

107TH CONGRESS
1ST SESSION

H. R. 1226

To provide grants to assist State and local prosecutors and law enforcement agencies with implementing juvenile and young adult witness assistance programs that minimize additional trauma to the witness and improve the chances of successful criminal prosecution or legal action.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2001

Mr. CAPUANO (for himself, Mr. BALDACCI, Ms. BERKLEY, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. DELAHUNT, Mr. FRANK, Mr. GONZALEZ, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK, Mr. KUCINICH, Mr. LARSON of Connecticut, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. OLVER, Mr. PASCRELL, Mr. RANGEL, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. TIERNEY, Mr. TOWNS, Ms. WATERS, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide grants to assist State and local prosecutors and law enforcement agencies with implementing juvenile and young adult witness assistance programs that minimize additional trauma to the witness and improve the chances of successful criminal prosecution or legal action.

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 “Young Witness Assist-
3 ance Act of 2001”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Witness and victim intimidation at the juve-
7 nile and young adult level is a serious, growing con-
8 cern for State and local prosecutors and law enforce-
9 ment agencies.

10 (2) Each year, thousands of young people wit-
11 ness violent crimes such as assaults, robbery, homi-
12 cide, domestic violence, and sexual abuse.

13 (3) In many cases, the lack of juvenile and
14 young adult witness participation has seriously im-
15 peded efforts to bring violent perpetrators to justice.

16 (4) Prosecutors and police officers have become
17 increasingly frustrated by their inability to prosecute
18 cases successfully when young witnesses refuse to
19 testify because they fear retaliation by the defend-
20 ant, or the defendant’s family or friends.

21 (5) Factors that contribute to the reluctance of
22 young witnesses to step forward include—

23 (A) the fear and trauma associated with
24 witnessing a violent crime;

25 (B) a personal connection with the pepe-
26 trator or their associates;

1 (C) geographic proximity to the perpe-
2 trator; and

3 (D) membership in a culturally vulnerable
4 group.

5 (6) The cooperation and participation of young
6 victims and witnesses in the criminal justice process,
7 from crime reporting through prosecution, are essen-
8 tial to the successful operation of the criminal jus-
9 tice system.

10 (7) Though most States have witness assistance
11 programs, very few, if any, have adequate resources
12 to address the unique needs associated with juvenile
13 and young adult witnesses.

14 (b) PURPOSE.—The purpose of this Act is to encour-
15 age and promote the creation and development of policies
16 and programs by State and local prosecutors and law en-
17 forcement authorities that provide assistance to juvenile
18 and young adult witnesses who cooperate with efforts to
19 bring violent criminals to justice.

20 **SEC. 3. DEFINITIONS.**

21 For purposes of this Act:

22 (1) DIRECTOR.—The term “Director” means
23 the Director of the Bureau of Justice Assistance.

24 (2) JUVENILE.—The term “juvenile” means an
25 individual who is 17 years of age or younger.

1 (3) YOUNG ADULT.—The term “young adult”
2 means an individual who is between the ages of 18
3 and 21.

4 (4) STATE.—The term “State” means any
5 State of the United States, the District of Columbia,
6 the Commonwealth of Puerto Rico, the Virgin Is-
7 lands, American Samoa, Guam, and the Northern
8 Mariana Islands.

9 **SEC. 4. PROGRAM AUTHORIZATION.**

10 The Director may make grants to State and local
11 prosecutors and law enforcement agencies in support of
12 juvenile and young adult witness assistance programs, in-
13 cluding State and local prosecutors and law enforcement
14 agencies that have existing juvenile and adult witness as-
15 sistance programs.

16 **SEC. 5. ELIGIBILITY.**

17 To be eligible to receive a grant under this Act, State
18 and local prosecutors and law enforcement officials shall—

19 (1) submit an application to the Director in
20 such form and containing such information as the
21 Director may reasonably require; and

22 (2) give assurances that each applicant has de-
23 veloped, or is in the process of developing, a witness
24 assistance program that specifically targets the

1 unique needs of juvenile and young adult witnesses
2 and their families.

3 **SEC. 6. USE OF FUNDS.**

4 Grants made available under this Act may be used—

5 (1) to assess the needs of juvenile and young
6 adult witnesses;

7 (2) to develop appropriate program goals and
8 objectives; and

9 (3) to develop and administer a variety of wit-
10 ness assistance services, which includes—

11 (A) counseling services to young witnesses
12 dealing with trauma associated in witnessing a
13 violent crime;

14 (B) pre- and post-trial assistance for the
15 youth and their family;

16 (C) providing education services if the
17 child is removed from or changes their school
18 for safety concerns;

19 (D) protective services for young witnesses
20 and their families when a serious threat of
21 harm from the perpetrators or their associates
22 is made; and

23 (E) community outreach and school-based
24 initiatives that stimulate and maintain public
25 awareness and support.

1 **SEC. 7. REPORTS.**

2 (a) REPORT.—State and local prosecutors and law
3 enforcement agencies that receive funds under this Act
4 shall submit to the Director a report not later than May
5 1st of each year in which grants are made available under
6 this Act. Reports shall describe progress achieved in car-
7 rying out the purpose of this Act.

8 (b) REPORT TO CONGRESS.—The Director shall sub-
9 mit to Congress a report by July 1st of each year which
10 contains a detailed statement regarding grant awards, ac-
11 tivities of grant recipients, a compilation of statistical in-
12 formation submitted by applicants, and an evaluation of
13 programs established under this Act.

14 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated to carry out
16 this Act \$3,000,000 for each of fiscal years 2002, 2003,
17 and 2004.

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