

103^D CONGRESS
2^D SESSION

H. R. 4491

To amend the Juvenile Justice and Delinquency Prevention Act of 1974
to identify hardcore juvenile offenders and treat them as adults.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1994

Mr. CANADY (for himself, Mr. PETE GEREN of Texas, Mr. FROST, Mr. TAUZIN, Mr. HAYES, Mr. SISISKY, Mrs. THURMAN, Mr. TALENT, Mr. DORNAN, Mr. STUMP, Mr. BAKER of California, Mr. LINDER, Mr. DELAY, Mr. OXLEY, Mr. LEVY, Mr. SANTORUM, Mr. POMBO, Mrs. FOWLER, Mr. LEWIS of California, Mr. MCCOLLUM, Mr. SPENCE, Mr. GOSS, Mr. KLUG, Mr. WALKER, Mr. RAMSTAD, Mr. HUTCHINSON, Mr. SCHAEFER, Mr. LIVINGSTON, Mr. SMITH of Texas, Mr. HOEKSTRA, Mr. BILIRAKIS, Mr. INGLIS of South Carolina, Mr. KING, Mr. SAXTON, Mr. EWING, and Mr. MICA) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to identify hardcore juvenile offenders and treat them as adults.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Juvenile Criminal Act
5 of 1994”.

1 **SEC. 2. FINDINGS OF ACT.**

2 Section 101(a)(11) of the Juvenile Justice and Delin-
3 quency Prevention Act of 1974 (42 U.S.C. 5601(a)(11))
4 is amended by inserting the following before the semicolon:
5 “and on identifying hardcore youths who should be trans-
6 ferred from the juvenile justice system to the adult crimi-
7 nal justice system”.

8 **SEC. 3. PURPOSE OF ACT.**

9 Section 102(a) of the Juvenile Justice and Delin-
10 quency Prevention Act of 1974 (42 U.S.C. 5602(a)) is
11 amended—

12 (1) by striking “and” at the end of paragraph
13 (10);

14 (2) by striking the period at the end of para-
15 graph (11) and inserting “; and”; and

16 (3) by adding at the end the following:

17 “(12) to assist State and local governments in
18 improving the identification of hardcore juvenile of-
19 fenders and the removal of such offenders from the
20 juvenile justice system.”.

21 **SEC. 4. REQUIREMENTS FOR STATE PLAN.**

22 Section 223(a)(10) of the Juvenile Justice and Delin-
23 quency Prevention Act of 1974 (42 U.S.C. 5633(a)(10))
24 is amended—

25 (1) by striking “and” at the end of subpara-
26 graph (N);

1 (2) by striking the period at the end of sub-
2 paragraph (O) and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(P) establishment and maintenance of an
5 effective system that requires the prosecution of
6 at least those juveniles who are 14 years of age
7 and older as adults, rather than in juvenile pro-
8 ceedings, for conduct constituting—

9 “(i) murder or attempted murder;

10 “(ii) robbery while armed with a fire-
11 arm;

12 “(iii) battery while armed with a fire-
13 arm;

14 “(iv) rape while armed with a firearm;

15 “(v) any other crime the State deter-
16 mines appropriate; and

17 “(vi) the fourth or subsequent occa-
18 sion on which such juveniles engage in an
19 activity for which adults could be impris-
20 oned for a term exceeding 1 year;

21 unless, on a case-by-case basis, the transfer of
22 such juveniles for disposition in the juvenile jus-
23 tice system is determined under State law to be
24 in the interest of justice;”.

1 **SEC. 5. RECORDKEEPING REGARDING JUVENILES.**

2 Section 223(a) of the Juvenile Justice and Delin-
3 quency Prevention Act of 1974 (42 U.S.C. 5633(a)) is
4 amended—

5 (1) by striking “and” at the end of paragraph
6 (24);

7 (2) by striking the period at the end of para-
8 graph (25) and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(26) provide that the State will ensure that
11 whenever a juvenile is adjudicated in a juvenile pro-
12 ceeding to have engaged in the conduct constituting
13 an offense described in paragraph (10)(P) that—

14 “(A) a record is kept relating to that adju-
15 dication which is—

16 “(i) equivalent to the record that
17 would be kept of an adult conviction for
18 that offense;

19 “(ii) retained for a period of time that
20 is equal to the period of time records are
21 kept for adult convictions; and

22 “(iii) made available to law enforce-
23 ment officials to the same extent that a
24 record of an adult conviction would be
25 made available;

1 “(B) the juvenile is fingerprinted and pho-
2 tographed, and the fingerprints and photograph
3 are sent to the Federal Bureau of Investigation;
4 and

5 “(C) the court in which the adjudication
6 takes place transmits to the Federal Bureau of
7 Investigation the information concerning the
8 adjudication, including the name and birth date
9 of the juvenile, date of adjudication, and dis-
10 position.”.

11 **SEC. 6. FINANCIAL INCENTIVE.**

12 Section 223(c)(3) of the Juvenile Justice and Delin-
13 quency Prevention Act of 1974 (42 U.S.C. 5633(c)(3)) is
14 amended—

15 (1) by striking “the requirements of subsection
16 (a), (12)(A), (13), (14), or (23)” and inserting “any
17 requirement of paragraph (10)(P), (12)(A), (13),
18 (14), (23), or (26) of subsection (a)”; and

19 (2) in subparagraph (A) by striking “25 per-
20 cent” and inserting “16²/₃ percent”.

21 **SEC. 7. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

22 (a) **EFFECTIVE DATE.**—Except as provided in sub-
23 section (b), this Act and the amendments made by this
24 Act shall take effect on the date of the enactment of this
25 Act.

1 (b) APPLICATION OF AMENDMENTS.—(1) The
2 amendments made by this Act shall not apply with respect
3 to fiscal years beginning before January 1, 1995.

4 (2) The amendments made by sections 3, 4, and 5
5 shall not apply with respect to a State before the first fis-
6 cal year that begins after the end of the first regular ses-
7 sion of the State legislature following the date of the en-
8 actment of this Act.

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