

**JUVENILE ACCOUNTABILITY BLOCK GRANTS
CHAPTER 46 - SUBCHAPTER XII-F
[TITLE I - PART R]**

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JUVENILE ACCOUNTABILITY BLOCK GRANTS
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42 USC § 3796ee **[Sec. 1801.] Program authorized**

(a) In General- The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to specially qualified units.

(b) Authorized Activities- Amounts paid to a State or a unit of local government under this part shall be used by the State or unit of local government for the purpose of strengthening the juvenile justice system, which includes--

- (1) developing, implementing, and administering graduated sanctions for juvenile offenders;
- (2) building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities;
- (3) hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services (including mental health screening and assessment) for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;
- (4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and case backlogs reduced;
- (5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;
- (6) establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;
- (7) establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;
- (8) establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;

(9) establishing and maintaining a system of juvenile records designed to promote public safety;

(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice systems, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

(11) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies;

(12) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders;

(13) establishing and maintaining accountability-based programs that are designed to enhance school safety;

(14) establishing and maintaining restorative justice programs;

(15) establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism; or

(16) hiring detention and corrections personnel, and establishing and maintaining training programs for such personnel to improve facility practices and programming.

(c) Definition- In this section the term 'restorative justice program' means a program that emphasizes the moral accountability of an offender toward the victim and the affected community and may include community reparations boards, restitution (in the form of monetary payment or service to the victim or, where no victim can be identified, service to the affected community), and mediation between victim and offender.

42 U.S.C. 3796ee-1

[Sec. 1801A.] Tribal grant program authorized.

(a) In General- From the amount reserved under section 1810(b), the Attorney General shall make grants to Indian tribes for programs to strengthen tribal juvenile justice systems and to hold tribal youth accountable.

(b) Eligibility- Indian tribes, as defined by section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a), or a consortia of such tribes, shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require. Only tribes that carry out tribal juvenile justice functions shall be eligible to receive a grant under this section.

(c) Awards- The Attorney General shall award grants under this section on a competitive basis.

(d) Guideline- The Attorney General shall issue guidelines establishing application, use, and award criteria and processes consistent with the purposes and requirements of this Act.

42 U.S.C. 3796ee-2

[Sec. 1802.] Grant eligibility.

(a) State Eligibility- To be eligible to receive a grant under this part, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by guidelines, including--

(1) information about--

(A) the activities proposed to be carried out with such grant; and

(B) the criteria by which the State proposes to assess the effectiveness of such activities on achieving the purposes of this part; and

(2) assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or shall have in effect, not later than 1 year after the date that the State submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the State submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (d).

(b) Local Eligibility-

(1) Subgrant Eligibility- To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide to the State--

(A) information about--

(i) the activities proposed to be carried out with such subgrant; and

(ii) the criteria by which the unit proposes to assess the effectiveness of such activities on achieving the purposes of this part; and

(B) such assurances as the State shall require, that, to the maximum extent applicable, the unit of local government has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (d).

(2) Special Rule- The requirements of paragraph (1) shall apply to a specially qualified unit that receives funds from the Attorney General under section 1803(e), except that information that is otherwise required to be submitted to the State shall be submitted to the Attorney General.

(c) Role of Courts- In the development of the grant application, the States and units of local governments shall take into consideration the needs of the judicial branch in strengthening the juvenile justice system and specifically seek the advice of the chief of the highest court of the State and where appropriate, the chief judge of the local court, with respect to the application.

(d) Graduated Sanctions- A system of graduated sanctions, which may be discretionary as provided in subsection (e), shall ensure, at a minimum, that--

(1) sanctions are imposed on a juvenile offender for each delinquent offense;

(2) sanctions escalate in intensity with each subsequent, more serious delinquent offense;

(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and

(4) appropriate consideration is given to public safety and victims of crime.

(e) Discretionary use of Sanctions-

(1) Voluntary Participation- A State or unit of local government may be eligible to receive a grant under this part if--

(A) its system of graduated sanctions is discretionary; and

(B) it demonstrates that it has promoted the use of a system of graduated sanctions by taking steps to encourage implementation of such a system by juvenile courts.

(2) Reporting Requirement if Graduated Sanctions not used-

(A) Juvenile Courts- A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction--

(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in all cases, to submit an annual report that explains why such court did not impose graduated sanctions in all cases.

(B) Units of Local Government- Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.

(C) States- Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).

(f) Definitions- In this section:

(1) Discretionary- The term `discretionary' means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

(2) Sanctions- The term `sanctions' means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

42 U.S.C. 3796ee-3

[Sec. 1803.] Allocation and distribution of funds.

(a) State Allocation-

(1) In General- In accordance with regulations promulgated pursuant to this part and except as provided in paragraph (3), the Attorney General shall allocate--

(A) 0.50 percent for each State; and

(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

(2) Prohibition- No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

(b) Local Distribution-

(1) In General- Except as provided in paragraph (2), each State which receives funds under subsection (a)(1) in a fiscal year shall distribute among units of local government, for the purposes specified in section 1801, not less than 75 percent of such amounts received.

(2) Waiver- If a State submits to the Attorney General an application for waiver that demonstrates and certifies to the Attorney General that--

(A) the State's juvenile justice expenditures in the fiscal year preceding the date in which an application is submitted under this part (the 'State percentage') is more than 25 percent of the aggregate amount of juvenile justice expenditures by the State and its eligible units of local government; and

(B) the State has consulted with as many units of local government in such State, or organizations representing such units, as practicable regarding the State's calculation of expenditures under subparagraph (A), the State's application for waiver under this paragraph, and the State's proposed uses of funds.

(3) Allocation- In making the distribution under paragraph (1), the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as--

(A) the sum of--

(i) the product of--

(I) three-quarters; multiplied by

(II) the average juvenile justice expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

(ii) the product of--

(I) one-quarter; multiplied by

(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to--

(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

(4) Expenditures- The allocation any unit of local government shall receive under paragraph (3) for a payment period shall not exceed 100 percent of juvenile justice expenditures of the unit for such payment period.

(5) Reallocation- The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (4) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

(c) Unavailability of Data for Units of Local Government- If the State has reason to believe that the reported rate of part 1 violent crimes or juvenile justice expenditures for a unit of local government is insufficient or inaccurate, the State shall--

(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

(2) if necessary, use the best available comparable data regarding the number of violent crimes or juvenile justice expenditures for the relevant years for the unit of local government.

(d) Local Government with Allocations less than \$10,000- If under this section a unit of local government is allocated less than \$10,000 for a payment period, the amount allotted

shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

(e) Direct Grants to Specially Qualified Units-

(1) In General- If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to specially qualified units which meet the requirements for funding under section 1802.

(2) Award Basis- In addition to the qualification requirements for direct grants for specially qualified units the Attorney General may use the average amount allocated by the States to units of local government as a basis for awarding grants under this section.

42 U.S.C. 3796ee-4

[Sec. 1804.] Guidelines.

(a) In General- The Attorney General shall issue guidelines establishing procedures under which a State or specifically qualified unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

(b) Advisory Board-

(1) In General- The guidelines referred to in subsection (a) shall include a requirement that such eligible State or unit of local government establish and convene an advisory board to recommend a coordinated enforcement plan for the use of such funds.

(2) Membership- The board shall include representation from, if appropriate--

(A) the State or local police department;

(B) the local sheriff's department;

(C) the State or local prosecutor's office;

(D) the State or local juvenile court;

(E) the State or local probation office;

- (F) the State or local educational agency;
- (G) a State or local social service agency;
- (H) a nonprofit, nongovernmental victim advocacy organization; and
- (I) a nonprofit, religious, or community group.

42 U.S.C. 3796ee-5

[Sec. 1805.] Payment requirements.

(a) Timing of Payments- The Attorney General shall pay to each State or specifically qualified unit of local government that receives funds under section 1803 that has submitted an application under this part the amount awarded to such State or unit of local government not later than the later of--

- (1) the date that is 180 days after the date that the amount is available; or
- (2) the first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c).

(b) Repayment of Unexpended Amounts-

- (1) Repayment Required- From amounts awarded under this part, a State or specially qualified unit shall repay to the Attorney General, before the expiration of the 36-month period beginning on the date of the award, any amount that is not expended by such State or unit.
- (2) Extension- The Attorney General may adopt policies and procedures providing for a one-time extension, by not more than 12 months, of the period referred to in paragraph (1).
- (3) Penalty for Failure to Repay- If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.
- (4) Deposit of Amounts Repaid- Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States and specially qualified units.

(c) Administrative Costs- A State or unit of local government that receives funds under this part may use not more than 5 percent of such funds to pay for administrative costs.

(d) Nonsupplanting Requirement- Funds made available under this part to States and units of local government shall not be used to supplant State or local funds as the case

may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

(e) Matching Funds-

(1) In General- The Federal share of a grant received under this part may not exceed 90 percent of the total program costs.

(2) Construction of Facilities- Notwithstanding paragraph (1), with respect to the cost of constructing juvenile detention or correctional facilities, the Federal share of a grant received under this part may not exceed 50 percent of approved cost.

42 U.S.C. 3796ee-6

[Sec. 1806.] Utilization of private sector.

Funds or a portion of funds allocated under this part may be used by a State or unit of local government that receives a grant under this part to contract with private, nonprofit entities, or community-based organizations to carry out the purposes specified under section 1801(b).

42 U.S.C. 3796ee-7

[Sec. 1807.] Administrative provisions.

(a) In General- A State or specially qualified unit that receives funds under this part shall--

(1) establish a trust fund in which the government will deposit all payments received under this part;

(2) use amounts in the trust fund (including interest) during the period specified in section 1805(b)(1) and any extension of that period under section 1805(b)(2);

(3) designate an official of the State or specially qualified unit to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and

(4) spend the funds only for the purpose of strengthening the juvenile justice system.

(b) Title I Provisions- Except as otherwise provided, the administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

42 U.S.C. 3796ee-8

[Sec. 1808.] Assessment reports.

(a) Reports to Attorney General-

(1) In General- Except as provided in paragraph (4), for each fiscal year for which a grant or subgrant is awarded under this part, each State or specially qualified unit of local government that receives such a grant shall submit to the Attorney General a grant report, and each unit of local government that receives such a subgrant shall submit to the State a subgrant report, at such time and in such manner as the Attorney General may reasonably require.

(2) Grant Report Each grant report required by paragraph (1) shall include--

(A) a summary of the activities carried out with such grant;

(B) if such activities included any subgrant, a summary of the activities carried out with each such subgrant; and

(C) an assessment of the effectiveness of such activities on achieving the purposes of this part.

(3) Subgrant Report- Each subgrant report required by paragraph (1) shall include--

(A) a summary of the activities carried out with such subgrant; and

(B) an assessment of the effectiveness of such activities on achieving the purposes of this part.

(4) Waivers- The Attorney General may waive the requirement of an assessment in paragraph (2)(C) for a State or specially qualified unit of local government, or in paragraph (3)(B) for a unit of local government, if the Attorney General determines that--

(A) the nature of the activities are such that assessing their effectiveness would not be practical or insightful;

(B) the amount of the grant or subgrant is such that carrying out the assessment would not be an effective use of those amounts; or

(C) the resources available to the State or unit are such that carrying out the assessment would pose a financial hardship on the State or unit.

(b) Reports to Congress- Not later than 120 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit to Congress a report, which shall include--

(1) a summary of the information provided under subsection (a);

(2) an assessment by the Attorney General of the grant program carried out under this part; and

(3) such other information as the Attorney General considers appropriate.

42 U.S.C. 3796ee-9

[Sec. 1809.] Definitions.

In this part:

(1) Unit of Local Government- The term 'unit of local government' means--

(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes;

(B) any law enforcement district or judicial enforcement district that--

(i) is established under applicable State law; and

(ii) has the authority, in a manner independent of other State entities, to establish a budget and raise revenues; and

(C) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

(2) Specially Qualified Unit- The term 'specially qualified unit' means a unit of local government which may receive funds under this part only in accordance with section 1803(e).

(3) State- The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that--

(A) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands (the 'partial States') shall collectively be considered as 1 State; and

(B) for purposes of section 1803(a), the amount allocated to a partial State shall bear the same proportion to the amount collectively allocated to the partial States as the population of the partial State bears to the collective population of the partial States.

(4) Juvenile- The term 'juvenile' means an individual who is 17 years of age or younger.

(5) Juvenile Justice Expenditures- The term 'juvenile justice expenditures' means expenditures in connection with the juvenile justice system, including expenditures in connection with such system to carry out--

(A) activities specified in section 1801(b); and

(B) other activities associated with prosecutorial and judicial services and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

(6) Part 1 Violent Crimes- The term `part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

42 U.S.C. 3796ee-10

[Sec. 1810.] Authorization of appropriations.

(a) In General- There are authorized to be appropriated to carry out this part, \$350,000,000 for each of fiscal years 2002 through 2005.

(b) Oversight Accountability and Administration-

(1) In General- Of the amount authorized to be appropriated under section 261 of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.), there shall be available to the Attorney General, for each of the fiscal years 2002 through 2004 (as applicable), to remain available until expended--

(A) not more than 2 percent of that amount, for research, evaluation, and demonstration consistent with this part;

(B) not more than 2 percent of that amount, for training and technical assistance; and

(C) not more than 1 percent, for administrative costs to carry out the purposes of this part.

(2) Oversight Plan- The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

(c) Tribal Set-Aside- Of the amounts appropriated under subsection (a), 2 percent shall be made available for programs that receive grants under section 1801A..

(b) Effective Date- The amendments made by subsection (a) shall take effect on the first day of the first fiscal year that begins after the date of enactment of this Act.

(c) Transition of Juvenile Accountability Incentive Block Grants Program- For each grant made from amounts made available for the Juvenile Accountability Incentive Block Grants program (as described under the heading `VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE' in the Department of Justice Appropriations Act, 2000 (as enacted by Public Law 106-113; 113 Stat. 1537-14)), the grant award shall remain available to the grant recipient for not more than 36 months after the date of receipt of the grant.