

118TH CONGRESS  
1ST SESSION

# H. R. 56

To provide alternatives to incarceration for youth, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Ms. JACKSON LEE introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To provide alternatives to incarceration for youth, 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 “Reforming Alternatives  
5 to Incarceration and Sentencing to Establish a Better  
6 Path for Youth Act of 2023” or the “RAISE Act of  
7 2023”.

8 **SEC. 2. SAFETY VALVE FOR NONVIOLENT YOUTH.**

9 Section 3553 of title 18, United States Code, is  
10 amended by adding at the end the following:

1       “(h) AUTHORITY TO IMPOSE A SENTENCE BELOW  
2 A STATUTORY MINIMUM FOR YOUTH.—

3           “(1) GENERAL RULE.—Notwithstanding any  
4 provision of law other than this subsection, when  
5 sentencing a youth for a nonviolent offense, the  
6 court may impose a sentence below a statutory min-  
7 imum if, after considering the factors set forth in  
8 subsection (a), the court finds—

9           “(A) substantial and compelling reasons on  
10 the record that, giving due regard to the nature  
11 of the crime, the history and characteristics of  
12 the youth, and the youth’s chances of successful  
13 rehabilitation, the mandatory minimum sen-  
14 tence would result in substantial injustice to the  
15 youth; and

16           “(B) imposition of the mandatory min-  
17 imum sentence is not necessary for the protec-  
18 tion of the public.

19           “(2) COURT TO GIVE PARTIES NOTICE.—Before  
20 imposing a sentence under paragraph (1), the court  
21 shall give the parties reasonable notice of the court’s  
22 intent to do so and an opportunity to respond.

23           “(3) STATEMENT IN WRITING OF FACTORS.—  
24 The court shall state, in the written statement of  
25 reasons, the factors under subsection (a) that re-

1       quire imposition of a sentence below the statutory  
2       minimum.

3               “(4) APPEAL RIGHTS NOT LIMITED.—This sub-  
4       section does not limit any right to appeal that would  
5       otherwise exist in its absence.

6               “(5) DEFINITIONS.—In this subsection—

7                       “(A) the term ‘youth’ means an individual  
8       who was 21 years of age or younger at the time  
9       of the criminal offense for which the individual  
10      is being sentenced; and

11                      “(B) the term ‘nonviolent offense’ means a  
12      Federal criminal offense that is not—

13                               “(i) a crime of violence; or

14                               “(ii) a sex offense (as that term is de-  
15      fined in section 111 of the Sex Offender  
16      Registration and Notification Act).”.

17 **SEC. 3. EARLY RELEASE AND HOME CONFINEMENT FOR**  
18 **YOUTH.**

19       Section 3624 of title 18, United States Code, is  
20      amended—

21               (1) in subsection (a), by inserting “at the early  
22      release date provided in subsection (h), if applicable,  
23      or otherwise” after “A prisoner shall be released by  
24      the Bureau of Prisons”;

1           (2) in subsection (c), paragraph (1), by insert-  
2           ing “except as provided in paragraph (2)(A)(ii),” be-  
3           fore “not to exceed 12 months”;

4           (3) in subsection (c), by amending paragraph  
5           (2) to read as follows:

6           “(2) HOME CONFINEMENT AUTHORITY.—

7           “(A) The authority under this subsection  
8           may be used—

9                   “(i) to place a prisoner in home con-  
10                   finement for the greater of 10 percent of  
11                   the term of imprisonment of that prisoner  
12                   or 1 year; and

13                   “(ii) to place a youth prisoner in  
14                   home confinement for the greater of 25  
15                   percent of the term of imprisonment of  
16                   that prisoner or 18 months.

17           “(B) Except as provided in subparagraph  
18           (C), placement in a community correction cen-  
19           ter shall not be used in lieu of home confine-  
20           ment solely because the prisoner has been diag-  
21           nosed with a mental illness, mental disorder, or  
22           mental health condition.

23           “(C) There shall be a presumption in favor  
24           of direct release to home confinement unless the  
25           Director of the Bureau of Prisons makes spe-

1           cific findings in writing that the resources pro-  
2           vided by a community correction center are nec-  
3           essary for the prisoner to adjust and prepare  
4           for the reentry into the community and those  
5           resources cannot be provided if the prisoner is  
6           in home confinement.

7                   “(D) A prisoner placed on home confine-  
8                   ment may not be ordered to pay the cost of  
9                   electronic monitoring.”; and

10           (4) by adding at the end the following:

11           “(h) EARLY RELEASE ELIGIBILITY FOR CERTAIN  
12 YOUTH.—

13                   “(1) IN GENERAL.—The Bureau of Prisons  
14                   shall release from confinement, subject to a period  
15                   of prerelease custody under subsection (c), a youth  
16                   who has served one half or more of that offender’s  
17                   term of imprisonment (including any consecutive  
18                   term or terms of imprisonment) if that youth—

19                           “(A) is serving a sentence for a nonviolent  
20                           offense; and

21                           “(B) has not engaged in any violation of  
22                           institutional disciplinary regulations involving  
23                           violent conduct in the last 2 years.

24                   “(2) DEFINITIONS.—In this subsection—

1           “(A) the term ‘youth’ means an individual  
2           who was 21 years of age or younger at the time  
3           the criminal offense occurred for which the indi-  
4           vidual is serving a term of imprisonment; and

5           “(B) the term ‘nonviolent offense’ means a  
6           Federal criminal offense that is not—

7                   “(i) a crime of violence; or

8                   “(ii) a sex offense (as that term is de-  
9                   fined in section 111 of the Sex Offender  
10                  Registration and Notification Act).”.

11 **SEC. 4. SUPERVISED RELEASE CONSIDERATION FOR**  
12 **YOUTH.**

13           (a) SUPERVISED RELEASE OF YOUTH.—Section  
14 3582(c) of title 18, United States Code, is amended—

15                   (1) in paragraph (1), by striking “and” at the  
16                  end;

17                   (2) in paragraph (2), by striking the period at  
18                  the end and inserting “; and”; and

19                   (3) by inserting after paragraph (2) the fol-  
20                  lowing:

21                   “(3) in the case of a youth serving a sentence  
22                  of incarceration, after the youth (as defined in sec-  
23                  tion 3581) has served at least 20 years, a court,  
24                  upon motion of the Director of the Bureau of Pris-  
25                  ons, the sentencing court, the youth or the counsel

1 for the youth, or on its own motion, may reduce the  
2 term of imprisonment (and may impose a term of  
3 supervised release with or without conditions that  
4 does not exceed the unserved portion of the original  
5 term of imprisonment), after considering the factors  
6 set forth in section 3553(a) to the extent that they  
7 are applicable, if—

8 “(A) the court finds on the record that a  
9 reduction is warranted based on extraordinary  
10 and compelling reasons, including the youth’s  
11 rehabilitation efforts, such as participation in  
12 counseling, education, work skills training, and  
13 prison employment, and mitigating facts relat-  
14 ing to the life circumstances of the youth at the  
15 time of the commission of the offense; and

16 “(B) the Director of the Bureau of Prisons  
17 has, on its own or in response to the court,  
18 made a determination that the youth is not a  
19 danger to the safety of any other person or the  
20 community, as provided under section  
21 3142(g).”.

22 (b) LIFE SENTENCE.—Section 3581 of title 18,  
23 United States Code, is amended by adding at the end the  
24 following:

1       “(c) LIFE SENTENCE.—In the case of a youth con-  
2 victed of an offense that carries a sentence of imprison-  
3 ment for the duration of the defendant’s life, the sen-  
4 tencing court shall treat the life sentence as discretionary  
5 and consider the age of the youth in determining the ap-  
6 propriate sentence.

7       “(d) DEFINITION.—In this section, the term ‘youth’  
8 means an individual who was 21 years of age or younger  
9 at the time of the commission of the criminal offense for  
10 which the individual is being sentenced or is serving a  
11 term of imprisonment.”.

12 **SEC. 5. SMARTER PROBATION FOR YOUTH.**

13       (a) IN GENERAL.—Section 3565 of title 18, United  
14 States Code, is amended—

15               (1) in subsection (a), by striking “If” and in-  
16 sserting “Except as provided in subsection (d), if”;  
17 and

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

19       “(d) SPECIAL RULE FOR TECHNICAL VIOLATIONS.—  
20 If the violation of a condition is solely technical, and not  
21 a conviction of a criminal offense, then the maximum pun-  
22 ishment that can be imposed is not more than—

23               “(1) 30 days imprisonment if the violation is  
24 the first violation during the defendant’s period of  
25 probation;



1           “(2) 60 days imprisonment if the violation is a  
2           second violation during the defendant’s period of  
3           probation; or

4           “(3) 90 days imprisonment if the violation is a  
5           third or subsequent violation during the defendant’s  
6           period of probation.”.

7           (b) DIRECTIVE TO THE UNITED STATES SEN-  
8           TENCING COMMISSION.—Pursuant to its authority under  
9           section 994 of title 28, United States Code, the United  
10          States Sentencing Commission shall review and, if appro-  
11          priate, amend the Federal sentencing guidelines and policy  
12          statements applicable to the revocation of probation and  
13          supervised release under section 3565 of title 18, United  
14          States Code, as amended by this Act.

15          **SEC. 6. SPECIALIZED HOUSING AND PROGRAMS FOR**  
16                        **YOUTH.**

17           Section 4042(a) of title 18, United States Code, is  
18           amended by adding at the end the following:

19           “(8) designate correctional facilities or portions  
20           of correctional facilities that house youth separate  
21           from other offenders and, to the extent possible,  
22           minimize contact between youth and other offenders  
23           except in rehabilitative, reentry, or similar programs;  
24           and

1           “(9) establish education, skills training, reentry,  
2           and mental and emotional health programs specific  
3           to the needs of youth.”.

4 **SEC. 7. PILOT PROGRAMS FOR YOUTH.**

5           (a) BUREAU OF PRISONS.—The Director of the Bu-  
6           reau of Prisons shall establish each of the following pilot  
7           programs for 2 years, in at least 10 judicial districts:

8           (1) MENTORSHIP FOR YOUTH.—A program to  
9           pair incarcerated youth with—

10                   (A) formerly incarcerated offenders that  
11                   have demonstrated a commitment to rehabilita-  
12                   tion, made positive contributions to the commu-  
13                   nity, and expressed a willingness to serve as a  
14                   mentor in such a capacity; or

15                   (B) volunteers from faith-based or commu-  
16                   nity organizations that have relevant experience  
17                   or expertise and a willingness to serve as a  
18                   mentor in such a capacity.

19           (2) GOVERNMENT SERVICE.—A program to  
20           equip incarcerated youth with skills for government  
21           service and to place incarcerated youth in related in-  
22           ternships through work release, including placement  
23           with the Department of Health and Human Serv-  
24           ices, the Department of Veterans Affairs, and the  
25           Department of Justice.

1           (3) SERVICE TO ABANDONED, RESCUED OR  
2           OTHERWISE VULNERABLE ANIMALS.—A program to  
3           equip incarcerated youth with the skills to provide  
4           training and therapy to animals seized by Federal  
5           law enforcement under asset forfeiture authority and  
6           to organizations that provide shelter and similar  
7           services to abandoned, rescued, or otherwise vulner-  
8           able animals.

9           (b) ATTORNEY GENERAL.—The Attorney General  
10          shall establish pilot programs in the following areas:

11           (1) DIVERSION FOR HIGH-RISK YOUTH.—A pro-  
12           gram that provides youth, who are at high risk to  
13           reoffend and who have specialized needs, including  
14           substance abuse or gang involvement, an opportunity  
15           to avoid criminal conviction through intensive case  
16           management and comprehensive community services.

17           (2) DIVERSION FOR VICTIMIZED YOUTH.—A  
18           program for youth that have been the victim of  
19           abuse, sex or drug trafficking, or other violent con-  
20           duct, and for whom the criminal conduct is due in  
21           whole or in part to that victimization, that provides  
22           such youth with an opportunity to avoid criminal  
23           conviction through intensive case management and  
24           comprehensive community services.

1           (3) DIVERSION FOR YOUTH.—A program for  
2           youth, who serve as the primary caretaker for a  
3           young child or sibling, for an ill or impaired parent  
4           or grandparent, or for a dependent and vulnerable  
5           individual, that provides such youth with an oppor-  
6           tunity to avoid criminal conviction through intensive  
7           case management and comprehensive community  
8           services.

9           (c) REPORTING REQUIREMENT.—Not later than one  
10          year after the conclusion of the pilot programs, the Attor-  
11          ney General shall report to Congress on the results of the  
12          pilot programs under this section. Such report shall in-  
13          clude cost savings, numbers of participants, and informa-  
14          tion about recidivism rates among participants.

15          **SEC. 8. RETROACTIVE EFFECT.**

16          This Act and the amendments made by this Act apply  
17          with respect to youth without regard to whether they be-  
18          come involved in the Federal criminal justice system be-  
19          fore, on, or after the date of the enactment of this Act.

20          **SEC. 9. DEFINITIONS.**

21          In this Act:

22                (1) YOUTH.—The term “youth” means an indi-  
23                vidual who was 21 years of age or younger at the  
24                time of the criminal offense for which the individual

1 is being prosecuted or serving a term of imprison-  
2 ment, as the case may be.

3 (2) NONVIOLENT OFFENSE.—The term “non-  
4 violent offense” means a Federal criminal offense  
5 that is not—

6 (A) a crime of violence (as that term is de-  
7 fined in section 16 of title 18, United States  
8 Code); or

9 (B) a sex offense (as that term is defined  
10 in section 111 of the Sex Offender Registration  
11 and Notification Act (42 U.S.C. 16911)).

○