

115TH CONGRESS
1ST SESSION

H. R. 1885

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to eliminate the use of valid court orders to secure lockup of status offenders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2017

Mr. CÁRDENAS (for himself, Mr. COHEN, Mr. CUMMINGS, Mr. ELLISON, Mr. GUTIÉRREZ, Mr. KHANNA, Mr. SEAN PATRICK MALONEY of New York, Ms. MOORE, Ms. NORTON, Mr. VARGAS, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to eliminate the use of valid court orders to secure lockup of status offenders, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prohibiting Detention
5 of Youth Status Offenders Act of 2017”.

1 **SEC. 2. DEINSTITUTIONALIZATION OF STATUS OFFENDERS.**

2 Section 223 of the Juvenile Justice and Delinquency
3 Prevention Act of 1974 (42 U.S.C. 5633) is amended—

4 (1) in subsection (a)(11)—

5 (A) by striking “shall” the first place it
6 appears;

7 (B) in subparagraph (A)—

8 (i) in clause (i), by inserting “and” at
9 the end;

10 (ii) in clause (ii), by striking “and” at
11 the end;

12 (iii) by striking clause (iii); and

13 (iv) in the matter following clause (iii)
14 by striking “and” at the end;

15 (C) in subparagraph (B), by inserting
16 “and” at the end; and

17 (D) by adding at the end the following:

18 “(C) if a court determines the juvenile
19 should be placed in a secure detention facility
20 or correctional facility for violating an order de-
21 scribed in subparagraph (A)(ii)—

22 “(i) the court shall issue a written
23 order that—

24 “(I) identifies the valid court
25 order that has been violated;

1 “(II) specifies the factual basis
2 for determining that there is reason-
3 able cause to believe that the juvenile
4 has violated such order;

5 “(III) includes findings of fact to
6 support a determination that there is
7 no appropriate less restrictive alter-
8 native available to placing the juvenile
9 in such a facility, with due consider-
10 ation to the best interest of the juve-
11 nile;

12 “(IV) specifies the length of time,
13 not to exceed 3 days, that the juvenile
14 may remain in a secure detention fa-
15 cility or correctional facility, and in-
16 cludes a plan for the juvenile’s release
17 from such facility; and

18 “(V) may not be renewed or ex-
19 tended; and

20 “(ii) the court may not issue a second
21 or subsequent order described in clause (i)
22 relating to a juvenile, unless the juvenile
23 violates a valid court order after the date
24 on which the court issues an order de-
25 scribed in clause (i);

1 “(D) there are procedures in place to en-
2 sure that any juvenile held in a secure detention
3 facility or correctional facility pursuant to a
4 court order described in this paragraph does
5 not remain in custody longer than 3 days (with
6 the exception of weekends and holidays) or the
7 length of time authorized by the court, or au-
8 thorized under applicable State law, whichever
9 is shorter;

10 “(E) juvenile status offenders detained or
11 confined in a secure detention facility or correc-
12 tional facility pursuant to a court order as de-
13 scribed in this paragraph may only be detained
14 in secure custody one time in any six-month pe-
15 riod, provided that all conditions set forth in
16 subparagraph (D) are satisfied; and

17 “(F) not later than one year after the date
18 of enactment of this subparagraph, with a sin-
19 gle one-year extension if the State can dem-
20 onstrate hardship as determined by the Admin-
21 istrator, the State will eliminate the use of valid
22 court orders as described in subparagraph
23 (A)(ii) to provide secure lockup of status of-
24 fenders;”;

25 (2) by adding at the end the following:

1 “(g) APPLICATIONS FOR EXTENSION FOR COMPLI-
2 ANCE.—States may apply for a single one-year extension
3 to comply with subsection (a)(11). To apply, a State must
4 submit an application to the Administrator describing—

5 “(1) the State’s measurable progress and good
6 faith effort to reduce the number of status offenders
7 who are placed in a secure detention facility or cor-
8 rectional facility pursuant to a court order as de-
9 scribed in this paragraph; and

10 “(2) the State’s plan to come into compliance
11 not later than 1 year after the date of extension.”.

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