

APPENDIX H. PROPOSED REPORTING LEGISLATION

(a) COORDINATION AND DATA COLLECTION

(1) INVESTIGATIVE COORDINATION.—Subject to subsection (c), if a law enforcement officer or employee of any Federal or military department or agency terminates an investigation of an alleged felony violation of Federal criminal law on a military installation without referral for prosecution, the officer or employee shall coordinate with the appropriate State, Commonwealth, territory, or possession enforcement officials regarding the status of the investigation and the use of evidence relevant to the case in State, Commonwealth, territory, or possession court with authority over the crime alleged, so long as concurrent legislative jurisdiction exists with the State, Commonwealth, territory, or possession over the lands of the military installation.

(2) INVESTIGATION DATA.—The Federal Bureau of Investigation and military law enforcement organizations shall compile, on an annual basis and by military department and installation, information regarding decisions not to refer to an appropriate prosecuting authority cases in which investigations had been opened into an alleged felony crime committed by a juvenile on a military installation, including—

- (A) the types of crimes alleged;
- (B) the statuses of the accused as far as age and relation to the military;
- (C) the statuses of the victims as far as age and relation to the military; and
- (D) the reasons for deciding against referring the investigation for prosecution.

(3) PROSECUTORIAL COORDINATION.—Subject to subsection

(c), if a United States Attorney declines to prosecute, or acts to terminate prosecution of, an alleged felony violation of Federal criminal law by a juvenile on a military installation, the United States Attorney shall coordinate with the appropriate State, Commonwealth, territory, or possession justice officials regarding the status of the investigation and the use of evidence relevant to the case in State, Commonwealth, territory, or possession court with authority over the crime alleged, so long as concurrent legislative jurisdiction exists with the State, Commonwealth, territory, or possession over the lands of the military installation.

(4) PROSECUTION DATA.—The United States Attorney shall submit to the Department of Defense to compile, on an annual basis and by military department and installation, information regarding all declinations of alleged felony violations of Federal criminal law by juveniles that occurred on military installations that were referred for prosecution by law enforcement agencies, including—

- (A) the types of crimes alleged;
- (B) the statuses of the accused as far as age and relation to the military;

(C) the statuses of the victims as far as age and relation to the military;

(D) the reasons for deciding to decline or terminate the prosecutions; and

(E) for any felony juvenile-on-juvenile crimes, whether or not the declining attorney for the Government granted the juvenile victim and his or her parent or legal guardian the reasonable right to confer prior to declination.

(b) ANNUAL REPORTS.—The Department of Defense shall submit to Congress annual reports containing, with respect to the applicable calendar year, the information compiled under paragraphs (2) and (4) of subsection (a)—

(1) organized—

(A) in the aggregate; and

(B)(i) for the Federal Bureau of Investigation and military law enforcement organizations, by military department and installation; and

(ii) for United States Attorneys, by military department and installation; and

(2) including any relevant explanatory statements.

(c) EFFECT OF SECTION.—

(1) IN GENERAL.—Nothing in this section requires any Federal agency or official to transfer or disclose any confidential, privileged, or statutorily protected communication, information, or source to an official of any Indian tribe.

(2) FEDERAL RULES OF CRIMINAL PROCEDURE.—Nothing in this section affects or limits the requirements of Rule 6 of the Federal Rules of Criminal Procedure.

(3) REGULATIONS.—The Attorney General shall establish, by regulation, standards for the protection of the confidential or privileged communications, information, and sources described in this section.