

110TH CONGRESS
1ST SESSION

H. R. 4300

To establish a meaningful opportunity for parole for each child offender sentenced to life in prison, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2007

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 for each child offender 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 2007”.

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) In fact, while writing for the majority in
2 Roper v. Simmons (125 S. Ct. 1183), a recent Su-
3 preme Court decision abolishing use of the death
4 penalty for juveniles, Justice Kennedy declared such
5 differences 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) While only about a dozen youth are serving
15 such sentences in the rest of the world, research in-
16 dicates that there are at least 2,225 youth offenders
17 serving life without parole in the United States.

18 (6) The estimated rate at which the sentence is
19 imposed on children nationwide remains at least
20 three times higher today than it was fifteen years
21 ago.

22 (7) The majority of youth sentenced to life
23 without parole are first-time offenders.

24 (8) Sixteen percent of these individuals were fif-
25 teen or younger when they committed their crimes.

1 (9) Denying such individuals the possibility of
2 a meaningful opportunity for parole is both cruel
3 and unwise. It sends a message to our youth that
4 they are beyond rehabilitation. It also demonstrates
5 a complete lack of confidence in the ability of our
6 penal institutions to accomplish one of their main
7 goals and responsibilities.

8 **SEC. 3. ESTABLISHING A MEANINGFUL OPPORTUNITY FOR**
9 **PAROLE FOR CHILD OFFENDERS.**

10 (a) IN GENERAL.—For each fiscal year after the ex-
11 piration of the period specified in subsection (d)(1), each
12 State shall have in effect laws and policies under which
13 each child offender who is under a life sentence receives,
14 not less than once during the first 15 years of incarcer-
15 ation, and not less than once every 3 years of incarceration
16 thereafter, a meaningful opportunity for parole. Not later
17 than one year after the date of the enactment of this Act,
18 the Attorney General shall issue guidelines and regulations
19 to interpret and implement this section. This provision
20 shall in no way be construed to limit the access of child
21 offenders to other programs and appeals which they were
22 rightly due prior to the passage of this Act.

23 (b) DEFINITION.—In this section, the term “child of-
24 fender who is under a life sentence” means an individual
25 who—

1 (1) is convicted of an offense committed before
2 the individual attained the age of 18; and

3 (2) is sentenced to a term of natural life, or the
4 functional equivalent in years, for that offense.

5 (c) APPLICABILITY.—This section applies to an indi-
6 vidual who is sentenced on or after the date of the enact-
7 ment of this Act as well as to an individual who had al-
8 ready been sentenced as of the date of the enactment of
9 this Act.

10 (d) COMPLIANCE AND CONSEQUENCES.—

11 (1) COMPLIANCE DATE.—Each State shall have
12 not more than 3 years from the date of enactment
13 of this Act to be in compliance with this section, ex-
14 cept that the Attorney General may grant a 2-year
15 extension to a State that is making a good faith ef-
16 fort to comply with this section.

17 (2) CONSEQUENCE OF NONCOMPLIANCE.—For
18 any fiscal year after the expiration of the period
19 specified in paragraph (1), a State that fails to be
20 in compliance with this section shall not receive 10
21 percent of the funds that would otherwise be allo-
22 cated for that fiscal year to that State under sub-
23 part 1 of part E of title I of the Omnibus Crime
24 Control and Safe Streets Act of 1968 (42 U.S.C.
25 3750 et seq.), whether characterized as the Edward

1 Byrne Memorial State and Local Law Enforcement
2 Assistance Programs, the Local Government Law
3 Enforcement Block Grants program, the Edward
4 Byrne Memorial Justice Assistance Grant Program,
5 or otherwise.

6 (3) REALLOCATION.—Amounts not allocated
7 under a program referred to in paragraph (2) to a
8 State for failure to be in compliance with this sec-
9 tion shall be reallocated under that program to
10 States that have not failed to be in compliance with
11 this section.

12 **SEC. 4. ESTABLISHING A PARALLEL SYSTEM FOR CHILD**
13 **OFFENDERS SERVING LIFE SENTENCES AT**
14 **THE FEDERAL LEVEL.**

15 In addition to any other method of early release that
16 may apply, the Attorney General shall establish and imple-
17 ment a system of early release for each child offender who
18 is under a life sentence (as defined in section 3) in a Fed-
19 eral facility. The system shall conform as nearly as prac-
20 ticable to the laws and policies required of a State under
21 section 3.

1 **SEC. 5. GRANT PROGRAM TO IMPROVE LEGAL REPRESENTEN-**
2 **TATION OF CHILDREN FACING LIFE IN PRIS-**
3 **ON.**

4 (a) **IN GENERAL.**—The Attorney General shall award
5 grants to States for the purpose of improving the quality
6 of legal representation provided to child defendants
7 charged with an offense which could potentially subject
8 them to the sentence of life in prison.

9 (b) **DEFINED TERM.**—In this section, the term “legal
10 representation” means legal counsel and investigative, ex-
11 pert, and other services necessary for competent represen-
12 tation.

13 (c) **USE OF FUNDS.**—Grants awarded under sub-
14 section (a) shall be used to establish, implement, or im-
15 prove a system for providing competent legal representa-
16 tion to—

17 (1) individuals charged with committing, before
18 the individual attained the age of 18, an offense sub-
19 ject to life imprisonment; and

20 (2) individuals convicted of, and sentenced to
21 life for, committing such an offense who seek appel-
22 late or collateral relief, including review in the Su-
23 preme Court of the United States.

1 (d) 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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