

114TH CONGRESS
1ST SESSION

H. R. 3158

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

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2015

Ms. JACKSON LEE (for herself, Mr. CONYERS, Ms. BASS, Ms. BROWN of Florida, Ms. JUDY CHU of California, Mr. CICILLINE, Mr. CLAY, Ms. CLARKE of New York, Mr. COHEN, Mrs. WATSON COLEMAN, Mr. DANNY K. DAVIS of Illinois, Mr. DEUTCH, Ms. EDWARDS, Mr. GRIJALVA, Ms. HAHN, Mr. JEFFRIES, Mr. JOHNSON of Georgia, Ms. LEE, Ms. LOFGREN, Mr. NADLER, Ms. NORTON, Mr. PAYNE, Mr. PIERLUISI, Mr. RANGEL, Mr. RICHMOND, Mr. SERRANO, Mr. VAN HOLLEN, Ms. WILSON of Florida, Mr. BUTTERFIELD, Mr. VEASEY, Mr. ELLISON, Mr. PETERS, Ms. MAXINE WATERS of California, Mr. HINOJOSA, Mr. VARGAS, Mr. AL GREEN of Texas, and Mr. CASTRO of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

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

1 Path for Youth Act of 2015” or the “RAISE Act of
2 2015”.

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

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

6 “(g) **AUTHORITY TO IMPOSE A SENTENCE BELOW A**
7 **STATUTORY MINIMUM FOR YOUTH.**—

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

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

21 “(B) imposition of the mandatory min-
22 imum sentence is not necessary for the protec-
23 tion of the public.

24 “(2) **COURT TO GIVE PARTIES NOTICE.**—Before
25 imposing a sentence under paragraph (1), the court

1 shall give the parties reasonable notice of the court’s
 2 intent to do so and an opportunity to respond.

3 “(3) STATEMENT IN WRITING OF FACTORS.—

4 The court shall state, in the written statement of
 5 reasons, the factors under subsection (a) that re-
 6 quire imposition of a sentence below the statutory
 7 minimum.

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

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

12 “(A) the term ‘youth’ means an individual
 13 who was 21 years of age or younger at the time
 14 of the criminal offense for which the individual
 15 is being sentenced; and

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

18 “(i) a crime of violence; or

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

22 **SEC. 3. EARLY RELEASE AND HOME CONFINEMENT FOR**
 23 **YOUTH.**

24 Section 3624 of title 18, United States Code, is
 25 amended—

1 (1) in subsection (a), by inserting “at the early
2 release date provided in subsection (g), if applicable,
3 or otherwise” after “A prisoner shall be released by
4 the Bureau of Prisons”;

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

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

10 “(2) HOME CONFINEMENT AUTHORITY.—

11 “(A) The authority under this subsection
12 may be used—

13 “(i) to place a prisoner in home con-
14 finement for the greater of 10 percent of
15 the term of imprisonment of that prisoner
16 or 1 year; and

17 “(ii) to place a youth prisoner in
18 home confinement for the greater of 25
19 percent of the term of imprisonment of
20 that prisoner or 18 months.

21 “(B) Except as provided in subparagraph
22 (C), placement in a community correction cen-
23 ter shall not be used in lieu of home confine-
24 ment solely because the prisoner has been diag-

1 nosed with a mental illness, mental disorder, or
2 mental health condition.

3 “(C) There shall be a presumption in favor
4 of direct release to home confinement unless the
5 Director of the Bureau of Prisons makes spe-
6 cific findings in writing that the resources pro-
7 vided by a community correction center are nec-
8 essary for the prisoner to adjust and prepare
9 for the reentry into the community and those
10 resources cannot be provided if the prisoner is
11 in home confinement.

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

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

16 “(g) EARLY RELEASE ELIGIBILITY FOR CERTAIN
17 YOUTH.—

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

24 “(A) is serving a sentence for a nonviolent
25 offense; and

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

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

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

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

11 “(i) a crime of violence; or

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

15 **SEC. 4. SUPERVISED RELEASE CONSIDERATION FOR**
 16 **YOUTH.**

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

19 (1) by striking “and” at the end of paragraph
 20 (1);

21 (2) by inserting “and” at the end of paragraph
 22 (2); and

23 (3) by inserting after paragraph (2) the fol-
 24 lowing:

1 “(3) in the case of a youth serving a sentence
2 of incarceration, after the youth (as defined in sec-
3 tion 3581) has served at least 20 years, a court,
4 upon motion of the Director of the Bureau of Pris-
5 ons, the sentencing court, the youth or the counsel
6 for the youth, or on its own motion, may reduce the
7 term of imprisonment (and may impose a term of
8 supervised release with or without conditions that
9 does not exceed the unserved portion of the original
10 term of imprisonment), after considering the factors
11 set forth in section 3553(a) to the extent that they
12 are applicable, if—

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

21 “(B) the Director of the Bureau of Prisons
22 has, on its own or in response to the court,
23 made a determination that the youth is not a
24 danger to the safety of any other person or the

1 community, as provided under section
2 3142(g).”.

3 (b) MANDATORY LIFE SENTENCE.—Section 3581 of
4 title 18, United States Code, is amended by adding at the
5 end the following:

6 “(c) MANDATORY LIFE SENTENCE.—In the case of
7 a youth convicted of an offense that carries a mandatory
8 term of life imprisonment, the sentencing court shall treat
9 the life sentence as discretionary and consider the age of
10 the youth in determining the appropriate sentence.

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

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

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

19 (1) in subsection (a), by striking “If” and in-
20 serting “Except as provided in subsection (d), if”;
21 and

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

23 “(d) SPECIAL RULE FOR TECHNICAL VIOLATIONS.—
24 If the violation of a condition is solely technical, and not

1 a conviction of a criminal offense, then the maximum pun-
2 ishment that can be imposed is not more than—

3 “(1) 30 days imprisonment if the violation is
4 the first violation during the defendant’s period of
5 probation;

6 “(2) 60 days imprisonment if the violation is a
7 second violation during the defendant’s period of
8 probation; or

9 “(3) 90 days imprisonment if the violation is a
10 third or subsequent violation during the defendant’s
11 period of probation.”.

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

20 **SEC. 6. SPECIALIZED HOUSING AND PROGRAMS FOR**
21 **YOUTH.**

22 Section 4042(a) of title 18, United States Code, is
23 amended—

24 (1) by redesignating paragraph (D) as para-
25 graph (6) and within that paragraph as so redesign-

1 nated, by redesignating subparagraphs (i) and (ii) as
2 subparagraphs (A) and (B) respectively;

3 (2) by redesignating paragraph (E) as para-
4 graph (7) and within that paragraph as so redesign-
5 ated, by redesignating subparagraphs (i) through
6 (vii) as subparagraphs (A) through (G) respectively;
7 and

8 (3) by adding at the end the following:

9 “(8) designate correctional facilities or portions
10 of correctional facilities that house youth (as defined
11 in section 3624(g)) separate from other offenders
12 and, to the extent possible, minimize contact be-
13 tween youth and other offenders except in rehabilita-
14 tive, reentry, or similar programs; and

15 “(9) establish education, skills training, reentry,
16 and mental and emotional health programs specific
17 to the needs of youth (as defined in section
18 3624(g)).”.

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

20 (a) BUREAU OF PRISONS.—The Bureau of Prisons
21 shall establish each of the following pilot programs for 2
22 years, in at least 10 judicial districts:

23 (1) MENTORSHIP FOR YOUTH.—A program to
24 pair youth with—

1 (A) formerly incarcerated offenders that
2 have demonstrated a commitment to rehabilita-
3 tion, made positive contributions to the commu-
4 nity, and expressed a willingness to serve as a
5 mentor in such a capacity; or

6 (B) volunteers from faith-based or commu-
7 nity organizations that have relevant experience
8 or expertise and a willingness to serve as a
9 mentor in such a capacity.

10 (2) GOVERNMENT SERVICE.—A program to
11 equip youth with skills for government service and to
12 place youth in related internships through work re-
13 lease, including placement with the Department of
14 Health and Human Services, the Department of
15 Veterans Affairs, and the Department of Justice.

16 (3) SERVICE TO ABANDONED, RESCUED OR
17 OTHERWISE VULNERABLE ANIMALS.—A program to
18 equip youth with the skills to provide training and
19 therapy to animals seized by Federal law enforce-
20 ment under asset forfeiture authority and to organi-
21 zations that provide shelter and similar services to
22 abandoned, rescued, or otherwise vulnerable animals.

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

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

7 (2) DIVERSION FOR VICTIMIZED YOUTH.—A
8 program for youth that have been the victim of
9 abuse, sex or drug trafficking, or other violent con-
10 duct, and for whom the criminal conduct is due in
11 whole or in part to that victimization, that provides
12 such youth with an opportunity to avoid criminal
13 conviction through intensive case management and
14 comprehensive community services.

15 (3) DIVERSION FOR YOUTH.—A program for
16 youth, who serve as the primary caretaker for a
17 young child or sibling, for an ill or impaired parent
18 or grandparent, or for a dependent and vulnerable
19 individual, that provides such youth with an oppor-
20 tunity to avoid criminal conviction through intensive
21 case management and comprehensive community
22 services.

23 (c) REPORTING REQUIREMENT.—Not later than one
24 year after the conclusion of the pilot programs, the Attor-
25 ney General shall report to Congress on the results of the

1 pilot programs under this section. Such report shall in-
2 clude cost savings, numbers of participants, and informa-
3 tion about recidivism rates among participants.

4 (d) DEFINITIONS.—In this section—

5 (1) the term “youth” means an individual who
6 was 21 years of age or younger at the time of the
7 criminal offense for which the individual is being
8 prosecuted or serving a term of imprisonment, as
9 the case may be; and

10 (2) the term “nonviolent offense” means a Fed-
11 eral criminal offense that is not—

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

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

18 **SEC. 8. RETROACTIVE EFFECT.**

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

○