

114TH CONGRESS
2D SESSION

S. 3133

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to require States to report on the administration of certain fees.

IN THE SENATE OF THE UNITED STATES

JULY 6, 2016

Mr. CASEY (for himself and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to require States to report on the administration of certain fees.

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 Fee Trans-
5 parency Act”.

6 **SEC. 2. STATE PLANS.**

7 Section 223(a) of the Juvenile Justice and Delin-
8 quency Prevention Act of 1974 (42 U.S.C. 5633(a)) is
9 amended—

1 (1) in paragraph (27), by striking “and” at the
2 end;

3 (2) in paragraph (28), by striking the period at
4 the end and inserting a semicolon; and

5 (3) by adding at the end the following:

6 “(29) provide information on—

7 “(A) whether courts or any other respon-
8 sible governmental agency in the State collect
9 payments for—

10 “(i) probation or supervision;

11 “(ii) diversion programming, including
12 informal adjustment, informal probation,
13 consent decrees, or other alternatives to
14 formal juvenile justice processing and adju-
15 dication;

16 “(iii) placement, including detention
17 at a ranch, camp, secure incarceration, and
18 nonsecure post-adjudication placements or
19 group homes;

20 “(iv) court administrative costs;

21 “(v) evaluation or testing, including
22 drug and substance abuse testing and
23 mental health testing;

1 “(vi) fines, assessments, or fees im-
2 posed only when a juvenile is adjudicated
3 delinquent;

4 “(vii) expungement or sealing of juve-
5 nile records;

6 “(viii) representation by a public de-
7 fender or a court-appointed counsel;

8 “(ix) victim restitution; and

9 “(x) electronic monitoring, GPS moni-
10 toring, or home detention;

11 “(B) the dollar amount ordered to be paid
12 by the court or other governmental agency in
13 charging and collecting the fee in the previous
14 fiscal year for each of the categories of pay-
15 ments described in subparagraph (A);

16 “(C) the dollar amount recovered in the
17 previous fiscal year under each of the categories
18 of payments described in subparagraph (A);

19 “(D) the dollar amount still outstanding as
20 of the end of the previous fiscal year for each
21 of the categories of payments described in sub-
22 paragraph (A);

23 “(E) whether juveniles or their legal
24 guardians receive a hearing to determine their
25 ability to pay any charges under the categories

1 of payments described in subparagraph (A);
2 and

3 “(F) whether juveniles or their legal
4 guardians, during any such hearings described
5 in subparagraph (E), have a right to counsel
6 for such hearings.”.

7 **SEC. 3. REPORT.**

8 Not later than 1 year after the data reported under
9 the amendments made by section 2 is made available to
10 the Administrator of the Office of Juvenile Justice and
11 Delinquency Prevention, the Comptroller General of the
12 United States, in coordination with the Administrator,
13 shall submit to Congress a report on—

14 (1) differences in the administration and collec-
15 tion of fees across jurisdictions, across racial demo-
16 graphics, and across income levels, including fee
17 amounts, collection costs, and the use of hearings to
18 determine the ability to pay of juveniles or their
19 legal guardians;

20 (2) the extent to which differences in the ad-
21 ministration and collection of fees across jurisdic-
22 tions affects or is associated with differences in the
23 rates and types of juvenile involvement in the justice
24 system and rates of recidivism across those jurisdic-
25 tions; and

1 (3) the extent to which the failure to pay fees
2 by juveniles or their legal guardians results in deten-
3 tion or confinement not otherwise ordered, exclusion
4 from diversion programming or failure to expunge or
5 seal a juvenile record.

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