

112TH CONGRESS
1ST SESSION

H. R. 3305

To establish a meaningful opportunity for parole or similar release for child offenders sentenced to life in prison, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2011

Mr. SCOTT of Virginia (for himself and Mr. CONYERS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To establish a meaningful opportunity for parole or similar release for child offenders sentenced to life in prison, 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 Justice Ac-
5 countability and Improvement Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Historically, courts in the United States
9 have recognized the undeniable differences between
10 adult and youth offenders.

1 (2) While writing for the majority in *Roper v.*
2 *Simmons* (125 S. Ct. 1183), a recent Supreme
3 Court decision abolishing use of the death penalty
4 for juveniles, Justice Kennedy declared such dif-
5 ferences to be “marked and well understood”.

6 (3) Notwithstanding such edicts, many youth
7 are being sentenced in a manner that has typically
8 been reserved for adults. These sentences include a
9 term of imprisonment of life without the possibility
10 of parole.

11 (4) The decision to sentence youthful offenders
12 to life without parole is an issue of growing national
13 concern.

14 (5) On May 17, 2010, the Supreme Court de-
15 cided *Graham v. Florida*, 130 S. Ct. 2011 (2010),
16 which held that Eighth Amendment’s Cruel and Un-
17 usual Punishments Clause does not permit a juvenile
18 to be sentenced to life in prison without parole for
19 a non-homicide crime, and that sentences of life
20 without parole for such cases is unconstitutional.

21 (6) While there are no youth serving such sen-
22 tences in the rest of the world, research indicates
23 that there are over 2,500 youth offenders serving life
24 without parole in the United States.

1 (7) The estimated rate at which the sentence of
2 life without parole is imposed on children nationwide
3 remains at least 3 times higher today than it was 15
4 years ago.

5 (8) The majority of youth sentenced to life
6 without parole are first-time offenders.

7 (9) Sixteen percent of these individuals were
8 age 15 or younger when they committed their
9 crimes.

10 (10) According to the Bureau of Prisons, the
11 annual cost of incarcerating an inmate is \$28,284.
12 In light of this figure, the total cost of incarcerating
13 a juvenile for life will be millions of dollars.

14 **SEC. 3. ESTABLISHING A MEANINGFUL OPPORTUNITY FOR**
15 **PAROLE FOR CHILD OFFENDERS.**

16 (a) IN GENERAL.—

17 (1) REQUIREMENTS.—For each fiscal year after
18 the expiration of the period specified in subsection
19 (d)(1), each State shall have in effect laws and poli-
20 cies under which each child offender who is serving
21 a life sentence receives, not less than once during
22 the first 15 years of incarceration, and not less than
23 once every 3 years of incarceration thereafter, a
24 meaningful opportunity for parole or other form of
25 supervised release. This provision shall in no way be

1 construed to limit the access of child offenders to
2 other programs and appeals which they were rightly
3 due prior to the enactment of this Act.

4 (2) REGULATIONS.—Not later than 1 year after
5 the date of the enactment of this Act, the Attorney
6 General shall issue guidelines and regulations to in-
7 terpret and implement this section.

8 (b) DEFINITION.—In this section and section 4, the
9 term “child offender who is serving a life sentence” means
10 an individual who—

11 (1) is convicted of one or more offenses where
12 any act or acts in furtherance of the offense or of-
13 fenses was committed before the individual attained
14 the age of 18; and

15 (2) is sentenced, for such an offense or of-
16 fenses, to a term of imprisonment of life, or of any
17 number of years exceeding 15 years, cumulatively.

18 (c) APPLICABILITY.—This section shall apply to indi-
19 viduals sentenced before, on, or after the date of the enact-
20 ment of this Act.

21 (d) COMPLIANCE AND CONSEQUENCES.—

22 (1) COMPLIANCE DATE.—Each State shall have
23 not more than 3 years from the date of enactment
24 of this Act to be in compliance with this section, ex-
25 cept that the Attorney General may grant a 2-year

1 extension to a State that is making a good faith ef-
2 fort to comply with this section.

3 (2) CONSEQUENCE OF NONCOMPLIANCE.—For
4 any fiscal year after the expiration of the period
5 specified in paragraph (1), a State that fails to be
6 in compliance with this section shall not receive 10
7 percent of the funds that would otherwise be allo-
8 cated for that fiscal year to that State under sub-
9 part 1 of part E of title I of the Omnibus Crime
10 Control and Safe Streets Act of 1968 (42 U.S.C.
11 3750 et seq.), whether characterized as the Edward
12 Byrne Memorial Justice Assistance Grant Program
13 or otherwise.

14 (3) REALLOCATION.—Amounts not allocated
15 under a program referred to in paragraph (2) to a
16 State for failure to be in compliance with this sec-
17 tion shall be reallocated under that program to
18 States that are in compliance with this section.

19 **SEC. 4. NOTICE TO VICTIMS.**

20 Each State that has in effect laws and policies in ac-
21 cordance with the requirements of section 3 shall, not later
22 than 1 year after the date of compliance with such sec-
23 tion—

24 (1) provide notice to the public of such laws
25 and policies, which shall include—

1 (A) a description of the opportunities for
2 parole or supervised release available to child
3 offenders who are serving a life sentence, and
4 how those opportunities differ from the laws
5 and policies in effect before compliance with
6 section 3; and

7 (B) the name and contact information of
8 the office, agency, or other entity that may be
9 contacted for additional information about such
10 laws and policies, including the application of
11 such laws and policies to a child offender who
12 is serving a life sentence, by a victim who was
13 directly and proximately harmed as a result of
14 an offense described in section 3(b) that was
15 committed by such a child offender; and

16 (2) provide procedures whereby a victim who
17 was directly and proximately harmed as a result of
18 an offense described in section 3(b) that was com-
19 mitted by a child offender who is serving a life sen-
20 tence may, upon request, receive information about
21 the specific opportunities for parole or supervised re-
22 lease to be provided to such child offender in accord-
23 ance with such laws and policies, including dates of
24 parole or supervised release hearings and notice of

1 decisions granting or denying parole or supervised
2 release.

3 **SEC. 5. ESTABLISHING A PARALLEL SYSTEM FOR CHILD**
4 **OFFENDERS SERVING LIFE SENTENCES AT**
5 **THE FEDERAL LEVEL.**

6 Section 3624 of title 18, United States Code, is
7 amended—

8 (1) in subsection (a) by striking “A prisoner”
9 and inserting “Except as otherwise provided by law,
10 a prisoner”; and

11 (2) by adding at the end the following:

12 “(g) OPPORTUNITY FOR RELEASE FOR CHILD OF-
13 FENDERS SERVING A LIFE SENTENCE.—Not later than
14 1 year after the date of the enactment of this subsection,
15 the Attorney General shall establish and implement a sys-
16 tem of opportunity for release that will apply to child of-
17 fenders who are serving a life sentence (as defined in sec-
18 tion 3 of the Juvenile Justice Accountability and Improve-
19 ment Act of 2009) for Federal offenses. The system shall
20 conform as nearly as practicable to the laws and policies
21 required of a State under section 3(a) of such Act and
22 shall include provision for the same or similar notice to
23 victims as States are required to provide under section 4
24 of such Act. The system shall be in addition to any other
25 method of release that might apply to such an offender.”.

1 **SEC. 6. GRANTS TO IMPROVE LEGAL REPRESENTATION OF**
2 **CHILDREN FACING OR SERVING LIFE IN**
3 **PRISON.**

4 (a) GRANTS AUTHORIZED.—The Attorney General
5 shall, subject to the availability of appropriations, award
6 grants to States to improve the quality of legal representa-
7 tion of certain child defendants and child offenders by pro-
8 viding for competent legal representation for individuals
9 who—

10 (1) are charged with committing an offense, be-
11 fore the individual attained the age of 18, that is
12 subject to a sentence that may include a term of im-
13 prisonment of life, or the functional equivalent in
14 years or more; or

15 (2) are convicted of an offense committed be-
16 fore the individual attained the age of 18, and are
17 sentenced to a term of imprisonment of life, or the
18 functional equivalent in years or more, for that of-
19 fense, and who seek appellate or collateral relief, in-
20 cluding review in the Supreme Court of the United
21 States.

22 (b) LEGAL REPRESENTATION.—In this section, the
23 term “legal representation” means legal counsel and inves-
24 tigative, expert, and other services necessary for com-
25 petent representation.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 such sums as may be necessary.

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