

## S 678

### Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009

**Congress:** 111 (2009–2011, Ended)

**Chamber:** Senate

**Policy Area:** Crime and Law Enforcement

**Introduced:** Mar 24, 2009

**Current Status:** By Senator Leahy from Committee on the Judiciary filed written report. Report No. 111-280. Minority

**Latest Action:** By Senator Leahy from Committee on the Judiciary filed written report. Report No. 111-280. Minority views filed. (Aug 5, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/senate-bill/678>

#### Sponsor

**Name:** Sen. Leahy, Patrick J. [D-VT]

**Party:** Democratic • **State:** VT • **Chamber:** Senate

#### Cosponsors (17 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Durbin, Richard J. [D-IL]	D · IL		Mar 24, 2009
Sen. Kohl, Herb [D-WI]	D · WI		Mar 24, 2009
Sen. Specter, Arlen [R-PA]	R · PA		Mar 24, 2009
Sen. Collins, Susan M. [R-ME]	R · ME		Jul 28, 2009
Sen. Snowe, Olympia J. [R-ME]	R · ME		Oct 14, 2009
Sen. Cardin, Benjamin L. [D-MD]	D · MD		Nov 30, 2009
Sen. Franken, Al [D-MN]	D · MN		Dec 16, 2009
Sen. Burris, Roland [D-IL]	D · IL		Feb 22, 2010
Sen. Merkley, Jeff [D-OR]	D · OR		Feb 22, 2010
Sen. Landrieu, Mary L. [D-LA]	D · LA		Feb 24, 2010
Sen. Kerry, John F. [D-MA]	D · MA		Mar 8, 2010
Sen. Gillibrand, Kirsten E. [D-NY]	D · NY		Mar 15, 2010
Sen. Nelson, Bill [D-FL]	D · FL		Apr 12, 2010
Sen. Akaka, Daniel K. [D-HI]	D · HI		May 3, 2010
Sen. Menendez, Robert [D-NJ]	D · NJ		May 11, 2010
Sen. Brown, Sherrod [D-OH]	D · OH		Jun 16, 2010
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Jun 24, 2010

#### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Dec 17, 2009

## Subjects & Policy Tags

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### Policy Area:

Crime and Law Enforcement

### Related Bills

Bill	Relationship	Last Action
111 HR 6029	Related bill	Oct 13, 2010: Referred to the Subcommittee on Healthy Families and Communities.

Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009 - **Title I: Findings and Declaration of Purpose** - (Sec. 102) Adds as a purpose of the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPDA) the support of a continuum of programs (including delinquency prevention, intervention, mental health and substance abuse treatment, and aftercare programs) to address the needs of at-risk youth and youth who come into contact with the justice system.

(Sec. 103) Adds and amends definitions under JJDPDA. Defines "core requirements" as certain requirements relating to the protection of juveniles against placement in adult prison facilities and the treatment of juveniles equitably on the basis of gender, race, family income, and disability. Defines "evidence based" as a program or practice that is demonstrated to be effective and that: (1) is based on a clearly articulated and empirically supported theory, (2) has measurable outcomes, and (3) has been scientifically tested.

**Title II: Juvenile Justice and Delinquency Prevention** - (Sec. 201) Extends until July 2, 2010, the date on which the Administrator of the Office of Juvenile Justice and Delinquency Prevention must revise and publish the annual plan for coordinating federal juvenile justice efforts.

(Sec. 202) Revises and increases the membership of the Coordinating Council on Juvenile Justice and Delinquency Prevention to include mental health professionals. Requires the Council to report to Congress on its recommendations for coordinating federal juvenile delinquency programs and to publish such report on the websites of the Department of Justice (DOJ) and the Council.

(Sec. 203) Adds elements required for the Administrator's annual report, including: (1) data on the confinement and release of juveniles from custody and on status offenders (juveniles arrested for offenses that would not be criminal if committed by adults), (2) the number of pregnant juveniles in custody, (3) a description of the criteria used to determine what JJDPDA programs qualify as evidence-based and promising programs, (4) a comprehensive list of those programs the Administrator has determined meet such criteria, (5) a description of funding provided to Indian tribes, and (6) an analysis and evaluation of compliance by and payments to grant recipients.

(Sec. 204) Increases the allocation of funds for technical assistance to states under JJDPDA. Requires allocations of funds under the Act to be based upon the most recent census data.

Authorizes the reallocation of funds withheld from states due to noncompliance with core requirements into improvement grants for assisting states in achieving compliance with such requirements. Requires the Administrator to impose conditions for awarding grants based upon compliance with such requirements and to provide technical assistance to states for achieving compliance.

(Sec. 205) Requires states to post their juvenile delinquency prevention plans on a publicly available website within 30 days of final approval.

Revises membership requirements for state juvenile delinquency prevention advisory groups to include volunteers who work with youth of color. Requires such advisory groups to use grant funds to: (1) provide training and technical assistance to state and local agencies for juvenile delinquency prevention activities, and (2) expand access to court-appointed legal counsel for representation of juveniles.

Revises requirements for state juvenile delinquency prevention plans to: (1) promote compliance with core requirements;

(2) provide alternatives to secure detention for juveniles; (3) reduce the number of juveniles placed in secure detention and adult corrections facilities; (4) engage family members in the design and delivery of juvenile delinquency prevention and treatment services; (5) provide for the use of community-based services to address the needs of at-risk youth; (6) provide for the sharing of records by juvenile justice and child welfare agencies for abused and neglected youth; (7) address mental health and substance abuse screening, assessment, referral, and treatment for juveniles in the juvenile justice system; (8) provide for expanded access to court-appointed counsel for juveniles in the juvenile justice system; and (9) require that juveniles awaiting trial as adults not have sight and sound contact with adult inmates.

Requires the Administrator to: (1) make determinations as to whether states are in compliance with core requirements, and (2) provide technical assistance to state advisory groups.

Modifies provisions relating to the detention of juveniles awaiting trial in adult criminal court to require placement in a juvenile facility unless a judge determines that it is in the interest of justice for a juvenile to be held in an adult facility. Prohibits the detention of a juvenile in an adult facility or sight and sound contact by such juvenile with adult inmates for more than 180 days unless the court determines in writing that there is good cause for further detention or the juvenile waives this limitation.

Sets forth additional criteria for identifying and reducing racial and ethnic disparities among youth in the juvenile justice system.

Modifies requirements for the detention of status offenders to prohibit placement of such juveniles in secure detention unless it is deemed in their best interest.

Expands procedural requirements relating to reentry services for juveniles to require: (1) written case plans for each juvenile, (2) a description of living arrangements after discharge and post-release services, and (3) court review of such reentry plans and services.

Permits the Office of Juvenile Justice and Delinquency Prevention to take punitive action in the current fiscal year against states that fail to comply with a core requirement (current law provides for such punitive action in a subsequent fiscal year).

Requires states that are found to be out of compliance with core requirements to submit a report to the Administrator detailing the reasons for noncompliance and a plan to regain compliance. Requires such report to be posted on a publicly available website.

(Sec. 206) Includes as grant purposes under JJDPA: (1) truancy prevention and reduction activities, and (2) partnership projects between states and research institutions to improve the recruitment and retention of professional personnel in fields related to juvenile delinquency prevention.

(Sec. 207) Eliminates the requirement that Indian tribes applying for a grant under JJDPA provide evidence of performing law enforcement functions.

(Sec. 208) Requires the Administrator to annually provide a written and publicly available plan to identify (current law authorizes the Administrator to plan and identify) the purposes and goals of programs funded under JJDPA.

Requires the Administrator to: (1) conduct research on the prevalence and duration of behavioral health needs among juveniles held in secure detention or in adult correctional facilities, (2) provide a description of the best practices in discharge planning for juveniles and an assessment of living arrangements for juveniles who cannot return to their

homes, (3) develop a national juvenile recidivism measure, (4) assess the effectiveness of treating juveniles as adults in criminal court, (5) publish a report on the outcomes for juveniles who have reintegrated into the community, and (6) conduct a study of disabilities in the juvenile justice population.

(Sec. 209) Requires the Administrator to: (1) develop and issue standards of practice for attorneys representing children in the juvenile justice system, and (2) provide training and technical assistance for local and state juvenile detention and corrections personnel to improve conditions of juvenile confinement.

(Sec. 210) Authorizes the Administrator to make grants and to enter into contracts with qualified youth and family serving organizations.

(Sec. 211) Authorizes the Administrator to make incentive grants to state and local governments for juvenile justice and prevention programs. Permits grant funds to be used to: (1) increase the use of evidence-based or promising prevention and intervention programs; (2) improve the recruitment, selection, training, and retention of professional personnel; and (3) establish partnerships between state and local juvenile justice agencies and mental health authorities to enhance mental health and substance abuse services for juveniles

(Sec. 212) Authorizes appropriations for FY2011-FY2015 for: (1) juvenile justice and delinquency prevention programs, and (2) incentive grants for state and local juvenile justice and delinquency prevention programs.

(Sec. 214) Amends the federal criminal code to authorize pretrial services for juveniles awaiting trial who are not detained.

**Title III: Incentive Grants for Local Delinquency Prevention Programs** - (Sec. 301) Amends the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 to define "mentoring" for purposes of the local delinquency prevention incentive grant program as matching one adult with one or more (not to exceed four) youths for the purpose of providing guidance, support, and encouragement, where the adult and youths meet regularly for not less than four hours each month for not less than a nine-month period.

(Sec. 302) Adds mentoring programs as a grant purpose for delinquency prevention programs.

(Sec. 303) Authorizes appropriations for the delinquency prevention incentive grant program for FY2011-FY2015.

**Title IV: Precaution Act - Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act of 2009 or the PRECAUTION Act** - (Sec. 404) Establishes the National Commission on Public Safety Through Crime Prevention to: (1) carry out a comprehensive study of the effectiveness of certain crime and delinquency prevention and intervention strategies based on specified criteria, and (2) make initial and final reports on such strategies to specified federal and state officials. Authorizes appropriations. Exempts such Commission from application of the Federal Advisory Committee Act.

(Sec. 405) Authorizes the Director of the National Institute of Justice to make three-year grants to public and private entities for the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies. Authorizes appropriations.

(Sec. 406) Allots appropriations from the Department of Justice Assets Forfeiture Fund to the Attorney General for five fiscal years to carry out this title.

**Title V: Miscellaneous Provisions** - Requires the Comptroller General to: (1) conduct a comprehensive analysis and evaluation of the performance of the Office of Juvenile Justice Delinquency and Prevention, its functions, programs, and

grants, and a comprehensive audit and evaluation of selected grantees that receive funds from grants administered by the Office, by October 1, 2010; and (2) report to Congress on such analysis and audit by October 1, 2011.

## **Actions Timeline**

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- **Aug 5, 2010:** By Senator Leahy from Committee on the Judiciary filed written report. Report No. 111-280. Minority views filed.
- **Dec 17, 2009:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Dec 17, 2009:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Dec 17, 2009:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 243.
- **Mar 24, 2009:** Introduced in Senate
- **Mar 24, 2009:** Sponsor introductory remarks on measure. (CR S3661-3662)
- **Mar 24, 2009:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S3662-3669)