

Juvenile Justice Reform Act of 2018 (H.B. 6964)

SEC. 102. DEFINITIONS.

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

(1) in paragraph (8)—

(A) in subparagraph (B)(ii), by adding “or” at the end;

(B) by striking subparagraph (C); and

(C) by re-designating subparagraph (D) as subparagraph (C);

(2) in paragraph (18)—

(A) by inserting “for purposes of title II,” before “the term”; and

(B) by adding at the end the following:

“that has a law enforcement function, as determined by the Secretary of the Interior in consultation with the Attorney General;”;

(3) by amending paragraph (22) to read as follows:

“(22) the term ‘jail or lockup for adults’ means a secure facility that is used by a State, unit of local government, or law enforcement authority to detain or confine adult inmates;”;

(4) by amending paragraph (25) to read as follows:

“(25) the term ‘sight or sound contact’ means any physical, clear visual, or verbal contact that is not brief and inadvertent;”;

(5) by amending paragraph (26) to read as follows: “(26) the term ‘adult inmate’—

“(A) means an individual who—

“(i) has reached the age of full criminal responsibility under applicable State law; and

“(ii) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense; and

“(B) does not include an individual who—

“(i) at the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable State law; and

“(ii) was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable State law;”;

(6) in paragraph (28), by striking “and” at the end;

(7) in paragraph (29), by striking the period at the end and inserting a semicolon; and

(8) by adding at the end the following:

“(30) the term ‘core requirements’—

“(A) means the requirements described in paragraphs (11), (12), (13), and (15) of section 223(a); and

“(B) does not include the data collection requirements described in subparagraphs (A) through (K) of section 207(1);

“(31) the term ‘chemical agent’ means a spray or injection used to temporarily incapacitate a person, including oleoresin capsicum spray, tear gas, and 2-chlorobenzalmalononitrile gas;

“(32) the term ‘isolation’—

“(A) means any instance in which a youth is confined alone for more than 15 minutes in a room or cell; and

“(B) does not include—

“(i) confinement during regularly scheduled sleeping hours;

“(ii) separation based on a treatment program approved by a licensed medical or mental health professional;

“(iii) confinement or separation that is requested by the youth; or

“(iv) the separation of the youth from a group in a non-locked setting for the limited purpose of calming;

“(33) the term ‘restraints’ has the meaning given that term in section 591 of the Public Health Service Act (42 U.S.C. 290ii);

“(34) the term ‘evidence-based’ means a program or practice that—

“(A) is demonstrated to be effective when implemented with fidelity;

“(B) is based on a clearly articulated and empirically supported theory;

“(C) has measurable outcomes relevant to juvenile justice, including a detailed description of the outcomes produced in a particular population, whether urban or rural; and

“(D) has been scientifically tested and proven effective through randomized control studies or comparison group studies and with the ability to replicate and scale;

“(35) the term ‘promising’ means a program or practice that—

“(A) is demonstrated to be effective based on positive outcomes relevant to juvenile justice from one or more objective, independent, and scientifically valid evaluations, as documented in writing to the Administrator; and

“(B) will be evaluated through a well-designed and rigorous study, as described in paragraph (34)(D);

“(36) the term ‘dangerous practice’ means an act, procedure, or program that creates an unreasonable risk of physical injury, pain, or psychological harm to a juvenile subjected to the act, procedure, or program;

“(37) the term ‘screening’ means a brief process—

“(A) designed to identify youth who may have mental health, behavioral health, substance abuse, or other needs requiring immediate attention, intervention, and further evaluation; and

“(B) the purpose of which is to quickly identify a youth with possible mental health, behavioral health, substance abuse, or other needs in need of further assessment;

“(38) the term ‘assessment’ includes, at a minimum, an interview and review of available records and other pertinent information—

“(A) by an appropriately trained professional who is licensed or certified by the applicable State in the mental health, behavioral health, or substance abuse fields; and

“(B) which is designed to identify significant mental health, behavioral health, or substance abuse treatment needs to be addressed during a youth’s confinement;

“(39) for purposes of section 223(a)(15), the term ‘contact’ means the points at which a youth and the juvenile justice system or criminal justice system officially intersect, including interactions with a juvenile justice, juvenile court, or law enforcement official;

“(40) the term ‘trauma-informed’ means—

“(A) understanding the impact that exposure to violence and trauma have on a youth’s physical, psychological, and psychosocial development;

“(B) recognizing when a youth has been exposed to violence and trauma and is in need of help to recover from the adverse impacts of trauma; and

“(C) responding in ways that resist re-traumatization;

“(41) the term ‘racial and ethnic disparity’ means minority youth populations are involved at a decision point in the juvenile justice system at disproportionately higher rates than nonminority youth at that decision point;

“(42) the term ‘status offender’ means a juvenile who is charged with or who has committed an offense that would not be criminal if committed by an adult;

“(43) the term ‘rural’ means an area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget;

“(44) the term ‘internal controls’ means a process implemented to provide reasonable assurance regarding the achievement of objectives in—

“(A) effectiveness and efficiency of operations, such as grant management practices;

“(B) reliability of reporting for internal and external use; and

“(C) compliance with applicable laws and regulations, as well as recommendations of the Office of Inspector General and the Government Accountability Office; and

“(45) the term ‘tribal government’ means the governing body of an Indian Tribe.”.