

S 860

Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017

**Congress:** 115 (2017–2019, Ended)

**Chamber:** Senate

**Policy Area:** Crime and Law Enforcement

**Introduced:** Apr 5, 2017

**Current Status:** Held at the desk.

**Latest Action:** Held at the desk. (Aug 4, 2017)

**Official Text:** <https://www.congress.gov/bill/115th-congress/senate-bill/860>

Sponsor

**Name:** Sen. Grassley, Chuck [R-IA]

**Party:** Republican • **State:** IA • **Chamber:** Senate

Cosponsors (13 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Blunt, Roy [R-MO]	R · MO		Apr 5, 2017
Sen. Cornyn, John [R-TX]	R · TX		Apr 5, 2017
Sen. Durbin, Richard J. [D-IL]	D · IL		Apr 5, 2017
Sen. Feinstein, Dianne [D-CA]	D · CA		Apr 5, 2017
Sen. Hatch, Orrin G. [R-UT]	R · UT		Apr 5, 2017
Sen. Klobuchar, Amy [D-MN]	D · MN		Apr 5, 2017
Sen. Leahy, Patrick J. [D-VT]	D · VT		Apr 5, 2017
Sen. Tillis, Thomas [R-NC]	R · NC		Apr 5, 2017
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Apr 5, 2017
Sen. Franken, Al [D-MN]	D · MN		May 16, 2017
Sen. Rubio, Marco [R-FL]	R · FL		May 16, 2017
Sen. Booker, Cory A. [D-NJ]	D · NJ		Jul 24, 2017
Sen. Ernst, Joni [R-IA]	R · IA		Jul 24, 2017

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Discharged From	Aug 1, 2017

Subjects & Policy Tags

**Policy Area:**

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
115 HR 6964	Related bill	<b>Dec 21, 2018:</b> Became Public Law No: 115-385.
115 HR 1809	Related bill	<b>Feb 6, 2018:</b> Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 303.

## **Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017**

### **TITLE I--DECLARATION OF PURPOSE AND DEFINITIONS**

(Sec. 101) This bill amends the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) to modify the Act's purpose areas. It revises an existing purpose area to require the Department of Justice's (DOJ's) 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--JUVENILE JUSTICE AND DELINQUENCY PREVENTION**

(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, must develop a policy to collaborate with representatives of Indian tribes with a criminal justice function 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 Administrator of the Substance Abuse and Mental Health Services Administration and the Secretary of the Interior.

(Sec. 203) This section modifies requirements for the OJJDP's 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's internal controls and the total amount of payments recouped from grantees that violate the OJJDP's 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 U.S. 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 and 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; volunteers who work as court-appointed legal counsel for juveniles; 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) educational programs and support services include projects to prevent and reduce truancy; and (2) 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) Formula Grant program funds that are unallocated due to the failure of states to comply with core

requirements must be reallocated equally among compliant states and the OJJDP.

(Sec. 207) The bill modifies certain purpose areas of the Juvenile Delinquency Prevention Block Grant program to specify that: (1) the scope of juveniles served by comprehensive juvenile justice and delinquency prevention projects includes juveniles with disabilities, (2) educational projects to prevent juvenile delinquency include projects to prevent and reduce truancy and to develop social and independent living skills, and (3) the scope of juveniles served by treatment projects and community-based projects and services includes status offenders.

(Sec. 208) It increases from 5% to 10% the maximum amount of a Juvenile Delinquency Prevention Block Grant that a state may use for administration, evaluation, and technical assistance.

(Sec. 209) It eliminates the requirement for an eligible Indian tribe to provide, in an application for a Juvenile Delinquency Prevention Block Grant allocation, evidence that it performs law enforcement functions.

(Sec. 210) 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.

The Government Accountability Office (GAO) must review available research conducted by federal agencies and entities related to Indian youth who come into contact with the juvenile justice system.

(Sec. 211) 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's 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.

Finally, the OJJDP must develop standards of practice for attorneys representing children; coordinate training and technical assistance programs for local and state juvenile detention and corrections personnel; provide training and technical assistance with respect to appropriate services and placement for youth with mental health or substance abuse needs; and make grants for juvenile court judges and judicial personnel.

(Sec. 212) The OJJDP must, in developing guidance and procedures, consult state and local governments.

### TITLE III--INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

(Sec. 301) This section adds a definition for the term "mentoring."

(Sec. 302) It broadens the authorized grant purposes under the Incentive Grants for Local Delinquency Prevention Programs to include evidence-based or promising programs on mentoring, parent training and support, or in-home family services.

#### TITLE IV--MISCELLANEOUS PROVISIONS

(Sec. 401) The GAO must evaluate the OJJDP's performance and audit selected grant recipients.

(Sec. 402) The bill amends the JJDPA to add a new title:

- that reauthorizes through FY2021 programs under the JJDPA;
- 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.

#### TITLE V--JUVENILE ACCOUNTABILITY BLOCK GRANTS

(Sec. 501) This section amends the Omnibus Crime Control and Safe Streets Act of 1968 to condition a state's receipt of funds under the Juvenile Accountability Block Grant program on compliance with the core requirements of the JJDPA applicable to the detention and confinement of juveniles.

#### Actions Timeline

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- **Aug 4, 2017:** Received in the House.
- **Aug 4, 2017:** Held at the desk.
- **Aug 2, 2017:** Message on Senate action sent to the House.
- **Aug 1, 2017:** Senate Committee on the Judiciary discharged by Unanimous Consent.
- **Aug 1, 2017:** Measure laid before Senate by unanimous consent. (consideration: CR S4649-4659)
- **Aug 1, 2017:** Passed/agreed to in Senate: Passed Senate with an amendment by Voice Vote.(text: CR S4651-4659)
- **Aug 1, 2017:** Passed Senate with an amendment by Voice Vote. (text: CR S4651-4659)
- **Apr 5, 2017:** Introduced in Senate
- **Apr 5, 2017:** Read twice and referred to the Committee on the Judiciary.