

111TH CONGRESS
1ST SESSION

H. R. 2289

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

MAY 6, 2009

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 2009”.

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) While there are no youth serving such sen-
15 tences in the rest of the world, research indicates
16 that there are over 2,500 youth offenders serving life
17 without parole in the United States.

18 (6) The estimated rate at which the sentence of
19 life without parole is imposed on children nationwide
20 remains at least 3 times higher today than it was 15
21 years ago.

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

1 (8) Sixteen percent of these individuals were
2 age 15 or younger when they committed their
3 crimes.

4 **SEC. 3. ESTABLISHING A MEANINGFUL OPPORTUNITY FOR**
5 **PAROLE FOR CHILD OFFENDERS.**

6 (a) IN GENERAL.—

7 (1) REQUIREMENTS.—For each fiscal year after
8 the expiration of the period specified in subsection
9 (d)(1), each State shall have in effect laws and poli-
10 cies under which each child offender who is serving
11 a life sentence receives, not less than once during
12 the first 15 years of incarceration, and not less than
13 once every 3 years of incarceration thereafter, a
14 meaningful opportunity for parole or other form of
15 supervised release. This provision shall in no way be
16 construed to limit the access of child offenders to
17 other programs and appeals which they were rightly
18 due prior to the enactment of this Act.

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

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

1 (1) is convicted of one or more offenses com-
2 mitted before the individual attained the age of 18;
3 and

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

7 (c) APPLICABILITY.—This section shall apply to indi-
8 viduals sentenced before, on, or after the date of the enact-
9 ment of 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 Justice Assistance Grant Program
2 or otherwise.

3 (3) REALLOCATION.—Amounts not allocated
4 under a program referred to in paragraph (2) to a
5 State for failure to be in compliance with this sec-
6 tion shall be reallocated under that program to
7 States that are in compliance with this section.

8 **SEC. 4. NOTICE TO VICTIMS.**

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

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

15 (A) a description of the opportunities for
16 parole or supervised release available to child
17 offenders who are serving a life sentence, and
18 how those opportunities differ from the laws
19 and policies in effect before compliance with
20 section 3; and

21 (B) the name and contact information of
22 the office, agency, or other entity that may be
23 contacted for additional information about such
24 laws and policies, including the application of
25 such laws and policies to a child offender who

1 is serving a life sentence, by a victim who was
2 directly and proximately harmed as a result of
3 an offense described in section 3(b) that was
4 committed by such a child offender; and

5 (2) provide procedures whereby a victim who
6 was directly and proximately harmed as a result of
7 an offense described in section 3(b) that was com-
8 mitted by a child offender who is serving a life sen-
9 tence may, upon request, receive information about
10 the specific opportunities for parole or supervised re-
11 lease to be provided to such child offender in accord-
12 ance with such laws and policies, including dates of
13 parole or supervised release hearings and notice of
14 decisions granting or denying parole or supervised
15 release.

16 **SEC. 5. ESTABLISHING A PARALLEL SYSTEM FOR CHILD**
17 **OFFENDERS SERVING LIFE SENTENCES AT**
18 **THE FEDERAL LEVEL.**

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

21 (1) in subsection (a) by striking “A prisoner”
22 and inserting “Except as otherwise provided by law,
23 a prisoner”; and

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

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

15 **SEC. 6. GRANTS TO IMPROVE LEGAL REPRESENTATION OF**
 16 **CHILDREN FACING OR SERVING LIFE IN**
 17 **PRISON.**

18 (a) GRANTS AUTHORIZED.—The Attorney General
 19 shall, subject to the availability of appropriations, award
 20 grants to States to improve the quality of legal representa-
 21 tion of certain child defendants and child offenders by pro-
 22 viding for competent legal representation for individuals
 23 who—

24 (1) are charged with committing an offense, be-
 25 fore the individual attained the age of 18, that is

1 subject to a sentence that may include a term of im-
2 prisonment of life, or the functional equivalent in
3 years or more; or

4 (2) are convicted of an offense committed be-
5 fore the individual attained the age of 18, and are
6 sentenced to a term of imprisonment of life, or the
7 functional equivalent in years or more, for that of-
8 fense, and who seek appellate or collateral relief, in-
9 cluding review in the Supreme Court of the United
10 States.

11 (b) LEGAL REPRESENTATION.—In this section, the
12 term “legal representation” means legal counsel and inves-
13 tigative, expert, and other services necessary for com-
14 petent representation.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 such sums as may be necessary.

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