



IN THE CONGRESS OF THE UNITED STATES

November 19th, 2020

Mr. ROMERIO (for himself, Mr. Schlorp) introduced the
following bill;

*To dissolve the Federal Juvenile Detention System and Replace it
with a Comprehensive Rehabilitative Structure, designed to
Prepare Troubled Youth for Career Opportunities.*

Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled;

Sec. 1. SHORT TITLE.

This act may be cited as “The Juvenile Detention Reform Act.”

Sec. 2. FINDINGS.

- (1) Over 45,000 juveniles are held in Federal Facilities as a result of the Youth Justice System. Thousands of juveniles are held without having received a trial.
- (2) It should not be the policy of the United States to imprison our youth, rather, rehabilitation and life preparation should be the goals of any meaningful juvenile justice system.

- (3) By establishing a Federal rehabilitative justice system, we can begin paving the way for a restructuring of our prison system.

Sec. 3. DEFINITIONS.

In this act—

- (1) The term “Rehabilitation Facility” or “Rehabilitative Facility” refers to the Class A and Class B facilities described in Section 5 of this Act.
- (2) The term “Disposition Hearing” refers to the hearing described in Section 5037 of Title 18 of the United States Code.
- (3) The term “Therapy” refers to treatment, provided by a medical professional, intended to aid in the mental health of a resident.
- (4) The term “Internet” refers to the physical electronic network designed to transfer binary information.
- (5) The term “Trade School” refers to bodies of higher education designed to instruct in the manners of trades, such as carpentry.

Sec. 4. RESTRUCTURING THE YOUTH JUSTICE SYSTEM.

- (1) Title 18 of the United States Code, Section 5035 is amended by replacing the phrase, “may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate.” with “may only be detained before and/or during their trial if they are deemed to be a credible flight risk, as determined by the Judge presiding. No bail shall be imposed on a juvenile. If they are deemed a credible flight risk, they may be detained only

in a juvenile facility or such other suitable place as the Attorney General may designate.”

- (2) Title 18 of the United States Code, Section 5036 is amended by striking the phrase, “or would be in the interest of justice in the particular case. Delays attributable solely to court calendar congestion may not be considered in the interest of justice.”
- (3) Title 18 of the United States Code, Section 5037 is amended by striking Subsections B, C, D, and E. Subsection A is amended by striking the phrase, “unless the court has ordered further study pursuant to subsection (d),” and by replacing all occurrences of the word “him” with the word “they,” and by striking the phrase, “After the disposition hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to 28 U.S.C. 994, the court may suspend the findings of juvenile delinquency, place him on probation, or commit him to official detention which may include a term of juvenile delinquent supervision to follow detention,” and replacing it with, “After the disposition hearing, the court may suspend the findings of juvenile delinquency, or commit them to official rehabilitation facilities, as described in Subsection 5038. The Court shall also determine which Class of facility is appropriate.”
- (4) There is to be added to Title 18 of the United States Code, Chapter 403, a Section 5038, and all further sections are to be renumbered appropriately. Section 5038 will be named “Transferral to Rehabilitative Facilities,” and will read;
- (5) “If, in accordance with Section 5037, the Court determines that a juvenile shall be transferred to a Rehabilitative Facility, then the transfer shall take place within 10 days of

this ruling, as resulting from a Disposition Hearing. In these 10 days, the juvenile may be placed in a detention facility. If the juvenile is in this detention facility for more than 10 days, the juvenile must be transferred immediately or released.”

- (6) “The Attorney General shall ensure that the Rehabilitative Facility to which the juvenile is being transferred is within at most one hundred and fifty miles of the location in which the act of delinquency took place.”

Sec. 5. ESTABLISHING FEDERAL REHABILITATIVE FACILITIES.

- (1) The Department of Justice shall oversee the creation of several Rehabilitative Facilities across the United States.
- (2) These facilities will be responsible for—
 - (a) Housing, feeding, clothing, and providing the basic needs of juveniles charged with residing there.
 - (b) Providing mental health assistance to juveniles in the form of therapy, resident psychologists, or any other medical professional necessary to ensure the well-being of the residents.
 - (c) Educating the residents in accordance with the State Educational Standards of whatever State the Facility is located in.
 - (d) College and Career Readiness—
 - (i) In general, Facilities shall instruct residents in necessary life skills, such as basic economics, career readiness, and proper de-escalation.
 - 1) Programs shall be designed to provide residents with the skills

required to live successful and productive lives.

2) Programs shall be designed to ensure residents have the skills necessary to avoid criminal activity.

3) Residents will learn proper fiscal responsibility, and shall also be informed of their rights as citizens of the United States.

(ii) Residents shall gain skills on possible College and career options. Options such as trade schools will also be presented. Programs should emphasize the importance of higher education.

(iii) In general, Facilities shall be designed to mitigate the feeling of imprisonment or detainment.

(3) To ensure the well-being of residents, all Facilities must abide by the following regulations—

(a) In general—

(i) The architecture and design of facilities shall allow for the presence of natural light, and shall be designed to feel open for the residents, rather than small and tight. This shall be a subjective requirement, to be properly fulfilled by the Department of Justice as it sees will best affect the mental health and well-being of residents. Every resident shall have their own room, to be at least one hundred square feet.

- (ii) The facilities shall have outdoor spaces. Residents shall have the opportunity to eat outside, and shall have the opportunity to spend at least 2 hours every day outside.
- (iii) Facilities shall give residents access to the Internet, and shall have the freedom to browse freely, with any proper restrictions on certain sites, as any given facility sees fit.

(b) All residents shall have the following rights—

- (i) No resident shall be physically restrained unless they pose a danger to other residents or themselves.
- (ii) No resident shall be struck by the employees of the Facility, nor shall they be emotionally or verbally abused.
- (iii) No resident shall be placed in solitary confinement, nor shall they be given any medication without their consent, or the consent of a medical professional.
- (iv) There shall be no more than 100 residents at any given Rehabilitative Facility. Class B Facilities may not have more than 75.

(4) Differentiation between Class A and Class B facilities—

- (a) All Rehabilitative Facilities shall be classified as either Class A or Class B.
- (b) Class A Facilities shall abide by all regulations in this Section.
- (c) Class B Facilities shall not be required to abide by the regulations described in Section 5(3)(a).
- (d) As described in Section 4 of this Act, a Judge will, in accordance with a disposition hearing, determine

which Class of Facility is necessary. Only juveniles who pose a risk to themselves or others will reside in Class B Facilities.

(5) Timeline—

- (a) All juveniles currently detained under the former provisions of 18 USC Section 5037 shall, within 3 months of the passing of this bill, be subject to a disposition hearing, as described in 18 USC Section 5037. All juveniles, upon the conclusion of this hearing, that are still deemed necessary to detain, shall be transferred back to their current detention centers. In this disposition hearing, the Judge shall also determine whether or not a Class B Facility is necessary.
- (b) Within 12 months of the transfer described in Section 5(5)(a) of this Act, all juveniles shall either be transferred to a local Class A or Class B Facility, as described in Section 4(6) of this Act.
- (c) All juveniles arrested for delinquency after the passing of this Bill, but before the year 2022, will be subject to the updated process described in Section 4, but shall be detained in the Facilities currently established. All of these juveniles must be transferred to Class A or B Facilities, as described in Paragraph B of this Subsection.
- (d) All juveniles detained after January 1st, 2022, shall be subject to the amended processes as described in Section 4 of this Act, and shall be immediately rerouted to Class A or B Facilities upon the conclusion of their disposition hearing.

- (e) In general, by January, 2023, all juveniles currently detained or detained in the future shall have been properly transferred to a Class A or Class B Facility, pursuant to Sections 4 and 5 of this Act.

Sec. 6. APPROPRIATIONS.

- (1) Section 4 of the Addiction is Not a Crime Act of 2020 is amended by;
 - (a) Replacing the phrase “The Drug Enforcement Administration will be dissolved within six months of the passage of this act,” with “The Drug Enforcement Administration will be dissolved at the beginning of Fiscal Month January, 2021.”
- (2) Starting January 1st, 2021, \$100,000,000 shall be rerouted from the dissolved DEA for the purposes of achieving the construction and proper maintenance of the Facilities described in Section 5.
- (3) There is authorized to be appropriated in the Fiscal Month January, 2021, \$100,000,000 to achieve the provisions in Section 5 of this Act.
- (4) In all Fiscal Months henceforth, there is authorized to be appropriated \$50,000,000 for the purposes of maintaining the Facilities described in Section 5 of this Act.

Sec. 7. ENACTMENT.

The provisions described in this Act shall go into effect immediately upon the passage of this Bill, and its subsequent signature by the President.