

117TH CONGRESS
2D SESSION

S. 4362

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

JUNE 8 (legislative day, JUNE 7), 2022

Mr. CASEY 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 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Under the Juvenile Justice and Delinquency
2 Prevention Act of 1974 (34 U.S.C. 11101 et seq.),
3 Congress recognized the need to set clear standards
4 and protect juveniles across the United States by,
5 among other things, providing that States should
6 not place youth in secure detention for status of-
7 fenses, which are offenses that would not be criminal
8 offenses if committed by an adult.

9 (2) In 1980, Congress amended the Juvenile
10 Justice and Delinquency Prevention Act of 1974 (34
11 U.S.C. 11101 et seq.) to create an exception that
12 permits judges to place a youth in secure detention
13 if the youth violates a valid court order (referred to
14 in this section as “the VCO exception”). The VCO
15 exception has led to thousands of youth being placed
16 in secure detention for noncriminal status offenses.

17 (3) Placing a child charged with a noncriminal
18 status offense in secure confinement with children
19 who have been accused of serious criminal offenses
20 can expose the child to negative influences and be-
21 haviors that could contribute to that child returning
22 into the status offense system or the delinquency
23 system.

24 (4) The 5 most common juvenile status offense
25 include skipping school, drinking while underage,

1 running away from home, violating curfew, and act-
2 ing out.

3 (5) In 2019—

4 (A) 11 percent of formally processed juve-
5 nile court cases were for a status offense; and

6 (B) although most petitioned status of-
7 fense cases involved white youth (61 percent),
8 Black youth and American Indian and Alaska
9 Native youth were overrepresented among peti-
10 tioned status offenses cases relative to their
11 population size.

12 (6) Girls are more often sent to the justice sys-
13 tem for less serious offenses, such as status offenses,
14 than boys. In 2013, the female share of formally
15 processed status offense cases (43 percent) was
16 greater than the share of female delinquency cases
17 (27 percent).

18 (7) Girls often engage in status offense behav-
19 iors in response to abuse or trauma and may, for ex-
20 ample, run away to escape abuse at home or in a
21 foster care placement.

22 (8) Anyone under the age of majority, which, in
23 most States, is the age of 18, is subject to status of-
24 fense charges, but teenagers between the ages of 14
25 and 17 comprise most status offense cases.

1 (9) Most youth who engage in status and other
2 minor offenses never progress to more serious behav-
3 ior and will age out of the behavior without court
4 intervention.

5 (10) Since 1980, more than half of States have
6 recognized the dangers of placing youth in secure
7 detention for noncriminal status offenses and have
8 stopped using the VCO exception.

9 (11) While the number of status offenses peti-
10 tioned in courts decreased by 53 percent between
11 2005 and 2019, during 2019, there were still ap-
12 proximately 4,200 instances of a youth being de-
13 tained in response to a status offense.

14 (12) Congress recognized the need to reform
15 the VCO exception under the Juvenile Justice Re-
16 form Act of 2018 (115–385; 132 Stat. 5123), which,
17 among other things, limited the time that a juvenile
18 could be detained under a VCO exception to not
19 more than 7 days.

20 (13) Congress must now act to eliminate the
21 VCO exception and fully return to the original intent
22 of the Juvenile Justice and Delinquency Prevention
23 Act of 1974 (34 U.S.C. 11101 et seq.), which origi-
24 nally provided that no youth should be held in secure
25 detention for a noncriminal status offense.

1 **SEC. 3. DEINSTITUTIONALIZATION OF STATUS OFFENDERS.**

2 Section 223 of the Juvenile Justice and Delinquency
3 Prevention Act of 1974 (34 U.S.C. 11133) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (11)(A)(i)(III), by insert-
6 ing “a runaway” before “held”; and

7 (B) in paragraph (23)—

8 (i) in subparagraph (C)(iii)—

9 (I) in subclause (I)(dd), by strik-
10 ing “7” and inserting “3”; and

11 (II) in subclause (II), by striking
12 “and” at the end;

13 (ii) in subparagraph (D)—

14 (I) by striking “7” and inserting
15 “3”; and

16 (II) by adding “and” at the end;
17 and

18 (iii) by inserting after subparagraph
19 (D) the following:

20 “(E) the juvenile may only be held in a se-
21 cure detention facility or secure correctional fa-
22 cility if the detention—

23 “(i) is pursuant to a court order de-
24 scribed in subparagraph (C)(iii) and the
25 other conditions set forth in subparagraph
26 (C) are satisfied; and

1 “(ii) occurs only 1 time in any 6-
 2 month period;” and

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

4 “(h) ADDITIONAL REQUIREMENT.—

5 “(1) IN GENERAL.—Except as provided in para-
 6 graph (2), not later than 1 year after the date of en-
 7 actment of this subsection, no State receiving a for-
 8 mula grant under this part may use a valid court
 9 order described in subsection (a)(23)(C)(iii) to place
 10 a juvenile status offender in a secure detention facil-
 11 ity or secure correctional facility.

12 “(2) EXTENSION.—A State that can dem-
 13 onstrate hardship, as determined by the Adminis-
 14 trator, may submit to the Administrator an applica-
 15 tion for a single 1-year extension of the 1-year pe-
 16 riod described in paragraph (1) to comply with para-
 17 graph (1), which shall describe—

18 “(A) the measurable progress and good ef-
 19 fort in the State to reduce the number of juve-
 20 nile status offenders who are placed in a secure
 21 detention facility or correctional facility pursu-
 22 ant to a court order described in subsection
 23 (a)(23)(C)(iii); and

1 “(B) a plan to comply with the require-
2 ment described in paragraph (1) not later than
3 1 year after the date the extension is granted.”.

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