

111TH CONGRESS
1ST SESSION

H. R. 3838

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide incentive grants to promote alternatives to incarcerating delinquent juveniles.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2009

Mr. MURPHY of Connecticut (for himself and Mr. PLATTS) 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 provide incentive grants to promote alternatives to incarcerating delinquent juveniles.

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 “Promoting Alternatives
5 to Truancy and Incarceration by Encouraging New and
6 Comprehensive Efforts (PATIENCE) Act of 2009”.

1 **SEC. 2. PROMOTING ALTERNATIVES TO INCARCERATION.**

2 Section 222 of the Juvenile Justice and Delinquency
3 Prevention Act of 1974 (42 U.S.C. 5632) is amended by
4 adding at the end the following:

5 “(e) INCENTIVE GRANTS.—

6 “(1) INCENTIVE GRANTS FUNDS.—The Admin-
7 istrator shall make grants totaling at least 5 percent
8 of the funds appropriated for this part in each fiscal
9 year as incentive grants to States. The Adminis-
10 trator shall make such incentive grants consistent
11 with the provisions of subsection (a) and shall condi-
12 tion such grants upon—

13 “(A) the State’s support for evidence-based
14 or promising programs, prioritizing programs
15 that address the mental health treatment needs
16 of juveniles;

17 “(B) the State’s support of reforms that
18 reduce or eliminate the State-supported use of
19 dangerous practices;

20 “(C) the State’s support for reforms that
21 ensure that seclusion in secure detention or cor-
22 rectional facilities is limited to situations in
23 which seclusion is the least restrictive measure
24 sufficient to address a youth’s danger to self or
25 others, used only for the amount of time nec-
26 essary and is terminated when there is no

1 longer an immediate danger to the youth or
2 others, or imposed only after applicable due
3 process; and

4 “(D) the demonstration by the State of an
5 improvement of public safety and rehabilitation
6 of delinquent and at-risk youths.

7 “(2) DEMONSTRATION REQUIRED.—The State
8 shall make the demonstration required by paragraph
9 (1)(D) by using accurate and reliable data reported
10 annually showing both—

11 “(A) a reduction in either recidivism or of-
12 fenses by youths under age 18, using arrest
13 data; and

14 “(B)(i) an increase in the use of least re-
15 strictive placement for juveniles as appropriate
16 for community safety;

17 “(ii) an increase in the safety of youths in
18 the delinquency or criminal justice system; or

19 “(iii) a decrease in racial and ethnic dis-
20 parities in the delinquency system.

21 “(3) EXPENDITURE OF GRANT.—Of the amount
22 of a grant received under this subsection by a
23 State—

1 “(A) not less than 30 percent shall be used
2 to fund implementation efforts described in sub-
3 paragraph (1)(A); and

4 “(B) not more than 20 percent shall be
5 used to conduct research to evaluate reforms
6 described in paragraph (1) that are evidenced-
7 based programs.

8 “(4) DEFINITIONS.—For purposes of this sub-
9 section—

10 “(A) the term ‘evidence-based’ means with
11 respect to a program that the program is dem-
12 onstrated with relevant evidence, normed and
13 validated for a diverse population, to be ei-
14 ther—

15 “(i) exemplary, such that it is imple-
16 mented with a high degree of fidelity and
17 demonstrates robust empirical findings
18 using a conceptual framework and an ex-
19 perimental evaluation design of the highest
20 quality (a random assignment control
21 trial); or

22 “(ii) effective, such that it is imple-
23 mented with sufficient fidelity that it dem-
24 onstrates adequate empirical findings using
25 a sound conceptual framework and a

1 quasi-experimental evaluation design of
2 high quality (comparison group and quasi-
3 experimental group); and

4 “(B) the term ‘promising’ means with re-
5 spect to a program that the program dem-
6 onstrates effectiveness using reasonable, limited
7 findings, and that has underway a more appro-
8 priate evaluation that meets the criteria for de-
9 termining evidence-based programs.”.

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