

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1698 Session of  
2017

INTRODUCED BY McCLINTON, GAINNEY, KINSEY, ROZZI, J. HARRIS,  
CEPHAS, V. BROWN, RABB, DEAN, SIMS, SCHLOSSBERG, BULLOCK,  
ROEBUCK, FRANKEL, DONATUCCI AND KIRKLAND, AUGUST 15, 2017

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 15, 2017

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in juvenile matters,  
3 providing for confinement in juvenile treatment facilities.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 6328. Confinement in juvenile treatment facilities.

9 (a) Confinement.--The following apply:

10 (1) A staff member from the Bureau of Juvenile Justice  
11 Services of the Department of Human Services, the Bureau of  
12 Human Services Licensing of the Department of Human Services,  
13 a facility operated primarily for the detention of children  
14 who have been adjudicated delinquent or any other secure  
15 facility may not subject a juvenile to room confinement for  
16 the purposes of discipline, punishment, retaliation,  
17 coercion, convenience or any other reason as a result of any  
18 of the following:

1           (i) An adjudication of delinquency or disposition of  
2           the juvenile.

3           (ii) Detention of the juvenile prior to the  
4           adjudication of delinquency or disposition of the  
5           juvenile.

6           (2) Paragraph (1) shall not apply if room confinement is  
7           used as a temporary response to the juvenile's behavior which  
8           poses a serious and immediate risk of physical harm to the  
9           juvenile or any other individual.

10          (b) Techniques.--Before a juvenile is placed in room  
11          confinement under subsection (a) (2), a staff member shall  
12          attempt to use less restrictive techniques, including, but not  
13          limited to, the following:

14               (1) conversing with the juvenile for the purpose of  
15               deescalating the serious and immediate risk of physical harm  
16               to the juvenile or any other individual; and

17               (2) permitting a qualified mental health professional to  
18               converse with the juvenile for the purpose of deescalating  
19               the serious and immediate risk of physical harm to the  
20               juvenile or any other individual.

21          (c) Explanation.--If less restrictive techniques under  
22          subsection (b) fail to deescalate the serious and immediate risk  
23          of physical harm to the juvenile or any other individual, prior  
24          to placing the juvenile in room confinement under subsection (a)  
25          (2), a staff member shall inform the juvenile of all of the  
26          following:

27               (1) The reasons why the juvenile will be placed in room  
28               confinement.

29               (2) The juvenile will be released from room confinement  
30               immediately when the juvenile's behavior conforms to

1 subsection (d)(1) or not later than after the expiration of  
2 the time period specified under subsection (d)(2), whichever  
3 is applicable.

4 (d) Confinement period.--If a juvenile is placed in room  
5 confinement under subsection (a)(2), the juvenile shall be  
6 released:

7 (1) upon a staff member determining that the juvenile  
8 does not pose a serious and immediate risk of physical harm  
9 to the juvenile or any other individual; or

10 (2) if the juvenile does not control his or her  
11 behavior, not later than:

12 (i) three hours after being placed in room  
13 confinement in the case of a juvenile who poses a serious  
14 and immediate risk of physical harm to others; or

15 (ii) thirty minutes after being placed in room  
16 confinement in the case of a juvenile who poses a serious  
17 and immediate risk of physical harm only to himself or  
18 herself.

19 (e) Transfers.--If the time period under subsection (d)(2)  
20 has expired and the juvenile continues to pose a serious and  
21 immediate risk of physical harm to the juvenile or any other  
22 individual, the juvenile shall be transferred to another  
23 juvenile facility or internal location where services can be  
24 provided to the juvenile without relying on room confinement.

25 (f) Consecutive periods.--A juvenile may not be subject to  
26 consecutive periods of room confinement.

27 (g) Definitions.--As used in this section, the term "room  
28 confinement" means the involuntary placement of a juvenile alone  
29 in a cell, room or other area.

30 Section 2. This act shall take effect in 60 days.