

115TH CONGRESS
1ST SESSION

S. 866

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 SENATE OF THE UNITED STATES

APRIL 6 (legislative day, APRIL 4), 2017

Mr. CASEY (for himself and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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”.

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

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

1 (1) in subsection (a)(11)—

2 (A) in the matter preceding subparagraph

3 (A), by striking “shall,”;

4 (B) in subparagraph (A)—

5 (i) in clause (i), by adding “and” at
6 the end;

7 (ii) in clause (ii), by striking “and” at
8 the end;

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

10 (iv) in the matter following clause
11 (iii), by striking “and” at the end; and

12 (C) by adding at the end the following:

13 “(C) if a court determines that a juvenile
14 should be placed in a secure detention facility
15 or secure correctional facility for violating an
16 order described in subparagraph (A)(ii)—

17 “(i) the court shall issue a written
18 order that—

19 “(I) identifies the valid court
20 order that the juvenile has violated;

21 “(II) specifies the factual basis
22 for determining that there is reason-
23 able cause to believe that the juvenile
24 has violated the order;

1 “(III) includes findings of fact to
2 support a determination that there is
3 no appropriate less restrictive alter-
4 native available to placing the juvenile
5 in a secure detention facility or secure
6 correctional facility, with due consid-
7 eration to the best interest of the ju-
8 venile;

9 “(IV) specifies the length of time,
10 not to exceed 3 days, that the juvenile
11 may remain in a secure detention fa-
12 cility or secure correctional facility;

13 “(V) includes a plan for the re-
14 lease of the juvenile from the secure
15 detention facility or secure correc-
16 tional facility; and

17 “(VI) may not be renewed or ex-
18 tended; and

19 “(ii) the court may not issue a subse-
20 quent order described in clause (i) relating
21 to a juvenile, unless the juvenile violates a
22 valid court order after the date on which
23 the court issues an order described in
24 clause (i);

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

11 “(E) a juvenile status offender held in a
 12 secure detention facility or secure correctional
 13 facility pursuant to a court order described in
 14 subparagraph (C)(i) may only be held in a se-
 15 cure detention facility or secure correctional fa-
 16 cility 1 time in any 6-month period, provided
 17 that the conditions set forth in subparagraph
 18 (C) are satisfied.”; and

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

20 “(g) ADDITIONAL REQUIREMENT.—Not later than 1
 21 year after the date of enactment of this subsection, no
 22 State receiving a formula grant under this part may use
 23 a valid court order described in subsection (a)(11)(A)(ii)
 24 to place a juvenile status offender in a secure detention
 25 facility or secure correctional facility. A State that can

1 demonstrate hardship as determined by the Administrator
2 may submit to the Administrator an application for a sin-
3 gle 1-year extension to comply with the requirement de-
4 scribed in this subsection, which shall describe—

5 “(1) the measurable progress and good faith ef-
6 fort in the State to reduce the number of juvenile
7 status offenders who are placed in a secure deten-
8 tion facility or correctional facility pursuant to a
9 court order described in subsection (a)(11)(A)(ii);
10 and

11 “(2) a plan to comply with the requirement de-
12 scribed in this subsection not later than 1 year after
13 the date the extension is granted.”.

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