

## **ENHANCED COORDINATION AND PLANNING OF FEDERAL EFFORTS**

The bill S. 10 is amended -

On page 56, line 6, strike the words “shall implement”, and insert in their place the words “shall establish, in coordination with the Attorney General, the Director of the Office of Management and Budget, and the heads of such other Federal agencies and departments as the Administrator, the Attorney General, and the Director of the Office of Management may designate,” and,

On page 56, line 13, redesignate the phrase “(2) Contents Of Plans” as “(3) Contents Of Plans”, and

On page 56, line 6, insert the following new paragraph,

“(2) Coordination of Federal Efforts--The Attorney General is authorized to establish a body that shall be known as the Coordinating Council on Juvenile Crime Control and Prevention. The Coordinating Council shall be comprised of those members of the Cabinet, or the heads of component agencies, designated by the Attorney General, whose functions and responsibilities affect the health, welfare, education, and general well-being of juveniles and youth, and an equal number of members, who shall be appointed by the Attorney General with the approval of the federal members of the Council, who are practitioners in the field of juvenile justice and who are not officers or employees of the United States. These practitioner members shall serve pursuant to the relevant provisions of 5 United States Code 5703. The Coordinating Council shall be responsible for ensuring coordination and cooperation among those federal agencies who have the aforementioned jurisdiction; and the Council will help ensure that juvenile crime prevention programs are complementary and not duplicative. The Coordinating Council shall offer program and policy advice to the President and agencies within the Executive Branch.”, and

On page 59, line 18, strike the words “implement and”, and

On page 56, line 13, strike subsection (c) in its entirety, and

On page 66 through page 78, subsections (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m), are redesignated as subsections (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) respectively.

### **Explanation:**

This language amends several subsections within Section 204 [National Programs] of S.10 in an effort to achieve enhanced coordination, planning and implementation of Federal efforts in the

area of juvenile crime control and youth violence. Although S. 10 also aims at better coordination in this area, S. 10's current structure, particularly the subsection (c) provisions [National Juvenile Crime Control and Juvenile Offender Accountability Budget], creates a cumbersome, overly bureaucratic, and unworkable system. In the alternative, this amendment also charges the Administrator with the responsibility of coordinating national efforts and establishing and planning national policy. However, by providing for the coordination of these responsibilities with the Attorney General, the Director of the Office of Management and Budget, and other federal agencies and departments, it does so within the context of existing and proven mechanisms. In particular, providing that these efforts be undertaken in coordination with the Director of the Office of Management and Budget [which has the overall responsibility of government-wide planning and resource allocation], ensures enhanced overall coordination. The amendment also provides for, under the authority of the Attorney General, the establishment of the Coordinating Council on Juvenile Crime Control and Prevention [ a continuation of the current Coordinating Council on Juvenile Justice and Delinquency Prevention] to enhance not only Federal efforts, but to add greater coordination with non-Federal efforts through the membership of practitioner members.

**OJP, MAY 30, 1997**  
**S10COOR.D0J**  
**12:30 PM**

08/04/97 WED 13:30 FAX

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# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-8275

June 2, 1997

The Honorable Janet Reno  
 United States Attorney General  
 U.S. Department of Justice  
 10th & Pennsylvania Ave., NW  
 Washington, D.C. 20530

Dear Attorney General Reno:

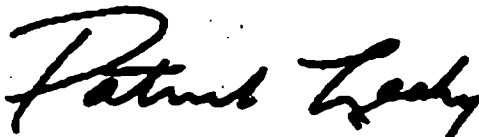
Pursuant to Title 18, United States Code, Section 4047, we are writing to request a prison impact analysis of Titles one and two of S.10, the "Violent and Repeat Juvenile Offender Act of 1997." As you know, Title One creates incentives to increase the number of federal prosecutions of juvenile offenders. We are interested in your assessment of the cost implications of this policy initiative.

Similarly, Title two contains a number of specific directives to the Sentencing Commission to increase penalties by specific amounts for certain offenses. For instance, section 202 directs the Sentencing Commission to increase the offense levels for certain gang related offenses by at least six levels. In analyzing the merits of this proposal, as well as other proposals contained within Titles one and two, it would be helpful to gain an understanding of the cost implications.

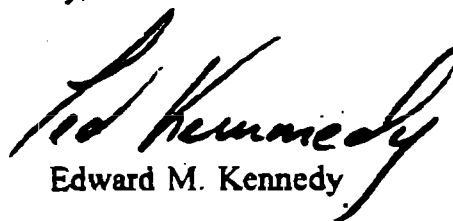
Given the fact that S.10 will be marked up very soon, we would appreciate a response at your earliest convenience.

Thank you for your attention to this matter.

Sincerely,



Patrick J. Leahy



Edward M. Kennedy

## **AFTER-SCHOOL INITIATIVES DISCRETIONARY PROGRAM**

The bill S.10 is amended --

On page 90, line 19, insert the following new paragraph,

“(3)AFTER SCHOOL INITIATIVES--Of amounts appropriated pursuant to paragraph (2)(A), 20 percent shall be made available for use by the Attorney General for distribution to state and local agencies to develop, implement and operate local initiatives and community-based activities that: (i) take place after school; and (ii) are designed to reduce the juvenile crime and delinquency that often occur during after-school hours.

### **Explanation:**

The language amends S. 10 to create a discretionary grant program under the authority of the Attorney General for the purpose of funding state and local efforts to promote AFTER SCHOOL activities to reduce juvenile crime and violence. Funds to support these efforts are made available by creating a 20 percent set-aside from the Section 204(h) “Juvenile Crime Control and Juvenile Offender Accountability Incentive Block Grant” program. The set-aside is created by amending the section 206(b) “Authorization of Appropriations” provision by attaching the set-aside to the funds appropriated pursuant to Section 206(b)(2)(A) -- block grant funding.

OJP, MAY 30, 1997  
S10SCDIS.D0J  
4:15 P.M.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

TO: *Leanne S.*

FROM: RON JONES  
PHONE: (202) 395-3386  
FAX: (202) 395-3109

DATE: *10/6*  
TIME:

NUMBER OF PAGES FOLLOWING THIS COVER SHEET: *7*

COMMENTS:

*Youth Violence Grant draft*

Please call (202) 395-3454 to report any difficulties with transmission of this fax.

10/06/97 MON 10:31 FAX

DRAFT

September 29, 1997

## Memorandum

To: Kristi Lee, Chief Counsel  
Subcommittee on Youth Violence  
Committee on the Judiciary

From: Kinney Zalesne, Assistant to the Attorney General  
Department of Justice

Subject: Alternatives to the "Youth Violence Czar" Created in S. 10

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Thank you for meeting with Joe Graupensperger and me last week. As we promised, here are some proposed alternatives to the "Czar" provision in S. 10. We share your concern about greater coordination in the disbursement of juvenile justice funds, but as we said, we are concerned that the "Czar" provision will create confusion among various officials tasked with certification, and will result in bureaucratic logjam. Consequently, we would like to explore with you the following possibilities for the "coordinator" role:

- **The Office of Management and Budget, with the Juvenile Justice Office and the Ounce of Prevention Council in a statutory consulting role.** Throughout the Administration, OMB already fulfills the function of managing and coordinating efforts government-wide. It regularly reviews agencies' budget requests to ensure the most effective distribution of resources. In this particular context, it may be helpful to add an element of substantive expertise in the area of juvenile justice -- for example, to provide guidance to OMB on what works in juvenile crime prevention. This role could be filled by the Administrator of the Juvenile Justice Office and/or the Director of the Ounce of Prevention Council. Proposed statutory language is attached (Option A).
- **The Office of Management and Budget, with the Juvenile Justice Coordinating Council in a statutory consulting role.** Instead of the Administrator of the Juvenile Justice Office and/or the Director of the Ounce of Prevention Council alone, the consulting role could be filled by the JJ Coordinating Council, an interagency body chaired by the Attorney General herself.

Currently, the JJ Coordinating Council brings together the agencies concerned with juvenile justice as well as outside practitioners. By statute, the Council includes the Administrator of the JJ Office; the Commissioner of INS; the Secretaries of HHS, Education, Labor, and HUD; the Director of the Office of

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National Drug Control Policy; and the CEO of the Corporation for National Service. Other non-statutory Federal agencies include the Chair of the National Endowment for the Arts; the Departments of Treasury, Agriculture, and Transportation; and the Crime Prevention Council. Nine practitioners from the field of juvenile justice are appointed to the Council, without regard to affiliation, by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the President of the United States.

The Coordinating Council has made substantial contributions in recent years, including the development of a National Juvenile Justice Action Plan, which has been used as a model by several States and communities around the Nation. The Council has also developed a management information system, permitting Federal agencies to share goals, policies, and information. Finally, it has made significant progress in assessing and making recommendations concerning juveniles in federal custody; Federal agencies' delinquency development statements (matching agencies' policies and funding with Federal goals); and the Missing and Exploited Children's Program. Other areas of interest the Council explores include learning and related disabilities, the implications of welfare reform on juvenile justice and delinquency prevention, and youth substance abuse prevention. A copy of the Council's Progress Report and Summary of Activities is attached, as is proposed statutory language (Option B).

It should be noted that H.R. 1818 eliminates the JJ Coordinating Council.

- **The Ounce of Prevention Council.** The Administration already has a single, centralized crime prevention organization in the Ounce of Prevention Council, also known as the President's Crime Prevention Council. Chaired by the Vice President and composed of the Attorney General; the Secretaries of Education, HHS, HUD, Labor, Agriculture, Treasury, and Interior; and the Director of the Office of National Drug Control Policy, the Council is well situated to oversee agencies' requests for and expenditures of prevention funds. It should be noted, however, that the "Czar" role contemplated coordination of all juvenile justice initiatives, not simply prevention. It should also be noted that in its current form, S. 10 repeals the authorization for the Council, a provision the Administration opposes. Proposed language to enhance the Council's statutory authority is attached (Option C).
- **The Juvenile Justice Coordinating Council, with enhanced powers.** As discussed above, the JJ Coordinating Council already brings together government agencies concerned with juvenile justice as well as outside practitioners. This body could perform the coordinating function alone, although it is probably better suited to advise OMB in this regard than to assume the role entirely. Attached is a proposal for statutorily enhancing the powers of the Council to ensure greater coordination (Option D).

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Of the four options, we believe Options A and B, keeping OMB in the central coordinating role, are by far the best. Institutionally, OMB is the most stable of the three organizations considered here, as well as the best known and respected by both Congress and the Executive Branch agencies. In addition, OMB has far superior resources, experience, and expertise in coordinating agencies' budget requests and ensuring that no program request is duplicative or unnecessary. It may well benefit OMB to have the substantive consultation of the JJ Office, the Ounce of Prevention Council, and/or the JJ Coordinating Council, now that juvenile justice programs have increased both in terms of appropriations and importance. Alone or in combination, these organizations could share their expertise on what works in juvenile justice, what requests may be redundant, and how JJ efforts could be better streamlined and coordinated.

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**OPTION A**

**OMB as Coordinator, with JJ Office and the Ounce of Prevention Council  
in Statutory Consulting Role.**

**Proposal:**

- 1) Strike the portions of S.10 that create the Youth Violence "Czar."
- 2) In their place, substitute:

**"The Administrator of the Office of Juvenile Crime Control and Accountability and the Director of the Ounce of Prevention Council shall give guidance and advice to the Office of Management and Budget in its determination of the most efficient and effective means of disbursing funds for juvenile justice initiatives."**

**[NEED OMB INPUT HERE]**

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**OPTION B**

**OMB as Coordinator, with JJ Coordinating Council  
in Statutory Consulting Role.**

**Proposal:**

- 1) Strike the portions of S.10 that create the Youth Violence "Czar."
- 2) In their place, substitute:

**"The Juvenile Justice Coordinating Council shall give guidance and advice to the Office of Management and Budget in its determination of the most efficient and effective means of disbursing funds for juvenile justice initiatives."**

**[NEED OMB INPUT HERE]**

10/08/97 MON 10:34 FAX

**OPTION C****The Ounce of Prevention Council as Coordinator****Proposal:**

- 1) Strike the portions of S.10 that create the Youth Violence "Czar."
- 2) Amend Title III of the 1994 Crime Act, 42 U.S.C. 13741(c), [section 30101(c)], to read:

(c) Administrative Responsibilities and Powers. -- In addition to the program coordination provided in subsection (b), the Council shall be responsible for such functions as coordinated planning, development of a comprehensive crime prevention program catalogue, provision of assistance to communities and community-based organizations seeking information regarding crime prevention programs and integrated program service delivery, and development of strategies for program integration and grant simplification. The Council shall have the authority to audit the expenditure of funds received by grantees under programs administered by or coordinated through the Council. The Council shall further ensure that no expenditure proposed in the President's budget for juvenile justice shall be unnecessarily duplicative or otherwise inappropriate. In consultation with the Council, the Chair may issue regulations and guidelines to carry out this subtitle and programs administered by or coordinated through the Council.

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**OPTION D****The Juvenile Justice Coordinating Council as Coordinator, with Enhanced Authority.****Proposal:**

- 1) Strike the portions of S.10 that create the Youth Violence "Czar."
- 2) Insert the following new paragraph in their place:

**"Coordination of Federal Efforts. -- The Attorney General is authorized to establish a body that shall be known as the Coordinating Council on Juvenile Crime Control and Prevention. The Coordinating Council shall be comprised of those Members of the Cabinet, or the heads of component agencies, designated by the Attorney General, whose functions and responsibilities affect the health, welfare, education, and general well-being of juveniles and youth, and an equal number of members, who shall be appointed by the Attorney General with the approval of the federal members of the council, who are practitioners in the field of juvenile justice and who are not officers or employees of the United States. These practitioner members shall serve pursuant to the relevant provisions of 5 United States Code 5703. The Coordinating Council shall be responsible for ensuring coordination and cooperation among those federal agencies who have the aforementioned jurisdiction; and the Council will help ensure that juvenile justice initiatives are complementary and not duplicative. The Coordinating Council shall offer program and policy advice to the President and agencies within the Executive Branch."**

The Committee provides these funds and states that the proceeds from this program be passed on to the States involved with this program.

*Senior citizens against marketing scams.*—The recommendation provides \$2,000,000 as requested for a new program to assist law enforcement in preventing and stopping marketing scams against the elderly.

*Presidential summit on violence.*—The recommendation does not provide \$500,000 as requested, to conduct a Presidential summit on violence.

### JUVENILE JUSTICE PROGRAMS

|                          |               |
|--------------------------|---------------|
| Appropriations, 1997     | \$174,500,000 |
| Budget estimate, 1998    | 230,422,000   |
| Committee recommendation | 380,422,000   |

The Committee recommendation provides a total of \$380,422,000 for juvenile justice programs for fiscal year 1998. This funding level is \$205,922,000 more than the 1997 appropriation and is \$150,000,000 more than the request.

*Juvenile justice and delinquency prevention.*—Juvenile crime has reached a crisis level. Our culture has significantly changed. The standard of a husband and wife with children no longer holds. Instead, such a family is atypical. The Committee believes that communities must now begin to maintain greater support systems. It used to be that the family was the dominant means of support. Today, neighborhoods and schools also provide this support. As we become a global society, support will come from a matrix of different parts of the community surrounding a person. The Committee supports the community to integrate people from all areas within a town, city, or county. These groups, who have collaborated on creating effective juvenile laws, include school officials, representatives of the chamber of commerce, local law enforcement, and other related government officials.

The Committee recommendation includes a total of \$145,000,000 for fiscal year 1998 for a new program called the Juvenile Block Grant Program.

The Committee recognizes that changes to juvenile justice and delinquency prevention (JJDP) programs are being considered in the authorization process. As such, the Committee recommendation includes language that makes this program subject to the provisions of any authorizing legislation that is enacted and that any provisions in this act that are inconsistent with that legislation shall no longer have effect.

The Committee recommendation includes a total of \$230,922,000 for fiscal year 1998 for administrative expenses and grants to States and localities for projects in the areas of education, research, prevention, and rehabilitation as follows:

- \$5,922,000 for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (part A);
- \$86,500,000 for formula grants for assistance to State and local programs (part B), \$5,000,000 shall be available for a discretionary grants program designed to address juvenile needs;

—\$29,500,000 for discretionary grants for national programs and special emphasis programs (part C). Within the amount provided for part C discretionary grants, the Committee directs OJJDP to provide the following:

- \$3,000,000 for Parents Anonymous, Inc., to support delinquency prevention and self-help programs;
- \$2,300,000 to continue and expand the National Council of Juvenile and Family Courts which provides continuing legal education in family and juvenile law;
- \$2,000,000 for technical assistance for the Juvenile Mentoring Program;
- \$2,000,000 for volunteer grassroots drug prevention programs that mobilize parent action teams nationwide to conduct community teen drug awareness education and prevention activities that guarantee increased parental involvement;
- \$1,900,000 for continued support for law-related education;
- \$1,185,000 for the Jimmy Ryce Law Enforcement Training Center to meet the needs of State and local law enforcement officials investigating missing and exploited children cases;
- \$1,350,000 for establishment of a center on crimes and violence against children that focuses on the reality that children are disproportionate victims of crime and violence;
- \$1,000,000 to Big Brothers/Big Sisters of America to support the expansion of the federation's capacity to serve more at-risk children. The Committee notes that Big Brothers/Big Sisters programs contribute directly to a reduction in the rate of juvenile delinquency, and that the Big Brothers/Big Sisters federation has publicly committed to doubling the number of children through its program;
- \$550,000 to the Coalition for Juvenile Justice;
- \$850,000 for a grant to the Vermont Department of Social and Rehabilitation Services to establish a national model for Community Youth Justice Boards;
- \$500,000 for a grant to the Center for the Study and Prevention of Juvenile Crime and Delinquency; \$2,000,000 for the Consortium on Children, Families, and the Law; \$2,800,000 for a grant to the Dona Ana Camp; \$1,000,000 for the New Mexico prevention project; \$200,000 to the State of Alaska for a study on child abuse and criminal behavior linkage; and \$1,750,000 for the Shelby County, Tennessee Juvenile Offender Transition Program.

In addition, the Committee directs OJJDP to examine each of the following proposals, to provide grants if warranted, and to report to the Committee on its intentions for each proposal: a grant to the Hill Renaissance Partnership; a grant to the Lincoln Council on Alcoholism and Drugs; a grant to the Hamilton Fish National Institute on School and Community Violence; a grant at the fiscal year 1996 level of funding to the Low Country Children's Center; a grant for the Comprehensive Juvenile Justice Crime Prevention Initiative and Juvenile Assessment Center in Gainesville, FL; a grant to the No Hope in Dope Program.

In addition, the Committee urges OJJDP to pay particular attention to intervention and crime prevention programs which focus on addressing the unique circumstances on Indian reservations.

—\$12,000,000 to expand the Youth Gangs (part D) Program which provides grants to public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes. Within the amount provided for part D Youth Gang grants, the Committee directs OJJDP to provide \$300,000 to the Metro Denver Gang Coalition to provide an arena for service providers and community members to share information, support program efforts, and create positive changes in youth, families, and communities.

—\$10,000,000 for discretionary grants for State challenge activities (part E). This program authorizes the OJJDP Administrator to award grants which could increase the amount of a State's formula grant by up to 10 percent, if that State agrees to undertake some or all of the 10 challenge activities included in this program. These challenge activities are designed to improve various aspects of a State's juvenile justice and delinquency prevention programs.

—\$12,000,000 for the Juvenile Mentoring Program (part G). This program seeks to reduce juvenile delinquency, improve academic performance, and reduce the dropout rate among at-risk youth through the use of mentors. The program brings together young people in high crime areas with law enforcement officers and other responsible adults who are willing to serve as long-term mentors.

—\$75,000,000 for the Anti-Truancy, School Violence, and Crime Intervention Program, a new program to assist communities in reducing juvenile crime through the local development and implementation of crime intervention.

*Victims of Child Abuse Act.*—The Committee recommends a total of \$4,500,000 for the various programs authorized under the Victims of Child Abuse Act (VOCA). Funds provided to establish regional and local children's advocacy centers may not be used to provide legal aid. In addition, funding of \$7,000,000 is provided for victims of child abuse programs included under the Violence Against Women Program funded under State and local assistance, violent crime reduction programs. The total amounts recommended for the Victims of Child Abuse Act, equal the amounts provided in the current fiscal year and the full amount requested in the budget. The following programs are included in the recommendation:

- \$4,500,000 to improve investigations and prosecutions (subtitle A) as follows:
  - \$500,000 to establish regional children's advocacy centers, as authorized by section 213 of VOCA;
  - \$2,000,000 to establish local children's advocacy centers, as authorized by section 214 of VOCA;
  - \$1,500,000 for a continuation grant to the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA; and

—\$500,000 for a continuation grant to the National Network of Child Advocacy Centers for technical assistance and training, as authorized by section 214a of VOCA.

#### PUBLIC SAFETY OFFICERS BENEFITS

|                                |              |
|--------------------------------|--------------|
| Appropriations, 1997 .....     | \$32,328,000 |
| Budget estimate, 1998 .....    | 35,267,000   |
| Committee recommendation ..... | 33,003,000   |

The Committee recommends \$33,003,000 in direct appropriations and \$2,264,000 in carryover for total budgetary resources of \$35,267,000 for fiscal year 1998 as requested. The recommendation includes sufficient funding for death and disability benefits under the Public Safety Officers Benefits Program and will fully fund anticipated payments in fiscal year 1998. This program provides a lump-sum death benefit payment to eligible survivors of Federal, State, and local public safety officers whose death was the direct and proximate result of a traumatic injury sustained in the line of duty. In addition, the recommendation assumes \$2,264,000 in end-of-year carryover balances for lump-sum payments to public safety officers who are permanently disabled in the line of duty, and \$2,000,000 for Federal law enforcement education assistance.

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The Committee recommends the following general provisions included in previous appropriations act unless otherwise noted:

Section 101, included in previous appropriations acts, makes up to \$45,000 of the funds appropriated to the Department of Justice available for reception and representation expenses.

Section 102, included in previous appropriations acts, continues for fiscal year 1998 certain authorities for the Justice Department that were contained in the Department of Justice Authorization Act, fiscal year 1980.

Section 103, included in previous appropriations acts, prohibits the use of funds to perform abortions in the Federal Prison System.

Section 104, included in previous appropriations acts, prohibits the use of the funds provided in this bill to require any person to perform, or facilitate, the performance of an abortion.

Section 105, included in previous appropriations acts, states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility.

Section 106, similar to that included in previous appropriations acts, and recently amended in Public Law 104-19, allows the Department of Justice to spend up to \$10,000,000 for rewards for information regarding acts of terrorism against a U.S. person or property at levels not to exceed \$2,000,000 per reward.

Section 107, similar to that included in previous appropriations acts, allows the Department of Justice, subject to the Committee's reprogramming procedures, to transfer up to 5 percent between any appropriation, but limits to 10 percent the amount that can be transferred into any one appropriation.

Section 108, included in prior appropriations acts, allows balances remaining in the assets forfeiture fund after September 30,

1 *Provided further*, That the Attorney General may direct  
 2 the use of other Department of Justice funds and person-  
 3 nel in support of "Weed and Seed" program activities only  
 4 after the Attorney General notifies the Committees on Ap-  
 5 propriations of the House of Representatives and the Sen-  
 6 ate in accordance with section 605 of this Act.

#### 7 COMMUNITY ORIENTED POLICING SERVICES

#### 8 VIOLENT CRIME REDUCTION PROGRAMS

9 For activities authorized by the Violent Crime Con-  
 10 trol and Law Enforcement Act of 1994, Public Law 103-  
 11 322 ("the 1994 Act") (including administrative costs),  
 12 \$1,400,000,000, to remain available until expended, which  
 13 shall be derived from the Violent Crime Reduction Trust  
 14 Fund, for Public Safety and Community Policing Grants  
 15 pursuant to title I of the 1994 Act: *Provided*, That not  
 16 to exceed 270 permanent positions and 228 full-time  
 17 equivalent workyears and \$24,669,000 shall be expended  
 18 for program management and administration.

19 In addition, for activities authorized by the 1994 Act,  
 20 \$40,000,000 for the Police Corps program to remain  
 21 available until expended, which shall be derived from the  
 22 Violent Crime Reduction Trust Fund.

#### 23 JUVENILE JUSTICE PROGRAMS

24 For grants, contracts, cooperative agreements, and  
 25 other assistance authorized by the Juvenile Justice and  
 26 Delinquency Prevention Act of 1974, as amended, includ-

1 ing salaries and expenses in connection therewith to be  
 2 transferred to and merged with the appropriations for  
 3 Justice Assistance, \$230,922,000, to remain available  
 4 until expended, as authorized by section 299 of part I of  
 5 title II, as amended by Public Law 102-586, of which (1)  
 6 notwithstanding any other provision of law, \$5,922,000  
 7 shall be available for expenses authorized by part A of title  
 8 II of the Act, \$86,500,000 shall be available for expenses  
 9 authorized by part B of title II of the Act, and  
 10 \$29,500,000 shall be available for expenses authorized by  
 11 part C of title II of the Act; (2) \$12,000,000 shall be avail-  
 12 able for expenses authorized by sections 281 and 282 of  
 13 part D of title II of the Act for prevention and treatment  
 14 programs relating to juvenile gangs; (3) \$10,000,000 shall  
 15 be available for expenses authorized by section 285 of part  
 16 E of title II of the Act; (4) \$12,000,000 shall be available  
 17 for expenses authorized by part G of title II of the Act  
 18 for juvenile mentoring programs; and (5) \$75,000,000  
 19 shall be available for the Anti-Truancy, School Violence  
 20 and Crime Intervention Program.

21 In addition, for grants, contracts, cooperative agree-  
 22 ments, and other assistance authorized by the Victims of  
 23 Child Abuse Act of 1990, as amended, \$4,500,000, to re-  
 24 main available until expended, as authorized by sections  
 25 214B of the Act.

## Juvie Appropriations Strategy Key Priorities

(All are in CJS appropriations unless otherwise noted)

| <u>Goal</u>                                   | <u>FY98 Budget</u>                           | <u>House Bill</u>   | <u>Senate Bill</u>  |
|-----------------------------------------------|----------------------------------------------|---------------------|---------------------|
| <b>Prosecutors/Probation Officers</b>         |                                              |                     |                     |
| Prosecutors<br>\$100M(direct w/courts)        | \$100M(direct)                               | \$300M(block grant) | \$145M(block grant) |
| Courts (probation offcrs)<br>grant) See above | \$50M (direct)                               | \$300M(block grant) | \$145M(block        |
| <b>Prevention</b>                             |                                              |                     |                     |
| At-Risk Initiative<br>\$75M(discretionary)    | \$75M(discretionary)<br>\$75M(discretionary) | \$100M(block grant) |                     |
| 21st Century Schools<br>\$50M<br>(Labor-HHS*) | \$50M                                        | \$50M               | \$1M                |

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
LEGISLATIVE AFFAIRS

PHONE: 395-4790 / FAX: 395-3729

TO: Joe Cera

DATE: 7/11/97

FROM:

\_\_\_\_ CHUCK KIEFFER

\_\_\_\_ CHUCK KONIGSBERG

\_\_\_\_ LISA KOUNTOUPES

✓  
\_\_\_\_ ALICE SHUFFIELD

\_\_\_\_ KATE DONOVAN

\_\_\_\_ NANCY BRANDEL

— Per my voice-mail message —

Comments: Draft SAP on the Juvenile Crime bill  
follows. Please let me know if you  
have any comments or concerns.

We plan to send the Statement to the Hill  
this afternoon.

Thanks!

*Alice*

FAX #: 6-7028

PAGES: 5

PHONE NUMBER: \_\_\_\_\_

(includes cover page)

DRAFT – NOT FOR RELEASE

July 10, 1997  
(House)

**H.R. 1818 - Juvenile Crime Control and Delinquency Prevention Act of 1997**  
(Riggs (R) California and 11 cosponsors)

Enactment of comprehensive legislation to address youth and gang violence and drug use is a top Administration priority. Accordingly, on February 25, 1997, the Department of Justice transmitted to Congress the "Anti-Gang and Youth Violence Act of 1997," which was introduced as H.R. 810 by Representative Schumer. The Administration's proposal was designed to combine elements of enforcement and prosecution with targeted and selective prevention and intervention efforts. H.R. 1818 appropriately addresses these prevention and intervention efforts. Therefore, the Administration supports House passage of H.R. 1818.

In particular, the Administration supports the provisions of H.R. 1818 that:

- Restructure the Office of Juvenile Justice and Delinquency Prevention to enhance its ability to support State and local delinquency control, system improvement, and prevention programs;
- Continue the basic Formula Grants program to States, while providing additional flexibility to State and local governments that will ensure the safety of and fairness to juveniles in custody;
- Reauthorize and amend the Runaway and Homeless Youth Act. Title II of H.R. 1818 incorporates many of the points supported by the Administration to serve this vulnerable population.
- Consolidate several existing grant programs into a flexible delinquency prevention and early intervention block grant program;
- Provide Federal support for research, evaluation, and statistics linked to the programs of the National Institute of Justice and the Bureau of Justice Statistics; and
- Authorize technical assistance and training, information collection and dissemination, and development, testing, and demonstration of programs that have potential to control, reduce, or prevent juvenile crime.

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**(Do Not Distribute Outside Executive Office of the President)**

This Statement of Administration Policy was developed by the Legislative Reference Division (Jones), in consultation with the Departments of Justice (Jones), HHS (Wallace), the Treasury (Dorsey), Education (Somerville), General Services Administration (Ratchford), Interagency Council on the Homeless (Ferguson), Office of National Drug Control Policy (Carnevale), TCJSD (Haas, Boden), and IMD (Fontenot, Lau).

White House Legislative Affairs, the Office of White House Counsel, Domestic Policy Council, the President's Crime Prevention Council, OMB GC, HD, and OIRA did not respond to our request for comments on the draft SAP.

OMB/LA Clearance:

H.R. 1818 was reported by the House Committee on Education and the Workforce on June 26, 1997.

**Administration Position to Date**

In a letter to the Committee on Education and the Workforce's Subcommittee on Children, Youth, and Families on June 11, 1997, Secretary Shalala expressed the Department of Health and Human Services' strong support for the enactment of Title II of H.R. 1818.

The Administration has taken no position to date on the other provisions of H.R. 1818.

**Summary of H.R. 1818**

The major provisions of H.R. 1818 modify the four core requirements for Federal assistance to State juvenile justice programs; replace several current juvenile justice programs with a broad block grant; and consolidate funding for the Runaway and Homeless Youth Act. These provisions are described below.

— **Core Requirements for Federal Assistance to Juvenile Justice Programs**

- Retains the current prohibition on detaining in secure facilities juveniles charged with offenses that result from their age (e.g., truancy) except in accordance with rules issued by the Administrator of the Office of Juvenile Justice and Delinquency Prevention;
- Modifies current requirement for separation of juveniles from adults in institutions to allow for incidental, supervised contact (such as passing in a hallway);

- Allows States more flexibility in removing juveniles from jails and adult facilities by extending the time that juveniles can be held in a facility with adults, prior to an initial court appearance, to 48 hours (excluding weekends and holidays). Also would allow youths detained outside a standard metropolitan to be held in an adult facility if the parents and the court agree; and
- Modifies the current provision concerning over representation of minorities in the juvenile justice system to require States to address prevention efforts to reduce the disproportionate number of minorities that come in contact with the juvenile justice system. The bill prohibits the establishment of numerical standards or quotas.
- Establishes a Juvenile Delinquency Prevention Block Grant
  - Replaces the following juvenile justice programs with a single block grant program: Gang-Free Schools and Communities; Community-based Gang Intervention; Boot Camps; Mentoring; State Challenge Activities; and Treatment for Juveniles Who Are Victims of Child Abuse and Neglect;
  - Abolishes the White House Council on Juvenile Justice and the National Institute for Juvenile Justice and Delinquency Prevention;
  - Authorizes "such sums as are necessary for 1998-2001 " for a Juvenile Delinquency Prevention Block Grant to be used for activities designed to prevent and reduce juvenile crime in communities that have a comprehensive juvenile crime prevention plan;
  - The following entities with "a demonstrated history of involvement in the prevention of juvenile delinquency" are eligible to receive grants from States under H.R. 1818: community-based organizations; local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders); local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a school within such authority); nonprofit private organizations; units of general local government; and social service providers.
  - Allocates funds among the States using two criteria: (1) 50 percent on the basis of population under age 18; and (2) 50 percent on the annual average number of arrests for serious crimes committed in the eligible State by juveniles during the most recent three years for which such information is available; and
  - States would receive 50 percent of their formula grant funding regardless of whether they comply with the four core requirements (see above). States would

## JUVENILE JUSTICE DEVELOPMENTS WEDNESDAY, JULY 23, 1997

The Senate Judiciary Committee considered seven more amendments today. Highlights:

- Many of our gun market provisions passed; and
- Specter's prevention amendment (not yet voted on) caused lively debate, laying the groundwork for a possible win tomorrow.

In addition to prevention, there will also be votes tomorrow on money for prosecutors and courts, the juvenile gun ban, and the separation of adults and juveniles in federal custody. Hatch intends to vote on the bill by early tomorrow afternoon.

### *Approved Amendments*

- **Biden. Our Firearms Provisions.**
  - ▶ increased penalty for firearms conspiracy
  - ▶ felony treatment for offenses tantamount to aiding and abetting unlawful purchases
  - ▶ increased penalty for knowingly receiving firearm with obliterated serial number
  - ▶ amendment of sentencing guidelines for transfers of firearms to prohibited persons; and
  - ▶ criminal forfeiture of firearms used in crimes of violence and felonies, and of proceeds from gun trafficking

*Although we had to compromise on civil forfeiture, increased penalties for the transfer of ammunition to prohibited persons, and prohibited transfer of firearms with "reasonable cause to believe" it will be used in a crime of violence (versus "knowing" it will be), these gains are substantial.*

- **Feinstein (with Specter, Kohl, Grassley, and Feingold). The High Intensity Interstate Gang Activity Amendment** authorizes \$100M (\$60M for federal-state-local task forces, \$40M for prevention) for areas designated by the AG as high intensity gang sites. *We're concerned that this will divert attention from our prosecutors/courts/prevention strategy, but we felt we could not successfully oppose Feinstein. Hatch reserved the right to introduce an amendment tomorrow striking the prevention portion, "because we've got prevention all over this bill."*
- **Grassley. STD Testing.** Imposes new condition on receipt of old JJ money (\$150M) -- states must test sex offenders whose victims were under 18 for sexually transmitted disease. *At our request, Grassley coordinated this amendment with the existing Byrne grant condition that states test all convicted offenders for HIV.*

- **Leahy. Block grant exemption.** Provision to exempt from the conditions of the block grant those few states with the lowest juvenile crime rate.
- **Feingold.** Sentence enhancements for child exploitation.

In addition, Hatch said he would accept the following amendments without debate:

- **Biden.** Preference for housing federal juveniles in juvenile facilities.
- **Biden.** Clarification that facilities money can be used only for juvenile facilities.
- **Biden.** Status offenders compromise.
- **Leahy.** Restoration of state advisory groups.
- **Leahy.** Restoration of VOCA funds.
- **Leahy.** Gang recruitment provision.
- **Feinstein.** Prohibition on use of prison labor to process database lists that include information on children.

#### *Defeated Amendments*

- **Biden.** Our firearms storage provision, permitting ATF to regulate FFLs' firearm storage and permitting civil fines of up to \$10K for violations. *We didn't expect to win this. Will try again on the Floor.*
- **Leahy.** Provision to permit, rather than require, the sharing of state juvenile records with the FBI, courts, law enforcement, and educators. *DeWine is planning a technical amendment and/or report language to make clear that while states must strive to meet the records condition, no state will actually be denied money on the basis of non-compliance.*

Date: Friday, July 11, 1997 4:15 pm  
From: SMO02(ZALESNEK)  
Subject: JJ Bill Update

To all interested JJ folks --

Markup in the Senate re-began yesterday, and continued today. The Committee approved two amendments, both largely from our bill: 1) increased mandatory minimums for selling drugs to kids, using kids to sell drugs, or selling drugs in or near schools (plus an Ashcroft addition for using kids to commit any crime of violence); and 2) the removal of a cumbersome and unusual scienter requirement from the carjacking statute.

Four Leahy amendments failed: 1) states' right of first refusal in federal prosecution of kids as adults in non-serious, non-violent cases; 2) the right of all but the oldest and most serious juveniles to petition the court for transfer to juvenile court (our provision); 3) a limit to the presumption that adult guidelines apply to kids tried as adults -- to serious and violent offenses; and 4) a gang "package" (including our witness intimidation provision), much of which we supported.

We are disappointed that the "reverse transfer" provision (#2) failed, and can at least try to improve Leahy's presentation on the Floor. We're also disappointed that the gang package failed, even though some of it was unnecessary, but there may be a way to rescue its better components. (Politically, the Rs may have made a mistake, because now they've voted against witness intimidation and against enhanced penalties for laser sighting devices, which the cops groups really want. Eric, you might mention this to the cops groups.)

Markup of the other 94 amendments will continue Tuesday afternoon at 2 and then all day Thursday.

Kinney

## **BILL SUMMARY**

# **House Democrats' Families First Juvenile Offender Control and Prevention Act**

The Families First Juvenile Offender Control and Prevention Act is a comprehensive and balanced approach to fighting juvenile crime. The bill is both tough on violent juvenile offenders and smart in providing local communities the resources they need to fund community-based initiatives that reduce juvenile crime. The initiatives funded by this legislation must be research-proven and cost-effective in preventing juvenile delinquency. The bill also provides resources to reform the juvenile justice system and improve the capacity of the juvenile justice system to respond to juvenile offenders at the earliest stages of juvenile delinquency.

### **I. JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS**

1. Provide funding to local communities for the implementation of a variety of comprehensive initiatives that are a part of a community-based strategy for preventing juvenile crime. The initiatives funded under this grant should be research-proven, cost-effective efforts that emphasize and include:
  - Strengthening the family unit;
  - Safe Haven after-school programs in neighborhoods with high poverty and high crime rates;
  - Drug prevention, treatment, and education; and
  - Other initiatives with demonstrable success at addressing juvenile delinquency
2. Provide funding to localities for the construction and operation of secure juvenile facilities for violent juvenile offenders or for the administration of accountability-based sanctions that include alternatives to incarceration. Initiatives funded under this provision can also include:
  - Establish comprehensive treatment, education, training, and after-care programs for juveniles in juvenile delinquency facilities that focus on reducing recidivism;
  - Implement graduated sanctions for juvenile offenders; and
  - Establish initiatives that reduce juveniles access to guns.
3. Provide funding for juvenile courts to implement intensive delinquency supervision efforts. Such efforts should focus on identification and early intervention with at-risk youth on a case-by-case basis.
4. Provide funding to local communities to hire law enforcement officers or officers of the court that may include: police officers; juvenile judges; probation officers;

prosecutors; and defense attorneys. The work of the individuals hired under this provision shall be focused within the juvenile justice system and in the prevention of juvenile delinquence.

5. Provide funding to local prosecutors to enable them to develop anti-gang units, anti-gang task forces, and share information about gangs and their activities.
6. Provide funding for city and county attorneys to pursue civil remedies against gang related activities.

## **II. TARGET VIOLENT JUVENILE OFFENDERS**

1. Extend from 21 to 26 years the age that a violent juvenile may be detained as a juvenile offender.
2. Expedite to 90 days the time in which a judge in the federal system must decide whether to transfer a juvenile to adult court.
3. Increase the penalties for the transfer of a handgun to a juvenile or for a juvenile to possess a handgun.
4. Increase detention, provide for mandatory restitution, and additional sentencing options for juvenile offenders.
5. Expand the use of federal juvenile records for federal law enforcement purposes.
6. Require mandatory restitution of juvenile offenders.
7. Expedite to 20 days the time a court must sanction a juvenile offender following a determination of juvenile delinquency.

## **III. IMPROVE JUVENILE CRIME AND DRUG PREVENTION INITIATIVES**

1. Provide for a comprehensive review by the Attorney General to evaluate the effectiveness of federally funded programs for preventing juvenile violence and juvenile substance abuse.

## **IV. FUNDING**

1. \$1.5 billion shall be authorized to be appropriated to carry out this bill at \$500 million for each of the fiscal years 1998, 1999 and 2000. Funding may be made from the Violent Crime Reduction Trust Fund. No less than 60% of the funding shall be used for prevention and early intervention initiatives.



From the House Democratic Policy Committee Phone (202) 225-6760 Fax (202) 226-0938

## Floor Update

**House  
Democratic  
Leadership**

***Policy***

*Richard Gephardt, Chair*

Wednesday, May 7, 1997

### ***H.R. 3, The "Juvenile Crime Control Act"***

H.R. 3, the Juvenile Crime Control Act, is a Republican bill sponsored by Rep. McCollum, that would reform the juvenile justice system by prosecuting more juveniles as adults at the federal level and by providing states and localities with \$1.5 billion in funding conditioned on the willingness of states to try more juveniles as adults. H.R. 3 provides no funding for initiatives that focus on preventing crime and, in some instances, could provide for the housing of juveniles as young as 13 years old with adults. The following are key provisions to H.R. 3.

- H.R. 3 would expand the list of federal crimes that juveniles as young as 13 years old could be tried as adults to include: felony crime of violence; handgun possession, transfer or trafficking; and drug or explosive trafficking. Current law permits juveniles as young as 15 years old to be prosecuted for these offenses.
- H.R. 3 would give federal prosecutors the statutory discretion to prosecute juveniles as adults. Current law requires judicial approval for prosecution of juveniles as adults.
- H.R. 3 would also mandate as a condition for receiving funding under the grant program that states prosecute juveniles as young as 15 as adults and open juvenile records to the public. Current law makes records in adult criminal prosecution open to the public, but maintains confidentiality for juvenile delinquency proceedings, in most instances.

H.R. 3 takes the most extreme approach to juvenile justice reform, while providing no evidence that this approach is the most effective at reducing violent crime. In fact, the Republican approach in H.R. 3 is contrary to the most recent studies by conservative think tanks like the RAND Corporation that have found that prevention and early intervention programs are the most cost-effective at reducing juvenile crime. Moreover, H.R. 3 ignore the fact that prosecuting more juveniles as adults and housing them in adult facilities has the certain potential for creating a class of more violent juvenile offenders.

The Democratic Leadership will offer a Democratic substitute to H.R. 3, the Families First "Juvenile Offender Control and Prevention Act," which is the result of the work of the Democratic Caucus Task Force on Juvenile Justice. This Democratic substitute recognizes that the federal government has a limited but important role to play in reforming the juvenile justice system, and recognizes that that role should be focused on providing localities with the resources they need to implement smart, cost-effective and proven community-based solutions to juvenile crime. While H.R. does nothing to prevent juveniles from becoming juvenile delinquents or in dealing with nonviolent offenders who make up the majority of offenders in the juvenile justice system, the Democratic substitute provides a balanced approach to fighting juvenile crime that includes enforcement, intervention and prevention.

The Democratic substitute would provide grants to local communities to implement a variety of comprehensive prevention initiatives that emphasize: strengthening the family unit; safe haven after-school programs; drug prevention, treatment, and education; and other initiatives with a demonstrable success at addressing juvenile delinquency. Unlike the H.R. 3, the Democratic substitute does not put mandates on states as a condition for receiving the available funds. The Democratic substitute would also provide grants to local communities for the following initiatives:

- Provide funds to juvenile courts to implement intensive delinquency supervision efforts that would identify and intervene early with at-risk youth on a case-by-case basis;
- Provide funds to juvenile courts to implement graduated sanctions for nonviolent juvenile offenders;
- Provide funds to local communities to hire law enforcement officers or officers of the court who will work within the juvenile justice system and in the prevention of juvenile delinquency;
- Provide funds to local communities to implement drug prevention, treatment and education initiatives;
- Provide funds to local prosecutors to enable them to create anti-gang units, anti-gang task forces, and share information about gangs and their activities;
- Provide funds to localities for the construction and operation of secure facilities for violent juvenile offenders; and
- Provide funds to juvenile courts for the administration of accountability based sanctions that provide alternatives to incarceration.

The Democratic substitute also recognizes that a balanced approach to reforming the juvenile justice system must include enhanced enforcement provisions that target violent juvenile offenders. Such provisions in the Democratic substitute include:

- Extend from 21 to 20 years the age that a violent juvenile may be detained as a juvenile offender.
- Expedite to 90 days the time in which a judge in the federal system must decide whether to transfer a juvenile to adult court;
- Increase the penalty for the transfer of a handgun to a juvenile or for a juvenile to possess a handgun;
- Expand the use of juvenile records for federal law enforcement purposes;
- Require mandatory restitution of juvenile offenders; and
- Expedite to 20 days the time a court must sanction a juvenile offender following a determination of juvenile delinquency.

In addition to the Democratic substitute, there will be several Democratic amendments offered to H.R. 3 that will include:

- 1) deleting the provision requiring the prosecution as adults of juveniles who are charged with conspiracy to commit drug crimes (Rep. Waters);
- 2) eliminate the provisions that extend current law regarding the prosecution of 13 year olds (Rep. Conyers);
- 3) strike the language in the bill that allows states to use crime assistance funds on the building, operation, or expansion of prisons and detention centers (Rep. Scott);
- 4) amend the grant program to set aside 50% of the funds for prevention initiatives (Rep. Lofgren);
- 5) amend the Byrne Discretionary Grant Program to give a funding preference to localities that have implemented strategies for disrupting illegal gun sales to juveniles through crime gun tracing (Rep. Meehan).

Mr. McCollum will offer a Manager's Amendment with technical changes. Rep. Dunn will also offer an amendment that would require as a condition of receiving Byrne Grant funding that states submit a plan to the Attorney General describing how parents will be notified of a juvenile sex offenders enrollment in an elementary or secondary school.

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**Amendment in the Nature of a Substitute****To H.R. 3****Offered by**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Families First Juvenile Offender Control and Prevention  
4 Act of 1997”.

5 (b) **TABLE OF CONTENTS.**—The table of contents of  
6 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—JUVENILE OFFENDER CONTROL AND PREVENTION  
GRANTS**

Sec. 101. Short title.

Sec. 102. Grant program.

**TITLE II—VIOLENT JUVENILE OFFENDERS**

Sec. 201. Time limit on transfer decision.

Sec. 202. Increased detention, mandatory restitution, and additional sentencing options for youth offenders.

Sec. 203. Juvenile handgun possession.

Sec. 204. Access of victims and public to records of crimes committed by juvenile delinquents.

**TITLE III—IMPROVING JUVENILE CRIME AND DRUG PREVENTION**

Sec. 301. Study by national academy of science.

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1 **TITLE I—JUVENILE OFFENDER**  
2 **CONTROL AND PREVENTION**  
3 **GRANTS**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Juvenile Offender  
6 Control and Prevention Grant Act of 1997”.

7 **SEC. 102. GRANT PROGRAM.**

8 (a) IN GENERAL.—Part R of title I of the Omnibus  
9 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
10 3796 et seq.) is amended to read as follows:

11 **“PART R—JUVENILE OFFENDER CONTROL AND**  
12 **PREVENTION GRANTS**

13 **“SEC. 1801. PAYMENTS TO LOCAL GOVERNMENTS.**

14 **“(a) PAYMENT AND USES.—**

15 **“(1) PAYMENT.—**The Director of the Bureau of  
16 Justice Assistance may make grants to carry out  
17 this part, to units of local government that qualify  
18 for a payment under this part. Of the amount ap-  
19 propriated in any fiscal year to carry out this part,  
20 the Director shall obligate—

21 **“(A)** not less than 60 percent of such  
22 amount for grants for the uses specified in sub-  
23 paragraphs (A) and (B) of paragraph (2);

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1           “(B) not less than 10 percent of such  
2           amount for grants for the use specified in para-  
3           graph (2)(C), and

4           “(C) not less than 20 percent of such  
5           amount for grants for the uses specified in sub-  
6           paragraphs (E) and (G) of paragraph (2).

7           “(2) USES.—Amounts paid to a unit of local  
8           government under this section shall be used by the  
9           unit for 1 or more of the following:

10           “(A) Preventing juveniles from becoming  
11           involved in crime or gangs by—

12           “(i) operating after-school programs  
13           for at-risk juveniles;

14           “(ii) developing safe havens from and  
15           alternatives to street violence, including  
16           educational, vocational or other extra-  
17           curricular activities opportunities;

18           “(iii) establishing community service  
19           programs, based on community service  
20           corps models that teach skills, discipline,  
21           and responsibility;

22           “(iv) establishing peer medication pro-  
23           grams in schools;

24           “(v) establishing big brother programs  
25           and big sister programs;

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1                   “(vi) establishing anti-truancy pro-  
2                   grams;

3                   “(vii) establishing and operating pro-  
4                   grams to strengthen the family unit;

5                   “(viii) establishing and operating drug  
6                   prevention, treatment and education pro-  
7                   grams; or

8                   “(ix) establishing activities substan-  
9                   tially similar to programs described in  
10                  clauses (i) through (viii).

11                  “(B) Establishing and operating early  
12                  intervention programs for at-risk juveniles.

13                  “(C) Building or expanding secure juvenile  
14                  correction or detention facilities for violent juve-  
15                  nile offenders.

16                  “(D) Providing comprehensive treatment,  
17                  education, training, and after-care programs for  
18                  juveniles in juvenile detention facilities.

19                  “(E) Implementing graduated sanctions  
20                  for juvenile offenders.

21                  “(F) Establishing initiatives that reduce  
22                  the access of juveniles to fire arms.

23                  “(G) Improving State juvenile justice sys-  
24                  tems by—

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1           “(i) developing and administering ac-  
2           countability-based sanctions for juvenile of-  
3           fenders;

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

8           “(iii) providing funding to enable ju-  
9           venile courts and juvenile probation offices  
10          to be more effective and efficient in hold-  
11          ing juvenile offenders accountable;

12          “(H) providing funding to enable prosecu-  
13          tors—

14               “(i) to address drug, gang, and vio-  
15               lence problems involving juveniles more ef-  
16               fectively;

17               “(ii) to develop anti-gang units and  
18               anti-gang task forces to address the par-  
19               ticipation of juveniles in gangs, and to  
20               share information about juvenile gangs and  
21               their activities; or

22               “(iii) providing funding for tech-  
23               nology, equipment, and training to assist  
24               prosecutors in identifying and expediting

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1 the prosecution of violent juvenile offend-  
2 ers;

3 “(I) hiring additional law enforcement offi-  
4 cers (including, but not limited to, police, cor-  
5 rections, probation, parole, and judicial officers)  
6 who are involved in the control or reduction of  
7 juvenile delinquency; or

8 “(J) providing funding to enable city attor-  
9 neys and county attorneys to seek civil remedies  
10 for violations of law committed by juveniles who  
11 participate in gangs.

12 “(3) GEOGRAPHICAL DISTRIBUTION OF  
13 GRANTS.— The Director shall ensure that grants  
14 made under this part are equitably distributed  
15 among all units of local government in each of the  
16 States and among all units of local government  
17 throughout the United States.

18 “(b) PROHIBITED USES.—Notwithstanding any other  
19 provision of this title, a unit of local government may not  
20 expend any of the funds provided under this part to pur-  
21 chase, lease, rent, or otherwise acquire—

22 “(1) tanks or armored personnel carriers;

23 “(2) fixed wing aircraft;

24 “(3) limousines;

25 “(4) real estate;

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1           “(5) yachts;

2           “(6) consultants; or

3           “(7) vehicles not primarily used for law enforce-

4           ment;

5   unless the Attorney General certifies that extraordinary

6   and exigent circumstances exist that make the use of

7   funds for such purposes essential to the maintenance of

8   public safety and good order in such unit of local govern-

9   ment.

10       “(c) REPAYMENT OF UNEXPENDED AMOUNTS.—

11           “(1) REPAYMENT REQUIRED.—A unit of local

12       government shall repay to the Director, by not later

13       than 27 months after receipt of funds from the Di-

14       rector, any amount that is—

15           “(A) paid to the unit from amounts appro-

16       priated under the authority of this section; and

17           “(B) not expended by the unit within 2

18       years after receipt of such funds from the Di-

19       rector.

20       “(2) PENALTY FOR FAILURE TO REPAY.—If the

21       amount required to be repaid is not repaid, the Di-

22       rector shall reduce payment in future payment peri-

23       ods accordingly.

24       “(d) NONSUPPLANTING REQUIREMENT.—Funds

25   made available under this part to units of local govern-

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1 ment shall not be used to supplant State or local funds,  
2 but shall be used to increase the amount of funds that  
3 would, in the absence of funds made available under this  
4 part, be made available from State or local sources.

5       “(e) MATCHING FUNDS.—The Federal share of a  
6 grant received under this part may not exceed 90 percent  
7 of the costs of a program or proposal funded under this  
8 part.

9       “SEC. 1802. AUTHORIZATION OF APPROPRIATIONS.

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

12               “(1) \$500,000,000 for fiscal year 1998;

13               “(2) \$500,000,000 for fiscal year 1999; and

14               “(3) \$500,000,000 for fiscal year 2000.

15 The appropriations authorized by this subsection may be  
16 made from the Violent Crime Reduction Trust Fund.

17       “(b) OVERSIGHT ACCOUNTABILITY AND ADMINIS-  
18 TRATION.—Not more than 3 percent of the amount au-  
19 thorized to be appropriated under subsection (a) for each  
20 of the fiscal years 1998 through 2000 shall be available  
21 to the Attorney General for studying the overall effective-  
22 ness and efficiency of the provisions of this part, and as-  
23 suring compliance with the provisions of this part and for  
24 administrative costs to carry out the purposes of this part.  
25 The Attorney General shall establish and execute an over-

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1 sight plan for monitoring the activities of grant recipients.

2 Such sums are to remain available until expended.

3       “(c) AVAILABILITY.—The amounts authorized to be  
4 appropriated under subsection (a) shall remain available  
5 until expended.

6 “SEC. 1803. QUALIFICATION FOR PAYMENT.

7       “(a) IN GENERAL.—The Director shall issue regula-  
8 tions establishing procedures under which a unit of local  
9 government is required to provide notice to the Director  
10 regarding the proposed use of funds made available under  
11 this part.

12       “(b) PROGRAM REVIEW.—The Director shall estab-  
13 lish a process for the ongoing evaluation of projects devel-  
14 oped with funds made available under this part.

15       “(c) GENERAL REQUIREMENTS FOR QUALIFICA-  
16 TION.—A unit of local government qualifies for a payment  
17 under this part for a payment period only if the unit of  
18 local government submits an application to the Director  
19 and establishes, to the satisfaction of the Director, that—

20               “(1) the chief executive officer of the State has  
21 had not less than 20 days to review and comment  
22 on the application prior to submission to the Direc-  
23 tor;

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1           “(2)(A) the unit of local government will estab-  
2           lish a trust fund in which the government will de-  
3           posit all payments received under this part; and

4           “(B) the unit of local government will use  
5           amounts in the trust fund (including interest) dur-  
6           ing a period not to exceed 2 years from the date the  
7           first grant payment is made to the unit of local gov-  
8           ernment;

9           “(3) the unit of local government will expend  
10          the payments received in accordance with the laws  
11          and procedures that are applicable to the expendi-  
12          ture of revenues of the unit of local government;

13          “(4) the unit of local government will use ac-  
14          counting, audit, and fiscal procedures that conform  
15          to guidelines which shall be prescribed by the Direc-  
16          tor after consultation with the Comptroller General  
17          and as applicable, amounts received under this part  
18          shall be audited in compliance with the Single Audit  
19          Act of 1984;

20          “(5) after reasonable notice from the Director  
21          or the Comptroller General to the unit of local gov-  
22          ernment, the unit of local government will make  
23          available to the Director and the Comptroller Gen-  
24          eral, with the right to inspect, records that the Di-  
25          rector reasonably requires to review compliance with

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1 this part or that the Comptroller General reasonably  
2 requires to review compliance and operation;

3 “(6) the unit of local government will spend the  
4 funds made available under this part only for the  
5 purposes set forth in section 1801(a)(2);

6 “(8) the unit of local government has estab-  
7 lished procedures to give members of the Armed  
8 Forces who, on or after October 1, 1990, were or  
9 are selected for involuntary separation (as described  
10 in section 1141 of title 10, United States Code), ap-  
11 proved for separation under section 1174a or 1175  
12 of such title, or retired pursuant to the authority  
13 provided under section 4403 of the Defense Conver-  
14 sion, Reinvestment, and Transition Assistance Act of  
15 1992 (division D of Public Law 102-484; 10 U.S.C.  
16 1293 note), a suitable preference in the employment  
17 of persons as additional law enforcement officers or  
18 support personnel using funds made available under  
19 this title. The nature and extent of such employment  
20 preference shall be jointly established by the Attor-  
21 ney General and the Secretary of Defense. To the  
22 extent practicable, the Director shall endeavor to in-  
23 form members who were separated between October  
24 1, 1990, and the date of the enactment of this sec-

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1 tion of their eligibility for the employment pref-  
2 erence;

3 “(d) SANCTIONS FOR NONCOMPLIANCE.—

4 “(1) IN GENERAL.—If the Director determines  
5 that a unit of local government has not complied  
6 substantially with the requirements or regulations  
7 prescribed under subsections (a) and (c), the Direc-  
8 tor shall notify the unit of local government that if  
9 the unit of local government does not take corrective  
10 action within 60 days of such notice, the Director  
11 will withhold additional payments to the unit of local  
12 government for the current and future payment peri-  
13 ods until the Director is satisfied that the unit of  
14 local government—

15 “(A) has taken the appropriate corrective  
16 action; and

17 “(B) will comply with the requirements  
18 and regulations prescribed under subsections  
19 (a) and (c).

20 “(2) NOTICE.—Before giving notice under para-  
21 graph (1), the Director shall give the chief executive  
22 officer of the unit of local government reasonable no-  
23 tice and an opportunity for comment.

24 “(e) MAINTENANCE OF EFFORT REQUIREMENT.—A  
25 unit of local government qualifies for a payment under this

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1 part for a payment period only if the unit's expenditures  
2 on law enforcement services (as reported by the Bureau  
3 of the Census) for the fiscal year preceding the fiscal year  
4 in which the payment period occurs were not less than  
5 90 percent of the unit's expenditures on such services for  
6 the second fiscal year preceding the fiscal year in which  
7 the payment period occurs."

8 (b) TECHNICAL AMENDMENT.—The table of contents  
9 of the title I of the Omnibus Crime Control and Safe  
10 Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended  
11 by striking the matter relating to part R and inserting  
12 the following:

"PART R—JUVENILE CRIME CONTROL GRANTS

"Sec. 1801. Payments to local governments.

"Sec. 1802. Authorization of appropriations.

"Sec. 1803. Qualification for payment."

13 **TITLE II—VIOLENT JUVENILE**  
14 **OFFENDERS**

15 **SEC. 201. TIME LIMIT ON TRANSFER DECISION.**

16 Section 5032 of title 18, United States Code, is  
17 amended by inserting "The transfer decision shall be made  
18 not later than 90 days after the first day of the hearing."  
19 after the first sentence of the 4th paragraph.

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1 **SEC. 202. INCREASED DETENTION, MANDATORY RESTITU-**  
2 **TION, AND ADDITIONAL SENTENCING OP-**  
3 **TIONS FOR YOUTH OFFENDERS.**

4 Section 5037 of title 18, United States Code, is  
5 amended to read as follows:

6 **“§ 5037. Dispositional hearing**

7 **“(a) IN GENERAL.—**

8 **“(1) HEARING.—**In a juvenile proceeding under  
9 section 5032, if the court finds a juvenile to be a ju-  
10 venile delinquent, the court shall hold a hearing con-  
11 cerning the appropriate disposition of the juvenile  
12 not later than 20 court days after the finding of ju-  
13 venile delinquency unless the court has ordered fur-  
14 ther study pursuant to subsection (e).

15 **“(2) REPORT.—**A predisposition report shall be  
16 prepared by the probation officer who shall promptly  
17 provide a copy to the juvenile, the attorney for the  
18 juvenile, and the attorney for the government.

19 **“(3) ORDER OF RESTITUTION.—**After the  
20 dispositional hearing, and after considering any per-  
21 tinent policy statements promulgated by the Sen-  
22 tencing Commission pursuant to 994, of title 28, the  
23 court shall enter an order of restitution pursuant to  
24 section 3556, and may suspend the findings of juve-  
25 nile delinquency, place the juvenile on probation,  
26 commit the juvenile to official detention (including

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1 the possibility of a term of supervised release), and  
2 impose any fine that would be authorized if the juve-  
3 nile had been tried and convicted as an adult.

4 “(4) RELEASE OR DETENTION.—With respect  
5 to release or detention pending an appeal or a peti-  
6 tion for a writ of certiorari after disposition, the  
7 court shall proceed pursuant to the provisions of  
8 chapter 207.

9 “(b) TERM OF PROBATION.—The term for which pro-  
10 bation may be ordered for a juvenile found to be a juvenile  
11 delinquent may not extend beyond the maximum term that  
12 would be authorized by section 3561(c) if the juvenile had  
13 been tried and convicted as an adult. Sections 3563, 3564,  
14 and 3565 are applicable to an order placing a juvenile on  
15 probation.

16 “(c) TERM OF OFFICIAL DETENTION.—

17 “(1) MAXIMUM TERM.—The term for which of-  
18 ficial detention may be ordered for a juvenile found  
19 to be a juvenile delinquent may not extend beyond  
20 the lesser of—

21 “(A) the maximum term of imprisonment  
22 that would be authorized if the juvenile had  
23 been tried and convicted as an adult;

24 “(B) 10 years; or

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1           “(C) the date on which the juvenile  
2 achieves the age of 26.

3           “(2) APPLICABILITY OF OTHER PROVISIONS.—

4           Section 3624 shall apply to an order placing a juvenile in detention.

6           “(d) TERM OF SUPERVISED RELEASE.—The term for  
7 which supervised release may be ordered for a juvenile  
8 found to be a juvenile delinquent may not extend beyond  
9 5 years. Subsections (c) through (i) of section 3583 shall  
10 apply to an order placing a juvenile on supervised release.

11          “(e) CUSTODY OF ATTORNEY GENERAL.—

12           “(1) IN GENERAL.—If the court desires more  
13 detailed information concerning a juvenile alleged to  
14 have committed an act of juvenile delinquency or a  
15 juvenile adjudicated delinquent, it may commit the  
16 juvenile, after notice and hearing at which the juvenile is represented by an attorney, to the custody of the Attorney General for observation and study by  
17 an appropriate agency or entity.

20           “(2) OUTPATIENT BASIS.—Any observation and  
21 study pursuant to a commission under paragraph  
22 (1) shall be conducted on an outpatient basis, unless  
23 the court determines that inpatient observation and  
24 study are necessary to obtain the desired information,  
25 except that in the case of an alleged juvenile

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1 delinquent, inpatient study may be ordered with the  
2 consent of the juvenile and the attorney for the juve-  
3 nile.

4 “(3) CONTENTS OF STUDY.—The agency or en-  
5 tity conducting an observation or study under this  
6 subsection shall make a complete study of the al-  
7 leged or adjudicated delinquent to ascertain the per-  
8 sonal traits, capabilities, background, any prior de-  
9 linquency or criminal experience, any mental or  
10 physical defect, and any other relevant factors per-  
11 taining to the juvenile.

12 “(4) SUBMISSION OF RESULTS.—The Attorney  
13 General shall submit to the court and the attorneys  
14 for the juvenile and the government the results of  
15 the study not later than 30 days after the commit-  
16 ment of the juvenile, unless the court grants addi-  
17 tional time.

18 “(5) EXCLUSION OF TIME.—Any time spent in  
19 custody under this subsection shall be excluded for  
20 purposes of section 5036.

21 “(f) CONVICTION AS ADULT.—With respect to any  
22 juvenile prosecuted and convicted as an adult pursuant to  
23 section 5032, the court may, pursuant to guidelines pro-  
24 mulgated by the United States Sentencing Commission  
25 under section 994 of title 28, determine to treat the con-

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1 viction as an adjudication of delinquency and impose any  
2 disposition authorized under this section. The United  
3 States Sentencing Commission shall promulgate such  
4 guidelines as soon as practicable and not later than 1 year  
5 after the date of enactment of this Act.

6       “(g)(1) A juvenile detained either pending juvenile  
7 proceedings or a criminal trial, or detained or imprisoned  
8 pursuant to an adjudication or conviction shall be substan-  
9 tially segregated from any prisoners convicted for crimes  
10 who have attained the age of 21 years.

11       “(2) As used in this subsection, the term “substan-  
12 tially segregated”—

13               “(A) means complete sight and sound separa-  
14 tion in residential confinement; but

15               “(B) is not inconsistent with—

16                       “(i) the use of shared direct care and man-  
17 agement staff, properly trained and certified to  
18 interact with juvenile offenders, if the staff does  
19 not interact with adult and juvenile offenders  
20 during the same shift.

21                       “(ii) incidental contact during trans-  
22 portation to court proceedings and other  
23 activities in accordance with regulations is-  
24 sued by the Attorney General to ensure

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1 reasonable efforts are made to segregate  
2 adults and juveniles.”

3 **SEC. 203. JUVENILE HANDGUN POSSESSION.**

4 Section 924(a)(6) of title 18, United States Code, is  
5 amended—

6 (1) by striking all that precedes subparagraph  
7 (B) and inserting the following:

8 “(6)(A) A juvenile who violates section 922(x) shall  
9 be fined under this title, imprisoned not more than 1 year,  
10 or both, and for a second or subsequent violation, or for  
11 a first violation committed after an adjudication of delin-  
12 quency for an act that, if committed by an adult, would  
13 be a serious violent felony (as defined in section 3559(c)  
14 of this title), shall be fined under this title, imprisoned  
15 not more than 5 years, or both.”;

16 (2) in subparagraph (B)(i), by striking “one  
17 year” and inserting “5 years”; and

18 (3) in subparagraph (B)(ii), by striking “not  
19 more than 10 years” and inserting “not less than 3  
20 nor more than 10 years”.

21 **SEC. 204. ACCESS OF VICTIMS AND PUBLIC TO RECORDS OF**  
22 **CRIMES COMMITTED BY JUVENILE**  
23 **DELINQUENTS.**

24 Section 5038 of title 18, United States Code, is  
25 amended—

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1 (1) in subsection (a), by striking "Throughout  
2 and upon" and all that follows through the colon  
3 and inserting the following: "Throughout and upon  
4 completion of the juvenile delinquency proceeding  
5 pursuant to 5032(a), the court records of the origi-  
6 nal proceeding shall be safeguarded from disclosure  
7 to unauthorized persons. The records shall be re-  
8 leased to the extent necessary to meet the following  
9 circumstances:";

10 (2) in subsection (a)(3), by inserting before the  
11 semicolon "or analysis requested by the Attorney  
12 General";

13 (3) in subsection (c), inserting before the  
14 comma and after "relating to the proceeding" the  
15 phrase "other than necessary docketing data"; and

16 (4) by striking subsections (d) and (f), by re-  
17 designating subsection (e) as subsection (d), by in-  
18 serting "pursuant to section 5032 (b) or (c)" after  
19 "adult" in subsection (d) as so redesignated, and by  
20 adding at the end new subsections (e) and (f) as fol-  
21 lows:

22 "(e) Whenever a juvenile has been adjudicated delin-  
23 quent for an act that if committed by an adult would be  
24 a felony or for a violation of section 924(a)(6), the juvenile  
25 shall be fingerprinted and photographed, and the finger-

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1 prints and photograph shall be sent to the Federal Bureau  
2 of Investigation. The court shall also transmit to the Fed-  
3 eral Bureau of Investigation the information concerning  
4 the adjudication, including name, date of adjudication,  
5 court, offenses, and sentence, along with the notation that  
6 the matter was a juvenile adjudication. The fingerprints,  
7 photograph, and other records and information relating to  
8 a juvenile described in this subsection, or to a juvenile who  
9 is prosecuted as an adult pursuant to sections 5032 (b)  
10 or (c), shall be made available in the manner applicable  
11 to adult defendants.

12       “(f) In addition to any other authorization under this  
13 section for the reporting, retention, disclosure, or avail-  
14 ability of records or information, if the law of the State  
15 in which a Federal juvenile delinquency proceeding takes  
16 place permits or requires the reporting, retention, disclo-  
17 sure, or availability of records or information relating to  
18 a juvenile or to a juvenile delinquency proceeding or adju-  
19 dication in certain circumstances, then such reporting, re-  
20 tention, disclosure, or availability is permitted under this  
21 section whenever the same circumstances exist.”.

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1 **TITLE III—IMPROVING JUVENILE**  
2 **CRIME AND DRUG PRE-**  
3 **VENTION**

4 **SEC. 301. STUDY BY NATIONAL ACADEMY OF SCIENCE.**

5 (a) IN GENERAL.—The Attorney General shall enter  
6 into a contract with a public or nonprofit private entity,  
7 subject to subsection (b), for the purpose of conducting  
8 a study or studies—

9 (1) to evaluate the effectiveness of federally  
10 funded programs for preventing juvenile violence and  
11 juvenile substance abuse;

12 (2) to evaluate the effectiveness of federally  
13 funded grant programs for preventing criminal vic-  
14 timization of juveniles;

15 (3) to identify specific Federal programs and  
16 programs that receive Federal funds that contribute  
17 to reductions in juvenile violence, juvenile substance  
18 abuse, and risk factors among juveniles that lead to  
19 violent behavior and substance abuse;

20 (4) to identify specific programs that have not  
21 achieved their intended results; and

22 (5) to make specific recommendations on pro-  
23 grams that—

24 (A) should receive continued or increased  
25 funding because of their proven success; or

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1 (B) should have their funding terminated  
2 or reduced because of their lack of effectiveness.

3 (b) NATIONAL ACADEMY OF SCIENCES.—The Attor-  
4 ney General shall request the National Academy of  
5 Sciences to enter into the contract under subsection (a)  
6 to conduct the study or studies described in subsection (a).  
7 If the Academy declines to conduct the study, the Attorney  
8 General shall carry out such subsection through other  
9 public or nonprofit private entities.

10 (c) ASSISTANCE.—In conducting the study under  
11 subsection (a) the contracting party may request analytic  
12 assistance, data, and other relevant materials from the  
13 Department of Justice and any other appropriate Federal  
14 agency.

15 (d) REPORTING REQUIREMENTS.—

16 (1) IN GENERAL.—Not later than January 1,  
17 2000, the Attorney General shall submit a report de-  
18 scribing the findings made as a result of the study  
19 required by subsection (a) to the Committee on the  
20 Judiciary and the Committee on Education and the  
21 Workforce of the House of Representatives, and to  
22 the Committee on the Judiciary and the Committee  
23 on Labor and Human Resources of the Senate.

24 (2) CONTENTS.—The report required by this  
25 subsection shall contain specific recommendations

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1       concerning funding levels for the programs evalu-  
2       ated. Reports on the effectiveness of such programs  
3       and recommendations on funding shall be provided  
4       to the appropriate subcommittees of the Committee  
5       on Appropriations of the House of Representatives  
6       and the Committee on Appropriations of the Senate.  
7       (e) FUNDING.—There are authorized to be appro-  
8       priated to carry out the study under subsection (a) such  
9       sums as may be necessary.

TO: BRUCE, ELENA  
RATHUS

FR: JOSE

JUVENILE JUSTICE DEVELOPMENTS  
THURSDAY, JULY 17, 1997

At the outset of today's Senate Judiciary Committee markup, Chairman Hatch circulated a list of 24 amendments he was prepared to accept in exchange for ending the markup by 1:00 p.m. and reporting the bill out of Committee. The list contained only the most minor Democratic amendments, some of which we do not even support.

We made it clear to Hatch and Biden staff that we would be very upset if there were no vote on our four priorities: 1) crime prevention, 2) more money and expanded authorization for prosecutors and courts, 3) the juvenile gun ban, and 4) separation of adults and juveniles, at least in federal custody. (Hatch had promised on Tuesday to work that issue out, but did not include it on his list of accepted amendments.) Biden then responded to Hatch's offer by requesting votes on at least those issues, and Leahy offered to sit down with Hatch and prioritize the remaining amendments. Hatch agreed to continue the markup, so long as the Committee votes on the bill by next Thursday afternoon, July 24, 1997.

Markup will reconvene next Wednesday, July 23, 1997, at 2 p.m., and Thursday, July 24, 1997, at 9 a.m.

In the meantime, the Committee considered two more amendments.

*Approved Amendment (at least informally)*

- **Feinstein.** Extension of the Gun-Free Schools Act to include dangerous weapons. Currently, under the Individuals with Disabilities Education Act, disabled students must be expelled for bringing firearms or dangerous weapons to school -- but under the Gun-Free Schools Act, able-bodied students must be expelled only for bringing firearms. *This was agreed to informally by unanimous consent, but never voted upon by a quorum. In any event, it may need fine-tuning and we will work with the Department of Education.*

*Withdrawn Amendment*

- **Grassley.** Extension of the Gun-Free Schools Act to include illegal drugs, drug paraphernalia, alcohol, and tobacco. This amendment would have mandated expulsion of any student who brought cigarettes to campus on a regular basis. *Although it is easy to say expulsion is both too severe and counter-productive for alcohol and cigarettes, the White House was concerned about opposing expulsion for possession of illegal drugs. Fortunately, Hatch and Feinstein opposed the amendment as too broad, and Grassley agreed to withdraw it and work with them further on the issue.*

## JUVENILE JUSTICE DEVELOPMENTS TUESDAY, JULY 15, 1997

### The House

**The House voted 413-14 tonight in favor of H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act.** Co-sponsored by Chairman Riggs (R-CA), Chairman Goodling (R-PA), Cong. Martinez (D-CA), Cong. Scott (D-VA), and Cong. Greenwood (R-PA), H.R. 1818 reflects months of bipartisan effort toward an effective delinquency control and prevention strategy. We support the bill, and are particularly pleased with the provisions that:

- restructure the JJ Office to increase its support for State and local delinquency control, system improvement, and prevention programs;
- continue the basic Formula Grants program to States while providing additional flexibility in implementing the core requirements;
- consolidate several existing grant programs into a flexible delinquency prevention and early intervention block grant program;
- provide Federal support for research, evaluation, and statistics, tied to the programs of NIJ and BJS; and
- authorize training and technical assistance, information dissemination, and demonstration of programs that can control, reduce, or prevent juvenile crime.

### The Senate

**The Judiciary Committee considered seven more amendments today. Key issues were defeat of child safety locks and deferral of the issue of separation of juveniles and adults in federal custody.**

#### *Defeated Amendments*

- **Kohl.** Requirement that a child safety lock be provided with every handgun sold by an FFL. *Predictably, the Republicans (with DeWine defecting) complained that Kohl's amendment would impose an unreasonable burden on gun buyers and create a whole new area of tort liability. Bending his own rules about pre-submission of amendments, Hatch produced a second-degree amendment to require FFLs to "make available" -- but not to provide -- many safety devices, including safety locks and lock boxes. This passed 10-7.*
- **Durbin.** Provision that no juvenile may waive any right prior to consultation with counsel and reasonable opportunity for parent or guardian to consult with counsel. Eventually limited to: no juvenile may waive right to counsel in any judicial proceeding, except after consultation with counsel and reasonable opportunity for parent or guardian consultation. *We were opposed. The first*

*version would have dramatically impaired law enforcement efforts (no more questions of kids on the street, no more consensual searches), and the second would have expanded current law in a way we've never supported.*

- **Biden.** Provision to restore presumption that delinquency proceedings occur in state court unless substantial federal interest and state declines jurisdiction. *This was somewhat more reasonable than Leahy's proposal of last week (states' right of first refusal for juveniles charged as adults in non-serious cases), but we did not favor it.*

#### *Approved Amendments*

- **Hatch.** Second-degree amendment on child safety locks. *See above.*
- **Biden.** Clarifies that new sentencing guidelines for juveniles will take into consideration the interests of juvenile defendants. *Reasonable.*
- **Biden.** Clarifies that new sentencing guidelines will apply to juveniles tried as adults. *We had no strong position.*

#### *Debated but Deferred Until Thursday*

- **Biden.** Physical and sound separation of juveniles and adult inmates in federal custody. *This is the key amendment to lay the groundwork for separation of delinquents and adults in state custody. There was a fair amount of confusion among the Members and Hatch asked the staffs to find a workable compromise. This may cause a better result than outright defeat, though, which we had expected. We will continue to work with Biden's staff on this issue.*

## Juvenile Justice Legislation July 24, 1997

**The Senate Judiciary Committee reported out the JJ bill this morning, by a vote of 12-6. (Democrats Feinstein and Toricelli voted with the Republicans). While some parts of the bill are very good, we are disappointed that they still did not resolve three of the issues we said all along were our priorities: assured after-schools money, more money for prosecutors and courts, and the juvenile gun ban.**

The resolution this morning was the result of a deal struck last night, without our consultation. In exchange for hearing no more amendments, Hatch agreed to accept: 1) Biden's amendment on separation of adults and juveniles in the federal system; 2) half of Biden's amendment on prosecutors and courts (expanding permissible uses to prosecutor- and court-based *initiatives*, but not increasing the money); 3) Kohl's amendment striking the repeal of Title V (the existing prevention program) -- promising to work with Kohl to authorize the new after-schools program already appropriated at \$75M; and 4) two other amendments (one minor, one on Gun-Free Schools whose details are still entirely unclear). That deal left out at least two of our priorities: the juvenile gun ban and a clear, public victory on money for after-schools.

On the juvenile gun ban, Biden reasoned that Hatch's second-degree amendment, which adopts the ban but not until the instant check system takes effect, would have made the floor fight on this issue all about timing, instead of substance. He preferred to bring the substantive issue of the gun ban to the Floor.

On after-schools, Biden was satisfied that Specter's amendment, which would have earmarked 50% of the block grant for literacy training, job training, and prevention programs (and lost only 9-8), had exposed Republican weaknesses. And, assuming Hatch keeps his word to Kohl, there will be an authorization for some type of after-schools program/At-Risk Children's Initiative, for which the Appropriations Committee has already earmarked \$75M.

### Summary of Where Our Priorities Ended Up

|                                        |                                                                                                                                                                                               |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>After-School Money</b>              | <b>Specter's amendment defeated 9-8, Biden's not offered; but repeal of Title V revoked, and Kohl is promised authorization to match prevention program appropriators already gave \$75M.</b> |
| <b>Prosecutors and Courts</b>          | <b>\$50M (increase to \$150M not voted on, per Biden's deal); but all the purposes we wanted (incl. programs like Operation Night Light)</b>                                                  |
| <b>Juvenile Gun Ban (Brady)</b>        | <b>Not offered, not voted on, per Biden's deal today.</b>                                                                                                                                     |
| <b>Separation of Juvs &amp; Adults</b> | <b>Achieved in federal custody, not yet debated for states.</b>                                                                                                                               |
| <b>Child Safety Locks</b>              | <b>Defeated 9-8. Hatch's 2nd-degree requiring FFLs to "make available" (but not provide) passed.</b>                                                                                          |



THE SECRETARY OF HEALTH AND HUMAN SERVICES  
WASHINGTON, D.C. 20201

Draft

The Honorable Arlen Specter  
United States Senate  
Washington, D.C. 20510

Dear Arlen:

Thank you for your letter regarding amendments you may offer to S. 10, the "Violent and Repeat Offenders Act of 1997," during Senate Judiciary Committee mark up. I support your intentions of improving opportunities for at-risk youth and would like to find ways to better coordinate youth policies to more effectively serve them.

There should be close coordination among various programs that focus on youth so that we can develop a more effective overall youth policy. I do not believe, however, that granting a Governor an extremely broad authority to waive existing provisions of the Substance Abuse Prevention and Treatment (SAPT) Block Grant, the Community Mental Health Services (CMHS) Block Grant and many other Federal programs as you are proposing will be helpful.

Your amendment would permit the Governor of a State to obtain a waiver by simply submitting an "action plan" and have that plan approved by the Attorney General. We believe that this broad authority would result in a shift to juvenile justice programs of scarce resources currently dedicated to substance abuse prevention and treatment services and community mental health services.

The SAPT Block Grant currently provides 35 to 40 percent of all public funds spent on substance abuse services in States. As it is, States have waiting lists for treatment. If some of these funds are diverted for job training or remedial education, even less people who are in need of and want treatment will get it. The CMHS Block Grant provides some 15 to 18 percent of all State funding for community-based mental health services. This Block Grant is the only Federal mechanism for providing such services to seriously mentally ill adults and seriously emotionally disturbed children. We currently have in this Nation a shortage of adequate, quality, community based mental health services. We cannot afford to reduce our current levels, which, by the way, have remained at the same level for the past 5 years.

We would also like to point out that States currently have considerable flexibility within certain statutory requirements to spend SAPT and CMHS Block Grant funds. If they so chose, Governors could allocate funds for youth within the parameters of the allowable use of these program dollars.

**Page 2 - The Honorable Arlen Specter**

We would like to work with your staff to address our concerns and to develop ways of making our youth policy more comprehensive and effective.

I look forward to working with you on this and other legislation to enhance opportunities for at-risk youth.

Sincerely,

Donna E. Shalala

STEVEN THOMPSON, SOUTH CAROLINA  
CHARLES E. GRABBEY, IOWA  
ARLEN SPECTER, PENNSYLVANIA  
RED THOMPSON, TENNESSEE  
JON KYL, ARIZONA  
LARRY SUMMERS, OHIO  
JOHN A. MCCARTHY, MISSOURI  
SPENCER ABRAHAM, MICHIGAN  
JIM BASS, ALABAMA

PATRICK J. LEAHY, VERMONT  
EDWARD M. BROWNE, MASSACHUSETTS  
JOSEPH A. ROSEN, JR., DELAWARE  
HERBERT KOHL, WISCONSIN  
DAVIDE ROSENTHAL, CALIFORNIA  
RUSSELL D. FEINGOLD, WISCONSIN  
RICHARD J. DURBIN, ILLINOIS  
ROBERT C. TORRACELLI, NEW JERSEY

MAURICE COONEY, Chief Counsel and Staff Director  
BRUCE A. COHEN, Minority Chief Counsel

# United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510-8275

June 5, 1997

The Honorable Donna B. Shalala  
Secretary, Department of Health and  
Human Services  
Washington, DC 20201

Dear Secretary Shalala:

As you probably know, the Senate Judiciary Committee will shortly begin its consideration of S. 20, the "Violent and Repeat Juvenile Offender Act of 1997." I agree with the thrust of S. 10 that the time has come for treating some juveniles, who commit crimes of violence, as adults. To address the juvenile justice system as a whole, however, I think it is necessary to integrate literacy training, job training and drug abuse treatment with that new tough approach.

I am considering amendments to S. 10 which would provide for drug detoxification, literacy training and job training as a component of this legislation. There are existing funds, and there will be funds in the Appropriations Subcommittee, which I chair, on Labor (job training), Health and Human Services (drug programs) and Education (literacy training), which could be integrated on a carefully selected basis in the pending legislation. The approach I am reviewing would create a mechanism whereby the states can coordinate their existing juvenile justice and "at-risk" youth programs with programs funded under the new block grants and existing federal resources available for such purposes.

My preliminary thinking is that in order for a state to qualify for the block grants and the coordination mechanism regarding other federal funds, a state would have to make a survey of its own juvenile justice programs, determine specific areas of need, and develop a comprehensive plan to meet these needs.

As I see it, this legislation gives us a unique opportunity to address the juvenile crime problem in its broadest aspects with legislation which takes up issues relating to "at risk" juveniles along with appropriate handling of those who are charged with criminal offenses in a seamless way to attack the overall crime problem.

In the next several days, I will be discussing these issues with my colleagues on the Judiciary Committee and have asked my staff to initiate similar talks at the staff level. I would certainly appreciate the benefit of your views as this process moves forward.

Sincerely,

Arlen Specter

AS/ml  
BY TELEFAX

## Youth Violence Bill - Chairman's Mark

### The Good News

Death penalty provision removed  
6-level sentence enhancement for gang activity removed  
Gang statute still exists, but improved slightly

### Our Main Objections

- \$50M block grant for prosecutors and courts, to be used for hiring only  
Problems: Not enough money, wouldn't fund prosecutor & court *initiatives* like Operation Night Light
- No dedicated after-school/prevention money
- No major gun provisions (child safety locks, Brady for juveniles)
- Core protections for juveniles incarcerated in state facilities are still insufficient
- Youth Violence Czar is unwieldy
- Block grant condition on records will still exclude most states
- Safeguards for juveniles in federal judicial system satisfy us but not Dems
- Research, other system support funds may still be insufficient (we care more than Dems)

### Amendment Strategy

|                            |                                                                |
|----------------------------|----------------------------------------------------------------|
| Dem Amendments will cover: | Prosecutors and courts                                         |
|                            | After-school money (\$100M)                                    |
|                            | Child safety locks                                             |
|                            | Brady extension                                                |
|                            | Gun package (all of our provisions but <u>Bailey</u> (DeWine)) |
|                            | Mandates                                                       |
|                            | Federal Safeguards                                             |
|                            | Emergency Rescheduling                                         |
|                            | Drug penalties ... [Ashcroft]                                  |
|                            | Research and administration                                    |
|                            | Current funding levels for JJ office                           |
|                            | Some of our misc. crime provisions                             |

|                         |                                                                                                |
|-------------------------|------------------------------------------------------------------------------------------------|
| Still need sponsor for: | Drug Testing & Treatment in State Prison - Biden said<br>he would if we get 2 or 3 Republicans |
|                         | Eliminate youth violence czar                                                                  |
|                         | Other criminal provisions (e.g., carjacking)                                                   |



## UNITED STATES DEPARTMENT OF LABOR

## FACSIMILE TRANSMISSION

OFFICE OF CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS

200 Constitution Avenue,  
N.W.  
Room S-1325  
Washington, DC 20210

Confirmation:  
202/219-6141

June 11, 1997/6:30pm

To: *Jose Cerda*DEPARTMENT/COMPANY: *White House DPC*FACSIMILE NUMBER: *456-7028*

FROM: ROSS EISENBREY

NUMBER OF PAGES INCLUDING COVER: *3*

FACSIMILE REPLIES: CONGRESSIONAL AFFAIRS

202/219-5120

INTERGOVERNMENTAL AFFAIRS

202/219-5736

IMMEDIATE OFFICE OF THE ASSISTANT SECRETARY

202/219-5288

MESSAGE: *These points relate to the proposed Hatch amendment  
on child labor.*

**DRAFT**

## Talking Points for Mark-up of the Juvenile Justice Bill

- The Congress, in the Fair Labor Standards Act (FLSA), established 14 as the minimum age for employment in nonagricultural work in 1938 because younger children were considered to be too immature -- physically, emotionally and socially -- to be exposed to the dangers and stresses of the workplace. At the time, great concern was expressed regarding the negative impact working would have on the schooling of such young workers. These are still valid concerns today.
- Children under 14 years of age are too young to be in the workplace. Factors associated with their very youth put both their health and safety at risk:
  - they lack experience
  - their diminutive size places them at risk for strains and precludes the use of most safety equipment and protective clothing
  - they lack the necessary physical strength and stamina
  - they are unable to properly assess risk
  - they are incapable of maintaining the continuous level of safety consciousness necessary in the modern work place.
- Young workers suffer an injury rate almost three times that of adult workers. The National Institute for Occupational Safety and Health conservatively estimates that over 210,000 American workers between the ages of 14 and 17 are injured on the job each year; over 70,000 suffer injuries serious enough to warrant emergency room treatment. (There are no statistics for under age 14)
- Allowing children younger than 14 into the workplace, and allowing them to work extended hours, will adversely impact different facets of teen life:
  - **Studies of 16- and 17-year-old workers**, including those conducted by Dr. Laurence Steinberg of Temple University, report a direct correlation between excessive work hours (over 20 hours in a week when school is in session) and both decreased academic performance and increased forms of delinquent behavior. There is no reason to believe the

negative impact on workers under 16 years of age is not at least the same . . . if not greater.

- The Bureau of Labor Statistics reports that inner-city minority youths currently experience a high unemployment rate. Sixteen and 17-year-olds should not have to compete with their younger siblings for already jobs.
- Recently, there has been a great deal of attention in the international community to end the "scourge of child labor" in the world. Most international associations (IOL, UNICEF) have determined that the appropriate minimum age for employment for all children is 15.
- The Congress wisely placed the responsibility for generating child labor provisions to protect the lives, health and education of young workers with the Secretary of Labor. Any changes relating to hours should be developed by the Secretary of Labor after careful study and comment by the public.



**EXECUTIVE OFFICE OF THE PRESIDENT**  
**OFFICE OF NATIONAL DRUG CONTROL POLICY**  
Washington, D.C. 20503

June 12, 1997

The Honorable Orrin G. Hatch  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

As you prepare to mark up S.10, The Violent Repeat Juvenile Offender Act of 1997, allow me to raise two issues of great importance to our efforts to stop illegal drug use. First, I am concerned that S.10 does not make permanent the condition that States conduct drug testing and intervention in prison in order to receive prison grant funds. Secondly, I believe that the expansion of authority proposed in S.10 for the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) could lead to confusion and conflicting guidance for those agencies with overlapping responsibilities for the interrelated goals of reducing drug use and youth violence. My thoughts on these two matters are spelled out in greater detail below.

Drug Testing and Treatment

As you know, drug testing and treatment are an integral part of any corrections program. For that reason, it is crucial that drug testing and treatment be required and eligible for funding under Sections 20103 and 20104 of the Violent Crime Control and Law Enforcement Act of 1994. The scientific record is clear and corrections professionals nationwide agree that public safety requires rigorous intervention with drug dependent offenders. Properly managed drug treatment and testing programs in prison and during transition from prison to the community make prisons safer places and make communities safer places for all citizens.

Mandating testing and treatment programs is essential to drug control and crime control policy. Allowing the States to use grant funds for these programs is necessary for their effective implementation. To burden the States with an unfunded mandate would erode the developing public policy partnership and might foster half-hearted provision of services that, in order to be effective, must be thoroughly planned and managed.

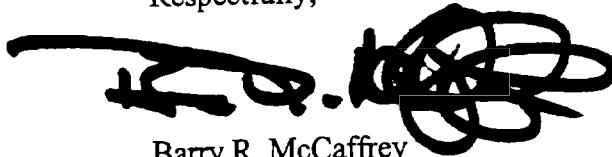
Youth Violence Czar

With respect to expanding the role of the OJJDP Administrator, I am concerned that the juvenile budget certification process proposed by this legislation would interfere with the budget functions of the President, through his staff, in the preparation of the annual *Budget of the United States Government* required under title 31. Identical budget certification activities are already performed by the Office of the National Drug Control Policy (ONDCP) for those juvenile crime control programs with a drug nexus as provided in the Anti-drug Abuse Act of 1988 (P.L. 100-690). ONDCP's certification, together with review by the Office of Management and Budget,

provide adequate oversight of juvenile justice crime control programs at the appropriate level -- the Executive Office of the President. In addition, conflicting certification decisions from my office and the OJJDP Administrator could lead to considerable confusion for the many agencies with concurrent authority for reducing youth violence and substance abuse. Finally, the legislation would delegate important budget review functions to a subordinate official, who is not a member of the Cabinet and does not report to ONDCP.

Appreciate your consideration of these concerns and your continued leadership on drug policy.

Respectfully,

A handwritten signature in black ink, appearing to read "Barry R. McCaffrey", with a large, circular flourish to the right.

Barry R. McCaffrey  
Director



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF NATIONAL DRUG CONTROL POLICY  
Washington, D.C. 20503

June 12, 1997

The Honorable Patrick J. Leahy  
United States Senate  
Washington, D.C. 20510

Dear Senator Leahy:

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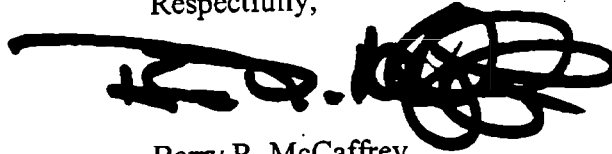
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Barry R. McCaffrey  
Director

Date: 05/07/97 Time: 08:42

JRepublican leadership yanks gun-related proposals from bill

WASHINGTON (AP) The juvenile crime bill the House will vote on this week would require more adult federal trials of youths as young as 14 and prod states to have adult trials of 15-year-olds while opening youngsters' criminal records.

But it won't say anything about guns.

Republican leaders late Tuesday yanked from House consideration a proposal that would have prevented people convicted as juveniles of violent or serious drug crimes from possessing a gun.

The amendment, offered by Rep. Bill McCollum, R-N.Y., chairman of the House Judiciary crime subcommittee and chief author of the crime bill, also sought new mandatory minimum sentences for using a gun in a federal crime of violence or drugs and the death penalty for killing a witness in a state crime if it involved interstate travel.

Those provisions versions of which the Clinton administration sought might still become part of a final bill if the Senate includes them in whatever juvenile crime measure it approves.

"We're still hoping to see a lot of this stuff in by the time we get through conference (of House and Senate negotiators) at the end," said Kent Markus, counsellor to Attorney General Janet Reno. "Obviously, we'd have liked to have seen more progress at this time."

The juvenile crime bill that's left to be voted on by the House this week calls for more automatic adult trials for youths as young as 14 charged with federal violent crimes, including murder, rape, aggravated assault and armed robbery, and major drug crimes and conspiracy to commit those crimes.

The measure is meant as a model for state laws, but also an attempt to persuade states to adopt similar provisions through \$1.5 billion in incentive grants over three years.

States would get the money only if they met requirements such as trying juveniles 15 and older as adults for certain violent crimes and keeping and making public juvenile crime records on the second conviction on the same basis as those for adults.

McCollum said earlier that virtually all House Republicans supported his measure, with even Rep. Bob Barr, R-Ga., a leader of the House's gun rights contingent, on board.

"We vetted it, and we think that everybody on our side is in sync with the provisions in the amendment," McCollum said in an interview.

McCollum said his provisions were ditched because GOP leaders were afraid they would open the door to a Democratic gun-related motion that, if successful, would send the bill back to committee with instructions on how to handle it. The minority gets a vote on such a motion before the final vote on any bill.

With only a 20-vote majority, GOP leaders feared a tough-to-vote-against provision that they oppose, such as mandatory sales of trigger locks with guns, for example, might draw enough Republican votes to pass, congressional aides said.

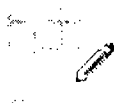
A Republican congressional aide said GOP leaders just wanted to pass a bill with little fuss and work out the details later, either through a deal with the White House or by keeping the bill as simple as possible.

Negotiations with the White House fell apart Tuesday afternoon, said Rep. Gerald Solomon, R-N.Y., chairman of the Rules Committee, which eliminated the unwanted provisions from the amendments to be

  
considered on the House floor.

APNP-05-07-97 0855EDT

JOUE LEGIS.

 Kenneth L. Schwartz  
06/12/97 01:54:35 PM

Record Type: Record

To: Jose Cerda III/OPD/EOP  
cc: David J. Haun/OMB/EOP, James Boden/OMB/EOP  
Subject: Civil Monetary Penalties

Jose...Jim went a bit further here than I am comfortable with. In a 1996 budget amendment, we proposed \$100M for CALEA, and that sum was nominally funded by a 40% surcharge on civil monetary penalties. However, that sum was shaky, for the reasons cited by David Haun. Therefore, I am not at all sure that we would want to state now that such a surcharge would yield \$124M. If anything, my gut tells me that it would yield a good deal less than \$100M.

----- Forwarded by Kenneth L. Schwartz/OMB/EOP on 06/12/97 01:48 PM -----

 **James Boden**  
06/12/97 11:57:22 AM  
.....

Record Type: Record

To: Jose Cerda III/OPD/EOP  
cc: Kenneth L. Schwartz/OMB/EOP, David J. Haun/OMB/EOP  
Subject: Civil Monetary Penalties

This e-mail is in response to your question regarding a 40 percent surcharge on civil monetary penalties (CMP). Based on 1996 data, a 40 percent surcharge could generate approximately \$124 million. In calculating the \$124 million, we excluded about \$144 million in IRS tax related penalties from the base because these penalties are based on tax law.

CBO informs us that they did not score earlier proposals to impose a CMP surcharge because they were never taken up by Congressional committees. As you may recall, the earlier proposal would have imposed a 40 (CMP) surcharge to compensate telecommunications carriers for costs related to the Communications Assistance for Law Enforcement Act.

Please let me know if you have additional questions.



**James Boden**

06/12/97 11:57:22 AM

.....

Record Type: Record

To: Jose Cerda III/OPD/EOP

cc: Kenneth L. Schwartz/OMB/EOP, David J. Haun/OMB/EOP

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Please let me know if you have additional questions.

O:\KOR\KOR97.560

DISCUSSION DRAFT

JOSE CERDA

S.L.C.

KENNEDY, TITLE III: #5

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for a pilot program to replicate the Boston model of juvenile crime suppression and prevention.

IN THE SENATE OF THE UNITED STATES—105th Cong., 1st Sess.

S. 10

To reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. KENNEDY

Viz:

1 At the appropriate place in title III, insert the follow-  
2 ing:

3 SEC. \_\_\_\_ PILOT PROGRAM TO PROMOTE REPLICATION OF  
4 BOSTON MODEL OF JUVENILE CRIME SUP-  
5 PRESSION AND PREVENTION.

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

7 (1) The city of Boston, Massachusetts, has un-  
8 dertaken a comprehensive and innovative strategy to  
9 reduce crime committed by juveniles, with particular  
10 focus on reducing firearm violence.

1 (2) The strategy referred to in paragraph (1)  
2 has been enormously successful in reducing juvenile  
3 crime, as in Boston—

4 (A) since 1995, no juvenile has been killed  
5 with a firearm;

6 (B) during the period between 1990 and  
7 1995, juvenile homicides have decreased by 80  
8 percent;

9 (C) during the 1995 through 1996 school  
10 year, violent crime in the Boston public schools  
11 decreased by 20 percent, as compared to the  
12 preceding school year;

13 (D) in 1996, the overall homicide rate de-  
14 creased by 39 percent, and has decreased an  
15 additional 27 percent in 1997 (as of May); and

16 (E) in 1996, overall shootings decreased by  
17 28 percent.

18 (3) The success in reducing violent crime in  
19 general, and violent juvenile crime in particular, is  
20 the function of a comprehensive strategy, coordi-  
21 nated by the Boston Police Department, that in-  
22 volves close collaboration, with the entire city com-  
23 munity, including—

24 (A) Federal, State, and local law enforce-  
25 ment officials;

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## DISCUSSION DRAFT

S.L.C.

4

1 have become hot spots of gang activity. Working  
2 closely together, the participants in Operation Cease  
3 Fire identify neighborhoods where gang activity is  
4 prevalent, meet with the gang members to inform  
5 them that there will be zero tolerance for illegal ac-  
6 tivity, and follow through with aggressive enforce-  
7 ment to suppress illegal gang activity.

8 (6) Firearm homicides of the 24 and under  
9 population in Boston have decreased 64 percent  
10 since Operation Cease Fire went into effect in May  
11 1996.

12 (7) Operation Night Light is a collaboration be-  
13 tween the Youth Violence Strike Force of the Boston  
14 Police Department and the Massachusetts Depart-  
15 ment of Probation that has been instrumental in re-  
16 ducing youth violence. Working closely with parents  
17 and school officials, police and probation officers pa-  
18 trol the streets of Boston together and make home  
19 visits to ensure that offenders are complying with  
20 terms of their probation. This program has taught  
21 juvenile offenders that failure to follow the law will  
22 carry swift and certain consequences.

23 (8) The [Boston Gun Project] is a collaboration  
24 involving the Boston Police Department, the Suffolk  
25 County District Attorney's office, the Bureau of Al-

1 (b) PURPOSES.—The purposes of this section are—

2 (1) to reduce violent crime committed by and  
3 against juveniles and adults under 25 years of age  
4 throughout the United States;

5 (2) to strengthen collaboration between Federal,  
6 State, and local law enforcement to reduce violent  
7 juvenile crime;

8 (3) to encourage partnerships between public  
9 sector and the private sector, including religious af-  
10 filiated organizations, to reduce violent juvenile  
11 crime; and

12 (4) to serve as a catalyst for increased citizen  
13 participation and greater collaboration among all  
14 residents and agencies of a community to reduce vio-  
15 lent juvenile crime.

16 (c) PILOT PROGRAM TO REPLICATE THE BOSTON  
17 MODEL OF JUVENILE CRIME SUPPRESSION AND PREVEN-  
18 TION.—

19 (1) ESTABLISHMENT.—The Attorney General,  
20 acting through the Office of Juvenile Justice and  
21 Delinquency Prevention, shall establish a pilot pro-  
22 gram (in this section referred to as the "program")  
23 to encourage and support communities who adopt a  
24 comprehensive approach to suppressing and prevent-

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## DISCUSSION DRAFT

S.L.C.

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1 ing violent juvenile crime patterned after the Boston  
2 model.

3 (2) PROGRAM.—In carrying out the program,  
4 the Attorney General shall—

5 (A) make and track grants to grant recipi-  
6 ents (in this section referred to as "coalitions");

7 (B) provide for technical assistance and  
8 training, data collection, and dissemination of  
9 relevant information; and

10 (C) provide for the general administration  
11 of the program.

12 (3) ADMINISTRATION.—Not later than 30 days  
13 after the date of enactment of this Act, the Attorney  
14 General shall appoint an Administrator (in this sec-  
15 tion referred to as the "Administrator") to carry out  
16 the program. *in conjunction with the Secretary of the Treasury*

17 (4) PROGRAM AUTHORIZATION.—To be eligible  
18 to receive an initial grant or a renewal grant under  
19 this section, a coalition shall meet each of the follow-  
20 ing criteria:

21 (A) COMPOSITION.—The coalition shall  
22 consist of 1 or more representatives of—

23 (i) the local police department or sher-  
24 iff's department; .

25 (ii) the local prosecutors' office;

1 (iii) the United States Attorney's of-  
2 fice;

3 (iv) the Federal Bureau of Investiga-  
4 tion or Bureau of Alcohol, Tobacco and  
5 Firearms;

6 (v) State or local probation officers;

7 (vi) religious affiliated or fraternal or-  
8 ganizations involved in crime prevention;

9 (vii) schools;

10 (viii) parents or local grass roots orga-  
11 nizations such as neighborhood watch  
12 groups; and

13 (ix) social service agencies involved in  
14 crime prevention.

15 (B) OTHER PARTICIPANTS.—If possible, in  
16 addition to the representatives from the cat-  
17 egories listed in subparagraph (A), the coalition  
18 shall include—

19 (i) representatives from the business  
20 community; and

21 (ii) researchers who have studied  
22 criminal justice and can offer technical or  
23 other assistance.

24 (C) COORDINATED STRATEGY.—A coalition  
25 shall submit to the Attorney General, or the At-

1orney General's designee, a comprehensive plan  
2for reducing violent juvenile crime that is pat-  
3terned on the Boston model of juvenile crime  
4suppression and prevention described in sub-  
5section (a) (in this subparagraph referred to as  
6the "plan"). To be eligible for consideration, a  
7plan shall—

8 (i) ensure close collaboration among  
9 all members of the coalition in suppressing  
10 and preventing juvenile crime;

11 (ii) place heavy emphasis on coordi-  
12 nated enforcement initiatives, such as Op-  
13 eration Cease Fire or an equivalent strat-  
14 egy, that focus on suppression of violent  
15 juvenile crime involving gangs;

16 (iii) ensure that there is close collabo-  
17 ration between police and probation offi-  
18 cers in the supervision of juvenile offend-  
19 ers, such as Operation Night Light or an  
20 equivalent approach;

21 (iv) ensure that a program is in place,  
22 modeled after the Boston Gun Project or  
23 an equivalent program, to trace all fire-  
24 arms seized from crime scenes or offenders

*tracing*

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## DISCUSSION DRAFT

S.L.C.

10

1 in an effort to identify illegal gun traffick-  
2 ers; and

3 (v) ensure that effective crime preven-  
4 tion programs are in place that provide  
5 after-school safe havens and other opportu-  
6 nities for at-risk youth to escape or avoid  
7 gang or other criminal activity, and to re-  
8 duce recidivism.

9 (D) ACCOUNTABILITY.—A coalition shall—

10 (i) establish a system to measure and  
11 report outcomes consistent with common  
12 indicators and evaluation protocols estab-  
13 lished by the Administrator and which re-  
14 ceives the approval of the Administrator;  
15 and

16 (ii) devise a detailed model for meas-  
17 uring and evaluating the success of the  
18 plan of the coalition in reducing violent ju-  
19 venile crime, and provide assurances that  
20 the plan will be evaluated on a regular  
21 basis to assess progress in reducing violent  
22 juvenile crime.

23 (5) GRANT AMOUNTS.—

24 (A) IN GENERAL.—The Administrator may  
25 grant to an eligible coalition under this para-

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## DISCUSSION DRAFT

S.L.C.

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graph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

(B) NONSUPPLANTING REQUIREMENT.—A coalition seeking funds shall provide reasonable assurances that funds made available under this program to States or units of local government shall be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for programs described in this section, and shall in no event replace such State, local, or other non-Federal funds.

(C) SUSPENSION OF GRANTS.—If a coalition fails to continue to meet the criteria set forth in this section, the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

(D) RENEWAL GRANTS.—Subject to subparagraph (D), the Administrator may award a renewal grant to grant recipient under this subparagraph for each fiscal year following the fis-

cal year for which an initial grant is awarded,  
in an amount not to exceed the amount of non-  
Federal funds raised by the coalition, including  
in-kind contributions, for that fiscal year, dur-  
ing the 4-year period following the period of the  
initial grant.

(E) LIMITATION.—The amount of a grant  
award under this section may not exceed  
\$300,000 for a fiscal year.

(6) PERMITTED USE OF FUNDS.—A coalition  
receiving funds under this section may expend such  
Federal funds on any use or program that is con-  
tained in the plan submitted to the Administrator.

(7) CONGRESSIONAL CONSULTATION.—Two  
years after the date of implementation of the pro-  
gram established in this section, the General Ac-  
counting Office shall submit a report to Congress re-  
viewing the effectiveness of the program in suppress-  
ing and reducing violent juvenile crime in the par-  
ticipating communities. The report shall contain an  
analysis of each community participating in the pro-  
gram, along with information regarding the plan un-  
dertaken in the community, and the effectiveness of  
plan in reducing violent juvenile crime. The report

1 shall contain recommendations regarding the effi-  
2 cacy of continuing the program.

3 (d) INFORMATION COLLECTION AND DISSEMINATION  
4 WITH RESPECT TO COALITIONS.—

5 (1) COALITION INFORMATION.—For the pur-  
6 pose of audit and examination, the Administrator—

7 (A) shall have access to any books, docu-  
8 ments, papers, and records that are pertinent to  
9 any grant or grant renewal request under this  
10 section; and

11 (B) may periodically request information  
12 from a coalition to ensure that the coalition  
13 meets the applicable criteria.

14 (2) REPORTING.—The Administrator shall, to  
15 the maximum extent practicable and in a manner  
16 consistent with applicable law, minimize reporting  
17 requirements by a coalition and expedite any appli-  
18 cation for a renewal grant made under this section.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated from the Violent Crime  
21 Reduction Trust Fund to carry out this section,  
22 \$3,000,000 in each of fiscal years 1998, 1999, and 2000.

4-3 mil.  
approp.

10  
cities?

07/08/97 JUL 17:46 FAX 202 224 9510 US SEN JUD CMTE 002

Page 1

July 8, 1997, 6:00 pm

**S.10**

**HATCH-SESSIONS VIOLENT AND REPEAT TEEN OFFENDER ACT  
LIST OF AMENDMENTS**

(Amendments for which we have received text are listed in bold)

1. **Chairman's Mark - a substitute to S. 10**
2. **Technical amendment to correct drafting error's in Chairman's mark**

**TITLE I: FEDERAL PROSECUTIONS:**

**Leahy**

1. **Sentencing safety valve for teens younger than 16 tried as adults - Leahy**
2. **Charging safety valve allowing reverse transfer of teens charged as adults in Federal court- Leahy**
3. **Right to a jury trial for teens facing incarceration beyond their 21st birthday Leahy**
4. **To allow the United States Sentencing Commission, in developing teen sentencing guidelines, to presume the appropriateness of adult sentencing provisions only for teens convicted of serious violent or drug offenses. - Leahy**
5. **To authorize the Federal trial as an adult of teens charged with non-serious violent or non-serious drug felony offenses only if the State is unable or unwilling to exercise jurisdiction. - Leahy**

**Biden**

1. **Restores presumption that delinquency proceedings occur at the state level unless the state is unable or unwilling to take the case and there is a substantial federal interest. - Biden**
2. **Provides for physical and sound separation of teens and adult inmates in federal custody. - Biden**
3. **Expresses a preference that teens in federal custody be housed in teen facilities. - Biden**
4. **Clarifies that new sentencing guidelines for teens will take into consideration the interest of teen defendants. - Biden**
5. **Clarifies that new sentencing guidelines will apply to teens tried as adults. - Biden**

Specter

1. To make improvements to grant programs, and for other purposes - Specter (also amends Title III)

Durbin

1. To provide for standard for teen waivers of constitutional rights. - Durbin

Abraham

1. To eliminate incentive for gangs to use individuals under 16 - Abraham
2. To correct a technical error - Abraham

TITLE II

Leahy

1. To add a provision which creates a new crime of interstate "franchise" - Leahy

TITLE III; JJDP:

Hatch

1. An amendment modifying the drug testing requirement to the block grant program -Hatch

Leahy

1. Amendments to eligibility requirements for new \$500 million grant program - Leahy
2. To ensure citizen participation in the development of Teen Justice and Delinquency Prevention Act of 1974 State plans and to ensure the involvement of State Advisory Groups in the administration of the formula grants under the Justice and Delinquency Prevention Act of 1974. - Leahy

Kennedy

1. Waiver of Eligibility Requirements for the Incentive Grant Program-- allows states who have made progress in reducing teen violent crime rate to obtain waivers from the eligibility requirements of the Incentive grant program - Kennedy
2. Strike Repeals of Certain Prevention Programs-- The bill repeals a number of prevention programs, including programs falling within the jurisdiction of the Labor Committee that are repealed in S.10 - Kennedy
3. Restoration of labor provisions-- Reinstate labor protections for teen justice workers under the JJDP - Kennedy

4. To protect public safety by limiting contact between teen and adult inmates and detainees. - Kennedy.

5. To provide for a pilot program to replicate the Boston model of teen crime suppression and prevention. - Kennedy

Grassley

1. To provide for assistance for developing crime and delinquency prevention programs - Grassley

2. Mandatory testing child sex offenders - Grassley

Kohl

1. To re-authorize title V of the teen Justice and Delinquency Prevention Act of 1994 - Kohl

2. To make a series of amendments relating to State plans. - Kohl

3. To make a series of amendments relating to contact between teen and adult prisoners. - Kohl

Biden

1. Revises requirement for drug testing so states must only test "appropriate categories" of offenders. - Biden

2. Clarifies that the new requirements concerning maintenance and distribution of teen records will not require states to modify their teen expungement laws - Biden

3. Clarifies that funds from the \$500 million block grant cannot be used to expand, renovate, or construct facilities for adult offenders - Biden

4. Permits grant recipients to contact state and local government officials to coordinate program activities - Biden

5A. Creates a \$100 million prevention program for after-school activities with a strong evaluation component developed by the National Academy of Sciences (funding comes from reducing \$500 million program to \$400 million) - Biden

5B. Creates a \$100 million prevention program for after-school activities with a strong evaluation component developed by the National Academy of Sciences (funding comes from increasing total authorization from \$700 million to \$800 million, funding levels expressed as percentages to ensure

proportional funding for all programs created) - Biden

6A. Increases funding for prosecutor/courts grant program by \$100 million and expands permissible use of grant funds to give localities additional flexibility to use creative methods to address gangs and youth violence (funding comes from increasing total authorization from \$700 million to \$800 million) - Biden

6B. Adds prevention program from Amendment #5, increases funding for prosecutor/courts program as suggested in Amendment #6A, increases flexibility as suggested in Amendment #6A, restores current funding level for OJJDP of \$170 million (\$20 million increase) (funding comes from increasing total authorization from \$700 million to \$920 million) - Biden

6C. Adds prevention program from Amendment #5, increases funding for prosecutor/courts program as suggested in Amendment #6A, increases flexibility as suggested in Amendment #6A, restores current funding level for OJJDP of \$170 million (\$20 million increase) (funding comes from increasing total authorization from \$700 million to \$920 million, funding levels expressed as percentages to ensure proportional funding for all programs created) - Biden

6D. Adds prevention program from Amendment #5, increases funding for prosecutor/courts program as suggested in Amendment #6A, increases flexibility as suggested in Amendment #6A, restores current funding level for OJJDP of \$170 million (\$20 million increase) (funding comes from increasing total authorization from \$700 million to \$920 million, funding levels expressed as percentages to ensure proportional funding for all programs created) - Biden

7. Amends Title IV of the JJDP Act (Missing Children) to enable the National Center for Missing Children to operate the missing children hotline and resource center and provide authority to provide information on missing children and technical assistance to foreign governments - Biden

8. Provides a definition of "unit of local government" covering all types of political subdivisions. - Biden

9. Strikes repeals of teen crime prevention programs from 1994 Crime Law. - Biden

10A. Modifies requirement to qualify for funding from \$150 million grant program concerning separation of teen and adult offenders - Biden

10B. Adds requirement to qualify for funding from \$150 million grant program concerning removal of teens from adult jails - Biden

10C. Modifies requirement to qualify for funding from \$150 million grant program concerning deinstitutionalization of status offenders - Biden

**10D. Modifies requirement to qualify for funding from \$150 million grant program concerning targeting prevention efforts toward communities from which a disproportionate number of teens are incarcerated - Biden**

DeWine

1. An amendment to the local government funding provision of Title III – the amendment aims to assist smaller and rural areas in obtaining a fairer share of the block grant money - DeWine

## Feingold

1. **Administrative Cost Limitation:** To make an amendment relating to the use of teen crime control and teen offender accountability block grants - Feingold
2. **To make amendments relating to the purposes of grants to prosecutors and courts for State teen justice systems.** - Feingold
3. **School safety:** To provide an additional permissible use of teen crime control and teen offender accountability block grant - Feingold
4. **State block grant exemption:** To all States to request an exemption from the Administrator in certain circumstances from requirements relating to the use of teen crime control and teen offender accountability block grants. - Feingold
5. **Reinstates certain labor provisions:** To provide certain assurances for teen justice system employees. - Feingold

Durbin

1. **Local Unit of Government Pass through Allocation formula: To provide for standards for the allocation of grant money to local units of government - Durbin**
2. **Alteration of Records mandate (Title III) - Durbin**
3. **Amendment to religious provider section: To make modifications with respect to religious nondiscrimination requirements. - Durbin**
4. **To restore earmark for the National Runaway Switchboard - Durbin**

## Ashcroft

- 1. To require states to increase penalties for use of a minor in a felony**

## Sessions

- 1. Require local law enforcement advisory groups (as provided for on page**

82) to approve any request from units of local government for part G (prosecutors) grant money before such request may be considered - Sessions

2. Eliminate civil monetary penalty surcharge and authorize Block Grants to be funded from the Violent Crime Trust Fund - Sessions

#### MISCELLANEOUS:

##### Hatch

1. To prohibit any gambling establishment to be located within 10,000 feet of a school or other public facility that caters principally to youth - Hatch
2. To add a new title, "Nonprofit Youth Organization Act of 1997 - Hatch
3. To provide safe educational options for at-risk youth - Hatch (There are three versions: A, B & C)
4. To combat the rising problem of teen crime through the authorization of increased funding for prosecutors and public defenders - Hatch

##### Leahy

1. Truth in Sentencing grant minimum allocation for small and/or safe states - Leahy
2. To allow money in the COPS Program not granted to law enforcement jurisdictions serving populations exceeding 150,000 to be used to renew expiring grants awarded to jurisdictions serving populations of 150,000 or less. - Leahy
3. To prohibit false advertising or misuse of a name to indicate the United States Marshals Service. - Leahy

##### Grassley

1. To amend the Gun-Free Schools Act of 1994 to require a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 to expel a student determined to be in possession of an illegal drug, or illegal drug paraphernalia, on school property, in addition to expelling a student determined to be in possession of a gun or to have possessed, on a regular basis while not having attained the age of 18, a tobacco product or an alcoholic beverage - Grassley

##### Biden

1. Add provision providing Attorney General with emergency rescheduling authority - Biden

2. Schedule the "club drug" ketamine on schedule III - Biden
3. Gun ban for dangerous teens -- provides that gun possession ban applicable to adult felons and other prohibited persons, as well as prohibition on gun sales and Brady Law, applies to teen delinquents that committed acts that, if committed by an adult, would have been a serious violent felony or drug crime. - Biden
4. Penalties for gun possession in relation to serious violent or drug crimes. - Biden
- 5A. Modifications to federal firearms law in Administration's Youth Violence Bill (S. 362 -- Sections 2125, 2131-32, 2135-39) - Biden
- 5B. Modifications to federal firearms law in Administration's Youth Violence Bill, except no provisions relating to civil forfeiture. - Biden
6. To regulate storage of firearms by dealers and enhance enforcement of federal firearms licensing laws (S. 362, sections 2133-34). - Biden

Kohl

1. To establish felony violations for the failure to pay legal child support obligations and for other purposes - Kohl
2. To amend chapter 44 of title 18, United States Code, to improve the safety of handguns - Kohl
3. To authorize the Administrator of the Office of Teen Justice and Delinquency Prevention of the Department of Justice to make grants to States and units of local government to assist in providing secure facilities for violent and serious chronic teen offenders, and for other purposes - Kohl

Kyl

1. To permit residential substance abuse treatment grant funds to be used to provide nonresidential aftercare services. - Kyl

Feinstein

1. To amend title 18, United States Code, to prohibit the sale of personal information about children without their parents' consent, and for other purposes - Feinstein

DeWine

1. An amendment to notify parents of the enrollment of violent sex offenders in elementary and secondary schools - DeWine

2. An amendment to remove the intent clause from 18 USC 2119 relating to carjackings. - DeWine

Feingold

1. Child Exploitation Sentencing Enhancement Act: To provide for sentencing enhancements and amendments to the Federal Sentencing Guidelines for offenses relating to the abuse and exploitation of children. - Feingold

DeWine

1. To reform criminal procedure, and for other purposes - DeWine
2. Gun Tracing Amendment (DeWine-Kennedy amendment)-- encourage entities seeking money under the discretionary Byrne program to adopt gun tracing initiatives wherein weapons seized from criminals are traced in an effort to identify gun traffickers. - DeWine-Kennedy
3. To provide for a process to authorize the use of clone pagers, and for other purposes - DeWine

Ashcroft

1. To increase federal penalties for use of a minor in a felony - Ashcroft

Torricelli

1. To direct the Attorney General to track the age of hate crime offenders - Torricelli
2. To reduce gun trafficking, and for other purposes - Torricelli
3. To amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning - Torricelli

Abraham

1. To correct sentencing inequities relating to cocaine distribution - Abraham

Durbin

1. Gun rights restorations -- violent felons & teens can't get their gun rights restored - Durbin
2. To authorize additional amounts from the Crime Victims Fund to be used for child abuse prevention and treatment grants. - Durbin

**AGENDA**  
**DEMOCRATIC CAUCUS**  
**JUVENILE JUSTICE/CRIME TASK FORCE**  
**WEDNESDAY, JUNE 25, 1997**  
**3:30 p.m.**

I. Welcome/Introduction of Guest Speakers

II. Guest Speakers

Rahm Emanuel, Special Assistant to the President

Rep. Alan Mollohan, Ranking Member, Appropriations  
Subcommittee on Commerce, Justice, State, and Judiciary

III. Discussion/Questions & Answers

IV. Adjourn

- Importance of telephone on prevention issue  
↳ Radio Address, e.g.
- BS e.g. of murdereries - wrong on substance; sound bites only.

- RE:
- ① Build on tough, smart Panelists
  - ② Boston, e.g.: (not an either/or choice)  
↳ told successful story.  
↳ R's would not fund...
  - ③ VERO ROADMAP to how to DRAFT Bill

- Start w/ SAP
- " w/ Democratic Alternative.

→ COPIES OFFER OF SPEECHES TO DARE.

AM: - 1/2 out of  
1.75 for DOT  
increase  
- \$500 mil for  
R's BG  
- \$ ≈ 200  
mil for  
new programs  
TUESDAY  
7/8 on duty

Carolyn  
McCarthy  
on Gun  
locks

? murders  
- SAP

definition  
section  
Prosecution  
Verdict  
as an  
admit

## Republican Statements from the May 8, 1997 Floor Debate on H.R.3

**“It is not to provide prevention, though I must say I believe we should have precontact with the juvenile authorities prevention programs. They are important. **“But there is going to be another bill out here another day for us to debate the prevention and provide the prevention money.”** - Mr. McCollum**

**“Certainly we need prevention programs. We support those. There are programs for that.” - Mr. Hutchinson**

**“Yes, they need prevention moneys. Yes, it is important to solve the long-term problem of juvenile crime in America, to focus a great deal of energy and resources on prevention. But we are doing that. This bill adds to that.” - Mr. Barr**

**“I would like to say that the majority is not ignoring prevention. We recognize the need for prevention. However, accountability is prevention...H.R. 3 is only a part of our effort to combat juvenile crime. The Committee on Education and the Workforce is currently working on a bill aimed directly at prevention, and it should be coming to the floor in the upcoming weeks.” - Mrs. Myrick**

**“It is like apple and oranges. Nobody disagrees. We need to do both things. We need to deal with correcting a broken juvenile justice system, that this bill deals with, and we need to deal with the prevention programs.” - Mr. McCollum**

**“Also involved is a bill that will be coming out here shortly to the floor from the Committee on Education and the Workforce, I believe they are marking it up in the House tomorrow, on the Office of Juvenile Justice and Delinquency Prevention. It is a reauthorization, and it will provide at least another quarter of a billion, \$250 million or more, for prevention programs. That is a very important piece of legislation and I wholeheartedly support it. - Mr. McCollum**

**HOUSE DEMOCRATIC CAUCUS**

(YEAR 2000)

OMB  
decision

→ 258  
→ \$13 million

→ Committee's  
for SRS



U.S. Department of Justice  
Office of the Attorney General

Washington, DC 20530  
August 22, 1997

MEMORANDUM FOR JOHN HILLEY

SENIOR ADVISOR TO THE PRESIDENT  
AND DIRECTOR FOR LEGISLATIVE AFFAIRS

TRACY THORNTON  
SPECIAL ASSISTANT TO THE PRESIDENT FOR  
LEGISLATIVE AFFAIRS

ELENA KAGAN  
DEPUTY ASSISTANT TO THE PRESIDENT

JOSE CERDA  
SPECIAL ASSISTANT TO THE PRESIDENT

JAMES BODEN  
EXAMINER  
OFFICE OF MANAGEMENT AND BUDGET

FROM: KINNEY ZALESNE (202) 514-2927 *KZ*  
ASSISTANT TO THE ATTORNEY GENERAL

KENT MARKUS (202) 514-2107 *KM (KZ)*  
DEPUTY CHIEF OF STAFF

SUBJECT: Proposed Juvenile Justice Appropriations Strategy

Rahm has asked us to provide you with the Justice Department's goals for juvenile justice in the FY 98 appropriations process. We are told the House will vote on the Commerce-State-Justice Appropriations Bill the week of September 8, 1997, and that the Appropriations Conference will be the week of September 22, 1997.

The attached document summarizes the current state of appropriations, our goals for the House Floor, our goals for the Appropriations Conference, and our "appropriations-driven" goals for the Senate authorizing legislation, which is scheduled to come to the Senate Floor in October.

We look forward to coordinating strategy with you to accomplish these goals. Please call if you have any questions or comments.

## Youth Violence Legislation DOJ Appropriations Strategy

### I. Current Appropriations, in Millions

|                         | <u>House</u> (Committee) | <u>Senate</u> |
|-------------------------|--------------------------|---------------|
| JJ Office               | \$126                    | \$155         |
| Prevention Funds        | 100                      | 75            |
| Enforcement Block Grant | <u>300</u>               | <u>145</u>    |
|                         | \$526                    | \$375         |

### II. Goals for House Floor

- Obtain direct funding stream for state and local prosecutors and courts (carve out \$100M from \$300M enforcement block grant).
- Reduce earmarks, or at least shift their source from new Part E (JJ discretionary money) to the \$100M prevention funds.
- Set aside from the prevention funds, the enforcement block grant, and the prosecutors and courts money 3% for research, evaluation, and demonstration, and 2% for training and technical assistance.
- Set aside 2% of the overall funds for Indian tribes.

#### Ideal House Appropriations Result

|                         |             |                           |
|-------------------------|-------------|---------------------------|
| JJ Office               | \$126       |                           |
| Prevention Funds        | 100*        | (earmarks from here)      |
| Enforcement Block Grant | 200*        |                           |
| Prosecutors and Courts  | <u>100*</u> |                           |
|                         | \$526       | (2% for tribes from here) |

\*3% set-aside for research, evaluation, and demonstration; 2% set-aside for training and technical assistance from each of these funds

### III. Goals for Appropriations Conference

- On prevention funds, have House \$100M prevail (over Senate \$75M), but as a discretionary program, not the block grant structure created by the House.
- On JJ Office, get as near to Senate \$155M as possible, but with House structure for distribution. (House structure appropriately sets aside funds from within money appropriated to the JJ Office for research, evaluation, training and TA, demonstration, and administration; and consolidates, rather than carves up, grant funds.) Ensure that any funds over \$126 are divided evenly between new parts D and E -- research and demonstration.
- On enforcement block grant, move toward Senate \$145M, aiming for maximum \$175M.
- On prosecutors and courts -- assuming the House has agreed to carve out \$100M from the \$300M enforcement block grant -- have that construct prevail. If no such carve-out was accomplished in the House, accomplish it here.
- Ensure earmarks are kept to a minimum, and in any event, taken from prevention funds, not JJ office.
- Ensure sufficient set-asides from prevention funds, enforcement block grant, and prosecutors and courts money, for research, evaluation, and demonstration (3%), and training and technical assistance (2%).
- Ensure 2% set-aside for tribes from overall pool of money.

#### Ideal Appropriations Conference Result

|                               |             |                           |
|-------------------------------|-------------|---------------------------|
| JJ Office                     | \$150'      |                           |
| Discretionary Prevention Fund | 100*        | (earmarks from here)      |
| Enforcement Block Grant       | 175*        |                           |
| Prosecutors and Courts        | <u>100*</u> |                           |
|                               | \$525       | (2% for tribes from here) |

\*Distributed per House structure, with additional assurance that all money over \$126M is divided evenly between research and demonstration

\*3% set-aside for research, evaluation, and demonstration; 2% set-aside for training and technical assistance from each of these funds

**IV. Minimum Acceptable Levels, Assuming Overall Pool of Funds Shrinks  
and/or They Insist on More for the Enforcement Block Grant**

*Appropriations for the JJ Office, prevention funds, and/or prosecutors and courts that fell below these numbers would justify serious consideration of a veto.*

**Minimum Acceptable Levels**

|                         |                                 | <u>Preferred Order of Reductions,</u><br><u>If Compelled</u> |
|-------------------------|---------------------------------|--------------------------------------------------------------|
| JJ Office               | \$125`                          | (3)                                                          |
| Prevention Funds        | 75* (earmarks from here)        | (2)                                                          |
| Enforcement Block Grant | 200*                            |                                                              |
| Prosecutors and Courts  | <u>75*</u>                      | (1)                                                          |
|                         | \$475 (2% for tribes from here) |                                                              |

\*Distributed per House structure, with additional assurance that all money over \$126M is divided evenly between research and demonstration

\*3% set-aside for research, evaluation, and demonstration; 2% set-aside for training and technical assistance from each of these funds

## Appendix

### **“Appropriations-Driven” Goals for JJ Authorizing Bill, S. 10, on Senate Floor**

- Get express authorization for At-Risk Children’s Initiative, either at \$100M or “such sums,” to be administered as a discretionary program.
- For every line-item *except* the JJ Office, get authorization of 3% for research, evaluation, and demonstration; and 2% for training and technical assistance.

In exchange, strike the set-asides that are currently in S. 10 (.1% of block grant, JJ money, and prosecutors and courts money for TA; 2% of prosecutors and courts money for administration and TA).

- For the \$150M authorized for the JJ Office, strike the 10% set aside for research, evaluation, demonstration, information, and training and technical assistance; and replace it with an authorization for “such sums as may be required” for administration; a formula grant to the States; research, evaluation, training, and technical assistance; and demonstration.

There are two reasons for this change. First, 10% of the JJ funds is not nearly enough for these activities, and we don’t want it to act as a limit on the higher, more substantial funds the Senate appropriators actually provided. Second, the 4-part structure (administration, formula, research, demonstration) is our ideal structure, which the House adopted and the Senate appropriators *nearly* adopted -- so we are trying to get as close as possible to that structure in the final result.

O:\KOR\KOR97.521

10 MICHELLE  
401-3095SLC CAUATAIO

AMENDMENT NO.

R: JOSE

Calendar No. \_\_\_\_\_

Purpose: To make improvements to grant programs, and  
for other purposes.

IN THE SENATE OF THE UNITED STATES—105th Cong., 1st Sess.

## S. 10

To reduce violent juvenile crime, promote accountability by  
juvenile criminals, punish and deter violent gang crime,  
and for other purposes.Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. SPECTER

Viz:

1 On page 7; line 9, strike "A juvenile" and insert the  
2 following:3 "(1) TREATMENT OF JUVENILES.—Subject to  
4 paragraph (2), a juvenile".5 On page 7, line 12, strike "(1) in the case of" and  
6 insert the following:

7 "(A) in the case of".

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S.L.C.

2

1 On page 7, lines 17 and 18, strike "which certifi-  
2 cation shall not be subject to review in or by any court,".

3 On page 7, line 19, strike "(A) there is" and insert  
4 the following:

5 "(i) there is"

6 On page 7, line 22, strike "(ii) the ends" and insert  
7 the following:

8 "(ii) the ends".

9 On page 7, line 24, strike "(?) in all other" and in-  
10 sert the following:

11 "(B) in all other".

12 On page 7, after line 24, add the following:

13 "(2) CERTAIN JUVENILES.—There shall be a  
14 presumption that a juvenile who is 14 or 15 years  
15 of age should not be tried as an adult under this  
16 section, unless the court determines that special cir-  
17 cumstances justify that action.

18 On page 8, strike lines 9 through 23 and insert the  
19 following:

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S.L.C.

3

1 if it is a Federal offense that is a homicide, an attempted  
2 homicide, conspiracy to commit homicide, aggravated as-  
3 sault, or aggravated rape (which constitutes rape commit-  
4 ted with the use of a weapon or physical force).

5 On page 18, line 18, strike "prohibited physical con-  
6 tact" and insert "any contact".

7 On page 71, line 20, strike "or".

8 On page 72, line 2, strike the period and insert ";  
9 or".

10 On page 72, between lines 2 and 3, insert the follow-  
11 ing:

12 "(L) for reimbursing the costs to a State  
13 or unit of local government for transporting ju-  
14 venile offenders to and from detention facilities  
15 that comply with the requirements contained in  
16 paragraph (5).

17 On page 72, lines 10 and 11, strike "that would be  
18 a felony under State law" and insert "described in section  
19 5032(c) of title-18, United States Code".

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S.L.C.

4

1 On page 74, line 17, strike "prohibited physical con-  
2 tact" and insert "any contact".

3 On page 75, between lines 19 and 20, insert the fol-  
4 lowing:

5 "(4) ACTION PLAN.

6 "(A) IN GENERAL.—To be eligible to re-  
7 ceive a grant under this subsection, a State  
8 shall prepare, and submit to the Administrator,  
9 an action plan that the Administrator deter-  
10 mines to meet the requirements of subpara-  
11 graph (B).

12 "(B) ACTION PLAN.—An action plan meets  
13 the requirements of this subparagraph if the ac-  
14 tion plan—

15 "(1) is designed—

16 "(I) to reduce juvenile crime; and

17 "(II) to meet the specific juvenile  
18 justice problems of the State in carry-  
19 ing out subclause (I);

20 "(ii) contains a survey of the juvenile  
21 justice program of the State that is in ex-  
22 istence at the time of the application;

O:\KOR\KOR97.521

S.L.C

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“(iii) contains a detailed analysis of the problems associated with juvenile crime in the State;

“(iv) contains a plan for providing juvenile crime prevention programs and juvenile offender rehabilitation programs for juveniles and juvenile offenders, including—

“(I) job and literacy training;

“(II) remedial education; and

“(III) substance abuse treatment;

and

“(v) contains a detailed plan for the coordination of juvenile justice funding of the State that is in existence at the time of the development of the plan with—

“(I) the funds provided to the State under the grant program under this subsection; and

“(II) to the extent that the Governor of the State receives waivers under subparagraph (C), the funds made available to the State under the provisions listed under clause (ii) of that subparagraph for job training,

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S.L.C.

6

1 remedial education and substance  
2 abuse counseling.

3 "(C) ADDITIONAL FUNDING.—

4 "(i) IN GENERAL.—Notwithstanding  
5 any other provision of law, at the request  
6 of the Governor of a State, the Attorney  
7 General, in consultation with the Secretary  
8 of Labor, the Secretary of Health and  
9 Human Services, and the Secretary of  
10 Education, may issue a waiver or take  
11 other appropriate action to permit a State  
12 to use funds made available to the State  
13 under the provisions listed in clause (ii) for  
14 juvenile job training, literary training, re-  
15 medial education, or substance abuse treat-  
16 ment to carry out an action plan that  
17 meets the requirements of subparagraph  
18 (B).

19 "(ii) PROVISIONS.—The provisions  
20 listed under this clause are as follows:

21 "(I) Block Grants for the Pre-  
22 vention and Treatment of Substance  
23 Abuse.

24 "(II) Mental Health Performance  
25 Partnership Grant.

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"(III) Residential Substance Abuse Treatment (RSAT) Program for prisoners.

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"(IV) Adult Education State Grant Program.

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"(V) Even Start Family Literacy Program.

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"(VI) Volunteers in Service to America (VISTA).

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"(VII) Foster Grandparent Program.

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"(VIII) Public Library Services.

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14

"(IX) Indian Education Adult Education State Grants.

15

16

"(X) Carl D. Perkins Vocational and Applied Technical Education Act—Basic State Grants.

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"(XI) Neglected and Delinquent State Agency Programs (ESEA, title I, part D, subpart 1).

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"(XII) Tech-Prep Education, title III-E, Carl D. Perkins Act.

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"(XIII) Safe and Drug Free Schools and Communities, State Grants.

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1                   “(XIV) Basic Vocational Reha-  
2                   bilitation State Grants.

3                   “(XV) Title VII of the Stewart  
4                   B. McKinney Homeless Assistance  
5                   Act.

6                   “(XVI) Job Training Partnership  
7                   Act (Adult, Youth, and Summer).

8                   “(XVII) Wagner-Peyser Act—  
9                   State Grants and One-Stop.

10                  “(XVIII) School-to-Work Oppor-  
11                  tunities Act.

12                  “(5) ADDITIONAL REQUIREMENTS.—

13                  “(A) IN GENERAL.—Except as provided in  
14                  subparagraph (B), in order to be eligible for an  
15                  incentive grant under this subsection, a State  
16                  shall have in effect laws that provide that no ju-  
17                  venile shall be detained or confined in any jail  
18                  or lockup for adults.

19                  “(B) REGULATIONS.—The Administrator  
20                  shall for each fiscal year through \_\_\_\_\_, promul-  
21                  gate regulations that make exceptions to the re-  
22                  quirement under subparagraph (A) for juveniles  
23                  accused of nonstatus offenses (as that term is  
24                  defined by the Administrator) who are awaiting  
25                  an initial court appearance under an applicable

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1 State law requiring such an appearance within  
2 24 hours after being taken into custody (exclud-  
3 ing weekends and holidays). The exemptions  
4 shall only apply to areas that are—

5 “(i) in compliance with the require-  
6 ments of paragraph (3)(E);

7 “(ii)(I) are outside a Metropolitan  
8 Statistical Area;

9 “(II) are located where conditions of  
10 distance to be traveled or the lack of high-  
11 way, road, or other ground transportation  
12 do not allow for court appearances within  
13 the specified 24-hour period, so that a  
14 brief delay of a period not to exceed 48  
15 hours is excusable; or

16 “(III) are located where conditions of  
17 safety exist (such as severely adverse, life-  
18 threatening weather conditions that do not  
19 allow for reasonably safe travel), in which  
20 case the period for appearance may be ex-  
21 tended until 24 hours after the conditions  
22 allow for reasonably safe travel.

23 Beginning on page 75, strike line 23 and all that fol-  
24 lows through page 76, line 23, and insert the following:

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1 to the State not less than 50 percent shall be used  
2 to provide—

3 “(A) literacy and job training to juvenile  
4 offenders; and

5 “(B) substance abuse treatment for juva-  
6 nile offenders who have a substance abuse prob-  
7 lem; or

Insert A

8 On page 87, strike lines 1 through 7 (relating to pro-  
9 hibition on spending funds on job training programs).

10 On page 87, line 8, strike “(D)” and insert “(C)”.

11 On page 88, line 11, strike “(E)” and insert “(D)”.

12 On page 88, line 21, strike “(D) or (E)” and insert  
13 “(C) or (D)”.

14 On page 89, lines 3 and 4, strike “(D) or (E)” and  
15 insert “(C) or (D)”.

16 On page 119, strike lines 16 through 18 (relating to  
17 repeal of section 517 of the Public Health Service Act).

**Insert A**

**(C) After-school and other community-based programs for the reduction and prevention of truancy, school violence, and juvenile crime.**

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SLC

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- 1        On page 119, line 19, strike "(c)" and insert "(b)".
- 2        On page 119, line 22, strike "(d)" and insert "(c)".
- 3        On page 121, strike lines 1 through 3 (relating to
- 4 repeal of chapters 1 and 2 of subtitle B of title III of
- 5 the Anti-Drug Abuse Act of 1988).

June 20, 1997

MEMORANDUM FOR BRUCE REED

FROM: MIKE COHEN  
BILL KINCAID

SUBJECT: Education-Related Amendments to Juvenile Justice Bill

We thought we should give you a heads-up about some possible education-related amendments to the Juvenile Justice bill that could be considered next week.

**I. Specter Amendment**

Senator Specter has prepared an amendment which would, as one feature, create a broad new cross-agency waiver authority. At the request of a governor, this amendment would allow the AG, "in consultation with" the Secretaries of Labor, HHS and Education, to waive "or take other appropriate action" to permit the State to use funds under 18 federal programs for the purpose of juvenile job training, literacy training, remedial education, or substance abuse treatment as laid out in a state juvenile crime/juvenile justice action plan. Some of the more significant education programs covered include School-to-Work, Adult Education, Vocational Education, Even Start, Safe and Drug Free Schools and Vocational Rehabilitation. Two of the few major K-12 programs that aren't covered are the Title I program and Goals 2000.

Education sees major problems with Specter's proposed waiver authority, and we agree. Among other things: it provides literally no criteria or process for granting waivers; it provides essentially no limits on the scope of waivers; it appears to be unconnected to any performance or accountability requirements; and it would give the AG power over programs that other cabinet members are responsible for. Almost all of the education programs, and at least some of the others, are already subject to the responsible secretary's waiver authority. This has all of the weaknesses in Hatfield's Local Flex bill, and none of the redeeming features that some found attractive.

Specter asked Education and other agencies for their views on the amendment; late this week they provided "technical assistance," suggesting that the legislation instead direct the Secretaries to consider waivers under current law and grant them when appropriate. Not surprisingly, Specter's staff did not agree with this approach, but indicated they would go back and draft something more targeted. Biden's staff was present, too, and indicated Biden wanted to be as supportive as

he could possibly be.

If it looks anything like the draft we have seen, the Administration should oppose this amendment, and avoid getting dragged into efforts to try to fix it.

## **II. Hatch Amendments**

We hear that Hatch is considering offering three separate voucher amendments if he thinks that Democrats aren't being cooperative enough.

- The text of Title I-A of S. 1, which would authorize a new \$50 million program to fund vouchers for students to escape "unsafe schools."
- The text of Title I-B of S. 1, which would permit LEAs to give a voucher to a Title I student who is the victim of a "violent criminal offense."
- An amendment which would require states to have a voucher program as a condition of eligibility for the federal juvenile justice block grant funds.

The Administration has already taken a position against S. 1. As for the third voucher amendment, if anything, it is even more objectionable because it would essentially place an unfunded mandate on states to operate voucher programs.

## **III. Grassley Amendment**

We hear that Grassley has prepared an amendment that would dramatically expand the gun-free schools law. The amendment would supposedly require expulsion for a long list of offenses include bringing drugs and drug paraphernalia to school, as well as regular use of alcohol or tobacco. We have few details on this, and haven't seen any language, but if the amendment is anything like what we have heard, it sounds as though it would go way beyond a reasonable extension of Gun-Free Schools.

cc: Elena Kagan  
Jose Cerda



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

July 11, 1997  
(House)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

**H.R. 1818 - Juvenile Crime Control and Delinquency Prevention Act of 1997**  
(Riggs (R) California and 11 cosponsors)

Enactment of comprehensive legislation to address youth and gang violence and drug use is a top Administration priority. Accordingly, on February 25, 1997, the Department of Justice transmitted to Congress the "Anti-Gang and Youth Violence Act of 1997," which was introduced as H.R. 810 by Representative Schumer. The Administration's proposal was designed to combine elements of enforcement and prosecution with targeted and selective prevention and intervention efforts. H.R. 1818 appropriately addresses these prevention and intervention efforts. Therefore, the Administration supports House passage of H.R. 1818.

In particular, the Administration supports the provisions of H.R. 1818 that:

- Restructure the Office of Juvenile Justice and Delinquency Prevention to enhance its ability to support State and local delinquency control, system improvement, and prevention programs;
- Continue the basic Formula Grants program to States, while providing additional flexibility to State and local governments that will ensure the safety of and fairness to juveniles in custody;
- Reauthorize and amend the Runaway and Homeless Youth Act. Title II of H.R. 1818 incorporates many of the points supported by the Administration to serve this vulnerable population.
- Consolidate several existing grant programs into a flexible delinquency prevention and early intervention block grant program;
- Provide Federal support for research, evaluation, and statistics linked to the programs of the National Institute of Justice and the Bureau of Justice Statistics; and
- Authorize technical assistance and training, information collection and dissemination, and development, testing, and demonstration of programs that have potential to control, reduce, or prevent juvenile crime.

\* \* \* \* \*

January 30, 1998

The Honorable Eric D. Holder  
Deputy Attorney General  
U.S. Department of Justice  
10<sup>th</sup> Street & Constitution Ave., NW  
Washington, DC 20530

Dear Mr. Holder:

We write to express our opposition to the current proposed juvenile justice bill S.10, the "Violent and Repeat Juvenile Offender Act of 1997." For the first time in nearly a decade juvenile arrests for violent crimes — murder, rape, robbery, and aggravated assault — declined, according to a recently released report by the U.S. Department of Justice. Young people under age 15 accounted for more than half of the decline for those arrests between 1994 and 1995, suggesting that there is no wave of youth crime on the rise (DOJ 1997). Despite these facts, S.10 is pending before the Senate and H.R. 3 and H.R. 1818 (the "Juvenile Crime Control Act of 1997") have been passed by the House during the first session.

S.10 represents a radical overhaul of our nation's juvenile justice system by erasing any distinction between troubled youth and adult criminal offenders. **Specifically, children will be locked up with adult inmates in jails and prisons; children who run away or skip school will be jailed; and children will be out of school and onto the streets for possession of tobacco, alcohol or drugs.** This legislation presents serious civil liberty violations to our nation's children and is counterproductive for public safety. Tragically, it is based on the chilling premise that many of the children who commit criminal offenses in our country are simply not worth saving or rehabilitating.

The following represents the major civil liberty issues raised by S.10, the "Violent and Repeat Juvenile Offender Act of 1997."

#### Cruel and Unusual Punishment

- **Children will be locked up with adult inmates in jails and prisons (Chapter 403 Section 5039(d)).** For over 20 years, federal law has protected children from adult inmates by requiring that they be separated by "sight and sound." S.10 would dramatically weaken these protections, allowing children to be in contact with adult inmates. While common sense alone tells us that this practice is dangerous for

children, the grim statistics confirm this fact: children housed with adults are five times more likely to be sexually assaulted, twice as likely to be beaten and 50% more likely to be attacked with a weapon than those children housed in juvenile facilities. Nationwide in 1994, 45 children died while they were locked up in state adult prisons or detention centers. S.10 is a radical and dangerous change to a federal law that works.

- Children tried as adults have a higher recidivism rate than comparable children tried as juveniles (children tried as adults re-offend sooner, commit more serious new offenses and re-offend more often).
- The majority of children transferred to adult court were charged with property or drug-related offenses, as opposed to serious, violent offenses or other offenses against persons.
- Deterrence, including tough-sounding laws, is particularly ineffective with regard to adolescents.

#### Equal Protection

- **S.10 endangers children who have committed no crime (Title II, Section 222(a)(10):** Current law strictly limits the time that status offenders (e.g., truants, runaways, ungovernable children) can be locked in juvenile facilities and does not permit them to be housed in adult jails at all. S.10 amends the Juvenile Justice and Delinquency Protection Act (JJDP) to allow authorities to hold status offenders for up to three days in secure confinement. This changes the current law provision which prohibits states, as a condition of accepting federal funds, from placing status offenders in secure detention or correctional facilities (called the "Deinstitutionalization of Status Offenders" or "DSO"). Under current law, states are encouraged to use the federal funds to establish community-based programs to help these non-criminal youth and their families and to provide effective alternatives to locking up these youth. All but two states are in compliance with the DSO requirement and in the states in compliance, DSO has resulted in a 98% decrease in instances of locking up status offenders (OJJDP, 1995).

Runaways and truants will be treated like criminals rather than children in need. **Instead of the current requirement that they be placed in a community setting, they are going to be locked up.** Children who do not commit crimes do not belong in jail, where they are vulnerable to assault, rape, suicide, and adult inmates. Instead, these children belong in community settings, such as foster homes, group homes, or their own homes, thereby being linked to the services they need so that they have a chance to grow into productive adults. In 1995 there were 249,500 runaway arrests. Of these arrests, 57% were girls, and of these girls it is estimated that 70% ran away from homes where they were sexually abused. Of all the male runaways, it is estimated that 40% ran away due to sexual abuse in their homes. (FBI, 1996). S.10 would put status offenders into

adult jails for up to 24 hours, truants into secure confinement for up to 72 hours, plus weekends; and runaways into secure facilities for up to 14 days.

- **Disproportionate Minority Confinement:** Minority overrepresentation in the juvenile justice system is a serious problem in most states across the country. S.10 would eliminate current language in the federal JJDPa that requires states to determine whether there is racial disparity in their juvenile justice system; and, if so, to address that disparity in whatever manner the state determines. According to a 1995 Office of Juvenile Justice and Delinquency Prevention study, while African American boys represent only 15% of the youth population, they account for 26% of juvenile arrests, 32% of delinquency referrals to juvenile court, 41% of juveniles detained, 46% of juvenile correctional facility populations and 52% of all the children transferred to adult court.

In 1988, the Juvenile Justice and Delinquency Prevention Act was amended to include a proportionate sum of state funds to address the over representation of minority youth in the juvenile justice system. Since 1992, States participating in JJDPa Formula Grants Program have been required to "address efforts" to reduce the disproportionate incarceration of minority youths. Minority populations were defined as Asians, Pacific Islanders, Blacks, Hispanics, and American Indians. If the proportion of racial/ethnic minority youths detained or confined in secure detention and correctional facilities, jails, and lockups exceeded the proportion that such groups represented in the general population, the Act required those states to provide a strategy to reduce those proportions. **S.10 would eliminate states' responsibility to identify and address disproportionate rates of minority confinement.** (See "Violent and Repeat Juvenile Offender Act of 1997," S. Rep., No. 105-108, at 299-301 (1997), as currently codified at 42 U.S.C. 5633(a)(23).)

- **Privacy Rights:** S. 10 requires states to implement a state plan that would require any person convicted of a sexual act or sexual contact involving any person not having attained the age of 18 be tested for the presence of any sexually transmitted disease. Additionally, the results of such test be provided to the victim or to the family of the victim as well as to any court or other government agency with primary authority for sentencing the person convicted of the sexual act or sexual contact (Title II, Section 222(a)(19)).

#### Access to Juvenile Records

- **Juvenile Records:** S.10 requires state and local juvenile records to be treated in a manner equivalent to adult records, meaning that **juvenile records must be kept open instead of sealed** to be eligible for juvenile justice block grant funds. The consequences of a criminal history can reach far into children's futures. If convicted of a felony, youth can be disqualified later from voting, sitting on a jury, or running for public office – the basic rights and responsibilities of citizenship. They can also be prohibited from holding many jobs, including lawyer, doctor, police officer and teacher. Additionally, convictions for misdemeanors, like shoplifting, vandalism and

alcohol possession, will have to be revealed on job, college and military recruitment applications. Even after being held accountable for their offenses, children will continue to pay for their indiscretions throughout their adult lives. By jeopardizing the future educational and employment options and leaving these young people with little choice other than a life of crime. (Chapter 227, Section 3553).

#### First Amendment Issues

- **Church/State:** § 206 (5) of S.10 allows State and local governments to contract with religious organizations to accept and provide benefits and services funded under any program authorized by S.10. This section will allow churches to contract for services including counseling, housing, education, social, health and mental health services. This "Charitable Choice" provision violates the separation of church and state by allowing "pervasively sectarian" institutions, including houses of worship, to receive federal funding to administer social services and public health benefits on behalf of the government. Under current law, "religiously affiliated" organizations, such as Catholic Charities, are generally permitted to provide social services with government funds. Although a beneficiary technically retains the right to object to a religious provider, the bill does not provide notice to the beneficiary of his or her right to object. This is particularly disturbing in the context of this bill where juveniles may be ordered by a judge to attend a church of the judge's choosing. It is ultimately unlikely that children, especially juvenile offenders, would tell a judge to select an alternative provider.

In addition to violating the Establishment Clause of the First Amendment, the "Charitable Choice" provision undercuts state religious liberty rights by preempting state constitutional provisions that would otherwise prohibit public funding of sectarian institutions. In addition to the federal Establishment Clause, many state constitutions contain explicit provisions that protect the autonomy of religion and the rights of taxpayers by prohibiting government funding, and thus oversight, of sectarian religious institutions. S.10 overtly preempts all of these state constitutions that protect religious liberty.

- **Public Policy Issues**

**Mandatory Expulsion of Students:** S.10 forces children out of school and onto the streets because of possession of tobacco, alcohol or drugs; S.10 will require expulsion of children from school for possession of tobacco, alcohol or drugs without a requirement that any alternative education be provided (Title XIV, Part "F," Section 14601). This would put large numbers of children out on the streets without any positive alternatives to committing crimes, and would not address the needs of those children for educational services and (if drug or alcohol addiction are involved) for substance abuse treatment. According to the Centers for Disease Control, 4.5 million young people smoke in America. In New York, South Dakota, Kentucky and West Virginia over ½ of the teenagers smoke. (CDC, 1993).

Prevention programs that work will not receive the funds they desperately need. Successful prevention initiatives — including after-school programs and mentoring programs — have been proven to reduce youth delinquency. And interventions for children at-risk — such as parent training and graduation incentives — have been shown to reduce serious crimes more efficiently than incarceration. Prevention programs also cost considerably less than new juvenile detention beds, each of which costs more than \$100,000 to build. Nine out of 10 police chiefs, as well as other community leaders, support prevention as an effective crime-fighting tactic. But S.10 sets aside none of the \$500 million block grant or the \$150 million formula grant for prevention. Instead, S.10 sets aside 60 percent of the money for drug testing, juvenile records, and incarceration. More investments are needed in children and the community at the front end, to prevent the tragedy of crime and reduce the expenses of law enforcement. In addition to reducing the amount of money for prevention programs, because of the “Charitable Choice” provisions, states can funnel what little money there is to churches.

While we understand that the final provisions of the bill may change due to amendments, we ask that you do all within your power to ensure that juveniles who are the most vulnerable are not subjected to civil liberty abuses.

Sincerely,

American Civil Liberties Union  
Justice Policy Institute  
National Association for the Advancement of Colored People  
National Association for the Advancement of Colored People, Legal Defense Fund  
Religious Action Center



January 22, 1998

**MYTHS AND FACTS ON JUVENILE CRIME**

Currently, there is a great deal of fear and confusion regarding juvenile crime in this nation. Media coverage of youth crime has led the public to become justifiably concerned about the problem. However, in order to design policies to effectively reduce youth crime, it is critical to understand the actual facts on juvenile crime and violence.

**MYTH**

Juvenile violent crime is increasing dramatically.

**FACT**

The national rate of juvenile murder and non-negligent manslaughter arrests declined 18.4% between 1992 and 1996, and weapons offenses were down 9.5% during that period. The national rate of arrests for forcible rape also declined (by 6.6%) during that period. Just in the last year for which data is available (1995-1996), overall juvenile violent crime arrests were down 5.8% (a greater percentage decline than for adult arrestees), with the percent decline even greater for juvenile ages 14 and younger.<sup>1</sup>

**MYTH**

The majority of violent crimes in this country are committed by juveniles, and the majority of crimes committed by juveniles are violent.

**FACT**

The vast majority of violent crimes are committed by adults. In 1996, over 80% of arrests for violent crimes were adults (in other words, 4 out of 5 violent crime arrests were adults). In that years, over 87% of violent crimes cleared by arrests were cleared by arrests of adults. (The adult clearance percent is higher, because juveniles are more likely to commit crimes in groups.) Further, the overwhelming majority of annual juvenile arrests have nothing to do with violence. In 1996, only 5 out of every 100 juvenile arrests were for violent crimes. The most serious crimes, murder, non-negligent manslaughter and rape, represented less than three-tenths of one percent of juvenile arrests.<sup>2</sup>

**MYTH**

Juveniles are responsible for large numbers of murders.

**FACT**

Less than 2200 children were arrested for murder in 1996; in fact, 92% of murders cleared by arrests were cleared by arrests of ADULTS.<sup>3</sup>

### MYTH

People everywhere are at high risk of juvenile homicide.

### FACT

Juvenile homicide is highly localized: Four cities (Chicago, Los Angeles, New York, Detroit) account for nearly one-third of all of the juvenile arrests.<sup>4</sup>

### MYTH

A large portion of juveniles are committing crimes, and most juveniles who commit crimes do so again and again.

### FACT

Only 6% of juveniles were arrested in 1994 (the most recent year for which data was available)<sup>5</sup>. In 1995, the majority (56%) of court-involved youth who turned 18 in 1995 had only one court referral.<sup>6</sup>

### MYTH

It is younger juveniles who are responsible for the majority of juvenile murders and violent crimes.

### FACT

In 1996, 71% of juvenile murder and nonnegligent manslaughter arrests involved 16 or 17 year olds, and 88% of juvenile arrests for those crimes involved 15, 16 or 17 year olds. In fact, 70% of juvenile violent crime arrests involved 15, 16 or 17 year olds in 1996.<sup>7</sup>

### MYTH

In the next decade, as the number of teenagers increases to unprecedented levels, there will be unprecedented levels of juvenile crime.

### FACT

Although the male "at risk" population (males age 15-24) is expected to increase over the next decade, the relevant population will not increase beyond the level in 1980. Therefore, especially considering recent decreases in violent crimes, there is unlikely to be any unprecedented rise in violent crimes.<sup>8</sup>

### End Notes

<sup>1</sup> Crime in the United States: 1996 Uniform Crime Reports, U.S. Department of Justice (September 28, 1997), pp. 220, 222.

<sup>2</sup> Crime in the United States: 1996 Uniform Crime Reports, U.S. Department of Justice (September 28, 1997), pp.211, 224.

<sup>3</sup> Crime in the United States: 1996 Uniform Crime Reports, U.S. Department of Justice (September 28, 1997), pp.211, 224.

<sup>4</sup> Lotke, E. & Schiraldi, V. An Analysis of Juvenile Homicides: *Were They Occur and the Effectiveness of Adult Court Intervention*. National Center on Institutions and Alternatives, & Center on Juvenile and Criminal Justice.

<sup>5</sup> Juvenile Offenders and Victims: 1996 Update on Violence, U.S. Department of Justice, OJJDP (1997).

<sup>6</sup> Juvenile Offenders and Victims: 1996 Update on Violence, U.S. Department of Justice, OJJDP (1997). p. 24.

<sup>7</sup> Crime in the United States: 1996 Uniform Crime Reports, U.S. Department of Justice (September 28, 1997), p. 224.

<sup>8</sup> Austin, J. & Cohen, R. Why are Crime Rates Declining? An NCCD Briefing Report. National Council on Crime and Delinquency. (March, 1996) p. 4.

**In Congress****American Civil Liberties Union  
Freedom Network**

**STATEMENT OF LAURA MURPHY, DIRECTOR  
AMERICAN CIVIL LIBERTIES UNION, WASHINGTON  
NATIONAL OFFICE  
BEFORE THE CONGRESSIONAL BLACK CAUCUS BRAIN  
TRUST ON JUVENILE JUSTICE  
May 14, 1996**

Thank you, distinguished members of the Congressional Black Caucus for inviting me to testify before you today. I am honored by the opportunity to appear before you today as you consider the various issues involved in the current state of the juvenile justice system in America.

I must begin my comments by commending your efforts in calling these important hearings. These hearings were urgently needed to provide a forum to thoughtfully and comprehensively address the issue of juvenile justice from so many different perspectives. It is much too rare that such a thorough examination is undertaken to analyze and seek solutions to such a complex and difficult issue, free from the usual political grandstanding that has become all too common in our nation's capital.

We are at a critical juncture in this country in the consideration of strategies to address the issue of juvenile crime in our nation. However, in our zeal to address the problem we have hastily resorted, once again, to the failed "lock em up" philosophy. Over the past decade, public policy has largely ignored prevention initiatives in favor of punitive measures designed to transfer juveniles into the adult system where they are incarcerated in adult facilities at an ever increasing rate.

We must pause for a moment and ask ourselves whether we sincerely believe that the juvenile crime problem can be solved by locking up more kids? Does our country really need more prisons for kids? Is it helpful to label our children criminals before they even have a chance to grow up? I don't think so. We must abandon such cruel and futile policies because we are on the verge of incarcerating a generation of our nation's youth. The stakes are particularly high because we are talking about our children. It is the current generation of children that will become the future generation of adults in our nation. America's community leaders, scientists, doctors and yes, even its politicians of tomorrow are the children of today. Therefore, if we act hastily and out of political expediency, rather than thoughtful deliberation, we may jeopardize an entire generation of our children. Today's hearing is an important step in the right direction in our efforts to seek solutions to the juvenile crime issue.

Unfortunately, it seems that the politicization of the juvenile crime issue has become the greatest impediment to finding a comprehensive solution to the problem itself. In this election year, politicians have once again seized the issue of crime in America as one of the fundamental building blocks of their campaigns. But this year, the crime scapegoat is not Willie Horton -- it is our children. Teenagers, and even pre-teens, are being

demonized as "superpredators" and "natural born killers" which creates an atmosphere of fear and blame directed largely at inner city, minority youth. In fact, just two weeks ago, Representative Bill McCollum, Chairman of the House Crime Subcommittee, further illustrated this scare campaign against children when he testified before a congressional committee and warned that Americans had better "brace [themselves] for the coming generation of "super-predators."

Moreover, a compliant press has worked overtime to portray adolescents as violent "thugs" and whip-up juvenile crime hysteria directed against adolescents by screaming the apocalyptic message from headlines, magazine covers and network specials. For example, a recent U.S. News and World Reports is representative, it reads: "Teenage Timebombs Violent juvenile crime is soaring and its going to get worse."

Ironically, but not surprisingly, when the smoke clears, much of alarmist juvenile crime rhetoric finds no basis in fact. Let me offer one brief example which addresses the issue of the coming juvenile crime time bomb. Most criminologists agree that a large proportion of crimes are committed by young males age 15-29, and demographics can reveal much about crime rate patterns of this group. According to a recent report by the National Council on Crime and Delinquency, "there was a major increase in the size of the male population age 15-24 category between 1960 and 1980 (11.9 million to 21.4 million) which coincides with the increase in crime rates for the same time periods. Since 1980, this population has declined and/or remained stable, also paralleling crime rate patterns.

The male "at risk" population is expected to increase over the next decade, and this trend has led some to conclude that we need to brace ourselves for a new wave of juvenile violent crime that may well negate recent declines in violent crime rates. However, a closer look at population projections shows that while the numbers of youth age 15-24 will increase, this increase will not exceed that for 1980. In other words, there will be a demographic bulge, not a "time bomb", as has been erroneously reported.

These facts certainly have not gotten in the way of policy makers in their attempt to manipulate public fear for their own political gain. Many politicians seem content to simply wage a war of words, replete with "tough on crime rhetoric" such as "three strikes and you're out" and "if you do adult crime, you do adult time." While these phrases make for catchy slogans, they offer very little in the form of long-term, comprehensive solutions to the juvenile crime problem. Tragically, our public policy is being driven by rhetoric, not rationality. Rather than exploring innovative efforts to reduce and prevent crime, politicians play to America's obsession with quick and easy solutions to problems -- solutions that will not work, such as the wholesale transfer of children to adult court, mandatory minimum sentencing schemes, building more prisons, curfew laws, corporal punishment and capital punishment.

Those measures sound "tough" indeed. But what does it mean to be "tough" on crime? If being tough means being effective, very few policy makers have been tough. If it means sounding tough but being ineffective, they've all been tough.

At the urging of social conservatives, our nation has turned to an ever increasing punitive approach to solving its criminal justice problems with little success. In the last

decade, we have doubled the prison population in our country, resulting in such noteworthy accomplishments as unprecedented prison construction and imprisoning over one million adults, including ever increasing numbers of juveniles. These efforts have produced only slight effects on the crime rate.

Moreover, as a result of these same policies, the juvenile incarceration rate has far exceeded the juvenile system's capacity to house and provide even minimal standards of care for the children who are incarcerated.. Besides massive overcrowding, many juvenile facilities lack adequate schooling programs, substance abuse treatment, medical and psychological care. The failure to provide basic services unique to the needs of the juvenile offender should be enough for us to reexamine the entire system. But, the utter failure of the juvenile detention system does not end there.

Many children who have been housed in state institutions, detention facilities and adult jails have been subjected to some of the most inhumane treatment that violate common standards of decency at the hands of governmental authorities. There are numerous cases documenting such abuse: children housed in adult facilities have been raped and physically assaulted, sometimes causing the child to commit suicide; children housed in detention facilities have been beaten by staff, tied down by restraints and held in deplorable conditions; and finally, children housed in state institutions have been hogtied, handcuffed, injected with "aversive" drugs and denied special education. Fortunately, the ACLU Prison Project, our affiliates and other dedicated child advocates have exposed and, in many instances, succeeded in correcting these atrocities by filing lawsuits against offending governmental entities.

Despite the success these lawsuits have had in preventing and remedying child abuse in detention facilities, Congress recently passed legislation that severely limits lawsuits involving any condition or practice in any juvenile or adult corrections facility. I am specifically referring to the legislation commonly referred to as STOP which effectively eliminates the power of the courts to remedy proven constitutional violations in adult and juvenile prison cases. This law essentially takes away a child's ability to achieve justice and end the egregious abuse sue the abuser; the state.

It is indeed ironic that on one hand we go to great lengths to protect children from predators on the Internet and from sex offenders released from prison, but Congress somehow rationalizes turning its back on children in custody. How can this be justified? Shouldn't we as a society be protecting all children from harm?

People of color have paid the greatest price for the increased emphasis on punishment and incarceration. Alarming rates of African Americans have come under the supervision of the criminal justice system over the past decade. We are now all too familiar with the statistic that one in three young black men between the ages of 20-29 is in prison or jail, on probation or parole on any given day. And if this is not shocking enough, one study found that African Americans are imprisoned at five times the rate of their counterparts in apartheid South Africa.

Now, despite the futility of these policies in curbing adult crime, public policy makers are proposing that even more incarceration is necessary to stem the supposed gigantic pending juvenile crime wave. Indeed, they seem eager to unleash the failed policies of

the adult system on our children by enacting laws that make it easier to transfer increasingly younger children into the adult system and incarcerate them in adult jails.

For example, the 1994 Crime Bill contained many provisions that expanded the authority of federal law enforcement to prosecute juveniles as adults. Since enacted, this law has exposed numerous juveniles to the harsh adult system with its emphasis on punishment in lieu of rehabilitation. To date, there is no reliable data indicating that these laws are actually effective in reducing juvenile crime. Accordingly, before Congress forges ahead again and further expands federal law enforcement into the juvenile arena, we believe that it would be prudent and logical to require the Department of Justice to study the effectiveness of these laws.

Similar state studies of juvenile offenders being tried as adults suggests that juveniles sentenced as adults to adult prisons, revert to a life of crime more quickly after they were released, and committed more crimes and more serious crimes, than those in juvenile institutions. These results should not be surprising. Let me illustrate the fallacy and dangers of sending more juveniles into the adult system. Take the average dysfunctional, poorly educated and violent child between 12-15 years old who is convicted of a crime and sentenced to ten years in an adult prison or a juvenile prison modeled after an adult prison. While there he will have as his role model an older, more sophisticated convicted criminal to help him develop during his formative years. He will then become more hardened, more cruel, more disenfranchised, and more dangerous. And then he will be released back into the community, in his early to mid-twenties, at his peak of physical power, unsocialized, undereducated, and unemployable. He will be a model of the very person we, as a society, wished most to avoid.

If these policies are carried out, we had better be prepared to incarcerate these children, at a prohibitive cost of about \$50,000 per year each, not for 10 years, but for 40 or 50, until well past their crime-prone years. Why is that cost prohibitive? Because it will create tax burdens no one will be able to bear. Our nation currently spends over one billion dollars per year on the prison population, imagine the spiraling costs if we increase the rate at which we incarcerate our children. Short of that, the policy most likely to create violent criminals is the one now being legislated across the country and possibly here in Congress is to take a child as young as 14, put them in adult-like prisons until they are 24, and then release them back into the community.

Thus, the real challenge for our nation is to resist the temptation for short-sighted solutions to the juvenile crime problem. We must demand that our policy makers and elected leaders pursue long-term and often times difficult solutions that actually work. But we must act now to avoid losing an entire generation of our children to hopelessness and adult prisons.

Our first step to a finding solution is to accurately define the source of the problem. The problem is not that we have a nation of "superpredator" children; rather, it is that we have too many children that are poor, under-educated with little hope for the future. A 1993 survey found that 40 million Americans lived below the poverty line, with half of these being children and 60 percent non-white. Moreover, a recent international study found that the U.S. raises three to eight times more children in poverty than other

Western nations. Today in the United States we are experiencing the widest and fastest-increasing gap in income between its wealthiest 5 percent and poorest 5 percent of any industrial society.

Criminologists have thoroughly documented the link between poverty and crime. The stress factors typically associated with poverty contribute to the higher crime rates among the poor. Not surprisingly, low income children do worse in school, drop out more often, are less likely to attend college. In addition, many of these children are surrounded daily by violence, gangs and drug addiction, as well as, being subjected to physical and mental abuse. Is it any wonder that these children grow up to become the next generation of "at risk" children and, consequently, end up in the juvenile justice system?

Our efforts must focus on breaking in this tragic cycle. This can only be achieved if we begin to shift our emphasis from punishment to prevention and intervention initiatives. We must institute prevention programs early in the development of our children in order to have the greatest impact and the best chance to change negative behaviors. This will require our nation to begin reinvesting in schools, recreational programs, job training programs, and provide meaningful economic opportunity. We must give our "at risk" children the opportunity to reject negative influences such as gangs or drugs by engaging the child in positive conduct at the earliest age. Such initiatives work, but they take time to produce tangible results so we must be patient.

The federal government has an important role in creating and maintaining a comprehensive, uniform and effective juvenile justice system throughout the country. Our nation's juvenile justice system is based upon the premise that juveniles can and should be rehabilitated. Indeed, the premise of the federal Juvenile Justice and Delinquency Prevention Act is that it is in the best interest of both juveniles and society that young offenders be insulated from the publicity and retributive atmosphere of adult criminal trials. Accordingly, it should be reauthorized with the four core national standards fully maintained. These standards have been instrumental in dramatically improving the state juvenile justice systems. It would be a mistake to dismantle Act and allow the states to revert back to a time when juveniles were routinely mistreated and abused in juvenile systems that were often times deplorable.

Prevention and intervention efforts provide the foundation for hope in communities where hope may never have existed. They help to break the cycle of poverty by providing young children with strong, positive role models like teachers and community leaders that we wish them to emulate. Such programs and mentors will replace the lure of gangs, drugs and other unsavory street activities. Although such an investment in the lives of our children is not easily condensable to a "sound bite" and may take years to produce results, it does offer a real opportunity to reduce juvenile crime, while significantly improve the quality of life for our children. And, at a minimum, we owe this to our children.

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**An Assessment of  
Selected Provisions  
in Senate Bill 10**

**February 1998**

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## **An Assessment of Selected Provisions in Senate Bill 10**

**Howard N. Snyder**

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## **Summary**

by Howard N. Snyder

### **Introduction**

A bill before the U.S. Senate, Senate Bill 10 (or S. 10), will require States to significantly change their practices in dealing with juvenile offenders if they wish to receive a portion of a large associated appropriation. Among these requirements are two sets that target the information collection and reporting activities of State criminal history repositories and State juvenile drug testing policies. In regards to the State repositories, S. 10 states:

- ◆ The State shall require juveniles arrested for a crime of violence or an act that would be a felony if committed by an adult to be fingerprinted and photographed.
  - These fingerprints and photographs and notation of arrest of the juvenile are to be sent to the FBI.
- ◆ States shall maintain a record of the adjudication or disposition of these juvenile arrests equivalent to the records kept on adults.
  - These records are to be retained for a period of time that is equal to the period of time that records are kept for adult convictions.
  - These records are to be available to all law enforcement agencies.
  - These records are to be available to all school officials in schools that the juvenile seeks, intends, or is instructed to enroll.
  - These records are to be available to any court having jurisdiction over the juvenile for the purpose of allowing the court to consider the juvenile history of the individual.
  - These records are to be sent to the FBI.

In regards to the State's juvenile drug testing policies, S. 10 states:

- ◆ The State shall establish a policy for drug testing (including follow-up testing) juvenile offenders at arrest who are charged with any offense within an appropriate category of offenses as designated by the chief executive officer of the State.

### **The Study**

In December 1997, at the request of Senator Leahy, ranking member of the Judiciary Committee, the Office of Juvenile Justice and Delinquency Prevention within the U.S. Department of Justice asked the National Center for Juvenile Justice (NCJJ) to conduct an assessment of these provisions of S. 10, specifically to determine how many States are currently in compliance with these requirements. Secondly, and if possible,

the project was asked to determine the costs required for the States to come into S. 10 compliance. The task was to be completed within a one-month period.

As the project was designed, there are two subtasks in the assessment of the State repositories. First, to assess a State's current level of compliance with the S. 10 requirements, NCJJ conducted an informal survey of persons with detailed knowledge of data collection procedures and reporting policies of each State's criminal history repository. NCJJ obtained a list of State repository contacts from SEARCH Group. This informal survey was conducted by telephone with the interviewer following prepared text (see Appendix A). Second, a set of case studies was conducted to establish the actions required to bring each of six States into S. 10 compliance. It was hoped that in these case studies it would be possible to develop well-supported cost estimates for implementing the required changes. The case studies targeted the States of Alabama, California, Florida, Illinois, Pennsylvania, and Utah. To develop these State profile reports NCJJ contracted with individuals in each State familiar with the State's juvenile and criminal justice systems and with their State's criminal history repositories.

To assess State compliance with the drug testing requirements of S. 10, two subtasks were designed. The first involved a brief telephone survey which asked two prosecutors from each State if there were currently regulations or policies that required the drug testing of juveniles in the justice system. The American Prosecutors Research Institute (APRI) conducted this survey, contacting prosecutors known to them to be familiar with their State's juvenile codes and practice. The interviewers in this informal survey followed prepared text (see Appendix B). A second survey, also conducted by APRI, asked State drug specialists if they knew of any jurisdictions in their State that required the drug testing of juveniles at any point in the juvenile justice system. A list of State drug and alcohol directors was obtained from the National Association of State Alcohol and Drug Abuse Directors.

The second part of the drug testing assessment attempted to develop cost estimates for the drug testing provisions in S. 10. To do this, NCJJ analyzed FBI State-level arrest data, producing estimates of the number of juvenile arrests in each State within specific offense categories. Based on telephone calls to key persons, NCJJ also developed a rough estimate of the cost to drug test a juvenile. By applying the cost figure to different groupings of arrests, a series of State-level cost estimates for drug testing juveniles under various designated offense criteria was prepared.

## **The Findings**

There is a large gap between current practice and the proposed reporting requirements in S. 10. Currently, no State is in compliance with the fingerprinting and reporting procedures detailed in S. 10. Today, about two-thirds of States (34) require the collection of fingerprints from all juveniles arrested or charged with serious crimes, although in many of these States the reporting is far from complete. Few States (7) are collecting juvenile photographs. About one-third of States (17) make the submissions to the FBI that S. 10 would require. About two-thirds of States (32) either do not collect

adjudication or disposition information on juveniles at all, or else do not collect information that is equivalent in detail to the information collected on adult convictions. The reporting of juvenile criminal history information to other criminal justice agencies within the State is common. The reporting of these data to schools and the retention of juvenile records are not technical issues but matters of State policy. These policies vary widely across the States.

The juvenile criminal history reporting process can be roughly divided into six stages: (1) at arrest law enforcement agencies collect juvenile fingerprints and photographs and send copies to the State repository; (2) the State repository analyzes the information received and enters the information into the repository; (3) the courts collect adjudication and disposition information on the arrest and forward the data to the repository; (4) the repository enters the court data into the repository; (5) the repository provides juvenile information to criminal justice and other entities within the State; and (6) the repository sends offense, fingerprint, photograph, and court information to the FBI. While States on their own initiative are moving in the direction of S. 10, the cost to States to come into complete compliance with the fingerprinting, photographing and reporting regulations outlined in S. 10 is difficult to estimate. However, the impact on each stage in the reporting process is predictable. The workloads of local law enforcement agencies would increase. In most jurisdictions new equipment and procedures for capturing and reporting fingerprints and photographs would need to be installed. The monitoring and reporting requirements of juvenile courts would increase. Finally, the workloads of State criminal history repositories would increase, along with corresponding expansions of their information systems.

In the detailed case studies, researchers asked state officials for cost estimates to bring a State into compliance with S. 10. While full cost estimates were not available, some States were able to provide costs figures to enhance one stage, or a part of one stage, of the process. In each State, the cost estimates implied that to enhance any single stage of the process would be in the millions of dollars. For example, Illinois estimates that the necessary law enforcement hardware increases alone would cost between \$10 million and \$15 million. California estimates the cost to install the necessary electronic fingerprinting equipment and additional communications equipment in 42 of the 58 counties at approximately \$3 million. As an example of State repository costs, Florida spent approximately \$400,000 just to modify their computer programs at the State repository to begin collecting and maintaining juvenile arrest records and fingerprints. Florida's repository also needed an additional \$400,000 on an annual recurring basis to fund the 14 new repository staff positions which were required to handle the influx of juvenile information. (Similarly, Utah estimated that the cost for additional repository staff alone would be about \$300,000 annually.) Add to these costs in Florida, the costs of expanded hardware and other related repository expenses and the indications are that a State's repository enhancements alone to come into compliance with S. 10 would be over \$1 million. If these costs are representative of the costs needed to enhance a single stage of the reporting process, then the national cost to enhance all stages of each State's reporting process to implement the requirements of S. 10 would be in the hundreds of millions of dollars.

These estimates are reasonable when one considers that the federal government has spent several hundreds of millions of dollars to improve adult criminal history systems from fiscal year 1995 through fiscal year 1998. This includes over \$250 million funded under the National Criminal History Improvement Program (NCHIP) which supports implementation of grant requirements under the Brady Handgun Violence Prevention Act, the National Child Protection Act of 1993, and the National Stalker Reduction and the Domestic Violence Reduction provisions of the Violence Against Women Act, as well as more than \$80 million under the 5% "set aside" of the Edward Byrne Memorial formula grant program funds for improving criminal justice records. Additional funds (over \$3 million) have been provided to support the provisions of the Violence Against Women Act. It may also be reasonable to include the additional funds made available to develop sex offender registries (\$25 million in FY98 alone). Even with this large infusion of federal funds into an adult system that had years of prior development, at least one-third of States still receive fingerprints on fewer than 90% of adult felony arrests, and most State repositories receive few or no adult photographs.

Turning to the drug testing requirements of S. 10, this work found that the routine, statewide drug testing of juveniles at arrest is uncommon. The decision to drug test is generally made by local authorities on a case-by-case basis. Most drug testing policies are locally determined and are based in part on a local assessment of the drug problem within the community. But if State drug testing requirements were established, the annual national cost estimates of drug testing juveniles at arrest, depending on States' adopted criteria, would range from \$4 million to \$85 million, with a most likely figure being about \$25 million. These costs exclude the costs incurred in transporting the youth to a testing center and other related logistic costs. More significantly, these costs ignore the high costs of treating those youth that test positive.