

105TH CONGRESS  
1ST SESSION

# S. 704

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 with respect to the separate detention and confinement of juveniles, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 6, 1997

Mr. KOHL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 with respect to the separate detention and confinement of juveniles, 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 Jail Improve-  
5       ment Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) rules and regulations concerning the separa-  
9       tion of adults from juveniles during short periods of

1 detention or confinement have proven unduly bur-  
 2 densome for rural law enforcement;

3 (2) altering requirements concerning the length  
 4 of stay permitted in a State-approved portion of a  
 5 county jail or secure detention facility, while retain-  
 6 ing the separation of juveniles from adults, would di-  
 7 minish these burdens without harm to juveniles;

8 (3) the requirement of completely separate  
 9 staffing during these short stays also creates large  
 10 burdens yet yields little benefit for juveniles; and

11 (4) experience with shared staff indicates that  
 12 juveniles are not harmed by the use of shared staff,  
 13 if—

14 (A) the staff members are appropriately  
 15 trained and certified;

16 (B) the staff members do not deal directly  
 17 with both juveniles and adults during the same  
 18 shift; and

19 (C) juveniles do not have regular contact  
 20 with adults.

21 **SEC. 3. CLARIFICATION OF CONTACT RULES.**

22 Section 223(a)(14) of the Juvenile Justice and Delin-  
 23 quency Prevention Act of 1974 (42 U.S.C. 5633(a)(14))  
 24 is amended—

25 (1) by striking “1997” and inserting “2001”;

1           (2) by striking “pursuant to an enforceable  
2       State law requiring such appearances within twenty-  
3       four hours after being taken into custody (excluding  
4       weekends and holidays)” and inserting “and permit  
5       the detention or confinement of juveniles in a State-  
6       approved portion of a county jail or secure detention  
7       facility for not more than 72 hours”; and

8           (3) by striking “such exceptions are” and all  
9       that follows through the end of the paragraph and  
10      inserting the following: “those exceptions—

11                   “(A) are limited to areas that are in com-  
12                   pliance with paragraph (13) and—

13                           “(i) are outside a Standard Metropoli-  
14                           tan Statistical Area; and

15                                   “(ii) have no acceptable alternative  
16                                   placement available that is easily acces-  
17                                   sible;

18                           “(B) permit the same staff members to  
19                   oversee both juveniles and adults, only if those  
20                   staff members—

21                                   “(i) have been properly trained and  
22                                   certified to supervise juveniles; and

23                                   “(ii) do not interact directly with both  
24                                   adult and juvenile prisoners during the  
25                                   same shift; and

1                   “(C) ensure that juveniles have no regular  
2                   contact with adult persons who are incarcerated  
3                   because they have been convicted of a criminal  
4                   offense or are awaiting trial on criminal  
5                   charges;”.

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