
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 939 Session of
2019

INTRODUCED BY McCLINTON, SCHLOSSBERG, RABB, FIEDLER, LEE,
T. DAVIS, HILL-EVANS, KIRKLAND, ISAACSON, ULLMAN, McNEILL,
DEASY, SCHWEYER, FRANKEL, TOOHIL, BURGOS, SOLOMON, BULLOCK,
CALTAGIRONE, KINSEY, SAPPEY, DAVIDSON, WEBSTER AND STURLA,
MARCH 25, 2019

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 25, 2019

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 § 6329. 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

1 of the following:

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

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

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

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

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

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

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

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

30 (2) The juvenile will be released from room confinement

1 immediately when the juvenile's behavior conforms to
2 subsection (d)(1) or not later than after the expiration of
3 the time period specified under subsection (d)(2), whichever
4 is applicable.

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

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

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

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

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

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

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

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

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