs (J)
21 through (V), respectively;

22 (v) by redesignating subparagraphs
23 (E) and (F) as subparagraphs (F) and (G),
24 respectively;

1 (vi) by inserting after subparagraph
2 (D) the following:

3 “(E) providing training and technical as-
4 sistance to, and consultation with, juvenile jus-
5 tice and child welfare agencies of States and
6 units of local government to develop coordinated
7 plans for early intervention and treatment of
8 youth who have a history of abuse and juveniles
9 who have prior involvement with the juvenile
10 justice system;”;

11 (vii) in subparagraph (G), as so redes-
12 ignated, by striking “expanding” and in-
13 serting “programs to expand”;

14 (viii) by inserting after subparagraph
15 (G), as so redesignated, the following:

16 “(H) programs to improve the recruitment,
17 selection, training, and retention of professional
18 personnel in the fields of medicine, law enforce-
19 ment, judiciary, juvenile justice, social work and
20 child protection, education, and other relevant
21 fields who are engaged in, or intend to work in,
22 the field of prevention, identification, and treat-
23 ment of delinquency;

24 “(I) expanding access to publicly supported,
25 court-appointed legal counsel and enhancing ca-

1 *capacity for the competent representation of every*
2 *child;”;*

3 *(ix) in subparagraph (O), as so redes-*
4 *ignated—*

5 *(I) in clause (i), by striking “re-*
6 *straints” and inserting “alternatives”;*
7 *and*

8 *(II) in clause (ii), by striking “by*
9 *the provision”; and*

10 *(x) in subparagraph (V), as so redesign-*
11 *ated, by striking the period at the end and*
12 *inserting a semicolon;*

13 *(G) in paragraph (11)—*

14 *(i) in subparagraph (A), by striking*
15 *“and” at the end;*

16 *(ii) in subparagraph (B), by adding*
17 *“and” at the end; and*

18 *(iii) by adding at the end the fol-*
19 *lowing:*

20 *“(C) encourage the use of community-based*
21 *alternatives to secure detention, including pro-*
22 *grams of public and nonprofit entities receiving*
23 *a grant under part A of title III;”;*

1 (H) in paragraph (12)(A), by striking
2 “contact” and inserting “sight and sound con-
3 tact”;

4 (I) in paragraph (13), by striking “contact”
5 each place it appears and inserting “sight and
6 sound contact”;

7 (J) by striking paragraph (22);

8 (K) by redesignating paragraphs (23)
9 through (28) as paragraphs (24) through (29),
10 respectively;

11 (L) by redesignating paragraphs (14)
12 through (21) as paragraphs (16) through (23),
13 respectively;

14 (M) by inserting after paragraph (13) the
15 following:

16 “(14) require that—

17 “(A) not later than 3 years after the date
18 of enactment of the Juvenile Justice and Delin-
19 quency Prevention Reauthorization Act of 2009,
20 unless a court finds, after a hearing and in writ-
21 ing, that it is in the interest of justice, juveniles
22 awaiting trial or other legal process who are
23 treated as adults for purposes of prosecution in
24 criminal court and housed in a secure facility—

1 “(i) shall not have sight and sound
2 contact with adult inmates; and

3 “(ii) except as provided in paragraph
4 (13), may not be held in any jail or lockup
5 for adults;

6 “(B) in determining under subparagraph
7 (A) whether it is in the interest of justice to per-
8 mit a juvenile to be held in any jail or lockup
9 for adults, or have sight and sound contact with
10 adult inmates, a court shall consider—

11 “(i) the age of the juvenile;

12 “(ii) the physical and mental maturity
13 of the juvenile;

14 “(iii) the present mental state of the
15 juvenile, including whether the juvenile pre-
16 sents an imminent risk of harm to the juve-
17 nile;

18 “(iv) the nature and circumstances of
19 the alleged offense;

20 “(v) the juvenile’s history of prior de-
21 linquent acts;

22 “(vi) the relative ability of the avail-
23 able adult and juvenile detention facilities
24 to meet the specific needs of the juvenile and
25 to protect the public;

1 “(vii) *whether placement in a juvenile*
2 *facility will better serve the long-term inter-*
3 *ests of the juvenile and be more likely to*
4 *prevent recidivism;*

5 “(viii) *the availability of programs de-*
6 *signed to treat the juvenile’s behavioral*
7 *problems; and*

8 “(ix) *any other relevant factor; and*

9 “(C) *if a court determines under subpara-*
10 *graph (A) that it is in the interest of justice to*
11 *permit a juvenile to be held in any jail or lockup*
12 *for adults, or have sight and sound contact with*
13 *adult inmates—*

14 “(i) *the court shall hold a hearing not*
15 *less frequently than once every 30 days to*
16 *review whether it is still in the interest of*
17 *justice to permit the juvenile to be so held*
18 *or have such sight and sound contact; and*

19 “(ii) *the juvenile shall not be held in*
20 *any jail or lockup for adults, or permitted*
21 *to have sight and sound contact with adult*
22 *inmates, for more than 180 days, unless the*
23 *court, in writing, determines there is good*
24 *cause for an extension or the juvenile ex-*
25 *pressly waives this limitation;*

1 “(15) *implement policy, practice, and system*
2 *improvement strategies at the State, territorial, local,*
3 *and tribal levels, as applicable, to identify and reduce*
4 *racial and ethnic disparities among youth who come*
5 *into contact with the juvenile justice system, without*
6 *establishing or requiring numerical standards or*
7 *quotas, by—*

8 “(A) *establishing coordinating bodies, com-*
9 *posed of juvenile justice stakeholders at the State,*
10 *local, or tribal levels, to oversee and monitor ef-*
11 *forts by States, units of local government, and*
12 *Indian tribes to reduce racial and ethnic dis-*
13 *parities;*

14 “(B) *identifying and analyzing key decision*
15 *points in State, local, or tribal juvenile justice*
16 *systems to determine which points create racial*
17 *and ethnic disparities among youth who come*
18 *into contact with the juvenile justice system;*

19 “(C) *developing and implementing data col-*
20 *lection and analysis systems to identify where*
21 *racial and ethnic disparities exist in the juvenile*
22 *justice system and to track and analyze such dis-*
23 *parities;*

24 “(D) *developing and implementing a work*
25 *plan that includes measurable objectives for pol-*

1 *icy, practice, or other system changes, based on*
2 *the needs identified in the data collection and*
3 *analysis under subparagraphs (B) and (C); and*

4 *“(E) publicly reporting, on an annual*
5 *basis, the efforts made in accordance with sub-*
6 *paragraphs (B), (C), and (D);”*

7 *(N) in paragraph (16), as so redesignated—*

8 *(i) by striking “adequate system” and*
9 *inserting “effective system”;*

10 *(ii) by striking “requirements of para-*
11 *graph (11),” and all that follows through*
12 *“monitoring to the Administrator” and in-*
13 *serting “the core requirements are met, and*
14 *for annual reporting to the Administrator*
15 *of such plan, including the results of such*
16 *monitoring and all related enforcement and*
17 *educational activities”;* and

18 *(iii) by striking “, in the opinion of*
19 *the Administrator,”;*

20 *(O) in paragraph (17), as so redesignated,*
21 *by inserting “ethnicity,” after “race,”;*

22 *(P) in paragraph (24), as so redesignated—*

23 *(i) in subparagraph (B), by striking*
24 *“and” at the end;*

25 *(ii) in subparagraph (C)—*

1 (I) in clause (i), by striking
2 “and” at the end;

3 (II) in clause (ii), by adding
4 “and” at the end; and

5 (III) by adding at the end the fol-
6 lowing:

7 “(iii) if such court determines the juve-
8 nile should be placed in a secure detention
9 facility or correctional facility for violating
10 such order—

11 “(I) the court shall issue a written
12 order that—

13 “(aa) identifies the valid
14 court order that has been violated;

15 “(bb) specifies the factual
16 basis for determining that there is
17 reasonable cause to believe that
18 the juvenile has violated such
19 order;

20 “(cc) includes findings of fact
21 to support a determination that
22 there is no appropriate less re-
23 strictive alternative available to
24 placing the juvenile in such a fa-

1 *cility, with due consideration to*
2 *the best interest of the juvenile;*

3 *“(dd) specifies the length of*
4 *time, not to exceed 7 days, that*
5 *the juvenile may remain in a se-*
6 *ecure detention facility or correc-*
7 *tional facility, and includes a*
8 *plan for the juvenile’s release from*
9 *such facility; and*

10 *“(ee) may not be renewed or*
11 *extended; and*

12 *“(II) the court may not issue a*
13 *second or subsequent order described in*
14 *subclause (I) relating to a juvenile, un-*
15 *less the juvenile violates a valid court*
16 *order after the date on which the court*
17 *issues an order described in subclause*
18 *(I);”;* and

19 *(iii) by adding at the end the fol-*
20 *lowing:*

21 *“(D) there are procedures in place to ensure*
22 *that any juvenile held in a secure detention facil-*
23 *ity or correctional facility pursuant to a court*
24 *order described in this paragraph does not re-*
25 *main in custody longer than 7 days or the length*

1 *of time authorized by the court, which ever is*
2 *shorter; and*

3 “(E) *not later than 3 years after the date*
4 *of enactment of the Juvenile Justice and Delin-*
5 *quency Prevention Reauthorization Act of 2009*
6 *with a 1 year extension for each additional year*
7 *that the State can demonstrate hardship as de-*
8 *termined by the Administrator, the State will*
9 *eliminate the use of valid court orders to provide*
10 *secure lockup of status offenders;”;*

11 (Q) *in paragraph (26), as so redesignated,*
12 *by striking “section 222(d)” and inserting “sec-*
13 *tion 222(e)”;*

14 (R) *in paragraph (27), as so redesignated—*

15 (i) *by inserting “and in accordance*
16 *with confidentiality concerns,” after “max-*
17 *imum extent practicable,”; and*

18 (ii) *by striking the semicolon at the*
19 *end and inserting the following: “, so as to*
20 *provide for—*

21 “(A) *a compilation of data reflecting infor-*
22 *mation on juveniles entering the juvenile justice*
23 *system with a prior reported history as victims*
24 *of child abuse or neglect through arrest, court in-*

1 *take, probation and parole, juvenile detention,*
2 *and corrections; and*

3 “(B) a plan to use the data described in
4 subparagraph (A) to provide necessary services
5 for the treatment of victims of child abuse and
6 neglect who have entered, or are at risk of enter-
7 ing, the juvenile justice system;”;

8 (S) in paragraph (28), as so redesignated—

9 (i) by striking “establish policies” and
10 inserting “establish protocols, policies, pro-
11 cedures,”; and

12 (ii) by striking “and” at the end;

13 (T) in paragraph (29), as so redesignated,
14 by striking the period at the end and inserting
15 a semicolon; and

16 (U) by adding at the end the following:

17 “(30) provide for the coordinated use of funds
18 provided under this Act with other Federal and State
19 funds directed at juvenile delinquency prevention and
20 intervention programs;

21 “(31) develop policies and procedures, and pro-
22 vide training for facility staff to eliminate the use of
23 dangerous practices, unreasonable restraints, and un-
24 reasonable isolation, including by developing effective
25 behavior management techniques;

1 “(32) describe—

2 “(A) how the State will ensure that mental
3 health and substance abuse screening, assessment,
4 referral, and treatment for juveniles in the juve-
5 nile justice system includes efforts to implement
6 an evidence-based mental health and substance
7 abuse disorder screening and assessment pro-
8 gram for all juveniles held in a secure facility for
9 a period of more than 24 hours that provides for
10 1 or more initial screenings and, if an initial
11 screening of a juvenile demonstrates a need, fur-
12 ther assessment;

13 “(B) the method to be used by the State to
14 provide screening and, where needed, assessment,
15 referral, and treatment for youth who request or
16 show signs of needing mental health or substance
17 abuse screening, assessment, referral, or treat-
18 ment during the period after the initial screen-
19 ing that the youth is incarcerated;

20 “(C) the method to be used by the State to
21 provide or arrange for mental health and sub-
22 stance abuse disorder treatment for juveniles de-
23 termined to be in need of such treatment; and

24 “(D) the policies of the State designed to de-
25 velop and implement comprehensive collaborative

1 *State or local plans to meet the service needs of*
2 *juveniles with mental health or substance abuse*
3 *needs who come into contact with the justice sys-*
4 *tem and the families of the juveniles;*

5 “(33) *provide procedural safeguards to adju-*
6 *dicated juveniles, including—*

7 “(A) *a written case plan for each juvenile,*
8 *based on an assessment of the needs of the juve-*
9 *nile and developed and updated in consultation*
10 *with the juvenile, the family of the juvenile, and,*
11 *if appropriate, counsel for the juvenile, that—*

12 “(i) *describes the pre-release and post-*
13 *release programs and reentry services that*
14 *will be provided to the juvenile;*

15 “(ii) *describes the living arrangement*
16 *to which the juvenile is to be discharged;*
17 *and*

18 “(iii) *establishes a plan for the enroll-*
19 *ment of the juvenile in post-release health*
20 *care, behavioral health care, educational,*
21 *vocational, training, family support, public*
22 *assistance, and legal services programs, as*
23 *appropriate;*

24 “(B) *as appropriate, a hearing that—*

1 “(i) shall take place in a family or ju-
2 venile court or another court (including a
3 tribal court) of competent jurisdiction, or by
4 an administrative body appointed or ap-
5 proved by the court, not earlier than 30
6 days before the date on which the juvenile is
7 scheduled to be released, and at which the
8 juvenile would be represented by counsel;
9 and

10 “(ii) shall determine the discharge
11 plan for the juvenile, including a deter-
12 mination of whether a safe, appropriate,
13 and permanent living arrangement has been
14 secured for the juvenile and whether enroll-
15 ment in health care, behavioral health care,
16 educational, vocational, training, family
17 support, public assistance and legal services,
18 as appropriate, has been arranged for the
19 juvenile; and

20 “(C) policies to ensure that discharge plan-
21 ning and procedures—

22 “(i) are accomplished in a timely fash-
23 ion prior to the release from custody of each
24 adjudicated juvenile; and

1 “(ii) do not delay the release from cus-
2 tody of the juvenile; and

3 “(34) provide a description of the use by the
4 State of funds for reentry and aftercare services for
5 juveniles released from the juvenile justice system.”;

6 (2) in subsection (c)—

7 (A) in the matter preceding paragraph

8 (1)—

9 (i) by striking “applicable require-
10 ments of paragraphs (11), (12), (13), and
11 (22) of subsection (a)” and inserting “core
12 requirements”; and

13 (ii) by striking “2001, then” and in-
14 serting “2010”;

15 (B) in paragraph (1)—

16 (i) by striking “the subsequent fiscal
17 year” and inserting “that fiscal year”; and

18 (ii) by striking “, and” at the end and
19 inserting a semicolon;

20 (C) in paragraph (2)(B)(i)—

21 (i) by inserting “, administrative,”
22 after “appropriate executive”; and

23 (ii) by striking the period at the end
24 and inserting “, as specified in section
25 222(c); and”; and

1 (D) by adding at the end the following:

2 “(3) the State shall submit to the Administrator
3 a report detailing the reasons for noncompliance with
4 the core requirements, including the plan of the State
5 to regain full compliance, and the State shall make
6 publicly available such report, not later than 30 days
7 after the date on which the Administrator approves
8 the report, by posting the report on a publicly avail-
9 able website.”;

10 (3) in subsection (d)—

11 (A) by striking “section 222(d)” and insert-
12 ing “section 222(e)”;

13 (B) by striking “described in paragraphs
14 (11), (12), (13), and (22) of subsection (a)” and
15 inserting “described in the core requirements”;
16 and

17 (C) by striking “the requirements under
18 paragraphs (11), (12), (13), and (22) of sub-
19 section (a)” and inserting “the core require-
20 ments”; and

21 (4) by striking subsection (f) and inserting the
22 following:

23 “(f) COMPLIANCE DETERMINATION.—

24 “(1) IN GENERAL.—Not later than 60 days after
25 the date of receipt of information indicating that a

1 *State may be out of compliance with any of the core*
2 *requirements, the Administrator shall determine*
3 *whether the State is in compliance with the core re-*
4 *quirements.*

5 “(2) *REPORTING.—The Administrator shall—*

6 “(A) *issue an annual public report—*

7 “(i) *describing any determination de-*
8 *scribed in paragraph (1) made during the*
9 *previous year, including a summary of the*
10 *information on which the determination is*
11 *based and the actions to be taken by the Ad-*
12 *ministrator (including a description of any*
13 *reduction imposed under subsection (c));*
14 *and*

15 “(ii) *for any such determination that a*
16 *State is out of compliance with any of the*
17 *core requirements, describing the basis for*
18 *the determination; and*

19 “(B) *make the report described in subpara-*
20 *graph (A) available on a publicly available*
21 *website.*

22 “(g) *TECHNICAL ASSISTANCE.—*

23 “(1) *ORGANIZATION OF STATE ADVISORY GROUP*
24 *MEMBER REPRESENTATIVES.—The Administrator*
25 *shall provide technical and financial assistance to an*

1 agency, institution, or organization to assist in car-
2 rying out the activities described in paragraph (3).
3 The functions and activities of an agency, institution,
4 or organization under this subsection shall not be sub-
5 ject to the Federal Advisory Committee Act.

6 “(2) COMPOSITION.—To be eligible to receive as-
7 sistance under this subsection, an agency, institution,
8 or organization shall—

9 “(A) be governed by individuals who—

10 “(i) have been appointed by a chief ex-
11 ecutive of a State to serve as a member of
12 a State advisory group established under
13 subsection (a)(3); and

14 “(ii) are elected to serve as a governing
15 officer of such an agency, institution, or or-
16 ganization by a majority of the member
17 Chairs (or the designees of the member
18 Chairs) of all State advisory groups estab-
19 lished under subsection (a)(3);

20 “(B) include member representatives—

21 “(i) from a majority of the State advi-
22 sory groups established under subsection
23 (a)(3); and

1 “(ii) *who are representative of region-*
2 *ally and demographically diverse State ju-*
3 *risdictions; and*

4 “(C) *annually seek advice from the Chairs*
5 *(or the designees of the member Chairs) of each*
6 *State advisory group established under sub-*
7 *section (a)(3) to implement the advisory func-*
8 *tions specified in subparagraphs (D) and (E) of*
9 *paragraph (3) of this subsection.*

10 “(3) *ACTIVITIES.—To be eligible to receive assist-*
11 *ance under this subsection, an agency, institution, or*
12 *organization shall agree to—*

13 “(A) *conduct an annual conference of the*
14 *member representatives of the State advisory*
15 *groups established under subsection (a)(3) for*
16 *purposes relating to the activities of such State*
17 *advisory groups;*

18 “(B) *disseminate information, data, stand-*
19 *ards, advanced techniques, and program models;*

20 “(C) *review Federal policies regarding juve-*
21 *nile justice and delinquency prevention;*

22 “(D) *advise the Administrator regarding*
23 *particular functions or aspects of the work of the*
24 *Office; and*

1 “(E) advise the President and Congress re-
2 garding State perspectives on the operation of
3 the Office and Federal legislation relating to ju-
4 venile justice and delinquency prevention.”.

5 **SEC. 206. AUTHORITY TO MAKE GRANTS.**

6 Section 241(a) of the Juvenile Justice and Delin-
7 quency Prevention Act of 1974 (42 U.S.C. 5651(a)) is
8 amended—

9 (1) in paragraph (1), by inserting “status of-
10 fenders,” before “juvenile offenders, and juveniles”;

11 (2) in paragraph (5), by striking “juvenile of-
12 fenders and juveniles” and inserting “status offenders,
13 juvenile offenders, and juveniles”;

14 (3) in paragraph (10), by inserting “, including
15 juveniles with disabilities” before the semicolon;

16 (4) in paragraph (17), by inserting “truancy
17 prevention and reduction,” after “mentoring,”;

18 (5) in paragraph (24), by striking “and” at the
19 end;

20 (6) by redesignating paragraph (25) as para-
21 graph (26); and

22 (7) by inserting after paragraph (24) the fol-
23 lowing:

24 “(25) projects that support the establishment of
25 partnerships between a State and a university, insti-

1 *tution of higher education, or research center designed*
2 *to improve the recruitment, selection, training, and*
3 *retention of professional personnel in the fields of*
4 *medicine, law enforcement, judiciary, juvenile justice,*
5 *social work and child protection, education, and other*
6 *relevant fields who are engaged in, or intend to work*
7 *in, the field of prevention, identification, and treat-*
8 *ment of delinquency; and”.*

9 **SEC. 207. GRANTS TO INDIAN TRIBES.**

10 *(a) IN GENERAL.—Section 246(a)(2) of the Juvenile*
11 *Justice and Delinquency Prevention Act of 1974 (42 U.S.C.*
12 *5656(a)(2)) is amended—*

13 *(1) by striking subparagraph (A);*

14 *(2) by redesignating subparagraphs (B) through*
15 *(E) as subparagraphs (A) through (D), respectively;*
16 *and*

17 *(3) in subparagraph (B)(ii), as so redesignated,*
18 *by striking “subparagraph (B)” and inserting “sub-*
19 *paragraph (A)”.*

20 *(b) TECHNICAL AND CONFORMING AMENDMENT.—Sec-*
21 *tion 223(a)(7)(A) of the Juvenile Justice and Delinquency*
22 *Prevention Act of 1974 (42 U.S.C. 5633(a)(7)(A)) is*
23 *amended by striking “(including any geographical area in*
24 *which an Indian tribe performs law enforcement func-*

1 tions)” and inserting “(including any geographical area of
2 which an Indian tribe has jurisdiction)”.

3 **SEC. 208. RESEARCH AND EVALUATION; STATISTICAL ANAL-**
4 **YSES; INFORMATION DISSEMINATION.**

5 (a) *IN GENERAL.*—Section 251 of the Juvenile Justice
6 and Delinquency Prevention Act of 1974 (42 U.S.C. 5661)
7 is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1)—

10 (i) in the matter proceeding subpara-
11 graph (A), by striking “may” and inserting
12 “shall”;

13 (ii) in subparagraph (A), by striking
14 “plan and identify” and inserting “annu-
15 ally provide a written and publicly avail-
16 able plan to identify”; and

17 (iii) in subparagraph (B)—

18 (I) by amending clause (iii) to
19 read as follows:

20 “(iii) successful efforts to prevent status of-
21 fenders and first-time minor offenders from sub-
22 sequent involvement with the criminal justice
23 system;”;

24 (II) by amending clause (vii) to
25 read as follows:

1 “(vii) the prevalence and duration of behav-
2 ioral health needs (including mental health, sub-
3 stance abuse, and co-occurring disorders) among
4 juveniles pre-placement and post-placement when
5 held in the custody of secure detention and cor-
6 rections facilities, including an examination of
7 the effects of confinement;”;

8 (III) by redesignating clauses (ix),
9 (x), and (xi) as clauses (xi), (xii), and
10 (xiii), respectively; and

11 (IV) by inserting after clause
12 (viii) the following:

13 “(ix) training efforts and reforms that have
14 produced reductions in or elimination of the use
15 of dangerous practices;

16 “(x) methods to improve the recruitment, se-
17 lection, training, and retention of professional
18 personnel in the fields of medicine, law enforce-
19 ment, judiciary, juvenile justice, social work and
20 child protection, education, and other relevant
21 fields who are engaged in, or intend to work in,
22 the field of prevention, identification, and treat-
23 ment of delinquency;”;

24 (B) in paragraph (4)—

1 (i) *in the matter preceding subpara-*
2 *graph (A), by inserting “and not later than*
3 *1 year after the date of enactment of the Ju-*
4 *venile Justice and Delinquency Prevention*
5 *Reauthorization Act of 2009” after “date of*
6 *enactment of this paragraph”;*

7 (ii) *in subparagraph (F), by striking*
8 *“and” at the end;*

9 (iii) *in subparagraph (G), by striking*
10 *the period at the end and inserting a semi-*
11 *colon; and*

12 (iv) *by adding at the end the following:*

13 *“(H) a description of the best practices in dis-*
14 *charge planning; and*

15 *“(I) an assessment of living arrangements for ju-*
16 *veniles who cannot return to the homes of the juve-*
17 *niles.”;*

18 (2) *in subsection (b), in the matter preceding*
19 *paragraph (a), by striking “may” and inserting*
20 *“shall”; and*

21 (3) *by adding at the end the following:*

22 *“(f) NATIONAL RECIDIVISM MEASURE.—The Adminis-*
23 *trator, in consultation with experts in the field of juvenile*
24 *justice research, recidivism, and data collection, shall—*

1 “(1) *establish a uniform method of data collec-*
2 *tion and technology that States shall use to evaluate*
3 *data on juvenile recidivism on an annual basis;*

4 “(2) *establish a common national juvenile recidi-*
5 *vism measurement system; and*

6 “(3) *make cumulative juvenile recidivism data*
7 *that is collected from States available to the public.”.*

8 **(b) STUDIES.—**

9 **(1) ASSESSMENT OF TREATING JUVENILES AS**
10 **ADULTS.—***The Administrator shall—*

11 *(A) not later than 3 years after the date of*
12 *enactment of this Act, assess the effectiveness of*
13 *the practice of treating youth under 18 years of*
14 *age as adults for purposes of prosecution in*
15 *criminal court; and*

16 *(B) not later than 42 months after the date*
17 *of enactment of this Act, submit to Congress and*
18 *the President, and make publicly available, a re-*
19 *port on the findings and conclusions of the as-*
20 *essment under subparagraph (A) and any rec-*
21 *ommended changes in law identified as a result*
22 *of the assessment under subparagraph (A).*

23 **(2) OUTCOME STUDY OF FORMER JUVENILE OF-**
24 **FENDERS.—***The Administrator shall conduct a study*
25 *of adjudicated juveniles and publish a report on the*

1 *outcomes for juveniles who have reintegrated into the*
2 *community, which shall include information on the*
3 *outcomes relating to family reunification, housing,*
4 *education, employment, health care, behavioral health*
5 *care, and repeat offending.*

6 (3) *DISABILITIES.*—*Not later than 2 years after*
7 *the date of enactment of this Act, the Administrator*
8 *shall conduct a study that addresses the prevalence of*
9 *disability and various types of disabilities in the ju-*
10 *venile justice population.*

11 (4) *DEFINITION OF ADMINISTRATOR.*—*In this*
12 *subsection, the term “Administrator” means the head*
13 *of the Office of Juvenile Justice and Delinquency Pre-*
14 *vention.*

15 **SEC. 209. TRAINING AND TECHNICAL ASSISTANCE.**

16 *Section 252 of the Juvenile Justice and Delinquency*
17 *Prevention Act of 1974 (42 U.S.C. 5662) is amended—*

18 (1) *in subsection (a)—*

19 (A) *in the matter preceding paragraph (1),*
20 *by striking “may”;*

21 (B) *in paragraph (1), by inserting “shall”*
22 *before “develop and carry out projects”; and*

23 (C) *in paragraph (2), by inserting “may”*
24 *before “make grants to and contracts with”;*

25 (2) *in subsection (b)—*

1 (A) in the matter preceding paragraph (1),
2 by striking “may”;

3 (B) in paragraph (1)—

4 (i) by inserting “shall” before “develop
5 and implement projects”; and

6 (ii) by striking “and” at the end;

7 (C) in paragraph (2)—

8 (i) by inserting “may” before “make
9 grants to and contracts with”; and

10 (ii) by striking the period at the end
11 and inserting a semicolon; and

12 (D) by adding at the end the following:

13 “(3) shall provide technical assistance to States
14 and units of local government on achieving compli-
15 ance with the amendments made by the Juvenile Jus-
16 tice and Delinquency Prevention Reauthorization Act
17 of 2009; and

18 “(4) shall provide technical assistance to States
19 in support of efforts to establish partnerships between
20 the State and a university, institution of higher edu-
21 cation, or research center designed to improve the re-
22 cruitment, selection, training, and retention of profes-
23 sional personnel in the fields of medicine, law enforce-
24 ment, judiciary, juvenile justice, social work and
25 child protection, education, and other relevant fields

1 *who are engaged in, or intend to work in, the field*
2 *of prevention, identification, and treatment of delin-*
3 *quency.”; and*

4 *(3) by adding at the end the following:*

5 “(d) *TECHNICAL ASSISTANCE TO STATES REGARDING*
6 *LEGAL REPRESENTATION OF CHILDREN.—The Adminis-*
7 *trator shall develop and issue standards of practice for at-*
8 *torneys representing children, and ensure that the stand-*
9 *ards are adapted for use in States.*

10 “(e) *TRAINING AND TECHNICAL ASSISTANCE FOR*
11 *LOCAL AND STATE JUVENILE DETENTION AND CORREC-*
12 *TIONS PERSONNEL.—The Administrator shall coordinate*
13 *training and technical assistance programs with juvenile*
14 *detention and corrections personnel of States and units of*
15 *local government to—*

16 “(1) *promote methods for improving conditions*
17 *of juvenile confinement, including those that are de-*
18 *signed to minimize the use of dangerous practices, un-*
19 *reasonable restraints, and isolation; and*

20 “(2) *encourage alternative behavior management*
21 *techniques.*

22 “(f) *TRAINING AND TECHNICAL ASSISTANCE TO SUP-*
23 *PORT MENTAL HEALTH OR SUBSTANCE ABUSE TREAT-*
24 *MENT INCLUDING HOME-BASED OR COMMUNITY-BASED*
25 *CARE.—The Administrator shall provide training and tech-*

1 *nical assistance, in conjunction with the appropriate public*
 2 *agencies, to individuals involved in making decisions re-*
 3 *garding the disposition of cases for youth who enter the ju-*
 4 *venile justice system about the appropriate services and*
 5 *placement for youth with mental health or substance abuse*
 6 *needs, including—*

7 “(1) *juvenile justice intake personnel;*

8 “(2) *probation officers;*

9 “(3) *juvenile court judges and court services per-*
 10 *sonnel;*

11 “(4) *prosecutors and court-appointed counsel;*

12 *and*

13 “(5) *family members of juveniles and family ad-*
 14 *vocates.*”.

15 **SEC. 210. GRANTS FOR YOUTH AND FAMILY SERVING ORGA-**
 16 **NIZATIONS.**

17 *Section 261 of the Juvenile Justice and Delinquency*
 18 *Prevention Act of 1974 (42 U.S.C. 5665) is amended by*
 19 *adding at the end the following:*

20 “(c) *GRANTS FOR YOUTH AND FAMILY SERVING ORGA-*
 21 *NIZATIONS.—*

22 “(1) *IN GENERAL.—The Administrator, using a*
 23 *competitive process, may make grants to and enter*
 24 *contracts with qualified youth and family serving or-*
 25 *ganizations, or combinations thereof, to provide an*

1 *integrated continuum of services and programs for the*
2 *prevention, control, or reduction of juvenile delin-*
3 *quency.*

4 “(2) *DEFINITIONS.—In this subsection—*

5 “(A) *the term ‘integrated continuum of*
6 *services and programs’ means a variety of serv-*
7 *ices and programs for youth at risk of becoming*
8 *juvenile offenders and families of such youth,*
9 *with each service or program—*

10 “(i) *sharing a well-defined set of proce-*
11 *dures and practices that are applied simi-*
12 *larly in different situations and programs;*

13 “(ii) *being replicable and producing*
14 *results that can be observed, tracked, and*
15 *measured;*

16 “(iii) *sharing a common theory and*
17 *philosophy of care;*

18 “(iv) *operating in a manner that al-*
19 *lows youth and families to move across dif-*
20 *ferent service levels and expect and experi-*
21 *ence the same teaching methods, language,*
22 *expectations, and outcome goals from care-*
23 *givers and other providers; and*

1 “(v) allowing each youth and family to
2 maintain and build on the success achieved
3 at a previous level of service; and

4 “(B) the term ‘qualified youth and family
5 serving organization’ means a private, nonprofit
6 youth and family serving organization that—

7 “(i) provides an integrated continuum
8 of programs and services for youth at risk
9 of becoming juvenile offenders and the fami-
10 lies of such youth in areas affected by pov-
11 erty and violence;

12 “(ii) serves a large percentage of eligi-
13 ble youth at risk of becoming juvenile of-
14 fenders and provides evidence-based, or evi-
15 dence-informed, services and programs;

16 “(iii) teaches social and independent
17 living skills for youth and families, builds
18 healthy relationships between youth and
19 families, and promotes self-government and
20 self-determination for all youth and families
21 served; and

22 “(iv) is successful in balancing public
23 funds with private donations and maxi-
24 mizing community involvement.”.

1 **SEC. 211. INCENTIVE GRANTS FOR STATE AND LOCAL PRO-**
 2 **GRAMS.**

3 *Title II of the Juvenile Justice and Delinquency Pre-*
 4 *vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—*

5 *(1) by redesignating part F as part G; and*

6 *(2) by inserting after part E the following:*

7 **“PART F—INCENTIVE GRANTS FOR STATE AND**
 8 **LOCAL PROGRAMS**

9 **“SEC. 271. INCENTIVE GRANTS.**

10 *“(a) INCENTIVE GRANT FUNDS.—The Administrator*
 11 *may make incentive grants to a State, unit of local govern-*
 12 *ment, or combination of States and local governments to*
 13 *assist a State, unit of local government, or combination*
 14 *thereof in carrying out an activity identified in subsection*
 15 *(b)(1).*

16 *“(b) USE OF FUNDS.—*

17 *“(1) IN GENERAL.—An incentive grant made by*
 18 *the Administrator under this section may be used*
 19 *to—*

20 *“(A) increase the use of evidence based or*
 21 *promising prevention and intervention pro-*
 22 *grams;*

23 *“(B) improve the recruitment, selection,*
 24 *training, and retention of professional personnel*
 25 *(including in the fields of medicine, law enforce-*
 26 *ment, judiciary, juvenile justice, social work, and*

1 *child prevention) who are engaged in, or intend*
2 *to work in, the field of prevention, intervention,*
3 *and treatment of juveniles to reduce delinquency;*

4 “(C) *establish or support a partnership be-*
5 *tween juvenile justice agencies of a State or unit*
6 *of local government and mental health authori-*
7 *ties of State or unit of local government to estab-*
8 *lish and implement programs to ensure there are*
9 *adequate mental health and substance abuse*
10 *screening, assessment, referral, treatment, and*
11 *after-care services for juveniles who come into*
12 *contact with the justice system by—*

13 “(i) *carrying out programs that divert*
14 *from incarceration juveniles who come into*
15 *contact with the justice system (including*
16 *facilities contracted for operation by State*
17 *or local juvenile authorities) and have men-*
18 *tal health or substance abuse needs—*

19 “(I) *when such juveniles are at*
20 *imminent risk of being taken into cus-*
21 *tody;*

22 “(II) *at the time such juveniles*
23 *are initially taken into custody;*

1 “(III) after such juveniles are
2 charged with an offense or act of juve-
3 nile delinquency;

4 “(IV) after such juveniles are ad-
5 judicated delinquent and before case
6 disposition; and

7 “(V) after such juveniles are com-
8 mitted to secure placement; or

9 “(ii) improving treatment of juveniles
10 with mental health needs by working to en-
11 sure—

12 “(I) that—

13 “(aa) initial mental health
14 screening is—

15 “(AA) completed for a
16 juvenile immediately upon
17 entering the juvenile justice
18 system or a juvenile facility;
19 and

20 “(BB) conducted by
21 qualified health and mental
22 health professionals or by
23 staff who have been trained
24 by qualified health, mental

1 *health, and substance abuse*
2 *professionals; and*

3 *“(bb) in the case of screening,*
4 *results that indicate possible need*
5 *for mental health or substance*
6 *abuse services are reviewed by*
7 *qualified mental health or sub-*
8 *stance abuse treatment profes-*
9 *sionals not later than 24 hours*
10 *after the screening;*

11 *“(II) that a juvenile who suffers*
12 *from an acute mental disorder, is sui-*
13 *cidal, or is in need of medical atten-*
14 *tion due to intoxication is—*

15 *“(aa) placed in or imme-*
16 *diately transferred to an appro-*
17 *priate medical or mental health*
18 *facility; and*

19 *“(bb) only admitted to a se-*
20 *ecure correctional facility with*
21 *written medical clearance;*

22 *“(III) that—*

23 *“(aa) for a juvenile identi-*
24 *fied by a screening as needing a*
25 *mental health assessment, the*

1 *mental health assessment and any*
2 *indicated comprehensive evalua-*
3 *tion or individualized treatment*
4 *plan are written and imple-*
5 *mented—*

6 *“(AA) not later than 2*
7 *weeks after the date on which*
8 *the juvenile enters the juve-*
9 *nile justice system; or*

10 *“(BB) if a juvenile is*
11 *entering a secure facility, not*
12 *later than 1 week after the*
13 *date on which the juvenile*
14 *enters the juvenile justice sys-*
15 *tem; and*

16 *“(bb) the assessments de-*
17 *scribed in item (aa) are completed*
18 *by qualified health, mental health,*
19 *and substance abuse professionals;*
20 *“(IV) that—*

21 *“(aa) if the need for treat-*
22 *ment is indicated by the assess-*
23 *ment of a juvenile, the juvenile is*
24 *referred to or treated by a quali-*
25 *fied professional;*

1 “(bb) a juvenile who is re-
2 ceiving treatment for a mental
3 health or substance abuse need on
4 the date of the assessment con-
5 tinues to receive treatment;

6 “(cc) treatment of a juvenile
7 continues until a qualified mental
8 health professional determines
9 that the juvenile is no longer in
10 need of treatment; and

11 “(dd) treatment plans for ju-
12 veniles are reevaluated at least
13 every 30 days;

14 “(V) that—

15 “(aa) discharge plans are
16 prepared for an incarcerated juve-
17 nile when the juvenile enters the
18 correctional facility in order to
19 integrate the juvenile back into
20 the family and the community;

21 “(bb) discharge plans for an
22 incarcerated juvenile are updated,
23 in consultation with the family or
24 guardian of a juvenile, before the
25 juvenile leaves the facility; and

1 “(cc) discharge plans address
2 the provision of aftercare services;

3 “(VI) that any juvenile in the ju-
4 venile justice system receiving psycho-
5 tropic medications is—

6 “(aa) under the care of a li-
7 censed psychiatrist; and

8 “(bb) monitored regularly by
9 trained staff to evaluate the effi-
10 cacy and side effects of the psycho-
11 tropic medications; and

12 “(VII) that specialized treatment
13 and services are continually available
14 to a juvenile in the juvenile justice sys-
15 tem who has—

16 “(aa) a history of mental
17 health needs or treatment;

18 “(bb) a documented history
19 of sexual offenses or sexual abuse,
20 as a victim or perpetrator;

21 “(cc) substance abuse needs
22 or a health problem, learning dis-
23 ability, or history of family abuse
24 or violence; or

1 “(dd) developmental disabil-
2 ities;

3 “(D) provide training, in conjunction with
4 the public or private agency that provides men-
5 tal health services, to individuals involved in
6 making decisions involving youth who enter the
7 juvenile justice system (including intake per-
8 sonnel, law enforcement, prosecutors, juvenile
9 court judges, public defenders, mental health and
10 substance abuse service providers and adminis-
11 trators, probation officers, and parents) that fo-
12 cuses on—

13 “(i) the availability of screening and
14 assessment tools and the effective use of such
15 tools;

16 “(ii) the purpose, benefits, and need to
17 increase availability of mental health or
18 substance abuse treatment programs (in-
19 cluding home-based and community-based
20 programs) available to juveniles within the
21 jurisdiction of the recipient;

22 “(iii) the availability of public and
23 private services available to juveniles to pay
24 for mental health or substance abuse treat-
25 ment programs; or

1 “(iv) the appropriate use of effective
2 home-based and community-based alter-
3 natives to juvenile justice or mental health
4 system institutional placement; and

5 “(E) develop comprehensive collaborative
6 plans to address the service needs of juveniles
7 with mental health or substance abuse disorders
8 who are at risk of coming into contact with the
9 juvenile justice system that—

10 “(i) revise and improve the delivery of
11 intensive home-based and community-based
12 services to juveniles who have been in con-
13 tact with or who are at risk of coming into
14 contact with the justice system;

15 “(ii) determine how the service needs of
16 juveniles with mental health or substance
17 abuse disorders who come into contact with
18 the juvenile justice system will be furnished
19 from the initial detention stage until after
20 discharge in order for these juveniles to
21 avoid further contact with the justice sys-
22 tem;

23 “(iii) demonstrate that the State or
24 unit of local government has entered into
25 appropriate agreements with all entities re-

1 *sponsible for providing services under the*
2 *plan, such as the agency of the State or unit*
3 *of local government charged with admin-*
4 *istering juvenile justice programs, the agen-*
5 *cy of the State or unit of local government*
6 *charged with providing mental health serv-*
7 *ices, the agency of the State or unit of local*
8 *government charged with providing sub-*
9 *stance abuse treatment services, the edu-*
10 *cational agency of the State or unit of local*
11 *government, the child welfare system of the*
12 *State or local government, and private non-*
13 *profit community-based organizations;*

14 *“(iv) ensure that the State or unit of*
15 *local government has in effect any laws nec-*
16 *essary for services to be delivered in accord-*
17 *ance with the plan;*

18 *“(v) establish a network of individuals*
19 *(or incorporates an existing network) to*
20 *provide coordination between mental health*
21 *service providers, substance abuse service*
22 *providers, probation and parole officers,*
23 *judges, corrections personnel, law enforce-*
24 *ment personnel, State and local educational*
25 *agency personnel, parents and families, and*

1 *other appropriate parties regarding effective*
2 *treatment of juveniles with mental health or*
3 *substance abuse disorders;*

4 “(vi) *provide for cross-system training*
5 *among law enforcement personnel, correc-*
6 *tions personnel, State and local educational*
7 *agency personnel, mental health service pro-*
8 *viders, and substance abuse service pro-*
9 *viders to enhance collaboration among sys-*
10 *tems;*

11 “(vii) *provide for coordinated and ef-*
12 *fective aftercare programs for juveniles who*
13 *have been diagnosed with a mental health*
14 *or substance abuse disorder and who are*
15 *discharged from home-based care, commu-*
16 *nity-based care, any other treatment pro-*
17 *gram, secure detention facilities, secure cor-*
18 *rectional facilities, or jail;*

19 “(viii) *provide for the purchase of tech-*
20 *nical assistance to support the implementa-*
21 *tion of the plan;*

22 “(ix) *estimate the costs of imple-*
23 *menting the plan and proposes funding*
24 *sources sufficient to meet the non-Federal*

1 *funding requirements for implementation of*
2 *the plan under subsection (c)(2)(E);*

3 “(x) *describe the methodology to be*
4 *used to identify juveniles at risk of coming*
5 *into contact with the juvenile justice system;*

6 “(xi) *provide a written plan to ensure*
7 *that all training and services provided*
8 *under the plan will be culturally and lin-*
9 *guistically competent; and*

10 “(xii) *describe the outcome measures*
11 *and benchmarks that will be used to evalu-*
12 *ate the progress and effectiveness of the*
13 *plan.*

14 “(2) *COORDINATION AND ADMINISTRATION.—A*
15 *State or unit of local government receiving a grant*
16 *under this section shall ensure that—*

17 “(A) *the use of the grant under this section*
18 *is developed as part of the State plan required*
19 *under section 223(a); and*

20 “(B) *not more than 5 percent of the amount*
21 *received under this section is used for adminis-*
22 *tration of the grant under this section.*

23 “(c) *APPLICATION.—*

24 “(1) *IN GENERAL.—A State or unit of local gov-*
25 *ernment desiring a grant under this section shall sub-*

1 *mit an application at such time, in such manner,*
2 *and containing such information as the Adminis-*
3 *trator may prescribe.*

4 “(2) *CONTENTS.—In accordance with guidelines*
5 *that shall be established by the Administrator, each*
6 *application for incentive grant funding under this*
7 *section shall—*

8 “(A) *describe any activity or program the*
9 *funding would be used for and how the activity*
10 *or program is designed to carry out 1 or more*
11 *of the activities described in subsection (b);*

12 “(B) *if any of the funds provided under the*
13 *grant would be used for evidence based or prom-*
14 *ising prevention or intervention programs, in-*
15 *clude a detailed description of the studies, find-*
16 *ings, or practice knowledge that support the as-*
17 *sertion that such programs qualify as evidence*
18 *based or promising;*

19 “(C) *for any program for which funds pro-*
20 *vided under the grant would be used that is not*
21 *evidence based or promising, include a detailed*
22 *description of any studies, findings, or practice*
23 *knowledge which support the effectiveness of the*
24 *program;*

1 “(D) if the funds provided under the grant
2 will be used for an activity described in sub-
3 section (b)(1)(D), include a certification that the
4 State or unit of local government—

5 “(i) will work with public or private
6 entities in the area to administer the train-
7 ing funded under subsection (b)(1)(D), to
8 ensure that such training is comprehensive,
9 constructive, linguistically and culturally
10 competent, and of a high quality;

11 “(ii) is committed to a goal of increas-
12 ing the diversion of juveniles coming under
13 its jurisdiction into appropriate home-based
14 or community-based care when the interest
15 of the juvenile and public safety allow;

16 “(iii) intends to use amounts provided
17 under a grant under this section for an ac-
18 tivity described in subsection (b)(1)(D) to
19 further such goal; and

20 “(iv) has a plan to demonstrate, using
21 appropriate benchmarks, the progress of the
22 agency in meeting such goal; and

23 “(E) if the funds provided under the grant
24 will be used for an activity described in sub-
25 section (b)(1)(D), include a certification that not

1 *less than 25 percent of the total cost of the train-*
2 *ing described in subsection (b)(1)(D) that is con-*
3 *ducted with the grant under this section will be*
4 *contributed by non-Federal sources.*

5 “(d) *REQUIREMENTS FOR GRANTS TO ESTABLISH*
6 *PARTNERSHIPS.—*

7 “(1) *MANDATORY REPORTING.—A State or unit*
8 *of local government receiving a grant for an activity*
9 *described in subsection (b)(1)(C) shall keep records of*
10 *the incidence and types of mental health and sub-*
11 *stance abuse disorders in their juvenile justice popu-*
12 *lations, the range and scope of services provided, and*
13 *barriers to service. The State or unit of local govern-*
14 *ment shall submit an analysis of this information*
15 *yearly to the Administrator.*

16 “(2) *STAFF RATIOS FOR CORRECTIONAL FACILI-*
17 *TIES.—A State or unit of local government receiving*
18 *a grant for an activity described in subsection*
19 *(b)(1)(C) shall require that a secure correctional facil-*
20 *ity operated by or on behalf of that State or unit of*
21 *local government—*

22 “(A) *has a minimum ratio of not fewer*
23 *than 1 mental health and substance abuse coun-*
24 *selor for every 50 juveniles, who shall be profes-*
25 *sionally trained and certified or licensed;*

1 “(B) has a minimum ratio of not fewer
2 than 1 clinical psychologist for every 100 juve-
3 niles; and

4 “(C) has a minimum ratio of not fewer
5 than 1 licensed psychiatrist for every 100 juve-
6 niles receiving psychiatric care.

7 “(3) *LIMITATION ON ISOLATION.*—A State or
8 unit of local government receiving a grant for an ac-
9 tivity described in subsection (b)(1)(C) shall require
10 that—

11 “(A) isolation is used only for immediate
12 and short-term security or safety reasons;

13 “(B) no juvenile is placed in isolation with-
14 out approval of the facility superintendent or
15 chief medical officer or their official staff des-
16 ignee;

17 “(C) all instances in which a juvenile is
18 placed in isolation are documented in the file of
19 a juvenile along with the justification;

20 “(D) a juvenile is in isolation only the
21 amount of time necessary to achieve security and
22 safety of the juvenile and staff;

23 “(E) staff monitor each juvenile in isolation
24 once every 15 minutes and conduct a profes-

1 *sional review of the need for isolation at least*
2 *every 4 hours; and*

3 “(F) *any juvenile held in isolation for 24*
4 *hours is examined by a physician or licensed*
5 *psychologist.*

6 “(4) *MEDICAL AND MENTAL HEALTH EMER-*
7 *GENCIES.—A State or unit of local government receiv-*
8 *ing a grant for an activity described in subsection*
9 *(b)(1)(C) shall require that a correctional facility op-*
10 *erated by or on behalf of that State or unit of local*
11 *government has written policies and procedures on*
12 *suicide prevention. All staff working in a correctional*
13 *facility operated by or on behalf of a State or unit*
14 *of local government receiving a grant for an activity*
15 *described in subsection (b)(1)(C) shall be trained and*
16 *certified annually in suicide prevention. A correc-*
17 *tional facility operated by or on behalf of a State or*
18 *unit of local government receiving a grant for an ac-*
19 *tivity described in subsection (b)(1)(C) shall have a*
20 *written arrangement with a hospital or other facility*
21 *for providing emergency medical and mental health*
22 *care. Physical and mental health services shall be*
23 *available to an incarcerated juvenile 24 hours per*
24 *day, 7 days per week.*

1 “(5) *IDEA AND REHABILITATION ACT.*—A State
2 or unit of local government receiving a grant for an
3 activity described in subsection (b)(1)(C) shall require
4 that all juvenile facilities operated by or on behalf of
5 the State or unit of local government abide by all
6 mandatory requirements and timelines set forth under
7 the *Individuals with Disabilities Education Act* (20
8 *U.S.C. 1400 et seq.*) and section 504 of the *Rehabili-*
9 *tation Act of 1973* (29 *U.S.C. 794*).

10 “(6) *FISCAL RESPONSIBILITY.*—A State or unit
11 of local government receiving a grant for an activity
12 described in subsection (b)(1)(C) shall provide for
13 such fiscal control and fund accounting procedures as
14 may be necessary to ensure prudent use, proper dis-
15 bursement, and accurate accounting of funds received
16 under this section that are used for an activity de-
17 scribed in subsection (b)(1)(C).”.

18 **SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

19 Section 299 of the *Juvenile Justice and Delinquency*
20 *Prevention Act of 1974* (42 *U.S.C. 5671*) is amended—

21 (1) in subsection (a)—

22 (A) in the subsection heading, by striking
23 “PARTS C AND E” and inserting “PARTS C, E,
24 AND F”;

1 (B) in paragraph (1), by striking “this
2 title” and all that follows and inserting the fol-
3 lowing: “this title—

4 “(A) \$245,900,000 for fiscal year 2011;

5 “(B) \$295,100,000 for fiscal year 2012;

6 “(C) \$344,300,000 for fiscal year 2013;

7 “(D) \$393,500,000 for fiscal year 2014; and

8 “(E) \$442,700,000 for fiscal year 2015.”; and

9 (C) in paragraph (2), in the matter pre-
10 ceding subparagraph (A), by striking “parts C
11 and E” and inserting “parts C, E, and F”;

12 (2) in subsection (b), by striking “fiscal years
13 2003, 2004, 2005, 2006, and 2007” and inserting
14 “fiscal years 2011, 2012, 2013, 2014, and 2015”;

15 (3) in subsection (c)—

16 (A) by inserting “(other than section
17 216(c))” after “Part E”; and

18 (B) by striking “fiscal years 2003, 2004,
19 2005, 2006, and 2007” and inserting “fiscal
20 years 2011, 2012, 2013, 2014, and 2015”;

21 (4) by redesignating subsection (d) as subsection
22 (f); and

23 (5) by inserting after subsection (c) the fol-
24 lowing:

1 “(d) *AUTHORIZATION OF APPROPRIATIONS FOR PART*
2 *E, SECTION 261(C).*—*There are authorized to be appro-*
3 *priated to carry out section 261(c), and authorized to re-*
4 *main available until expended—*

5 “(1) \$23,000,000 for each of fiscal years 2011,
6 2012, and 2013;

7 “(2) \$8,000,000 for fiscal year 2014; and

8 “(3) \$3,000,000 for fiscal year 2015.

9 “(e) *AUTHORIZATION OF APPROPRIATIONS FOR PART*
10 *F.*—

11 “(1) *IN GENERAL.*—*There are authorized to be*
12 *appropriated to carry out part F, and authorized to*
13 *remain available until expended, \$80,000,000 for each*
14 *of fiscal years 2011, 2012, 2013, 2014, and 2015.*

15 “(2) *ALLOCATION.*—*Of the sums that are appro-*
16 *priated for a fiscal year to carry out part F—*

17 “(A) *not less than 40 percent shall be used*
18 *to fund programs that are carrying out an activ-*
19 *ity described in subparagraph (C), (D), or (E)*
20 *of section 271(b)(1); and*

21 “(B) *not less than 50 percent shall be used*
22 *to fund programs that are carrying out an activ-*
23 *ity described in subparagraph (A) of that sec-*
24 *tion.”.*

1 **SEC. 213. ADMINISTRATIVE AUTHORITY.**

2 Section 299A(e) of the *Juvenile Justice and Delin-*
 3 *quency Prevention Act of 1974* (42 U.S.C. 5672(e)) is
 4 amended by striking “requirements described in paragraphs
 5 (11), (12), and (13) of section 223(a)” and inserting “core
 6 requirements”.

7 **SEC. 214. AUTHORITY FOR FEDERAL PRETRIAL SERVICES**
 8 **WITH RESPECT TO JUVENILES.**

9 Section 3154 of title 18, *United States Code*, is amend-
 10 ed—

11 (1) by redesignating paragraph (14) as para-
 12 graph (15); and

13 (2) by inserting after paragraph (13) the fol-
 14 lowing:

15 “(14) Perform, in a manner appropriate for ju-
 16 veniles, any of the functions identified in this section
 17 with respect to juveniles awaiting adjudication, trial,
 18 or disposition under chapter 403 of this title who are
 19 not detained.”.

20 **SEC. 215. TECHNICAL AND CONFORMING AMENDMENTS.**

21 The *Juvenile Justice and Delinquency Prevention Act*
 22 of 1974 (42 U.S.C. 5601 et seq.) is amended—

23 (1) in section 204(b)(6), by striking “section
 24 223(a)(15)” and inserting “section 223(a)(16)”;

25 (2) in section 246(a)(2)(D), by striking “section
 26 222(c)” and inserting “section 222(d)”; and

1 (3) in section 299D(b), of by striking “section
2 222(c)” and inserting “section 222(d)”.

3 **TITLE III—INCENTIVE GRANTS**
4 **FOR LOCAL DELINQUENCY**
5 **PREVENTION PROGRAMS**

6 **SEC. 301. DEFINITIONS.**

7 Section 502 of the Incentive Grants for Local Delin-
8 quency Prevention Programs Act of 2002 (42 U.S.C. 5781)
9 is amended—

10 (1) in the section heading, by striking “**DEFINI-**
11 **TION**” and inserting “**DEFINITIONS**”; and

12 (2) by striking “this title, the term” and insert-
13 ing the following: “this title—

14 “(1) the term ‘mentoring’ means matching 1
15 adult with 1 or more youths (not to exceed 4 youths)
16 for the purpose of providing guidance, support, and
17 encouragement aimed at developing the character of
18 the youths, where the adult and youths meet regularly
19 for not less than 4 hours each month for not less than
20 a 9-month period; and

21 “(2) the term”.

1 **SEC. 302. GRANTS FOR DELINQUENCY PREVENTION PRO-**
2 **GRAMS.**

3 *Section 504(a) of the Incentive Grants for Local Delin-*
4 *quency Prevention Programs Act of 2002 (42 U.S.C.*
5 *5783(a)) is amended—*

6 *(1) in paragraph (7), by striking “and” at the*
7 *end;*

8 *(2) in paragraph (8), by striking the period at*
9 *the end and inserting “; and”; and*

10 *(3) by adding at the end the following:*

11 *“(9) mentoring programs.”.*

12 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

13 *Section 505 of the Incentive Grants for Local Delin-*
14 *quency Prevention Programs Act of 2002 (42 U.S.C. 5784)*
15 *is amended to read as follows:*

16 **“SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

17 *“There are authorized to be appropriated to carry out*
18 *this title—*

19 *“(1) \$322,800,000 for fiscal year 2011;*

20 *“(2) \$373,400,000 for fiscal year 2012;*

21 *“(3) \$424,000,000 for fiscal year 2013;*

22 *“(4) \$474,600,000 for fiscal year 2014; and*

23 *“(5) \$525,200,000 for fiscal year 2015.”.*

24 **SEC. 304. TECHNICAL AND CONFORMING AMENDMENT.**

25 *The Juvenile Justice and Delinquency Prevention Act*
26 *of 1974 is amended by striking title V, as added by the*

1 *Juvenile Justice and Delinquency Prevention Act of 1974*
2 *(Public Law 93–415; 88 Stat. 1133) (relating to miscella-*
3 *neous and conforming amendments).*

4 **TITLE IV—PRECAUTION ACT**

5 **SEC. 401. SHORT TITLE.**

6 *This title may be cited as the “Prevention Resources*
7 *for Eliminating Criminal Activity Using Tailored Inter-*
8 *ventions in Our Neighborhoods Act of 2009” or the “PRE-*
9 *CAUTION Act”.*

10 **SEC. 402. PURPOSES.**

11 *The purposes of this title are to—*

12 *(1) establish a commitment on the part of the*
13 *Federal Government to provide leadership on success-*
14 *ful crime prevention and intervention strategies;*

15 *(2) further the integration of crime prevention*
16 *and intervention strategies into traditional law en-*
17 *forcement practices of State and local law enforce-*
18 *ment offices around the country;*

19 *(3) develop a plain-language, implementation-fo-*
20 *cused assessment of those current crime and delin-*
21 *quency prevention and intervention strategies that*
22 *are supported by rigorous evidence;*

23 *(4) provide additional resources to the National*
24 *Institute of Justice to administer grants, contracts,*
25 *and cooperative agreements for research and develop-*

1 *ment for promising crime prevention and interven-*
2 *tion strategies;*

3 (5) *develop recommendations for Federal prior-*
4 *ities for crime and delinquency prevention and inter-*
5 *vention research, development, and funding that may*
6 *augment important Federal grant programs, includ-*
7 *ing the Edward Byrne Memorial Justice Assistance*
8 *Grant Program under subpart 1 of part E of title I*
9 *of the Omnibus Crime Control and Safe Streets Act*
10 *of 1968 (42 U.S.C. 3750 et seq.), grant programs ad-*
11 *ministered by the Office of Community Oriented Po-*
12 *licing Services of the Department of Justice, grant*
13 *programs administered by the Office of Safe and*
14 *Drug-Free Schools of the Department of Education,*
15 *and other similar programs; and*

16 (6) *reduce the costs that rising violent crime im-*
17 *poses on interstate commerce.*

18 **SEC. 403. DEFINITIONS.**

19 *In this title, the following definitions shall apply:*

20 (1) **COMMISSION.**—*The term “Commission”*
21 *means the National Commission on Public Safety*
22 *Through Crime Prevention established under section*
23 *404(a).*

24 (2) **RIGOROUS EVIDENCE.**—*The term “rigorous*
25 *evidence” means evidence generated by scientifically*

1 *valid forms of outcome evaluation, particularly ran-*
 2 *domized trials (where practicable).*

3 (3) *SUBCATEGORY.*—*The term “subcategory”*
 4 *means 1 of the following categories:*

5 (A) *Family and community settings (in-*
 6 *cluding public health-based strategies).*

7 (B) *Law enforcement settings (including*
 8 *probation-based strategies).*

9 (C) *School settings (including antigang and*
 10 *general antiviolence strategies).*

11 (4) *TOP-TIER.*—*The term “top-tier” means any*
 12 *strategy supported by rigorous evidence of the sizable,*
 13 *sustained benefits to participants in the strategy or to*
 14 *society.*

15 **SEC. 404. NATIONAL COMMISSION ON PUBLIC SAFETY**
 16 **THROUGH CRIME PREVENTION.**

17 (a) *ESTABLISHMENT.*—*There is established a commis-*
 18 *sion to be known as the National Commission on Public*
 19 *Safety Through Crime Prevention.*

20 (b) *MEMBERS.*—

21 (1) *IN GENERAL.*—*The Commission shall be com-*
 22 *posed of 9 members, of whom—*

23 (A) *3 shall be appointed by the President,*
 24 *1 of whom shall be the Assistant Attorney Gen-*

1 *eral for the Office of Justice Programs or a rep-*
2 *resentative of such Assistant Attorney General;*

3 *(B) 2 shall be appointed by the Speaker of*
4 *the House of Representatives, unless the Speaker*
5 *is of the same party as the President, in which*
6 *case 1 shall be appointed by the Speaker of the*
7 *House of Representatives and 1 shall be ap-*
8 *pointed by the minority leader of the House of*
9 *Representatives;*

10 *(C) 1 shall be appointed by the minority*
11 *leader of the House of Representatives (in addi-*
12 *tion to any appointment made under subpara-*
13 *graph (B));*

14 *(D) 2 shall be appointed by the majority*
15 *leader of the Senate, unless the majority leader*
16 *is of the same party as the President, in which*
17 *case 1 shall be appointed by the majority leader*
18 *of the Senate and 1 shall be appointed by the*
19 *minority leader of the Senate; and*

20 *(E) 1 shall be appointed by the minority*
21 *leader of the Senate (in addition to any appoint-*
22 *ment made under subparagraph (D)).*

23 *(2) PERSONS ELIGIBLE.—*

24 *(A) IN GENERAL.—Each member of the*
25 *Commission shall be an individual who has*

1 *knowledge or expertise in matters to be studied*
2 *by the Commission.*

3 (B) *REQUIRED REPRESENTATIVES.—At*
4 *least—*

5 (i) *2 members of the Commission shall*
6 *be respected social scientists with experience*
7 *implementing or interpreting rigorous, out-*
8 *come-based trials; and*

9 (ii) *2 members of the Commission shall*
10 *be law enforcement practitioners.*

11 (3) *CONSULTATION REQUIRED.—The President,*
12 *the Speaker of the House of Representatives, the mi-*
13 *nority leader of the House of Representatives, and the*
14 *majority leader and minority leader of the Senate*
15 *shall consult prior to the appointment of the members*
16 *of the Commission to achieve, to the maximum extent*
17 *possible, fair and equitable representation of various*
18 *points of view with respect to the matters to be stud-*
19 *ied by the Commission.*

20 (4) *TERM.—Each member shall be appointed for*
21 *the life of the Commission.*

22 (5) *TIME FOR INITIAL APPOINTMENTS.—The ap-*
23 *pointment of the members shall be made not later*
24 *than 60 days after the date of enactment of this Act.*

1 (6) *VACANCIES.*—*A vacancy in the Commission*
2 *shall be filled in the manner in which the original*
3 *appointment was made, and shall be made not later*
4 *than 60 days after the date on which the vacancy oc-*
5 *curred.*

6 (7) *EX OFFICIO MEMBERS.*—*The Director of the*
7 *National Institute of Justice, the Director of the Of-*
8 *fice of Juvenile Justice and Delinquency Prevention,*
9 *the Director of the Community Capacity Development*
10 *Office, the Director of the Bureau of Justice Statis-*
11 *tics, the Director of the Bureau of Justice Assistance,*
12 *and the Director of Community Oriented Policing*
13 *Services (or a representative of each such director)*
14 *shall each serve in an ex officio capacity on the Com-*
15 *mission to provide advice and information to the*
16 *Commission.*

17 (c) *OPERATION.*—

18 (1) *CHAIRPERSON.*—*At the initial meeting of the*
19 *Commission, the members of the Commission shall*
20 *elect a chairperson from among its voting members,*
21 *by a vote of $\frac{2}{3}$ of the members of the Commission.*
22 *The chairperson shall retain this position for the life*
23 *of the Commission. If the chairperson leaves the Com-*
24 *mission, a new chairperson shall be selected, by a vote*
25 *of $\frac{2}{3}$ of the members of the Commission.*

1 (2) *MEETINGS.*—*The Commission shall meet at*
2 *the call of the chairperson. The initial meeting of the*
3 *Commission shall take place not later than 30 days*
4 *after the date on which all the members of the Com-*
5 *mission have been appointed.*

6 (3) *QUORUM.*—*A majority of the members of the*
7 *Commission shall constitute a quorum to conduct*
8 *business, and the Commission may establish a lesser*
9 *quorum for conducting hearings scheduled by the*
10 *Commission.*

11 (4) *RULES.*—*The Commission may establish by*
12 *majority vote any other rules for the conduct of Com-*
13 *mission business, if such rules are not inconsistent*
14 *with this title or other applicable law.*

15 (d) *PUBLIC HEARINGS.*—

16 (1) *IN GENERAL.*—*The Commission shall hold*
17 *public hearings. The Commission may hold such hear-*
18 *ings, sit and act at such times and places, take such*
19 *testimony, and receive such evidence as the Commis-*
20 *sion considers advisable to carry out its duties under*
21 *this section.*

22 (2) *FOCUS OF HEARINGS.*—*The Commission*
23 *shall hold at least 3 separate public hearings, each of*
24 *which shall focus on 1 of the subcategories.*

1 (3) *WITNESS EXPENSES.*—*Witnesses requested to*
2 *appear before the Commission shall be paid the same*
3 *fees as are paid to witnesses under section 1821 of*
4 *title 28, United States Code. The per diem and mile-*
5 *age allowances for witnesses shall be paid from funds*
6 *appropriated to the Commission.*

7 (e) *COMPREHENSIVE STUDY OF EVIDENCE-BASED*
8 *CRIME PREVENTION AND INTERVENTION STRATEGIES.*—

9 (1) *IN GENERAL.*—*The Commission shall carry*
10 *out a comprehensive study of the effectiveness of crime*
11 *and delinquency prevention and intervention strate-*
12 *gies, organized around the 3 subcategories.*

13 (2) *MATTERS INCLUDED.*—*The study under*
14 *paragraph (1) shall include—*

15 (A) *a review of research on the general effec-*
16 *tiveness of incorporating crime prevention and*
17 *intervention strategies into an overall law en-*
18 *forcement plan;*

19 (B) *an evaluation of how to more effectively*
20 *communicate the wealth of social science research*
21 *to practitioners;*

22 (C) *a review of evidence regarding the effec-*
23 *tiveness of specific crime prevention and inter-*
24 *vention strategies, focusing on those strategies*
25 *supported by rigorous evidence;*

1 (D) an identification of—

2 (i) promising areas for further research
3 and development; and

4 (ii) other areas representing gaps in
5 the body of knowledge that would benefit
6 from additional research and development;

7 (E) an assessment of the best practices for
8 implementing prevention and intervention strat-
9 egies;

10 (F) an assessment of the best practices for
11 gathering rigorous evidence regarding the imple-
12 mentation of intervention and prevention strate-
13 gies; and

14 (G) an assessment of those top-tier strategies
15 best suited for duplication efforts in a range of
16 settings across the country.

17 (3) *INITIAL REPORT ON TOP-TIER CRIME PRE-*
18 *VENTION AND INTERVENTION STRATEGIES.*—

19 (A) *DISTRIBUTION.*—Not later than 18
20 months after the date on which all members of
21 the Commission have been appointed, the Com-
22 mission shall submit a public report on the
23 study carried out under this subsection to—

24 (i) the President;

25 (ii) Congress;

- 1 (iii) the Attorney General;
- 2 (iv) the Chief Federal Public Defender
- 3 of each district;
- 4 (v) the chief executive of each State;
- 5 (vi) the Director of the Administrative
- 6 Office of the Courts of each State;
- 7 (vii) the Director of the Administrative
- 8 Office of the United States Courts; and
- 9 (viii) the attorney general of each
- 10 State.

11 (B) CONTENTS.—The report under subpara-

12 graph (A) shall include—

13 (i) the findings and conclusions of the

14 Commission;

15 (ii) a summary of the top-tier strate-

16 gies, including—

17 (I) a review of the rigorous evi-

18 dence supporting the designation of

19 each strategy as top-tier;

20 (II) a brief outline of the keys to

21 successful implementation for each

22 strategy; and

23 (III) a list of references and other

24 information on where further informa-

25 tion on each strategy can be found;

1 (iii) recommended protocols for imple-
2 menting crime and delinquency prevention
3 and intervention strategies generally;

4 (iv) recommended protocols for evalu-
5 ating the effectiveness of crime and delin-
6 quency prevention and intervention strate-
7 gies; and

8 (v) a summary of the materials relied
9 upon by the Commission in preparation of
10 the report.

11 (C) CONSULTATION WITH OUTSIDE AU-
12 THORITIES.—In developing the recommended
13 protocols for implementation and rigorous eval-
14 uation of top-tier crime and delinquency preven-
15 tion and intervention strategies under this para-
16 graph, the Commission shall consult with the
17 Committee on Law and Justice at the National
18 Academy of Science and with national associa-
19 tions representing the law enforcement and social
20 science professions, including the National Sher-
21 iffs' Association, the Police Executive Research
22 Forum, the International Association of Chiefs of
23 Police, the Consortium of Social Science Associa-
24 tions, and the American Society of Criminology.

1 (f) *RECOMMENDATIONS REGARDING INNOVATIVE*
2 *CRIME PREVENTION AND INTERVENTION STRATEGIES.*—

3 (1) *SUBMISSION.*—

4 (A) *IN GENERAL.*—*Not later than 30 days*
5 *after the date of the final hearing under sub-*
6 *section (d) relating to a subcategory, the Com-*
7 *mission shall provide the Director of the Na-*
8 *tional Institute of Justice and the Attorney Gen-*
9 *eral with recommendations on qualifying consid-*
10 *erations relating to that subcategory for selecting*
11 *recipients of contracts, cooperative agreements,*
12 *and grants under section 405.*

13 (B) *DEADLINE.*—*Not later than 13 months*
14 *after the date on which all members of the Com-*
15 *mission have been appointed, the Commission*
16 *shall provide all recommendations required*
17 *under this subsection.*

18 (2) *MATTERS INCLUDED.*—*The recommendations*
19 *provided under paragraph (1) shall include rec-*
20 *ommendations relating to—*

21 (A) *the types of strategies for the applicable*
22 *subcategory that would best benefit from addi-*
23 *tional research and development;*

24 (B) *any geographic or demographic targets;*

1 (C) *the types of partnerships with other*
2 *public or private entities that might be pertinent*
3 *and prioritized; and*

4 (D) *any classes of crime and delinquency*
5 *prevention and intervention strategies that*
6 *should not be given priority because of a pre-ex-*
7 *isting base of knowledge that would benefit less*
8 *from additional research and development.*

9 (g) *FINAL REPORT ON THE RESULTS OF INNOVATIVE*
10 *CRIME PREVENTION AND INTERVENTION STRATEGIES.—*

11 (1) *IN GENERAL.—Following the close of the 3-*
12 *year period for the evaluation of an innovative strat-*
13 *egy under section 405, the Commission shall collect*
14 *the results of the evaluation and shall submit a public*
15 *report to the President, the Attorney General, Con-*
16 *gress, the chief executive of each State, and the attor-*
17 *ney general of each State describing each strategy*
18 *funded under section 405 and the results of the strat-*
19 *egy. The report under this paragraph shall be sub-*
20 *mitted not later than 5 years after the date of the se-*
21 *lection of the chairperson of the Commission.*

22 (2) *COLLECTION OF INFORMATION AND EVIDENCE*
23 *REGARDING RECIPIENTS.—The collection of informa-*
24 *tion and evidence by the Commission regarding each*

1 *recipient of a contract, cooperative agreement, or*
2 *grant under section 405 shall be carried out by—*

3 *(A) ongoing communications with the grant*
4 *administrator at the National Institute of Jus-*
5 *tice and other appropriate officers at other com-*
6 *ponents of the Department of Justice;*

7 *(B) visits by representatives of the Commis-*
8 *sion (including at least 1 member of the Com-*
9 *mission) to the site where the recipient of a con-*
10 *tract, cooperative agreement, or grant is car-*
11 *rying out the strategy funded under section 405,*
12 *at least once in the second and once in the third*
13 *year of the contract, cooperative agreement, or*
14 *grant;*

15 *(C) a review of the data generated by the*
16 *study monitoring the effectiveness of the strategy;*
17 *and*

18 *(D) other means as necessary.*

19 *(3) MATTERS INCLUDED.—The report submitted*
20 *under paragraph (1) shall include a review of each*
21 *strategy carried out with a contract, cooperative*
22 *agreement, or grant under section 405, detailing—*

23 *(A) the type of crime or delinquency preven-*
24 *tion or intervention strategy;*

1 (B) where the activities under the strategy
2 were carried out, including geographic and de-
3 mographic targets;

4 (C) any partnerships with public or private
5 entities through the course of the period of the
6 contract, cooperative agreement, or grant;

7 (D) the type and design of the effectiveness
8 study conducted under section 405(b)(4) or sec-
9 tion 405(c)(2)(C) for that strategy;

10 (E) the results of the effectiveness study con-
11 ducted under section 405(b)(4) or section
12 405(c)(2)(C) for that strategy;

13 (F) lessons learned regarding implementa-
14 tion of that strategy or of the effectiveness study
15 conducted under section 405(b)(4) or section
16 405(c)(2)(C), including recommendations regard-
17 ing which types of environments might best be
18 suited for successful replication; and

19 (G) recommendations regarding the need for
20 further research and development of the strategy.

21 (h) *PERSONNEL MATTERS.*—

22 (1) *TRAVEL EXPENSES.*—The members of the
23 Commission shall be allowed travel expenses, includ-
24 ing per diem in lieu of subsistence, at rates author-
25 ized for employees of agencies under subchapter I of

1 *chapter 57 of title 5, United States Code, while away*
2 *from their homes or regular places of business in the*
3 *performance of service for the Commission.*

4 (2) *COMPENSATION OF MEMBERS.—Members of*
5 *the Commission shall serve without compensation.*

6 (3) *STAFF.—*

7 (A) *IN GENERAL.—The chairperson of the*
8 *Commission may, without regard to the civil*
9 *service laws and regulations, appoint and termi-*
10 *nate an executive director and such other addi-*
11 *tional personnel as may be necessary to enable*
12 *the Commission to perform its duties. The em-*
13 *ployment of an executive director shall be subject*
14 *to confirmation by the Commission.*

15 (B) *COMPENSATION.—The chairperson of*
16 *the Commission may fix the compensation of the*
17 *executive director and other personnel without*
18 *regard to the provisions of chapter 51 and sub-*
19 *chapter III of chapter 53 of title 5, United States*
20 *Code, relating to classification of positions and*
21 *General Schedule pay rates, except that the rate*
22 *of pay for the executive director and other per-*
23 *sonnel may not exceed the rate payable for level*
24 *V of the Executive Schedule under section 5316*
25 *of such title.*

1 (4) *DETAIL OF FEDERAL EMPLOYEES.*—With the
2 affirmative vote of $\frac{2}{3}$ of the members of the Commis-
3 sion, any Federal Government employee, with the ap-
4 proval of the head of the appropriate Federal agency,
5 may be detailed to the Commission without reim-
6 bursement, and such detail shall be without interrup-
7 tion or loss of civil service status, benefits, or privi-
8 leges.

9 (i) *CONTRACTS FOR RESEARCH.*—

10 (1) *NATIONAL INSTITUTE OF JUSTICE.*—With a
11 $\frac{2}{3}$ affirmative vote of the members of the Commission,
12 the Commission may select nongovernmental research-
13 ers and experts to assist the Commission in carrying
14 out its duties under this title. The National Institute
15 of Justice shall contract with the researchers and ex-
16 perts selected by the Commission to provide funding
17 in exchange for their services.

18 (2) *OTHER ORGANIZATIONS.*—Nothing in this
19 subsection shall be construed to limit the ability of the
20 Commission to enter into contracts with other entities
21 or organizations for research necessary to carry out
22 the duties of the Commission under this section.

23 (j) *AUTHORIZATION OF APPROPRIATIONS.*—There are
24 authorized to be appropriated \$5,000,000 to carry out this
25 section.

1 (k) *TERMINATION.*—*The Commission shall terminate*
2 *on the date that is 30 days after the date on which the Com-*
3 *mission submits the last report required by this section.*

4 (l) *EXEMPTION.*—*The Commission shall be exempt*
5 *from the Federal Advisory Committee Act.*

6 **SEC. 405. INNOVATIVE CRIME PREVENTION AND INTERVEN-**
7 **TION STRATEGIES.**

8 (a) *IN GENERAL.*—*The Attorney General may fund the*
9 *implementation and evaluation of innovative crime or de-*
10 *linquency prevention or intervention strategies through co-*
11 *ordinated initiatives, as described in subsection (b), through*
12 *grants authorized under subsection (c), or a combination*
13 *of the coordinated initiatives and grants.*

14 (b) *COORDINATED INITIATIVES.*—

15 (1) *IN GENERAL.*—*The Attorney General, acting*
16 *through the Director of the National Institute of Jus-*
17 *tice, may coordinate efforts between the National In-*
18 *stitute of Justice and other appropriate components of*
19 *the Department of Justice to implement and rigor-*
20 *ously evaluate innovative crime or delinquency pre-*
21 *vention or intervention strategies.*

22 (2) *SELECTION OF STRATEGIES.*—*The Director*
23 *of the National Institute of Justice, in consultation*
24 *with the heads of other appropriate components of the*
25 *Department of Justice, shall identify innovative crime*

1 *or delinquency prevention or intervention strategies*
2 *that would best benefit from additional funding and*
3 *evaluation, taking into consideration the rec-*
4 *ommendations of the Commission under section*
5 *404(f).*

6 (3) *PROGRAM OFFICE ROLE.—The head of any*
7 *appropriate component of the Department of Justice,*
8 *as determined by the Attorney General, may provide*
9 *incentives under a contract, cooperative agreement, or*
10 *grant entered into or made by the component, includ-*
11 *ing a competitive preference priority and providing*
12 *additional funds, for a public or private entity to—*

13 (A) *implement a strategy identified under*
14 *paragraph (2); or*

15 (B) *participate in the evaluation under*
16 *paragraph (4) of the strategies identified under*
17 *paragraph (2).*

18 (4) *NATIONAL INSTITUTE OF JUSTICE EVALUA-*
19 *TION.—*

20 (A) *IN GENERAL.—The Director of the Na-*
21 *tional Institute of Justice may enter into or*
22 *make contracts, cooperative agreements, or*
23 *grants to conduct a rigorous study of the effec-*
24 *tiveness of each strategy relating to which an in-*
25 *centive is provided under paragraph (3).*

1 (B) *AMOUNT AND DURATION.*—A contract,
2 cooperative agreement, or grant under subpara-
3 graph (A) shall be for not more than \$700,000,
4 and shall be for a period of not more than 3
5 years.

6 (C) *METHODOLOGY OF STUDY.*—Each study
7 conducted under subparagraph (A) shall use a
8 study design that is likely to produce rigorous
9 evidence of the effectiveness of the strategy and,
10 where feasible, measure outcomes using available
11 administrative data, such as police arrest
12 records, so as to minimize the costs of the study.

13 (c) *GRANTS AUTHORIZED.*—

14 (1) *IN GENERAL.*—The Director of the National
15 Institute of Justice may make grants to public and
16 private entities to fund the implementation and eval-
17 uation of innovative crime or delinquency prevention
18 or intervention strategies. The purpose of grants
19 under this subsection shall be to provide funds for all
20 expenses related to the implementation of such a
21 strategy and to conduct a rigorous study on the effec-
22 tiveness of that strategy.

23 (2) *GRANT DISTRIBUTION.*—

1 (A) *PERIOD.*—A grant under this subsection
2 shall be made for a period of not more than 3
3 years.

4 (B) *AMOUNT.*—The amount of each grant
5 under this subsection—

6 (i) shall be sufficient to ensure that
7 rigorous evaluations may be performed; and

8 (ii) shall not exceed \$2,000,000.

9 (C) *EVALUATION SET-ASIDE.*—

10 (i) *IN GENERAL.*—A grantee shall use
11 not less than \$300,000 and not more than
12 \$700,000 of the funds from a grant under
13 this subsection for a rigorous study of the
14 effectiveness of the strategy during the 3-
15 year period of the grant for that strategy.

16 (ii) *METHODOLOGY OF STUDY.*—

17 (I) *IN GENERAL.*—Each study
18 conducted under clause (i) shall use an
19 evaluator and a study design approved
20 by the employee of the National Insti-
21 tute of Justice hired or assigned under
22 subsection (e) and, where feasible,
23 measure outcomes using available ad-
24 ministrative data, such as police arrest

1 *records, so as to minimize the costs of*
2 *the study.*

3 (II) *CRITERIA.*—*The employee of*
4 *the National Institute of Justice hired*
5 *or assigned under subsection (e) shall*
6 *approve—*

7 (aa) *an evaluator that has*
8 *successfully carried out multiple*
9 *studies producing rigorous evi-*
10 *dence of effectiveness; and*

11 (bb) *a proposed study design*
12 *that is likely to produce rigorous*
13 *evidence of the effectiveness of the*
14 *strategy.*

15 (III) *APPROVAL.*—*Before a grant*
16 *is awarded under this subsection, the*
17 *evaluator and study design of a grant-*
18 *ee shall be approved by the employee of*
19 *the National Institute of Justice hired*
20 *or assigned under subsection (e).*

21 (D) *DATE OF AWARD.*—*Not later than 6*
22 *months after the date of receiving recommenda-*
23 *tions relating to a subcategory from the Commis-*
24 *sion under section 404(f), the Director of the Na-*
25 *tional Institute of Justice shall award all grants*

1 *under this subsection relating to that sub-*
2 *category.*

3 (E) *TYPE OF GRANTS.*—*One-third of the*
4 *grants made under this subsection shall be made*
5 *in each subcategory. In distributing grants, the*
6 *recommendations of the Commission under sec-*
7 *tion 404(f) shall be considered.*

8 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
9 *authorized to be appropriated \$18,000,000 to carry out sub-*
10 *sections (b) and (c).*

11 (e) *DEDICATED STAFF.*—

12 (1) *IN GENERAL.*—*The Director of the National*
13 *Institute of Justice shall hire or assign a full-time*
14 *employee to oversee the contracts, cooperative agree-*
15 *ments, and grants under this section.*

16 (2) *STUDY OVERSIGHT.*—*The employee of the*
17 *National Institute of Justice hired or assigned under*
18 *paragraph (1) shall be responsible for ensuring that*
19 *recipients of a contract, cooperative agreement, or*
20 *grant under this section adhere to the study design*
21 *approved before the contract, cooperative agreement,*
22 *or grant was entered into or awarded.*

23 (3) *LIAISON.*—*The employee of the National In-*
24 *stitute of Justice hired or assigned under paragraph*
25 *(1) may be used as a liaison between the Commission*

1 *and the recipients of a contract, cooperative agree-*
2 *ment, or grant under this section. The employee shall*
3 *be responsible for ensuring timely cooperation with*
4 *Commission requests.*

5 (4) *AUTHORIZATION OF APPROPRIATIONS.—*
6 *There are authorized to be appropriated \$150,000 for*
7 *each of fiscal years 2010 through 2014 to carry out*
8 *this subsection.*

9 (f) *APPLICATIONS.—A public or private entity desir-*
10 *ing a contract, cooperative agreement, or grant under this*
11 *section shall submit an application at such time, in such*
12 *manner, and accompanied by such information as the Di-*
13 *rector of the National Institute of Justice or other appro-*
14 *priate component of the Department of Justice may reason-*
15 *ably require.*

16 (g) *COOPERATION WITH THE COMMISSION.—A person*
17 *entering into a contract or cooperative agreement or receiv-*
18 *ing a grant under this section shall cooperate with the Com-*
19 *mission in providing the Commission with full information*
20 *on the progress of the strategy being carried out with a con-*
21 *tract, cooperative agreement, or grant under this section,*
22 *including—*

23 (1) *hosting visits by the members of the Commis-*
24 *sion to the site where the activities under the strategy*
25 *are being carried out;*

1 (2) *providing pertinent information on the logis-*
 2 *tics of establishing the strategy for which the contract,*
 3 *cooperative agreement, or grant under this section*
 4 *was received, including details on partnerships, selec-*
 5 *tion of participants, and any efforts to publicize the*
 6 *strategy; and*

7 (3) *responding to any specific inquiries that*
 8 *may be made by the Commission.*

9 **SEC. 406. FUNDING.**

10 *Section 524(c) of title 28, United States Code, is*
 11 *amended by adding at the end the following:*

12 “(12) *For the first full fiscal year after the date of en-*
 13 *actment of the PRECAUTION Act, and each fiscal year*
 14 *thereafter through the end of the fifth full fiscal year after*
 15 *such date of enactment, there is appropriated to the Attor-*
 16 *ney General from the Fund \$4,750,000 to carry out the*
 17 *PRECAUTION Act.”.*

18 **TITLE V—MISCELLANEOUS**
 19 **PROVISIONS**

20 **SEC. 501. EVALUATION BY GENERAL ACCOUNTING OFFICE.**

21 (a) *EVALUATION.*—*Not later than October 1, 2010, the*
 22 *Comptroller General of the United States shall—*

23 (1) *conduct a comprehensive analysis and eval-*
 24 *uation regarding the performance of the Office of Ju-*
 25 *venile Justice Delinquency and Prevention (referred*

1 to in this section as “the agency”), its functions, its
2 programs, and its grants;

3 (2) conduct a comprehensive audit and evalua-
4 tion of a selected, statistically significant sample of
5 grantees (as determined by the Comptroller General)
6 that receive Federal funds under grant programs ad-
7 ministered by the Office of Juvenile Justice Delin-
8 quency and Prevention including a review of internal
9 controls to prevent fraud, waste, and abuse of funds
10 by grantees; and

11 (3) submit a report in accordance with sub-
12 section (d).

13 (b) *CONSIDERATIONS FOR EVALUATION.*—In con-
14 ducting the analysis and evaluation under subsection
15 (a)(1), and in order to document the efficiency and public
16 benefit of the Juvenile Justice and Delinquency Prevention
17 Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Run-
18 away and Homeless Youth Act (42 U.S.C. 5701 et seq.) and
19 the Missing Children’s Assistance Act (42 U.S.C. 5771 et
20 seq.), the Comptroller General shall take into consider-
21 ation—

22 (1) the extent to which the jurisdiction of, and
23 the programs administered by, the agency duplicate
24 or conflict with the jurisdiction and programs of
25 other agencies;

1 (2) *the potential benefits of consolidating pro-*
2 *grams administered by the agency with similar or*
3 *duplicative programs of other agencies; and the poten-*
4 *tial for consolidating those programs;*

5 (3) *whether present functions or operations are*
6 *impeded or enhanced by existing statutes, rules and*
7 *procedures;*

8 (4) *the number and types of beneficiaries or per-*
9 *sons served by programs carried out by the agency;*

10 (5) *the manner with which the agency seeks pub-*
11 *lic input and input from State and local Govern-*
12 *ments on the performance of the functions of the agen-*
13 *cy;*

14 (6) *the extent to which the agency complies with*
15 *section 552 of title 5, United States Code (commonly*
16 *known as the Freedom of Information Act);*

17 (7) *whether greater oversight is needed of pro-*
18 *grams developed with grants made by the agency; and*

19 (8) *the extent to which changes are necessary in*
20 *the authorizing statutes of the agency in order that*
21 *the functions of the agency can be performed in a*
22 *more efficient and effective manner.*

23 (c) *CONSIDERATIONS FOR AUDITS.—In conducting the*
24 *audit and evaluation under subsection (a)(2), and in order*
25 *to document the efficiency and public benefit of the Juvenile*

1 *Justice and Delinquency Prevention Act of 1974 (42 U.S.C.*
2 *5601 et seq.), excluding the Runaway and Homeless Youth*
3 *Act (42 U.S.C. 5701 et seq.) and the Missing Children's As-*
4 *sistance Act (42 U.S.C. 5771 et seq.), the Comptroller Gen-*
5 *eral shall take into consideration—*

6 (1) *whether grantees timely file Financial Status*
7 *Reports;*

8 (2) *whether grantees have sufficient internal con-*
9 *trols to ensure adequate oversight of grant fund re-*
10 *ceived;*

11 (3) *whether disbursements were accompanied*
12 *with adequate supporting documentation (including*
13 *invoices and receipts);*

14 (4) *whether expenditures were authorized;*

15 (5) *whether subrecipients of grant funds were*
16 *complying with program requirements;*

17 (6) *whether salaries and fringe benefits of per-*
18 *sonnel were adequately supported by documentation;*

19 (7) *whether contracts were bid in accordance*
20 *with program guidelines; and*

21 (8) *whether grant funds were spent in accord-*
22 *ance with program goals and guidelines.*

23 *(d) REPORT.—*

24 (1) *IN GENERAL.—The Comptroller General of*
25 *the United States shall submit a report regarding the*

1 *evaluation conducted under subsection (a) and audit*
2 *under subsection (b), together with supporting mate-*
3 *rials, to the Speaker of the House of Representatives*
4 *and the President pro tempore of the Senate, and be*
5 *made available to the public, not later than October*
6 *1, 2011.*

7 (2) *CONTENTS.—The report submitted in accord-*
8 *ance with paragraph (1) shall include all audit find-*
9 *ings determined by the selected, statistically signifi-*
10 *cant sample of grantees as required by subsection*
11 *(a)(2) and shall include the name and location of any*
12 *selected grantee as well as any findings required by*
13 *subsection (a)(2).*

Calendar No. 243

111TH CONGRESS
1ST Session

S. 678

A BILL

To reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

DECEMBER 17, 2009

Reported with an amendment