

115TH CONGRESS
2D SESSION

S. 2890

To improve the prosecution of criminal offenses committed by juveniles on military installations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2018

Mr. CORNYN (for himself, Mr. KING, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To improve the prosecution of criminal offenses committed by juveniles on military installations, 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. RELINQUISHMENT OF LEGISLATIVE JURISDIC-**
4 **TION OF CRIMINAL OFFENSES COMMITTED**
5 **BY JUVENILES ON MILITARY INSTALLATIONS.**

6 (a) IN GENERAL.—In the case of any military instal-
7 lation or portion of a military installation of which legisla-
8 tive jurisdiction of criminal offenses committed by juve-
9 niles is retained by the United States as of the date of
10 the enactment of this Act, the Secretary concerned shall

1 seek to relinquish to the State, Commonwealth, territory,
2 or possession concerned legislative jurisdiction of such of-
3 fenses such that the United States and the State, Com-
4 monwealth, territory, or possession, as the case may be,
5 have concurrent legislative jurisdiction of such offenses.

6 (b) MANNER OF RELINQUISHMENT.—Legislative ju-
7 risdiction shall be relinquished pursuant to subsection (a)
8 in the manner provided in section 2683(a) of title 10,
9 United States Code.

10 (c) DEADLINE.—The Secretaries concerned shall, to
11 the extent practicable, complete relinquishment of legisla-
12 tive jurisdiction pursuant to subsection (a) by not later
13 than one year after the date of the enactment of this Act.

14 (d) REPORTS.—

15 (1) IN GENERAL.—Not later than 15 months
16 after the date of the enactment of this Act, each
17 Secretary concerned shall submit to Congress a re-
18 port on the relinquishment of legislative jurisdiction
19 pursuant to subsection (a).

20 (2) ELEMENTS.—The report of a Secretary
21 under this subsection shall include the following:

22 (A) A list of the installations or portions of
23 installations under the jurisdiction of the Sec-
24 retary of which exclusive legislative jurisdiction
25 of criminal offenses committed by juveniles is

1 retained by the United States as of the date of
2 the enactment of this Act.

3 (B) A list of the installations or portions
4 of installations listed pursuant to subparagraph
5 (A) for which legislative jurisdiction was relin-
6 quished pursuant to subsection (a) as of the
7 date that is one year after the date of the en-
8 actment of this Act.

9 (C) A list of the installations or portions of
10 installations listed pursuant to subparagraph
11 (A) for which legislative jurisdiction was not re-
12 linquished pursuant to subsection (a) as of the
13 date that is one year after the date of the en-
14 actment of this Act, and, for each such installa-
15 tion or portion of installation, the reasons why
16 legislative jurisdiction was not so relinquished.

17 (e) SECRETARY CONCERNED DEFINED.—In this sec-
18 tion, the term “Secretary concerned” has the meaning
19 given that term in section 101(a)(9) of title 10, United
20 States Code.

1 **SEC. 2. CONSIDERATION OF PROSECUTION BY FEDERAL**
2 **PROSECUTORS OF FELONY OFFENSES COM-**
3 **MITTED BY JUVENILES ON MILITARY INSTAL-**
4 **LATIONS WITH CONCURRENT FEDERAL-**
5 **STATE LEGISLATIVE JURISDICTION WHEN**
6 **STATE PROSECUTORS DECLINE TO PROS-**
7 **ECUTE.**

8 (a) **IN GENERAL.**—In accordance with such regula-
9 tions as the Attorney General may prescribe, the Federal
10 Government shall consider the prosecution of charges in
11 each circumstance described in subsection (b).

12 (b) **COVERED CIRCUMSTANCES.**—A circumstance de-
13 scribed in this subsection is any circumstance involving an
14 alleged felony offense of a juvenile on a military installa-
15 tion for which legislative jurisdiction of such offense of the
16 Federal Government is concurrent with legislative jurisdic-
17 tion of such offense by a State, Commonwealth, territory,
18 or possession in which—

19 (1) a recommendation to bring charges is ini-
20 tially made to the prosecutor of the State, Common-
21 wealth, territory, or possession concerned; and

22 (2) the prosecutor of the State, Commonwealth,
23 territory, or possession declines to bring charges.

24 (c) **FELONY OFFENSE DEFINED.**—In this section,
25 the term “felony offense” means an offense punishable by
26 a maximum term of imprisonment of more than one year.

1 **SEC. 3. ANNUAL REPORTS ON DISPOSITION OF FELONY OF-**
2 **FENSES COMMITTED BY JUVENILES ON MILI-**
3 **TARY INSTALLATIONS.**

4 (a) ANNUAL REPORTS REQUIRED.—Not later than
5 March 31 each year, each Secretary concerned shall sub-
6 mit to Congress a report on the disposition of alleged fel-
7 ony offenses committed by juveniles on military installa-
8 tions under the control of such Secretary, including instal-
9 lations in foreign countries, during the previous calendar
10 year.

11 (b) ELEMENTS.—Each report under this section shall
12 include, for the calendar year covered by such report, a
13 list of the alleged felony offenses committed by juveniles
14 on military installations under the control of the Sec-
15 retary, aggregated by installation, and with the informa-
16 tion for each alleged offense as follows:

17 (1) Nature of the alleged offense.

18 (2) Age and other appropriate data on the al-
19 leged offender, including the connection, if any, of
20 the alleged offender to the Armed Forces.

21 (3) Age and other appropriate data on each vic-
22 tim, including the connection, if any, of such victim
23 to the Armed Forces.

24 (4) Results of the investigation, if any, of the
25 alleged offense by any military, Federal, State, or

1 local law enforcement or criminal investigation orga-
2 nization.

3 (5) If as a result of an investigation as de-
4 scribed in paragraph (4), a determination was made
5 not to recommend the bringing of charges against
6 the alleged offender, whether to a Federal pros-
7 ecutor or the prosecutor of a State, Commonwealth,
8 territory, or possession, the justification for such de-
9 termination.

10 (6) If as a result of an investigation as de-
11 scribed in paragraph (4), a determination was made
12 to recommend the bringing of charges against the
13 alleged offender to a prosecutor of a State, Com-
14 monwealth, territory, or possession, and such pros-
15 ecutor declined to bring charges, the justification for
16 lack of prosecution.

17 (7) If as a result of an investigation as de-
18 scribed in paragraph (4), a determination was made
19 to recommend the bringing of charges against the
20 alleged offender to a Federal prosecutor, whether or
21 not the prosecutor subsequently met with the victim
22 or victims as provided for in section 3771 of title 18,
23 United States Code.

24 (8) If a Federal prosecutor declined to bring
25 charges against the alleged offender despite a rec-

1 commendation for such charges as described in para-
2 graph (7), the justification for lack of prosecution.

3 (c) COORDINATION WITH ATTORNEY GENERAL.—

4 The Attorney General shall take appropriate actions to en-
5 sure that information on actions of Federal prosecutors
6 that is required for purposes of paragraphs (7) and (8)
7 of subsection (b) is submitted promptly to the Secretaries
8 concerned for inclusion in the reports required by sub-
9 section (a).

10 (d) DEFINITIONS.—In this section:

11 (1) The term “felony offense” means an offense
12 punishable by a maximum term of imprisonment of
13 more than one year.

14 (2) The term “Secretary concerned” has the
15 meaning given that term in section 101(a)(9) of title
16 10, United States Code.

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