

116TH CONGRESS
2D SESSION

H. R. 7644

To amend title 18, United States Code, to prohibit the use of risk and needs assessment tools in juvenile incarceration decisions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2020

Mr. LEWIS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit the use of risk and needs assessment tools in juvenile incarceration decisions, 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 Incarceration
5 Reduction Act of 2020”.

6 **SEC. 2. DELINQUENCY PROCEEDINGS IN DISTRICT COURTS.**

7 (a) IN GENERAL.—Subchapter D of chapter 229 of
8 part II of title 18, United States Code, is amended by
9 adding at the end the following:

1 **“§ 3636. Limited application to juveniles**

2 “(a) IN GENERAL.—In the case of juveniles, the risk
3 and needs assessment system developed under this sub-
4 chapter may not be used—

5 “(1) to determine whether a juvenile may be
6 proceeded against as an adult or whether it is in the
7 interest of justice to proceed against a juvenile as an
8 adult under section 5032;

9 “(2) to determine the recidivism risk of a juve-
10 nile charged with any nonviolent offense, or as the
11 sole factor to determine the recidivism risk of a juve-
12 nile who has committed an act of juvenile delin-
13 quency which if committed by an adult would be a
14 felony offense;

15 “(3) to determine whether a juvenile is to be
16 taken into custody for an alleged act of juvenile de-
17 linquency prior to being adjudicated delinquent pur-
18 suant to chapter 403; or

19 “(4) to establish, without additional evidence, a
20 juvenile’s eligibility for a recidivism reduction pro-
21 gram or likelihood of benefitting from a recidivism
22 reduction program.

23 “(b) LIMITATION ON USE OF RISK AND NEEDS AS-
24 SESSMENT SYSTEM EVIDENCE.—In the case that a risk
25 and needs assessment system is used to determine the re-
26 cidivism risk of a juvenile who has committed an act of

1 juvenile delinquency which if committed by an adult would
2 be considered a felony offense, evidence established by the
3 system is inadmissible as evidence to establish that a juve-
4 nile committed the act of juvenile delinquency for which
5 the juvenile is being charged.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 for subchapter D of chapter 229 of title 18, United States
8 Code, is amended by adding at the end the following:

“3636. Limited application to juveniles.”.

