

112TH CONGRESS  
1ST SESSION

# H. R. 3170

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2011

Mr. MURPHY of Connecticut (for himself and Mr. PLATTS) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## 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 2011”.

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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