

SUBCHAPTER V—INCENTIVE GRANTS FOR
LOCAL DELINQUENCY PREVENTION PRO-
GRAMS

CODIFICATION

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974, comprising this subchapter, was originally added to Pub. L. 93-415 by Pub. L. 102-586, §5(a), Nov. 4, 1992, 106 Stat. 5027, and amended by Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681. Title V is shown herein, however, as having been added by Pub. L. 107-273, div. C, title II, §12222(a), Nov. 2, 2002, 116 Stat. 1894, without reference to the intervening amendments because of the extensive revision of the title's provisions by Pub. L. 107-273.

Another title V of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93-415, title V, Sept. 7, 1974, 88 Stat. 1133, enacted chapter 319 and sections 5038 to 5042 of Title 18, Crimes and Criminal Procedure, and sections 3772 to 3774 of this title, and amended sections 5031 to 5038 of Title 18 and sections 3701, 3723, 3733, 3768 of this title. For complete classification of that title V to the Code, see Tables.

§ 5781. Definition

In this subchapter, the term “State advisory group” means the advisory group appointed by the chief executive officer of a State under a plan described in section 5633(a) of this title.

(Pub. L. 93-415, title V, §502, as added Pub. L. 107-273, div. C, title II, §12222(a), Nov. 2, 2002, 116 Stat. 1894.)

CODIFICATION

Another section 502 of Pub. L. 93-415, title V, Sept. 7, 1974, 88 Stat. 1134, amended section 5032 of Title 18, Crimes and Criminal Procedure.

PRIOR PROVISIONS

A prior section 5781, Pub. L. 93-415, title V, §502, as added Pub. L. 102-586, §5(a), Nov. 4, 1992, 106 Stat. 5027, related to findings, prior to the general amendment of this subchapter by Pub. L. 107-273.

EFFECTIVE DATE

Pub. L. 107-273, div. C, title II, §12222(b), Nov. 2, 2002, 116 Stat. 1896, as amended by Pub. L. 108-7, div. B, title I, §110(1), Feb. 20, 2003, 117 Stat. 67, provided that: “The amendment made by subsection (a) [enacting sections 5781 to 5784 of this title and provisions set out as a note under section 5601 of this title] shall take effect on the effective date provided in section 12102(b) [set out as a note under section 3796ee of this title], and shall not apply with respect to grants made before such date.”

SHORT TITLE

For short title of title V of Pub. L. 93-415, which enacted this subchapter, as the “Incentive Grants for Local Delinquency Prevention Programs Act of 2002”, see section 501 of Pub. L. 93-415, as added by Pub. L. 107-273, set out as a note under section 5601 of this title.

GAO STUDIES AND REPORTS

Pub. L. 102-586, §5(b), Nov. 4, 1992, 106 Stat. 5029, as amended by Pub. L. 104-316, title I, §122(n), Oct. 19, 1996, 110 Stat. 3838; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814, provided that: “Under such conditions as the Comptroller General of the United States determines appropriate, the Government Accountability Office may conduct studies and report to Congress on the effects of the program established by subsection (a) [enacting former subchapter V of this chapter] in encouraging States and units of general local government to comply with the requirements of part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631-5633).”

§ 5782. Duties and functions of the Administrator

The Administrator shall—

(1) issue such rules as are necessary or appropriate to carry out this subchapter;

(2) make such arrangements as are necessary and appropriate to facilitate coordination and policy development among all activities funded through the Department of Justice relating to delinquency prevention (including the preparation of an annual comprehensive plan for facilitating such coordination and policy development);

(3) provide adequate staff and resources necessary to properly carry out this subchapter; and

(4) not later than 180 days after the end of each fiscal year, submit a report to the chairman of the Committee on Education and the Workforce of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate—

(A) describing activities and accomplishments of grant activities funded under this subchapter;

(B) describing procedures followed to disseminate grant activity products and research findings;

(C) describing activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention; and

(D) identifying successful approaches and making recommendations for future activities to be conducted under this subchapter.

(Pub. L. 93-415, title V, §503, as added Pub. L. 107-273, div. C, title II, §12222(a), Nov. 2, 2002, 116 Stat. 1894.)

CODIFICATION

Another section 503 of Pub. L. 93-415, title V, Sept. 7, 1974, 88 Stat. 1135, amended section 5033 of Title 18, Crimes and Criminal Procedure.

PRIOR PROVISIONS

A prior section 5782, Pub. L. 93-415, title V, §503, as added Pub. L. 102-586, §5(a), Nov. 4, 1992, 106 Stat. 5027, defined “State advisory group”, prior to the general amendment of this subchapter by Pub. L. 107-273.

§ 5783. Grants for delinquency prevention programs

(a) Purposes

The Administrator may make grants to a State, to be transmitted through the State advisory group to units of local government that meet the requirements of subsection (b), or to federally recognized Indian tribe¹ or consortia of federally recognized Indian tribes under subsection (d), for delinquency prevention programs and activities for juveniles who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to juveniles and their families of—

(1) alcohol and substance abuse prevention services;

(2) tutoring and remedial education, especially in reading and mathematics;

¹ So in original. Probably should be “tribes”.

- (3) child and adolescent health and mental health services;
- (4) recreation services;
- (5) leadership and youth development activities;
- (6) the teaching that people are and should be held accountable for their actions;
- (7) assistance in the development of job training skills; and
- (8) other data-driven evidence based prevention programs.

(b) Eligibility

The requirements of this subsection are met with respect to a unit of general local government if—

- (1) the unit is in compliance with the requirements of part B of subchapter II;
- (2) the unit has submitted to the State advisory group a minimum 3-year comprehensive plan outlining the unit's local front end plans for investment for delinquency prevention and early intervention activities;
- (3) the unit has included in its application to the Administrator for formula grant funds a summary of the minimum 3-year comprehensive plan described in paragraph (2);
- (4) pursuant to its minimum 3-year comprehensive plan, the unit has appointed a local policy board of not fewer than 15 and not more than 21 members, with balanced representation of public agencies and private nonprofit organizations serving juveniles, their families, and business and industry;
- (5) the unit has, in order to aid in the prevention of delinquency, included in its application a plan for the coordination of services to at-risk juveniles and their families, including such programs as nutrition, energy assistance, and housing;
- (6) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this subchapter; and
- (7) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

(c) Priority

In considering grant applications under this section, the Administrator shall give priority to applicants that demonstrate ability in—

- (1) plans for service and agency coordination and collaboration including the colocation of services;
- (2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities;
- (3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention;
- (4) coordinating and collaborating with programs established in local communities for delinquency prevention under part C of subchapter II;² and
- (5) developing data-driven prevention plans, employing evidence-based prevention strategies, and conducting program evaluations to determine impact and effectiveness.

² See References in Text note below.

(d) Grants for tribal delinquency prevention and response programs

(1) In general

The Administrator shall make grants under this section, on a competitive basis, to eligible Indian tribes or consortia of Indian tribes, as described in paragraph (2)—

(A) to support and enhance—

- (i) tribal juvenile delinquency prevention services; and
- (ii) the ability of Indian tribes to respond to, and care for, juvenile offenders; and

(B) to encourage accountability of Indian tribal governments with respect to preventing juvenile delinquency and responding to, and caring for, juvenile offenders.

(2) Eligible Indian tribes

To be eligible to receive a grant under this subsection, an Indian tribe or consortium of Indian tribes shall submit to the Administrator an application in such form and containing such information as the Administrator may require.

(3) Considerations

In providing grants under this subsection, the Administrator shall take into consideration, with respect to the Indian tribe to be served, the—

- (A) juvenile crime rates;
- (B) dropout rates; and
- (C) number of at-risk youth.

(4) Authorization of appropriations

There is authorized to be appropriated \$25,000,000 for each of fiscal years 2011 through 2015.

(Pub. L. 93-415, title V, §504, as added Pub. L. 107-273, div. C, title II, §12222(a), Nov. 2, 2002, 116 Stat. 1895; amended Pub. L. 111-211, title II, §246(a), July 29, 2010, 124 Stat. 2295.)

REFERENCES IN TEXT

Part C of subchapter II, referred to in subsec. (c)(4), was in the original "part C of this subtitle", and was translated as reading "part C of title II", meaning part C of title II of Pub. L. 93-415, to reflect the probable intent of Congress. Title V of Pub. L. 93-415 does not contain parts or subtitles.

CODIFICATION

Another section 504 of Pub. L. 93-415, title V, Sept. 7, 1974, 88 Stat. 1135, amended section 5034 of Title 18, Crimes and Criminal Procedure. Pub. L. 111-211, which directed amendment of section 504 of Pub. L. 93-415, was executed to this section, to reflect the probable intent of Congress.

PRIOR PROVISIONS

A prior section 5783, Pub. L. 93-415, title V, §504, as added Pub. L. 102-586, §5(a), Nov. 4, 1992, 106 Stat. 5027, set out the duties and functions of the Administrator, prior to the general amendment of this subchapter by Pub. L. 107-273.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-211, §246(a)(1), inserted " or to federally recognized Indian tribe or consortia of federally recognized Indian tribes under subsection (d)" after "subsection (b)" in introductory provisions.

Subsec. (d). Pub. L. 111-211, §246(a)(2), added subsec. (d).

§ 5784. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for fiscal years 2004, 2005, 2006, 2007, and 2008.

(Pub. L. 93-415, title V, §505, as added Pub. L. 107-273, div. C, title II, §12222(a), Nov. 2, 2002, 116 Stat. 1896.)

CODIFICATION

Another section 505 of Pub. L. 93-415, title V, Sept. 7, 1974, 88 Stat. 1135, amended section 5035 of Title 18, Crimes and Criminal Procedure.

PRIOR PROVISIONS

A prior section 5784, Pub. L. 93-415, title V, §505, as added Pub. L. 102-586, §5(a), Nov. 4, 1992, 106 Stat. 5028; amended Pub. L. 105-277, div. A, §101(b) [title I, §129(a)(2)(F)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-76, related to grants for prevention programs, prior to the general amendment of this subchapter by Pub. L. 107-273.

A prior section 5785, Pub. L. 93-415, title V, §506, as added Pub. L. 102-586, §5(a), Nov. 4, 1992, 106 Stat. 5029, authorized appropriations, prior to the general amendment of this subchapter by Pub. L. 107-273.

SUBCHAPTER VI—PUBLIC OUTREACH

CODIFICATION

Subchapter was enacted as part of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, also known as the PROTECT Act, and not as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

PART A—AMBER ALERT

§ 5791. National coordination of AMBER Alert communications network**(a) Coordination within Department of Justice**

The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The officer so designated shall be known as the AMBER Alert Coordinator of the Department of Justice.

(b) Duties

In acting as the national coordinator of the AMBER Alert communications network, the Coordinator shall—

- (1) seek to eliminate gaps in the network, including gaps in areas of interstate travel;
- (2) work with States to encourage the development of additional elements (known as local AMBER plans) in the network;
- (3) work with States to ensure appropriate regional coordination of various elements of the network; and
- (4) act as the nationwide point of contact for—
 - (A) the development of the network; and
 - (B) regional coordination of alerts on abducted children through the network.

(c) Consultation with Federal Bureau of Investigation

In carrying out duties under subsection (b) of this section, the Coordinator shall notify and consult with the Director of the Federal Bureau

of Investigation concerning each child abduction for which an alert is issued through the AMBER Alert communications network.

(d) Cooperation

The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(e) Report

Not later than March 1, 2005, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the AMBER plans of each State that has implemented such a plan. The Coordinator shall prepare the report in consultation with the Secretary of Transportation.

(Pub. L. 108-21, title III, §301, Apr. 30, 2003, 117 Stat. 660.)

CODIFICATION

Section was enacted as part of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, also known as the PROTECT Act, and not as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

§ 5791a. Minimum standards for issuance and dissemination of alerts through AMBER Alert communications network**(a) Establishment of minimum standards**

Subject to subsection (b) of this section, the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—

- (1) the issuance of alerts through the AMBER Alert communications network; and
- (2) the extent of the dissemination of alerts issued through the network.

(b) Limitations

(1) The minimum standards established under subsection (a) of this section shall be adoptable on a voluntary basis only.

(2) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that appropriate information relating to the special needs of an abducted child (including health care needs) are disseminated to the appropriate law enforcement, public health, and other public officials.

(3) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.

(4) In carrying out activities under subsection (a) of this section, the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the AMBER Alert communications network.

(c) Cooperation

(1) The Coordinator shall cooperate with the Secretary of Transportation and the Federal