

HR 6964

Juvenile Justice Reform Act of 2018

Congress: 115 (2017–2019, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

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Law: 115-385 (Enacted Dec 21, 2018)

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Sponsor

Name: Rep. Lewis, Jason [R-MN-2]

Party: Republican • State: MN • Chamber: House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Scott, Robert C. "Bobby" [D-VA-3]	D · VA		Sep 28, 2018

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Discharged From	Sep 28, 2018

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
115 HR 1809	Related bill	Feb 6, 2018: Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 303.
115 S 860	Related bill	Aug 4, 2017: Held at the desk.

Juvenile Justice Reform Act of 2017

TITLE I--DECLARATION OF FINDINGS, PURPOSE, AND DEFINITIONS

(Sec. 101) The bill amends the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP) to revise an existing purpose area. Specifically, it requires the Department of Justice (DOJ) Office of Juvenile Justice and Delinquency Prevention (OJJDP), in disseminating information on juvenile delinquency prevention programs, to promote evidence-based programs and practices.

It also adds, as a new purpose area, support for a continuum of evidence-based or promising programs that are trauma-informed, reflect the science of adolescent development, and are designed to meet the needs of at-risk youth who come into contact with the juvenile justice system.

TITLE II--CHARLES GRASSLEY JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM

(Sec. 201) The bill requires the OJJDP, in developing objectives, priorities, strategies, and long-term plans, to take into account scientific knowledge regarding: (1) adolescent development and behavior, and (2) the effects of delinquency prevention programs and juvenile justice interventions on adolescents.

The OJJDP, in consultation with Indian tribes with a criminal justice function, must develop a policy to implement the provisions of this bill relating to Indian tribes.

(Sec. 202) It expands membership on the Coordinating Council on Juvenile Justice and Delinquency Prevention (Coordinating Council) to include the Assistant Secretary for Mental Health and Substance Use and the Secretary of the Interior.

(Sec. 203) This section modifies requirements for the OJJDP annual report on juveniles in custody. Specifically, it adds ethnicity to the list of offender characteristics and expands the categories of information that must be summarized and analyzed. It adds requirements for the annual report to describe criteria used to determine what programs qualify as evidence-based and promising programs and funding provided to Indian tribes; and to analyze and evaluate the OJJDP internal controls and the total amount of payments recouped from grantees that violate the OJJDP policies and procedures.

(Sec. 204) It increases from 2% to 5% the maximum amount of Formula Grant funds that may be used to provide technical assistance to states in complying with the core requirements and implementing a juvenile justice and delinquency plan.

It increases each state's minimum allocation under the population-based Formula Grant program from \$325,000 to \$400,000 if the title II appropriation is less than \$75 million in a fiscal year. A state's relative population of individuals under 18 years of age must be based on the most recent Census Bureau data.

The 10% maximum amount of a state's Formula Grant allocation that can be used for planning and administration includes designation of at least one individual to coordinate and certify compliance with the core requirements.

(Sec. 205) This section modifies the required components of a state's juvenile justice and delinquency plan.

A state's annual update to the three-year plan must describe how the plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of prevention programs and juvenile justice interventions. A state must post its plan or amended plan on a publicly accessible website.

The bill modifies State Advisory Group membership qualifications to include representatives of public agencies that prevent or treat mental health, substance abuse, or disabilities in adolescents; and individuals who represent victim or witness advocacy groups. It also increases from 24 years to 28 years the maximum age of youth members at the time of appointment.

It eliminates the requirement for an eligible Indian tribe to perform law enforcement functions.

A state's juvenile justice and delinquency plan must contain additional components, including plans to: provide alternatives to detention, reduce children in secure detention and corrections facilities, engage family members, use community-based services, promote evidence-based and trauma-informed programs and practices, and limit the use of restraints on pregnant juvenile offenders.

The bill modifies program areas under the Formula Grant program. It revises existing program areas to specify that: (1) alternatives to detention programs include programs for active or former gang members; (2) educational programs and support services include projects to prevent and reduce truancy; and (3) the scope of juveniles served by mentoring, counseling, and training programs includes juveniles whose parent or guardian is incarcerated in a tribal facility.

It adds new program areas to expand access to legal counsel, to inform juveniles of the opportunity and process for expunging juvenile records, to address the needs of at-risk girls, and to monitor compliance and provide technical assistance with the core requirements. The bill prioritizes funding for entities that meet the criteria for evidence-based or promising programs.

The bill modifies the core requirements with which a state must comply to receive a full allocation of funds under the Formula Grant program.

First, it revises the deinstitutionalization of status offenders core requirement, which prohibits the secure detention or confinement of a juvenile who commits a status offense (i.e., an offense that would not be a crime if committed by an adult). Specifically, use of the valid court order exception to securely detain or confine a juvenile status offender must comply with additional requirements, such as issuance of a court order and a seven-day maximum length of detention.

Second, it modifies the separation and jail removal core requirements to specify that sight or sound contact is the level of contact prohibited between juveniles and adults. Sight or sound contact means any physical, clear visual, or verbal contact that is not brief or inadvertent.

Third, it revises the disproportionate minority contact requirement to require a state to implement policy, practice, and system improvement strategies to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system. It retains the prohibition against using numerical standards or quotas.

A state must provide for an effective (previously, adequate) system of monitoring compliance with the core requirements.

The OJJDP must annually conduct, and publish the results of, a compliance determination for each state that participates in the Formula Grant program.

(Sec. 206) The bill repeals the Juvenile Delinquency Prevention Block Grant program.

(Sec. 207) This section requires (currently, authorizes) the OJJDP to annually publish a plan to identify (currently, plan and identify) the purposes and goals of funded initiatives to research and evaluate juvenile justice matters. It revises and expands the list of juvenile justice matters initiatives.

The OJJDP must study the coordination of services and treatment between the juvenile justice and child welfare systems. It must describe best practices in discharge planning and assess post-confinement living arrangements of juveniles who cannot return home.

This bill directs (currently, authorizes) the OJJDP to analyze juvenile justice statistics.

The OJJDP must, with respect to juvenile recidivism data, establish a uniform collection method, establish a common measurement system, and publish cumulative data collected by states.

(Sec. 208) It requires (currently, permits) the OJJDP to provide training, technical assistance, and information dissemination.

It adds requirements for the OJJDP to provide: training to states to implement the JJDP core requirements, current protocols and best practices for achieving monitoring compliance, and information sharing regarding evidence-based and promising programs or practices.

It adds requirements for the OJJDP to provide technical assistance to state and local governments to comply with amendments to the core requirements and state plans; and to improve recruitment, selection, training, and retention of juvenile justice professionals.

The OJJDP must disseminate best practices for the treatment of status offenders.

Finally, the OJJDP must disseminate best practices regarding legal representation of children; coordinate training and technical assistance programs for local and state juvenile detention and corrections personnel; provide training and technical assistance to relevant decision makers with respect to appropriate services and placement for youth with mental health or substance abuse needs; and provide training and technical assistance to enhance the capacity of courts, judges, and judicial personnel.

(Sec. 209) The OJJDP must, in developing guidance and procedures, consult state and local governments. It must ensure that requests for reports, compliance reports, state plan requirements, and other documentation respect confidentiality, encourage efficiency, and reduce duplication of reporting efforts.

TITLE III--INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

(Sec. 301) The bill revises the short title of title V of the JJDP.

(Sec. 302) It adds definitions for the following terms: at-risk, eligible entity, delinquency prevention program, local policy board, mentoring, and state entity.

(Sec. 303) It eliminates the explicit requirement for the OJJDP to issue rules to carry out title V of the JJDP.

(Sec. 304) This section revises the Incentive Grants for Local Delinquency Prevention Programs:

- to state that the purpose is to enable local communities to address unmet needs of at-risk or delinquent youth, including through a continuum of delinquency prevention programs;

- to direct the OJJDP to award grants to state entities for subgrants to eligible entities; and
- to limit the maximum set-aside for training and technical assistance.

(Sec. 305) The bill creates a new section and moves, to that section, the statutory authority for grants for tribal delinquency prevention and response programs. Of the amount available for programs under title V of the JJDPA, 11% is reserved for tribal delinquency prevention and response program grants.

(Sec. 306) The Government Accountability Office must evaluate the outcomes and results of delinquency prevention programs implemented by subgrantees.

TITLE IV--MISCELLANEOUS PROVISIONS

(Sec. 401) The Government Accountability Office must evaluate OJJDP performance and audit selected grant recipients.

(Sec. 402) This section amends the JJDPA to add a new title:

- that expresses the sense of Congress that the OJJDP must restore meaningful enforcement of, and states must ensure full compliance with, the core requirements;
- that subjects juvenile justice grants to accountability provisions; and
- that requires DOJ to identify and report on duplicative grant awards.

The bill reauthorizes through FY2023 programs and activities: (1) under title II of the JJDPA, including the State Formula Grants program and the Challenge Grants program; and (2) under title V of the JJDPA, including the Incentive Grants for Local Delinquency Prevention Program.

Additionally, it reauthorizes through FY2020 programs and activities: (1) for missing and exploited children, under title IV of the JJDPA; and (2) for runaway and homeless youth, under title III of the JJDPA.

Actions Timeline

- **Dec 21, 2018:** Signed by President.
- **Dec 21, 2018:** Became Public Law No: 115-385.
- **Dec 19, 2018:** Presented to President.
- **Dec 13, 2018:** Mr. Lewis (MN) asked unanimous consent that the House agree to the Senate amendment.
- **Dec 13, 2018:** Mr. Lewis (MN) asked unanimous consent to take from the Speaker's Table and agree to the Senate amendment. (consideration: CR H10175-10184)
- **Dec 13, 2018:** Resolving differences -- House actions: On motion that the House agree to the Senate amendment Agreed to without objection.(text as House agreed to Senate Amendment: CR H10175-10184)
- **Dec 13, 2018:** On motion that the House agree to the Senate amendment Agreed to without objection. (text as House agreed to Senate Amendment: CR H10175-10184)
- **Dec 13, 2018:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 12, 2018:** Message on Senate action sent to the House.
- **Dec 11, 2018:** Measure laid before Senate by unanimous consent. (consideration: CR S7452)
- **Dec 11, 2018:** Passed/agreed to in Senate: Passed Senate with an amendment by Voice Vote.
- **Dec 11, 2018:** Passed Senate with an amendment by Voice Vote.
- **Oct 2, 2018:** Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 612.
- **Oct 1, 2018:** Received in the Senate.
- **Sep 28, 2018:** Introduced in House
- **Sep 28, 2018:** Referred to the House Committee on Education and the Workforce.
- **Sep 28, 2018:** Committee on Education and the Workforce discharged.
- **Sep 28, 2018:** Mr. Lewis (MN) asked unanimous consent to discharge from committee and consider.
- **Sep 28, 2018:** Considered by unanimous consent. (consideration: CR H9359-9369)
- **Sep 28, 2018:** Passed/agreed to in House: On passage Passed without objection.(text: CR H9359-9369)
- **Sep 28, 2018:** On passage Passed without objection. (text: CR H9359-9369)
- **Sep 28, 2018:** Motion to reconsider laid on the table Agreed to without objection.