

[118H4792]



(Original Signature of Member)

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R.** \_\_\_\_\_

To amend title 18, United States Code, to account for the age of certain incarcerated juveniles and to amend title IV of the Social Security Act to allow the Secretary of Health and Human Services to award competitive grants to enhance collaboration between State child welfare and juvenile justice systems, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Ms. KAMLAGER-DOVE introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title 18, United States Code, to account for the age of certain incarcerated juveniles and to amend title IV of the Social Security Act to allow the Secretary of Health and Human Services to award competitive grants to enhance collaboration between State child welfare and juvenile justice systems, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Directly Impacted  
3 Child Rehab and Safety Act”.

4 **SEC. 2. AMENDMENTS.**

5 (a) **DEFINITIONS.**—Section 5031 of title 18, United  
6 States Code, is amended—

7 (1) by striking “person who” and inserting  
8 “person who is at least twelve years of age that has  
9 not attained their”;

10 (2) by striking “not attained” and inserting  
11 “not attained their”; and

12 (3) by striking “committed by a person prior  
13 to” and inserting “committed by a person who has  
14 reached their twelfth birthday but prior to their”.

15 (b) **DELINQUENCY PROCEEDINGS IN DISTRICT  
16 COURTS; TRANSFER FOR CRIMINAL PROSECUTION.**—Sec-  
17 tion 5032 of title 18, United States Code, is amended—

18 (1) by striking “fifteen” and inserting “six-  
19 teen”;

20 (2) by striking “fifteenth birthday” and insert-  
21 ing “their sixteenth birthday”;

22 (3) by striking “In the application of the pre-  
23 ceding sentence, if the crime of violence is an offense  
24 under section 113(a), 113(b), 113(e), 1111, 1113,  
25 or, if the juvenile possessed a firearm during the of-  
26 fense, section 2111, 2113, 2241(a), or 2241(e),

1       “thirteen” shall be substituted for “fifteen” and  
2       “thirteenth” shall be substituted for “fifteenth.”;

3           (4) by striking “However, a juvenile who is al-  
4       leged to have committed an act after his sixteenth  
5       birthday which if committed by an adult would be a  
6       felony offense that has as an element thereof the  
7       use, attempted use, or threatened use of physical  
8       force against the person of another, or that, by its  
9       very nature, involves a substantial risk that physical  
10      force against the person of another may be used in  
11      committing the offense, or would be an offense de-  
12      scribed in section 32, 81, 844(d), (e), (f), (h), (i) or  
13      2275 of this title, subsection (b)(1)(A), (B), or (C),  
14      (d), or (e) of section 401 of the Controlled Sub-  
15      stances Act, or section 1002(a), 1003, 1009, or  
16      1010(b)(1), (2), or (3) of the Controlled Substances  
17      Import and Export Act (21 U.S.C. 952(a), 953,  
18      959, 960(b)(1), (2), (3)), and who has previously  
19      been found guilty of an act which if committed by  
20      an adult would have been one of the offenses set  
21      forth in this paragraph or an offense in violation of  
22      a State felony statute that would have been such an  
23      offense if a circumstance giving rise to Federal juris-  
24      diction had existed, shall be transferred to the ap-

1 appropriate district court of the United States for  
2 criminal prosecution.”;

3 (5) by striking “social background of the juve-  
4 nile” and inserting “social background of the juve-  
5 nile; the juvenile’s prior exposure to adverse child-  
6 hood experiences, childhood trauma, and involvement  
7 in the child welfare system;”;

8 (6) by striking “behavioral problems” and in-  
9 serting “juvenile’s behavioral problems; the rehabili-  
10 tative potential of the juvenile within the juvenile  
11 system; and the best interest of the child”;

12 (7) by striking “leadership role” and inserting  
13 “juvenile’s level of participation in the offense”;

14 (8) by striking “in an organization, or other-  
15 wise influenced other persons to take part in crimi-  
16 nal activities, involving the use or distribution of  
17 controlled substances or firearms. Such a factor, if  
18 found to exist, shall weigh in favor of a transfer to  
19 adult status, but the absence of this factor shall not  
20 preclude such a transfer”;

21 (9) by striking “juvenile, his parents” and in-  
22 serting “juvenile, their parents”; and

23 (10) by striking “custodian and to his counsel”  
24 and “custodian and to their counsel”.

1 (c) COMMITMENT.—Section 5039 of title 18, United  
2 States Code, is amended—

3 (1) by striking “or correctional institution in  
4 which he has regular contact with adults incarcer-  
5 ated because they have been convicted of a crime or  
6 are awaiting trial on criminal charges” and inserting  
7 “, correctional institution, or prison”; and

8 (2) by striking “near” and insert “near their”.

9 (d) MURDER.—Section 1111 of title 18, United  
10 States Code, is amended by adding at the end the fol-  
11 lowing new subsection:

12 “(d) A person who was under the age of 18 at the  
13 time of the perpetration or attempted perpetration of a  
14 crime listed under subsection (a) in which the death of  
15 a human being occurs is liable for murder only if one of  
16 the following is proven:

17 “(1) the person who intentionally or knowingly  
18 causes the death of another person; or

19 “(2) the person was not the actual killer, but,  
20 with the intent to kill, aided, abetted, counseled,  
21 commanded, induced, solicited, requested, or assisted  
22 the actual killer in the commission of the unlawful  
23 killing of another human being.

1 “A person who is not liable for murder under subsection  
2 (a) shall be sentenced in accordance with the crime they  
3 committed or attempted to commit.’”.

4 **SEC. 3. STATISTICS, DATA, AND RESEARCH ON INCARCER-**  
5 **ATED CHILDREN AND PERSONS CONVICTED**  
6 **OF CRIMES AS CHILDREN.**

7 (a) COMPREHENSIVE STATISTICAL REVIEW.—

8 (1) IN GENERAL.—Not later than one year  
9 after the date of the enactment of this Act, the Bu-  
10 reau of Justice Statistics of the Department of Jus-  
11 tice (in this section referred to as the “Bureau”)  
12 shall publish, for each calendar year, a comprehen-  
13 sive statistical review and analysis of children under  
14 eighteen years of age who are subject to adjudica-  
15 tion, prosecution, and incarceration by the Federal  
16 Government. The statistical review and analysis  
17 shall include the following:

18 (A) The number of children adjudicated  
19 delinquent in the calendar year and the offenses  
20 they were adjudicated for.

21 (B) The number of children transferred to  
22 district court for eriminal prosecution in the  
23 calendar year and the offenses they were  
24 charged with.

1 (C) The number of children convicted in  
2 district court in the calendar year and the of-  
3 fenses they were convicted of.

4 (D) The average age of the children at the  
5 time of the commission of the offense.

6 (E) The age of the child at the time of ad-  
7 judication or conviction.

8 (F) Demographic information, including  
9 race, ethnicity, nationality, disability, gender,  
10 sex, and gender identity of each child.

11 (G) The number of children in Federal  
12 custody who are being detained, housed, or in-  
13 carcerated more than 100 miles from the juris-  
14 diction where they were adjudicated or con-  
15 victed in.

16 (H) The length of time or sentence each  
17 child in Federal custody has been ordered to  
18 serve for their corresponding offense.

19 (I) The number of people incarcerated in  
20 Federal custody for crimes they committed as  
21 children.

22 (J) Demographic information, including  
23 race, ethnicity, nationality, disability, gender,  
24 sex, gender identity, current age, as well as age  
25 at the time of the offense for each person who

1 is currently incarcerated in Federal custody for  
2 crimes they committed as children.

3 (K) The number of people in Federal cus-  
4 tody for crimes they committed as children who  
5 are incarcerated more than 100 miles from the  
6 jurisdiction they were adjudicated or convicted  
7 in.

8 (L) The offense and corresponding sen-  
9 tence each person in Federal custody is serving  
10 for the crime they committed as a child.

11 **SEC. 4. AUTHORITY TO AWARD COMPETITIVE GRANTS TO**  
12 **ENHANCE COLLABORATION BETWEEN STATE**  
13 **CHILD WELFARE AND JUVENILE JUSTICE**  
14 **SYSTEMS.**

15 (a) IN GENERAL.—Section 436 of the Social Security  
16 Act (42 U.S.C. 629f) is amended by adding at the end  
17 the following new subsection:

18 “(d) AUTHORITY TO AWARD GRANTS TO STATES TO  
19 ENILANCE COLLABORATION BETWEEN STATE CHILD  
20 WELFARE AND JUVENILE JUSTICE SYSTEMS.—

21 “(1) PURPOSE.—The purpose of the subsection  
22 is to authorize the Secretary to make grants to State  
23 child welfare and juvenile justice agencies to collabo-  
24 rate in the collection of data relating to children ex-  
25 cluded from juvenile adjudication by age (under age

1 of 12 and over the age of 15 years old), child sur-  
2 vivors of commercial sexual exploitation, dual status  
3 youth (children in both foster care and juvenile jus-  
4 tice systems), and cross over children (children that  
5 cross between the foster care and juvenile justice  
6 systems) and to develop practices, policies, and pro-  
7 tocols to confront the challenges presented and expe-  
8 rienced by these children and their families.

9 “(2) AUTHORITY TO AWARD GRANTS.—

10 “(A) IN GENERAL.—The Secretary may  
11 award competitive grants jointly to a State  
12 child welfare agency and a State juvenile justice  
13 agency to facilitate or enhance collaboration be-  
14 tween the child welfare and juvenile justice sys-  
15 tems of the State in order to carry out pro-  
16 grams to address the needs of children includ-  
17 ing those excluded from juvenile adjudication by  
18 age (under age of 12 and over the age of 15  
19 years old), child survivors of commercial sexual  
20 exploitation, dual status youth (children in both  
21 foster care and juvenile justice systems), and  
22 cross over children (children that cross between  
23 the foster care and juvenile justice systems).

24 “(B) FUNDING.—Any grants awarded  
25 under this subsection shall be awarded from the

1 amounts made available under subsection (a) of  
2 this section, after the application of subsection  
3 (b) of this section and before the determination  
4 of allotments under section 433.

5 “(C) LENGTH OF GRANTS.—

6 “(i) IN GENERAL.—A grant shall be  
7 awarded under this subsection for a period  
8 of not less than 2, and not more than 5,  
9 fiscal years, subject to clause (ii).

10 “(ii) EXTENSION OF GRANT.—On ap-  
11 plication of the grantee, the Secretary may  
12 extend for not more than 2 fiscal years the  
13 period for which a grant is awarded under  
14 this subsection.

15 “(3) ADDITIONAL REQUIREMENTS.—

16 “(A) APPLICATION.—In order for a State  
17 to be eligible for a grant under this subsection,  
18 it shall submit an application, to be approved  
19 by the Secretary, that includes—

20 “(i) a description of the proposed  
21 leadership collaboration group (including  
22 the membership of such group), and how  
23 such group will manage and oversee a re-  
24 view and analysis of current practices while  
25 working to jointly address enhanced prac-

1 tices to improve outcomes for children ex-  
2 cluded from juvenile adjudication by age  
3 (under age of 12 and over the age of 15  
4 years old), child survivors of commercial  
5 sexual exploitation, dual status youth (chil-  
6 dren in both foster care and juvenile jus-  
7 tice systems), and cross over children (chil-  
8 dren that cross between the foster care and  
9 juvenile justice systems);

10 “(ii) a description of how the State  
11 proposes to—

12 “(I) identify any eligible children;

13 “(II) identify individuals who are  
14 at risk of becoming eligible children;

15 “(III) identify common charac-  
16 teristics shared by any eligible chil-  
17 dren in the State; and

18 “(IV) determine the prevalence of  
19 children excluded from juvenile adju-  
20 dication by age (under age of 12 and  
21 over the age of 15 years old), child  
22 survivors of commercial sexual exploi-  
23 tation, dual status youth (children in  
24 both foster care and juvenile justice  
25 systems), and cross over children

1 (children that cross between the foster  
2 care and juvenile justice systems) in  
3 the State;

4 “(iii) a description of current and pro-  
5 posed practices and procedures that the  
6 State intends to use to—

7 “(I) screen and assess children  
8 excluded from juvenile adjudication by  
9 age (under age of 12 and over the age  
10 of 15 years old), child survivors of  
11 commercial sexual exploitation, dual  
12 status youth (children in both foster  
13 care and juvenile justice systems), and  
14 cross over children (children that  
15 cross between the foster care and ju-  
16 venile justice systems) for risks and  
17 treatment needs;

18 “(II) provide targeted and evi-  
19 dence-based services, including edu-  
20 cational, behavioral health, and pro-  
21 social treatment interventions for chil-  
22 dren excluded from juvenile adjudica-  
23 tion by age (under age of 12 and over  
24 the age of 15 years old), child sur-  
25 vivors of commercial sexual exploi-

1 tation, dual status youth (children in  
2 both foster care and juvenile justice  
3 systems), and cross over children  
4 (children that cross between the foster  
5 care and juvenile justice systems); and  
6 “(III) provide for a lawful proc-  
7 ess to enhance or ensure the abilities  
8 of the State and any relevant agencies  
9 to share information and data about  
10 children excluded from juvenile adju-  
11 dication by age (under age of 12 and  
12 over the age of 15 years old), child  
13 survivors of commercial sexual exploi-  
14 tation, dual status youth (children in  
15 both foster care and juvenile justice  
16 systems), and cross over children  
17 (children that cross between the foster  
18 care and juvenile justice systems)  
19 while maintaining confidentiality and  
20 privacy protections under State and  
21 Federal law; and  
22 “(iv) a certification that the State has  
23 involved local governments, including tribal  
24 governments, as appropriate, in the devel-  
25 opment, expansion, modification, operation,

1 or improvement of proposed policy and  
2 practice reforms to address the needs of  
3 children excluded from juvenile adjudica-  
4 tion by age (under age of 12 and over the  
5 age of 15 years old), child survivors of  
6 commercial sexual exploitation, dual status  
7 youth (children in both foster care and ju-  
8 venile justice systems), and cross over chil-  
9 dren (children that cross between the fos-  
10 ter care and juvenile justice systems).

11 “(B) NO SUPPLANTATION OF OTHER  
12 FUNDS.—Any amounts paid to a State under a  
13 grant under this subsection shall be used to  
14 supplement and not supplant other State ex-  
15 penditures on any eligible children involved with  
16 either the child welfare or juvenile justice sys-  
17 tems.

18 “(C) REPORT.—A State child welfare  
19 agency and a State juvenile justice agency re-  
20 ceiving a grant under this subsection shall  
21 jointly submit to the Secretary and to the Ad-  
22 ministrator of the Office of Juvenile Justice  
23 and Delinquency Prevention of the Department  
24 of Justice and the Administration for Children  
25 and Families of the Department of Health and

1 Human Services a report on the activities car-  
2 ried out under the grant at the end of each fis-  
3 cal year during the period of the grant. Such  
4 report shall include—

5 “(i) a description of the scope and na-  
6 ture of the children excluded from juvenile  
7 adjudication by age (under age of 12 and  
8 over the age of 15 years old), child sur-  
9 vivors of commercial sexual exploitation,  
10 dual status youth (children in both foster  
11 care and juvenile justice systems), and  
12 cross over children (children that cross be-  
13 tween the foster care and juvenile justice  
14 systems) in the State, including the num-  
15 ber of dual status youth;

16 “(ii) a description of the evidence-  
17 based practices and procedures used by the  
18 agencies to carry out the activities de-  
19 scribed in subclauses (I) through (III) of  
20 subparagraph (A)(iii); and

21 “(iii) an analysis of the effects of such  
22 practices and procedures, including infor-  
23 mation regarding—

24 “(I) the collection of data related  
25 to individual children;

1 “(II) aggregate data related to  
2 the eligible children population, in-  
3 cluding—

4 “(aa) characteristics of chil-  
5 dren excluded from juvenile adju-  
6 dication by age (under age of 12  
7 and over the age of 15 years old),  
8 child survivors of commercial sex-  
9 ual exploitation, dual status  
10 youth (children in both foster  
11 care and juvenile justice sys-  
12 tems), and cross over children  
13 (children that cross between the  
14 foster care and juvenile justice  
15 systems) in the State;

16 “(bb) case processing  
17 timelines; and

18 “(cc) information related to  
19 case management, the provision  
20 of targeted services, and place-  
21 ments within the foster care or  
22 juvenile justice system; and

23 “(III) the extent to which such  
24 practices and procedures have contrib-  
25 uted to—

1           “(aa) higher educational at-  
2           tainment for any eligible chil-  
3           dren;

4           “(bb) fewer delinquency re-  
5           ferrals for children excluded from  
6           juvenile adjudication by age  
7           (under age of 12 and over the  
8           age of 15 years old), child sur-  
9           vivors of commercial sexual ex-  
10          ploitation, dual status youth  
11          (children in both foster care and  
12          juvenile justice systems), and  
13          cross over children (children that  
14          cross between the foster care and  
15          juvenile justice systems);

16          “(cc) shorter stays in inten-  
17          sive restrictive placements for  
18          children excluded from juvenile  
19          adjudication by age (under age of  
20          12 and over the age of 15 years  
21          old), child survivors of commer-  
22          cial sexual exploitation, dual sta-  
23          tus youth (children in both foster  
24          care and juvenile justice sys-  
25          tems), and cross over children

1 (children that cross between the  
2 foster care and juvenile justice  
3 systems); or

4 “(dd) such other outcomes  
5 for children excluded from juve-  
6 nile adjudication by age (under  
7 age of 12 and over the age of 15  
8 years old), child survivors of com-  
9 mercial sexual exploitation, dual  
10 status youths (children in both  
11 foster care and juvenile justice  
12 systems), and cross over children  
13 (children that cross between the  
14 foster care and juvenile justice  
15 systems) as the State child wel-  
16 fare agency and State juvenile  
17 justice agency may identify.

18 “(4) TRAINING AND TECHNICAL ASSISTANCE.—  
19 The Secretary may support State child welfare agen-  
20 cies and State juvenile justice agencies by offering a  
21 program, developed in consultation with organiza-  
22 tions and agencies with subject matter expertise, of  
23 training and technical assistance to assist the agen-  
24 cies in developing programs and protocols—

1           “(A) to facilitate or enhance collaboration  
2           between State child welfare agencies and State  
3           juvenile justice agencies; and

4           “(B) for effectively working with Federal  
5           agencies and child welfare and juvenile justice  
6           agencies from other States.

7           “(5) REPORT.—Not later than 3 years after the  
8           date of enactment of this subsection, and every 3  
9           years thereafter, the Secretary and the Attorney  
10          General of the Department of Justice shall jointly  
11          submit to the Committee on Finance and the Com-  
12          mittee on the Judiciary of the Senate and the Com-  
13          mittee on Ways and Means and the Committee on  
14          Education and the Workforce of the House of Rep-  
15          resentatives, a report on the grants provided under  
16          this subsection.

17          “(6) DEFINITIONS.—In this subsection:

18                 “(A) COMMERCIAL SEXUAL EXPLOI-  
19                 TATION.—The term ‘commercial sexual exploi-  
20                 tation’ means crimes and activities involving the  
21                 sexual abuse or exploitation of a person under  
22                 age 18 for the financial benefit of any person  
23                 or in exchange for anything of value, including  
24                 monetary and non-monetary benefits, given or  
25                 received by any person.

1           “(B) DUAL STATUS YOUTH.—The term  
2           ‘dual status youth’ means a child who has come  
3           into contact with both the child welfare and ju-  
4           venile justice systems and occupies various  
5           statuses in terms of the individual’s relationship  
6           to such systems.

7           “(C) LEADERSHIP COLLABORATION  
8           GROUP.—The term ‘leadership collaboration  
9           group’ means a group composed of senior offi-  
10          cials from the State child welfare agency, the  
11          State juvenile justice agency, and other relevant  
12          youth and family-serving public agencies and  
13          private organizations, including tribal nations,  
14          and to the extent practicable, representatives  
15          from the State judiciary branch.

16          “(D) STATE JUVENILE JUSTICE AGEN-  
17          CY.—The term ‘State juvenile justice agency’  
18          means the agency of the State or Indian tribe  
19          responsible for administering grant funds  
20          awarded under the Juvenile Justice and Delin-  
21          quency Prevention Act of 1974 (42 U.S.C.  
22          5601 et seq.).

23          “(E) STATE CHILD WELFARE AGENCY.—  
24          The term ‘State child welfare agency’ means  
25          the State agency responsible for administering

1           the program under subpart 1, or in the case of  
2           a tribal organization operating a direct Title  
3           IV–B (SSA) program or a Title IV–B-funded  
4           program through tribal-State agreement, or  
5           that is receiving payments under section 428,  
6           the tribal agency responsible for administering  
7           such program.”.

8           (b) CONFORMING AMENDMENT.—Subsections (b)  
9           and (c) of section 433 of such Act (42 U.S.C. 633) are  
10          each amended by striking “section 436(b)” and inserting  
11          “subsections (b) and (c) of section 436”.