

118TH CONGRESS
2D SESSION

S. 5250

To reauthorize titles II and V of the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

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

A BILL

To reauthorize titles II and V of the Juvenile Justice and Delinquency Prevention Act of 1974, 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 “Juvenile Justice and
5 Delinquency Prevention Reauthorization Act of 2024”.

6 **SEC. 2. AMENDMENTS.**

7 (a) DEFINITIONS.—Section 103(22) of the Juvenile
8 Justice and Delinquency Prevention Act of 1974 (34
9 U.S.C. 11103) is amended by inserting “, including any
10 prison,” after “secure facility”.

1 (b) STATE PLANS.—Section 223 of the Juvenile Jus-
 2 tice and Delinquency Prevention Act of 1974 (34 U.S.C.
 3 11133) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (3)—

6 (i) by striking the matter preceding
 7 subparagraph (A) and inserting the fol-
 8 lowing:

9 “(3) provide satisfactory evidence that the State
 10 agency has established and maintained, or is work-
 11 ing toward establishing and maintaining, an advisory
 12 group that—”; and

13 (ii) in subparagraph (A)(iv), by strik-
 14 ing “at the time of the initial appoint-
 15 ment”;

16 (B) in paragraph (9)—

17 (i) in the matter preceding subpara-
 18 graph (A)—

19 (I) by striking “not less than 75
 20 percent of”;

21 (II) by striking “shall be used
 22 for” and inserting “shall be used in
 23 accordance with the plan”; and

24 (III) by striking “promising pro-
 25 grams—” and inserting “promising

1 programs, which may include pro-
 2 grams for—”;

3 (ii) in subparagraph (F)—

4 (I) in the matter preceding clause
 5 (i), by striking “expand the use of
 6 probation officers” and inserting “im-
 7 prove probation departments”; and

8 (II) in clause (i), by striking
 9 “non-violent juvenile offenders (in-
 10 cluding status offenders)” and insert-
 11 ing “youth”;

12 (iii) in subparagraph (M)—

13 (I) in clause (i), by inserting “re-
 14 storative practices,” before “expanded
 15 use of probation”; and

16 (II) in clause (ii), by inserting “,
 17 including determining the appropriate-
 18 ness of programs intended to divert
 19 youth from the justice system at the
 20 earliest point possible” before the
 21 semicolon at the end;

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

24 (v) by adding at the end the following:

1 “(X) programs to address racial and ethnic
2 disparities;

3 “(Y) programs and projects to collect data
4 on the socioeconomic status of youth in the ju-
5 venile justice system;

6 “(Z) programs intended to help divert
7 youth from the justice system before or after
8 arrest; and

9 “(AA) programs in support of the initia-
10 tives described in paragraphs (11) through (13)
11 and (16);”;

12 (C) in paragraph (11)—

13 (i) in subparagraph (A)—

14 (I) in clause (i)(II), by striking
15 “paragraph (23)” and inserting
16 “paragraph (11)(B)”; and

17 (II) in clause (ii)(II)(bb), by
18 striking “and” at the end;

19 (ii) by striking paragraph (11)(B) and
20 inserting the following:

21 “(B) require that, if a juvenile is taken
22 into custody for violating a valid court order
23 issued for committing a status offense—

24 “(i) an appropriate public agency
25 shall be promptly notified that the juvenile

1 is held in custody for violating the court
2 order;

3 “(ii) not later than 24 hours after the
4 juvenile begins to be held, an authorized
5 representative of the agency shall inter-
6 view, in person, the juvenile;

7 “(iii) not later than 48 hours after the
8 juvenile begins to be held—

9 “(I) the representative described
10 in clause (ii) shall submit an assess-
11 ment to the court that issued the
12 court order relating to the immediate
13 needs of the juvenile;

14 “(II) the court that issued the
15 court order shall conduct a hearing to
16 determine—

17 “(aa) whether there is rea-
18 sonable cause to believe that the
19 juvenile violated the court order;
20 and

21 “(bb) the appropriate place-
22 ment of the juvenile pending dis-
23 position of the alleged violation;
24 and

1 “(III) if the court that issued the
2 court order determines the juvenile
3 should be placed in a secure detention
4 facility or correctional facility for vio-
5 lating the court order—

6 “(aa) the court shall issue a
7 written order that—

8 “(AA) identifies the
9 valid court order that has
10 been violated;

11 “(BB) specifies the fac-
12 tual basis for determining
13 that there is reasonable
14 cause to believe that the ju-
15 venile has violated the court
16 order;

17 “(CC) includes findings
18 of fact to support a deter-
19 mination that there is no ap-
20 propriate less restrictive al-
21 ternative available to placing
22 the juvenile in the secure de-
23 tention facility, with due
24 consideration to the best in-
25 terest of the juvenile;

1 “(DD) specifies the
2 length of time, not to exceed
3 7 days, that the juvenile
4 may remain in a secure de-
5 tention facility or correc-
6 tional facility, and includes a
7 plan for the release of the
8 juvenile from the facility;
9 and

10 “(EE) may not be re-
11 newed or extended; and

12 “(bb) the court may not
13 issue a second or subsequent
14 order described in item (aa) re-
15 lating to a juvenile unless the ju-
16 venile violates a valid court order
17 after the date on which the court
18 issues an order described in item
19 (aa); and

20 “(iv) there are procedures in place to
21 ensure that the juvenile held in a secure
22 detention facility or correctional facility
23 pursuant to a court order described in this
24 paragraph does not remain in custody

1 longer than the shorter of 7 days and the
2 length of time authorized by the court; and

3 “(C) require that not later than September
4 30, 2028, the State will eliminate the use of
5 valid court orders to provide secure confinement
6 of juveniles who commit status offenses, except
7 that juveniles may be held in secure confine-
8 ment in accordance with the Interstate Com-
9 pact for Juveniles if the judge issues a written
10 order that—

11 “(i) specifies the authority of the
12 State to detain the juvenile under the
13 terms of the Interstate Compact for Juve-
14 niles;

15 “(ii) includes findings of fact to sup-
16 port a determination that there is no ap-
17 propriate less restrictive alternative avail-
18 able to placing the juvenile in such a facil-
19 ity, with due consideration to the best in-
20 terest of the juvenile;

21 “(iii) specifies the length of time a ju-
22 venile may remain in secure confinement,
23 not to exceed 15 days, and includes a plan
24 for the return of the juvenile to the home
25 State of the juvenile; and

1 “(iv) may not be renewed or ex-
 2 tended;”;

3 (D) in paragraph (13)—

4 (i) in subparagraph (B)—

5 (I) in the matter preceding clause

6 (i), by inserting “for adults” after

7 “jail or lockup”; and

8 (II) in clause (ii)(III), by adding

9 “and” at the end; and

10 (ii) by adding at the end the fol-

11 lowing:

12 “(C) juveniles awaiting trial or other legal

13 process who are treated as adults for purposes

14 of prosecution in criminal court and housed in

15 a secure facility, unless a court finds, after a

16 hearing and in writing and in accordance with

17 paragraph (14), that it is in the interest of jus-

18 tice;”;

19 (E) by striking paragraph (23);

20 (F) by redesignating paragraphs (14)

21 through (22) as paragraphs (15) through (23),

22 respectively;

23 (G) by inserting after paragraph (13) the

24 following:

25 “(14) provide that—

1 “(A) a juvenile described in paragraph
2 (13)(C)—

3 “(i) that is confined in any jail or
4 lockup for adults shall not have sight or
5 sound contact with adult inmates; and

6 “(ii) except as provided in this para-
7 graph, may not be held in any jail or lock-
8 up for adults;

9 “(B) in determining under paragraph
10 (13)(C) whether it is in the interest of justice
11 to permit a juvenile to be held in any jail or
12 lockup for adults, or have sight or sound con-
13 tact with adult inmates, a court shall con-
14 sider—

15 “(i) the age of the juvenile;

16 “(ii) the physical and mental maturity
17 of the juvenile;

18 “(iii) the present mental state of the
19 juvenile, including whether the juvenile
20 presents an imminent risk of harm to the
21 juvenile;

22 “(iv) the nature and circumstances of
23 the alleged offense;

24 “(v) the juvenile’s history of prior de-
25 linquent acts;

1 “(vi) the relative ability of the avail-
2 able adult and juvenile detention facilities
3 to meet the specific needs of the juvenile
4 and protect the safety of the public and
5 other detained juveniles; and

6 “(vii) any other relevant factor; and

7 “(C) if a court determines under subpara-
8 graph (B) that it is in the interest of justice to
9 permit a juvenile to be held in a jail or lockup
10 for adults—

11 “(i) the court shall hold a hearing not
12 less frequently than once every 30 days, or
13 in the case of a rural jurisdiction, not less
14 frequently than once every 45 days, to re-
15 view whether it is still in the interest of
16 justice to permit the juvenile to be so held
17 or have such sight or sound contact; and

18 “(ii) the juvenile shall not be held in
19 any jail or lockup for adults, or be per-
20 mitted to have sight or sound contact with
21 adult inmates, for more than 180 days, un-
22 less the court, in writing, determines there
23 is good cause for an extension or the juve-
24 nile expressly waives this limitation;”;

1 (H) in paragraph (15), as so redesign-
2 nated—

3 (i) by striking “jails, lock-ups, deten-
4 tion facilities, and correctional facilities”
5 and inserting “jails and lockups for adults,
6 secure detention facilities, and secure cor-
7 rectional facilities”;

8 (ii) by striking “, except that such re-
9 porting requirements” and all that follows;
10 and

11 (iii) by adding a semicolon at the end;

12 (I) in paragraph (16), as so redesignated,
13 in the matter preceding subparagraph (A), by
14 inserting “that are culturally and linguistically
15 competent” before “at the State, territorial,
16 local, and tribal levels”;

17 (J) in paragraph (17), as so redesignated,
18 by striking “gender, race, ethnicity, family in-
19 come, and disability” and inserting “gender,
20 race, ethnicity, religion, family income, dis-
21 ability, national origin, and sexual orientation”;

22 (K) by striking paragraph (24); and

23 (L) by redesignating paragraphs (25)
24 through (33) as paragraphs (24) through (32),
25 respectively; and

1 (2) in subsection (d)—

2 (A) by striking “In the event that any
3 State” and inserting the following:

4 “(1) IN GENERAL.—In the event that any
5 State”;

6 (B) in paragraph (1), as so designated, by
7 striking “802, 803, and 804 of title I of the
8 Omnibus Crime Control and Safe Streets Act of
9 1968” and inserting “802 and 803 of title I of
10 the Omnibus Crime Control and Safe Streets
11 Act of 1968 (34 U.S.C. 10222, 10223)”; and

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

13 “(2) LOCAL PUBLIC AND PRIVATE NONPROFIT
14 AGENCIES.—Local public and private nonprofit
15 agencies within a State shall be eligible to receive
16 funds under paragraph (1)—

17 “(A) only upon a showing by the State
18 agency designated under subsection (a)(1) of
19 exigent circumstances; and

20 “(B) in no case for more than 2 consecu-
21 tive years.”.

22 (c) CONFORMING AMENDMENTS.—

23 (1) DEFINITIONS.—Section 103 of the Juvenile
24 Justice and Delinquency Prevention Act of 1974 (34
25 U.S.C. 11103) is amended—

1 (A) in paragraph (30), by striking “and
2 (15)” and inserting “and (16)”; and

3 (B) in paragraph (39), by striking
4 “(a)(15)” and inserting “(a)(16)”.

5 (2) CONCENTRATION OF FEDERAL EFFORTS.—

6 Section 204(b)(7) of the Juvenile Justice and Delin-
7 quency Prevention Act of 1974 (34 U.S.C.
8 11114(b)(7)) is amended by striking “(a)(14)” and
9 inserting “(a)(15)”.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
11 601 of the Juvenile Justice and Delinquency Prevention
12 Act of 1974 (34 U.S.C. 11321) is amended by striking
13 “fiscal years 2019 through 2023” and inserting “fiscal
14 years 2025 through 2029”.

○