



Rep. Suzanne Ness

**Filed: 2/28/2022**

10200HB3738ham003

LRB102 13059 RLC 32379 a

1 AMENDMENT TO HOUSE BILL 3738

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3738 on page 1, by  
3 replacing lines 10 and 11 with the following:

4 "Section 10. Covered juvenile confinement.

5 (a) In this Act:

6 "Administrative hold" means the status assigned to a  
7 covered juvenile who is temporarily being housed in a  
8 particular covered juvenile center and includes, but is not  
9 limited to: a covered juvenile awaiting transfer to the  
10 Department of Corrections or another juvenile detention  
11 center, a covered juvenile permanently assigned to another  
12 juvenile detention center being temporarily housed for  
13 purposes of attending court, the covered juvenile awaiting  
14 release, and the covered juvenile who was transferred to the  
15 Department of Corrections by mistake.

16 "Behavioral hold" means the status assigned to a covered  
17 juvenile who is confined to the covered juvenile's own room or  
18 another area because he or she is engaging in dangerous

1 behavior that poses a serious and immediate threat to his or  
2 her own safety, the safety of others, or the security of the  
3 juvenile detention center.

4 "Chief administrative officer" means the highest ranking  
5 official of a juvenile detention center.

6 "Confinement" means any instance when an individual  
7 covered juvenile is held for 15 minutes or more in a room,  
8 cell, or other area separated from other covered juveniles.  
9 Confinement may occur in locked or unlocked rooms.

10 "Confinement" includes an administrative hold, behavioral  
11 hold, or investigative status. "Confinement" does not include  
12 situations when a covered juvenile requests to go to his or her  
13 room, the movement of the covered juvenile between offices and  
14 classrooms while attending school, a covered juvenile who  
15 receives individual counseling or other therapeutic services,  
16 or staff who are in ongoing continuous conversation or  
17 processing with the covered juvenile such as a cool down.

18 "Covered juvenile" means any person under"; and

19 on page 1, by inserting immediately after line 15 the  
20 following:

21 ""Investigative status" meaning a status assigned to a  
22 covered juvenile for whom confinement is necessary for the  
23 efficient and effective investigation of a Tier 2 or Tier 3  
24 offense, as defined in the Department of Juvenile Justice's  
25 Administrative Directive 04.01.140.

1 "Tier 2" or "Tier 3" offense means a major rules violation  
2 that results in immediate disciplinary consequences that are  
3 assigned by the staff of the facility reporting the  
4 violation."; and

5 on page 1, by inserting immediately after line 21 the  
6 following:

7 "(b-5) A covered juvenile may be placed on an  
8 administrative hold and confined when temporarily being housed  
9 in a particular juvenile detention center or for  
10 administrative or security purposes as personally determined  
11 by the chief administrative officer.

12 (b-6) Placement on administrative hold shall be subject to  
13 the following time limitations:

14 (1) when the covered juvenile is awaiting transfer to  
15 the Department of Corrections or a more secure setting,  
16 the administrative hold may not exceed 3 business days;  
17 and

18 (2) the administrative hold may not exceed 7 calendar  
19 days when the covered juvenile is temporarily transferred  
20 to a different facility for the purposes of placement  
21 interviews, court appearances, or medical treatment.

22 (b-7) Whenever a covered juvenile is on an administrative  
23 hold, the Department shall provide the covered juvenile with  
24 access to the same programs and services received by covered  
25 juveniles in the general population. Any restrictions on

1 movement or access to programs and services shall be  
2 documented and justified by the chief administrative  
3 officer.".