

**AMENDMENT TO H.R. 7120, AS REPORTED
OFFERED BY MR. CÁRDENAS OF CALIFORNIA**

Add at the end of the bill the following (and conform
the table of contents accordingly):

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Prohibiting Detention
3 of Youth Status Offenders Act of 2020”.

4 TITLE VI—PROHIBITING DETEN-
5 TION OF YOUTH STATUS OF-
6 FENDERS

7 SEC. 601. SHORT TITLE.

8 This title may be cited as the “Prohibiting Detention
9 of Youth Status Offenders Act of 2020”

10 SEC. 602. DEINSTITUTIONALIZATION OF STATUS OFFEND-
11 ERS.

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

14 (1) in subsection (a)(11)—

15 (A) by striking “shall” the first place it
16 appears;

17 (B) in subparagraph (A)—

18 (i) in clause (i), by inserting “and” at
19 the end;

1 (ii) in clause (ii), by striking “and” at
2 the end;

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

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

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

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

9 “(C) if a court determines the juvenile
10 should be placed in a secure detention facility
11 or correctional facility for violating an order de-
12 scribed in subparagraph (A)(ii)—

13 “(i) the court shall issue a written
14 order that—

15 “(I) identifies the valid court
16 order that has been violated;

17 “(II) specifies the factual basis
18 for determining that there is reason-
19 able cause to believe that the juvenile
20 has violated such order;

21 “(III) includes findings of fact to
22 support a determination that there is
23 no appropriate less restrictive alter-
24 native available to placing the juvenile
25 in such a facility, with due consider-

1 ation to the best interest of the juve-
2 nile;

3 “(IV) specifies the length of time,
4 not to exceed 3 days, that the juvenile
5 may remain in a secure detention fa-
6 cility or correctional facility, and in-
7 cludes a plan for the juvenile’s release
8 from such facility; and

9 “(V) may not be renewed or ex-
10 tended; and

11 “(ii) the court may not issue a second
12 or subsequent order described in clause (i)
13 relating to a juvenile, unless the juvenile
14 violates a valid court order after the date
15 on which the court issues an order de-
16 scribed in clause (i);

17 “(D) there are procedures in place to en-
18 sure that any juvenile held in a secure detention
19 facility or correctional facility pursuant to a
20 court order described in this paragraph does
21 not remain in custody longer than 3 days (with
22 the exception of weekends and holidays) or the
23 length of time authorized by the court, or au-
24 thorized under applicable State law, whichever
25 is shorter;

1 “(E) juvenile status offenders detained or
2 confined in a secure detention facility or correc-
3 tional facility pursuant to a court order as de-
4 scribed in this paragraph may only be detained
5 in secure custody one time in any six-month pe-
6 riod, provided that all conditions set forth in
7 subparagraph (D) are satisfied; and

8 “(F) not later than one year after the date
9 of enactment of this subparagraph, with a sin-
10 gle one-year extension if the State can dem-
11 onstrate hardship as determined by the Admin-
12 istrator, the State will eliminate the use of valid
13 court orders as described in subparagraph
14 (A)(ii) to provide secure lockup of status of-
15 fenders;” and

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

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

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

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

