

117TH CONGRESS
1ST SESSION

H. R. 2908

To amend title 18, United States Code, to account for the age of certain juvenile offenders 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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2021

Ms. BASS (for herself and Mr. CÁRDENAS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 18, United States Code, to account for the age of certain juvenile offenders 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 “Childhood Offenders
3 Rehabilitation and Safety Act of 2021”.

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(c), 1111, 1113,
25 or, if the juvenile possessed a firearm during the of-
26 fense, section 2111, 2113, 2241(a), or 2241(c),

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 incarcerated
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 shall
17 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 criminal prosecution in the
23 calendar year and the offenses they charged
24 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) **SHORT TITLE.**—This section may be cited as the
16 “Childhood Outcomes Need New Efficient Community
17 Teams” or the “CONNECT Act”.

18 (b) **IN GENERAL.**—Section 436 of the Social Security
19 Act (42 U.S.C. 629f) is amended by adding at the end
20 the following new subsection:

21 “(d) **AUTHORITY TO AWARD GRANTS TO STATES TO**
22 **ENHANCE COLLABORATION BETWEEN STATE CHILD**
23 **WELFARE AND JUVENILE JUSTICE SYSTEMS.**—

24 “(1) **PURPOSE.**—The purpose of the subsection
25 is to authorize the Secretary to make grants to State

1 child welfare and juvenile justice agencies to collabo-
2 rate in the collection of data relating to children ex-
3 cluded from juvenile adjudication by age (under age
4 of 12 and over the age of 15 years old), child sur-
5 vivors of commercial sexual exploitation, dual status
6 youth (children in both foster care and juvenile jus-
7 tice systems), and cross over children (children that
8 cross between the foster care and juvenile justice
9 systems) and to develop practices, policies, and pro-
10 tocols to confront the challenges presented and expe-
11 rienced by these children and their families.

12 “(2) AUTHORITY TO AWARD GRANTS.—

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

1 cross over children (children that cross between
2 the foster care and juvenile justice systems).

3 “(B) FUNDING.—Any grants awarded
4 under this subsection shall be awarded from the
5 amounts made available under subsection (a) of
6 this section, after the application of subsection
7 (b) of this section and before the determination
8 of allotments under section 433.

9 “(C) LENGTH OF GRANTS.—

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

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

19 “(3) ADDITIONAL REQUIREMENTS.—

20 “(A) APPLICATION.—In order for a State
21 to be eligible for a grant under this subsection,
22 it shall submit an application, to be approved
23 by the Secretary, that includes—

24 “(i) a description of the proposed
25 leadership collaboration group (including

1 the membership of such group), and how
2 such group will manage and oversee a re-
3 view and analysis of current practices while
4 working to jointly address enhanced prac-
5 tices to improve outcomes for children ex-
6 cluded from juvenile adjudication by age
7 (under age of 12 and over the age of 15
8 years old), child survivors of commercial
9 sexual exploitation, dual status youth (chil-
10 dren in both foster care and juvenile jus-
11 tice systems), and cross over children (chil-
12 dren that cross between the foster care and
13 juvenile justice systems);

14 “(ii) a description of how the State
15 proposes to—

16 “(I) identify any eligible children;

17 “(II) identify individuals who are
18 at risk of becoming eligible children;

19 “(III) identify common charac-
20 teristics shared by any eligible chil-
21 dren in the State; and

22 “(IV) determine the prevalence of
23 children excluded from juvenile adju-
24 dication by age (under age of 12 and
25 over the age of 15 years old), child

1 survivors of commercial sexual exploi-
2 tation, dual status youth (children in
3 both foster care and juvenile justice
4 systems), and cross over children
5 (children that cross between the foster
6 care and juvenile justice systems) in
7 the State;

8 “(iii) a description of current and pro-
9 posed practices and procedures that the
10 State intends to use to—

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

22 “(II) provide targeted and evi-
23 dence-based services, including edu-
24 cational, behavioral health, and pro-
25 social treatment interventions for chil-

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

1 “(iv) a certification that the State has
2 involved local governments, including tribal
3 governments, as appropriate, in the devel-
4 opment, expansion, modification, operation,
5 or improvement of proposed policy and
6 practice reforms to address the needs of
7 children excluded from juvenile adjudica-
8 tion by age (under age of 12 and over the
9 age of 15 years old), child survivors of
10 commercial sexual exploitation, dual status
11 youth (children in both foster care and ju-
12 venile justice systems), and cross over chil-
13 dren (children that cross between the fos-
14 ter care and juvenile justice systems).

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

22 “(C) REPORT.—A State child welfare
23 agency and a State juvenile justice agency re-
24 ceiving a grant under this subsection shall
25 jointly submit to the Secretary and to the Ad-

1 administrator of the Office of Juvenile Justice
2 and Delinquency Prevention of the Department
3 of Justice and the Administration for Children
4 and Families of the Department of Health and
5 Human Services a report on the activities car-
6 ried out under the grant at the end of each fis-
7 cal year during the period of the grant. Such
8 report shall include—

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

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

1 “(iii) an analysis of the effects of such
2 practices and procedures, including infor-
3 mation regarding—

4 “(I) the collection of data related
5 to individual children;

6 “(II) aggregate data related to
7 the eligible children population, in-
8 cluding—

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

21 “(bb) case processing
22 timelines; and

23 “(cc) information related to
24 case management, the provision
25 of targeted services, and place-

1 ments within the foster care or
2 juvenile justice system; and

3 “(III) the extent to which such
4 practices and procedures have contrib-
5 uted to—

6 “(aa) higher educational at-
7 tainment for any eligible chil-
8 dren;

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

21 “(cc) shorter stays in inten-
22 sive restrictive placements for
23 children excluded from juvenile
24 adjudication by age (under age of
25 12 and over the age of 15 years

1 old), child survivors of commer-
2 cial sexual exploitation, dual sta-
3 tus youth (children in both foster
4 care and juvenile justice sys-
5 tems), and cross over children
6 (children that cross between the
7 foster care and juvenile justice
8 systems); or

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

23 “(4) TRAINING AND TECHNICAL ASSISTANCE.—

24 The Secretary may support State child welfare agen-
25 cies and State juvenile justice agencies by offering a

1 program, developed in consultation with organiza-
2 tions and agencies with subject matter expertise, of
3 training and technical assistance to assist the agen-
4 cies in developing programs and protocols—

5 “(A) to facilitate or enhance collaboration
6 between State child welfare agencies and State
7 juvenile justice agencies; and

8 “(B) for effectively working with Federal
9 agencies and child welfare and juvenile justice
10 agencies from other States.

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

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

22 “(A) COMMERCIAL SEXUAL EXPLOI-
23 TATION.—The term ‘commercial sexual exploi-
24 tation’ means crimes and activities involving the
25 sexual abuse or exploitation of a person under

1 age 18 for the financial benefit of any person
2 or in exchange for anything of value, including
3 monetary and non-monetary benefits, given or
4 received by any person.

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

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

20 “(D) STATE JUVENILE JUSTICE AGEN-
21 CY.—The term ‘State juvenile justice agency’
22 means the agency of the State or Indian tribe
23 responsible for administering grant funds
24 awarded under the Juvenile Justice and Delin-

1 quency Prevention Act of 1974 (42 U.S.C.
2 5601 et seq.).

3 “(E) STATE CHILD WELFARE AGENCY.—
4 The term ‘State child welfare agency’ means
5 the State agency responsible for administering
6 the program under subpart 1, or in the case of
7 a tribal organization operating a direct Title
8 IV–B (SSA) program or a Title IV–B-funded
9 program through tribal-State agreement, or
10 that is receiving payments under section 428,
11 the tribal agency responsible for administering
12 such program.”.

13 (c) CONFORMING AMENDMENT.—Subsections (b)
14 and (c) of section 433 of such Act (42 U.S.C. 633) are
15 each amended by striking “section 436(b)” and inserting
16 “subsections (b) and (c) of section 436”.

○