

117TH CONGRESS
2D SESSION

S. 4398

To allow Juvenile Justice and Delinquency Prevention Program assistance be used to reduce racial and ethnic disparities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 14, 2022

Mr. WHITEHOUSE (for himself, Ms. WARREN, Mr. MARKEY, Mr. BROWN, Mr. SANDERS, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To allow Juvenile Justice and Delinquency Prevention Program assistance be used to reduce racial and ethnic disparities, 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 “Reducing Racial and
5 Ethnic Disparities in the Juvenile Justice System Act of
6 2022”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) Black, Indigenous, Hispanic, and other
2 youth of color are overrepresented in the juvenile
3 justice system and receive harsher consequences
4 than White youth.

5 (2) Reducing reliance on incarceration and pro-
6 viding evidence-based, trauma-informed, and linguis-
7 tically and culturally responsive support and services
8 to youth who come in contact with the juvenile jus-
9 tice system is a key goal of the Juvenile Justice and
10 Delinquency Prevention Act of 1974 (34 U.S.C.
11 11101 et seq.).

12 (3) Addressing racial and ethnic disparities in
13 the juvenile justice system requires accurate data re-
14 garding youth of color who come into contact with
15 the juvenile justice system, including data that can
16 be disaggregated by race, and ethnicity.

17 (4) Youth of color and their families with lived
18 experience interacting with the juvenile justice sys-
19 tem can provide important insight, analysis, and so-
20 lutions regarding how to recognize and address ra-
21 cial disparities in the juvenile justice system.

22 **SEC. 3. DEFINITION OF RACIAL AND ETHNIC DISPARITY.**

23 (a) IN GENERAL.—Section 103 of the Juvenile Jus-
24 tice and Delinquency Prevention Act of 1974 (34 U.S.C.

1 11103) is amended by striking paragraph (41) and insert-
 2 ing the following:

3 “(41) the term ‘racial and ethnic disparity’
 4 means—

5 “(A) that Black, Indigenous, Hispanic, and
 6 other youth of color are involved at a decision
 7 point in the juvenile justice system at dis-
 8 proportionately higher rates than White youth
 9 at that decision point;

10 “(B) that the percentage of Black, Indige-
 11 nous, Hispanic, and other youth of color at any
 12 decision point is higher than the percentage of
 13 youth of color in the general population;

14 “(C) that Black, Indigenous, Hispanic, and
 15 other youth of color experience more severe out-
 16 comes at any decision point than similarly situ-
 17 ated White youth; or

18 “(D) that Black, Indigenous, Hispanic,
 19 and other youth of color are detained and re-
 20 moved from their homes when less restrictive
 21 alternatives would be more effective;”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 23 Section 251(a)(1)(B)(viii) of the Juvenile Justice and De-
 24 linquency Prevention Act of 1974 (34 U.S.C.
 25 11161(a)(1)(B)(viii)) is amended by striking “members of

1 minority groups” and inserting “Black, Indigenous, His-
 2 panic, and other youth of color”.

3 **SEC. 4. JUVENILE JUSTICE AND DELINQUENCY PREVEN-**
 4 **TION PROGRAM STATE PLANS.**

5 (a) IN GENERAL.—Section 223(a) of the Juvenile
 6 Justice and Delinquency Prevention Act of 1974 (34
 7 U.S.C. 11133(a)) is amended—

8 (1) in paragraph (3)(A)(v), by striking “of
 9 someone” and inserting “of a youth representative
 10 of the population in detention and secure confine-
 11 ment”;

12 (2) in paragraph (7)(B)—

13 (A) in clause (viii), by striking “and” at
 14 the end;

15 (B) by redesignating clause (ix) as clause
 16 (x); and

17 (C) by inserting after clause (viii) the fol-
 18 lowing:

19 “(ix) a plan to implement systems for iden-
 20 tifying and recording youth data disaggregated
 21 by race and ethnicity; and”;

22 (3) in paragraph (9)—

23 (A) in subparagraph (V), by striking
 24 “and” at the end;

1 (B) in subparagraph (W), by adding “and”
2 at the end; and

3 (C) by inserting after subparagraph (W)
4 the following:

5 “(X) programs seeking to reduce racial
6 and ethnic disparities at any decision point,
7 such as at the point of arrest, referral to court,
8 diversion, secure detention, judicial waiver to
9 adult criminal court, case petitioning, delin-
10 quency finding or adjudication, probation, or
11 residential placement, including secure confine-
12 ment, including prevention, diversion, and com-
13 munity supervision, and other programs that
14 provide linguistically and culturally responsive
15 support and services to youth;”;

16 (4) in paragraph (15)—

17 (A) in subparagraph (A), by inserting
18 “and youth representative of the population in
19 detention and secure confinement who have
20 been or are currently under the jurisdiction of
21 the juvenile justice system or, if not feasible
22 and in appropriate circumstances, parents or
23 guardians of a Black, Indigenous, Hispanic, or
24 other youth of color who has been or is cur-

rently under the jurisdiction of the juvenile justice system” after “educational system”;

(B) in subparagraph (B) by striking “and” at the end;

(C) in subparagraph (C), by adding “and” at the end; and

(D) by adding at the end the following:

“(D) reporting on measurable progress on the work plan described in subparagraph (C) for the prior year;”; and

(5) in paragraph (22)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), adding “and” at the end; and

(C) by adding at the end the following:

“(D) promote opportunity for community-based providers serving youth in communities with higher than average racial and ethnic disparities at any decision point in the juvenile justice system in the State, compared with other communities in the same State;”.

(b) GUIDANCE FOR COLLECTION OF DATA.—Section

223 of the Juvenile Justice and Delinquency Prevention

1 Act of 1974 (34 U.S.C. 11133) is amended by adding at
2 the end the following:

3 “(h) GUIDANCE FOR COLLECTION OF DATA.—Not
4 later than 1 year after the date of enactment of the Reduc-
5 ing Racial and Ethnic Disparities in the Juvenile Justice
6 System Act of 2022, the Administrator shall, in consulta-
7 tion with the United States Commission on Civil Rights
8 and the Director of the Census Bureau, develop guidance
9 for States with respect to a uniform standard for the col-
10 lection and reporting of disaggregated and cross-ref-
11 erenced data on race and ethnicity under this section to
12 assist States in implementing subsection (a)(15).”.

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