

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2020

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

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## 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.”.

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