



H.R. 1809, the Juvenile Justice Reform Act of 2017

Section 1. Short Title. This section cites the short title of the Act which is still to be determined.

Section 2. Table of Contents. This section provides the table of contents for the Act.

Title I – Declaration of Findings, Purpose, and Definitions

Section 101. Findings. The findings are amended in this section to call attention to the rise of young people who are entering the juvenile system as the result of sexual abuse, exploitation and trauma.

Section 102. Purposes. The purposes are amended in this section to acknowledge that the amended JJDPa also supports a continuum of evidence-based programs for at-risk youth.

Section 103. Definitions. Many existing definitions are amended in this section to reflect current practice or how juvenile justice has evolved since the Act was last reauthorized. New definitions are proposed for many terms now incorporated into the act, including “isolation”, “dangerous practices”, and “trauma-informed”.

Title II – Juvenile Justice and Delinquency Prevention

Section 201. Concentration of Federal efforts. Existing requirements on the OJJDP Administrator to develop long term plans are amended in this section to require the inclusion of current scientific research, and mandates that are no longer relevant are removed.

Section 202. Coordinating Council on Juvenile Justice and Delinquency Prevention. This section makes minor changes to the membership of the coordinated council and the council’s reporting requirements.

Section. 203. Annual report. The annual report the Administrator is currently required to submit to President and Congress is expanded in this section to include more data on juveniles in the system, more in-depth descriptions of actions OJJDP is taking related to tribal outreach and evidence-based practices, and monitoring the use of grant funds and compliance by grantees.

Section 204. Allocation of funds. This section removes the ranges of possible state and outlying area minimum allocations and replaces them with fixed minimum dollar amounts within historic ranges. While States currently use a portion of their reserved funds to ensure compliance with the core requirements of JJDPa, they must also provide funding for at least one compliance official.

Section 205. State plans.

Generally. As in other places in the reauthorization, state plans are now explicitly required to take into account the latest scientific knowledge on adolescent development and behavior, and throughout plans should

provide for maximum utilization of evidence based programs. This section also requires plans to be publically available on state websites.

Core Requirements. The section expands the sight and sound removal requirement to protect juveniles awaiting trial as adults for criminal offenses. States will have up to 3 years to enact this protection, and can on a case by case basis determine if it is interest of justice for specific juveniles to be housed with adult inmates. The section expands the Disproportionate Minority Contact (DMC) core protection to requiring states to establish coordinating bodies at state and local levels to reduce DMC, identify and analyze data at all decisions points to determine key points where racial and ethnic disparities are created, and develop and implement a work plan that includes measurable objectives for policy practice, and system changes to reduce DMC. The section requires states to phase-out the use of the valid court order (VCO) to hold status offenders in secure detention. States will have four years to phase it out, and may apply for a hardship extension that can be denied by the Administrator.

State Advisory Groups (SAGs). In addition to requirements in current law, the section requires states to add to their SAGs members with experience in adolescent development, counsel for children and youth — including juvenile public defenders, representatives of agencies dealing specifically with child and adolescent mental education, mental health, substance abuse, and services for youth with disabilities. Other required members include: representatives of victim and witness advocacy groups, including at least one individual with expertise in the challenges faced by victims of sexual abuse, exploitation and trauma (particularly special populations who experience disproportionate levels of abuse, exploitation and trauma before entering the juvenile system), and in states with Indian tribes participating in JJDP, a representative of the tribe. SAGs reporting requirement to the state’s Chief Executive is expanded from annually to biennially.

State Plan Analysis. Current law requires part of the state plan to include an analysis of juvenile delinquency services available in the state. This section requires that analysis to now include: alternatives to detention for status offenders and juveniles induced into commercial sex acts, plans to reduce secure detention, increase family engagement in delinquency prevention, use community-based services, evidence-based, and trauma-informed practices to provide services to at-risk youth, and a plan to eliminate the use of restraints on pregnant juveniles.

Other State Plan Requirements. The section includes as allowable plan components: programs to ensure youth have access to public defenders with experience in representing juveniles; the use of graduated sanctions and “problem-solving courts” to provide alternatives between probation and confinement; programs to inform and aid juveniles in the process of sealing and expunging their juvenile records; and programs to address the needs of girls in or at risk of entering the system. Plans will have to include, to the extent practicable and in accordance with confidentiality concerns, systems that allow for data in child abuse or neglect reports to be included in a juveniles prior history during adjudication, a description of a system of written case plans and assessments of juveniles entering the system, compliance with requirements of Title I of ESEA for the transfer of student records, and credits between systems, and policies to screen for identify and document juveniles who may be victims of domestic human trafficking and a plan to divert those youth in to appropriate programs or services. This section requires States to submit a report to the Administrator detailing the reasons for non-compliance and a plan to regain compliance. The report must be posted on a publicly available website. The Administrator must issue a public report detailing the determination of compliance and post it on a publicly available website.

Section 206. Repeal of juvenile delinquency block grant program. This block grant was first introduced in the last reauthorization of JJDP, but has never been funded by appropriators. Many of the uses of funds envisioned by the block grant have been included in the Title V program.

Section 207. Research and evaluation; statistical analyses; information dissemination. This section requires the Administrator to provide an annual written and publicly available plan to identify the purposes and goals of all programs carried out with funds. It also requires the Administrator to conduct research or evaluation relating to the prevalence and duration of behavioral needs, including mental health, substance abuse, and co-occurring disorders, among juveniles pre-placement and post-placement when held in the custody of secure detention and corrections facilities, including an examination of the effects of secure confinement. The research shall also include training efforts and reforms that have produced reductions in or elimination of the use of dangerous practices. Finally, the report shall include a description of the best practices in discharge planning and an assessment of living arrangements for juveniles who cannot return to the homes of the juveniles. This section requires the development of a National Recidivism Measure. It requires the Administrator to establish a uniform method of data collection and technology used to evaluate data on juvenile recidivism, establish a common national juvenile recidivism measure, and make cumulative juvenile recidivism data that is collected from States available to the public.

Section 208. Training and technical assistance. This section requires the Administrator to coordinate training and technical assistance programs with juvenile detention and corrections personnel of States and units of local government to promote evidence based and promising methods for improving conditions of juvenile confinement, including those that are designed to minimize the use of dangerous practices, unreasonable restraints, and isolation. This section also provides for training and technical assistance to support juvenile court judges and personnel, the legal representation of children, and appropriate services and placement for youth with mental health or substance abuse needs.

Section. 209. Authorization of Appropriations. This section authorizes the title for fiscal years 2018 through 2022.

Section 210. Administrative authority. This section requires the administrator in developing guidance and procedures to work with representatives of States and units of local government to ensure reporting efforts are not duplicative and that states that meet the core requirements are encouraged to innovate and improve their systems.

Title III – Incentive Grants for Local Delinquency Prevention Programs

Section 301. Title. The Title V Juvenile Delinquency Grants are retitled the Youth Promise Incentive Grants for Local Delinquency Prevention Programs.

Section 302. Definitions. This section defines “eligible entities” as units of local government or non-profits working in partnership with a unit of local government serving on local policy board. The “local policy board” is defined as the body tasked with developing and implementing the coordinated plan to carry out delinquency prevention programs. The section also defines the juvenile delinquency programs that can be funded under the title.

Section 303. Duties and functions of the administrator. While the administrator may still regulate on this title, this section strikes the express mandate on the Administrator to issue a rule on the title.

Section 304. Grants for delinquency prevention programs. This section authorizes the program as a state grant that is then sub-granted to localities for delinquency prevention work. Eligible local entities applying for a sub-grant must: analyze the unmet needs of youth in the community in terms of delinquency prevention, develop a minimum 3-year comprehensive strategy to address the unmet needs, with a description of the delinquency prevention programs to be used and how they are to be coordinated, and potential savings and efficiencies that may be achieved as a result of the implementation. The plan must also describe how the continuum of services will be evaluated, the evidence base on which they will be based, and if they are successful, how they plan to continue the programs after the period of federal investment.

Section 305. Grants for tribal delinquency prevention and response programs. The grants for tribal delinquency prevention are substantively the same, but the authorization of appropriations is moved into Section 306. With the rest of Title V.

Section 306. Authorization of appropriations. This sections authorizes the title for fiscal years 2018 through 2022.

Section 307. Technical and conforming amendment. This section makes a technical amendment to correct a drafting error in previous law.

Title IV – Miscellaneous Provisions

Section 401. Evaluation by Government Accountability Office. This section requires the Comptroller General to conduct an evaluation of the performance of OJJDP and an audit of a statistically significant sample of grantees that receive funds under programs administered by it.

Section 402. Accountability and Oversight. This section sets out a series of accountability provisions to which all grants awarded under this Act are subject. It also contains a limit on conference expenditures by grantees and a restriction on the use of federal juvenile justice funds for lobbying purposes. The section also extends authorization for other acts authorized under the JJDPA.