

AGENDA ITEM E, ATTACHMENT 1 – Some of the Proposed Changes to JJDP (of 1974 as amended 2002)  
H.R. 1809, Juvenile Justice Reform Act of 2017

**Overview**

- Passed in the House May 2017; still needs to get through Senate which has own bill S.860
- Introduced by Rep. Jason Lewis (R-MN) and Rep. Bobby Scott (D-VA)

**Expands Purpose Statement<sup>i</sup>**

States the purpose is “to support a continuum of evidence-based or promising programs (including delinquency prevention, intervention, mental health, behavioral health and substance abuse treatment, family services, and services for children exposed to violence) that are trauma informed, reflect the science of adolescent development, and are designed to meet the needs of at-risk youth who come into contact with the juvenile justice system.”

**Adds the following definitions:<sup>ii</sup>**

- Jail or Lockup for Adults
- Sight and Sound Contact
- Adult Inmate
- Core Requirements
- Chemical Agent
- Isolation
- Restraints
- Evidence-Based (See Attachment E-2)
- Promising (See Attachment E-2)
- Dangerous Practice
- Screening
- Assessment
- Contact
- Trauma-Informed
- Racial and Ethnic Disparity
- Status Offender
- Rural
- Internal Controls
- Tribal Government

**Requires State Plan to Describe or Contain:<sup>iii</sup>**

- A State must make its State Plan available on its website within 60 days after its finalization<sup>iv</sup>
- “how the State Plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents.
- States must make their State Plan available on their websites within 60 days after its finalization”<sup>v</sup>
- “a plan to provide alternatives to detention for status offenders, survivors of commercial sexual exploitation, and others

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- “a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs”
- “a plan to engage family members, where appropriate, in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement”
- “a plan to use community-based services to respond to the needs of at-risk youth or youth who have come into contact with the juvenile justice system
- “a plan to promote evidence-based and trauma-informed programs and practices”
- “priority in funding to evidence-based or promising programs”
- community-based services “for youth who need specialized intensive and comprehensive services that address the unique issues encountered by youth when they become involved in gangs”

**New Circumstances Funding Can Also Be Used For:**

- An Indian Tribe that “has jurisdiction” (replaces “that performs law enforcement functions”)
- Status offenders, other youth, and the parents and other family members of such youth
- At-risk youth
- truancy prevention and reduction
- to ensure access to appropriate legal representation
- expand access to publicly supported legal counsel trained to represent juveniles
- pre-adjudication services
- specialized and problem solving courts
- technical assistance on use of risk-assessments and determining appropriate sanctions
- services to reduce the risk of recidivism
- to inform and assist juveniles with sealing and expunging their juvenile records
- girls in or at-risk of entering the juvenile justice system

**Revises State Advisory Group (SAG) requirements as follows:<sup>vi</sup>**

**(SACJJD is California’s State Advisory Group)**

- Raises age of Youth Member to under 28 at initial appointment to SAG
- Increases the time SAG may review and comment on local grant applications to 45 days
- Reduces SAG requirement to submit Legislative Report on Core Compliance to every 2 years

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Current Membership Requirement	Proposed Membership Requirement
Shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the State - which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency	Shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the State - which members have training, experience, or special knowledge concerning <b>adolescent development</b> , the prevention and treatment of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency
At least 1 locally elected official representing general purpose local government	No change
Representatives of law enforcement agencies and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers	Representatives of law enforcement agencies and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, <b>publicly supported court-appointed legal counsel with experience representing juveniles in delinquency proceedings</b> , and probation workers
Representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation and youth services	Representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, <b>child and adolescent development, mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities</b> , recreation and youth services
Representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education and social services for children	No change
Volunteers who work with delinquents or potential delinquents	Volunteers who work with <b>youth or youth at risk of delinquency</b>
Youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities	<b>Representatives of</b> programs that are alternatives to incarceration, including programs providing organized recreation activities

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Persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion	No change
Persons with special experience and competence in addressing mental health and substance abuse needs in delinquent youth and youth at risk of delinquency	Persons, licensed or certified by the applicable State, with expertise and competence in preventing and addressing mental health and substance abuse needs in delinquent youth and youth at risk of delinquency
A majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government	No change
At least one-fifth of which members shall be under age 24 at the time of appointment	At least one-fifth of which members shall be under age 28 at the time of appointment
At least 3 members who have been or are currently under the jurisdiction of the juvenile justice system	At least 3 members who have been or are currently under the jurisdiction of the juvenile justice system, or if not feasible and in appropriate circumstances, who is the parent or guardian of someone who has been or is currently under the jurisdiction of the juvenile justice system
<b>Current Membership Requirement</b>	<b>New Membership Requirement</b>
None	Representatives of victim or witness advocacy groups, including at least 1 individual with expertise in addressing the challenges of sexual abuse and exploitation, and trauma before entering the juvenile justice system
None	For a State in which 1 or more Indian Tribes are located, an Indian tribal representative or other individual with significant expertise in tribal law enforcement and juvenile justice in Indian Tribal communities

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**DEPUTY DIRECTOR ALLISON GANTER WILL ADDRESS THE FOLLOWING:**

**Requires State Plan not later than two years after Juvenile Justice Reform Act of 2017 enactment, include a plan to ELIMINATE:<sup>vii</sup>**

- Use of restraints of known pregnant juveniles housed in secure juvenile detention and correction facilities, during labor, delivery, and post-partum recovery
- Use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant Juveniles

**Core Compliance State Plan, no later than three years after juvenile Justice Reform Act of 2017 enactment**

- Phase out of the Valid Court Order Exception for Status Offenders
- Improves the Jail Removal and Sight and Sound Core Protections

**NOTES:**

- OJJDP Administrator required to develop national recidivism measure, way for states to report on it, and make cumulative general recidivism data collected from states available on its website<sup>viii</sup>
- Makes changes to Title V Program (we have not been receiving this funding)<sup>ix</sup>

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<sup>i</sup> 42 U.S.C. Section 5602, Sec. 102

<sup>ii</sup> 42 U.S.C. Section 5603, Sec. 103

<sup>iii</sup> 42 U.S.C. Section 5633, Sec. 223

<sup>iv</sup> 42 U.S.C. Section 5633, Sec. 223

<sup>v</sup> 42 U.S.C. Section 5633, Sec. 223

<sup>vi</sup> 42 U.S.C. Section 5633, Sec. 223;

<sup>vii</sup> 42 U.S.C. Section 5633, Sec. 223

<sup>viii</sup> 42 U.S.C. Section 5661, Sec. 251

<sup>ix</sup> 42 U.S.C. Section 5601, Sec. 103