

117TH CONGRESS  
1ST SESSION

# H. R. 128

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2021

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 2021” or the “RAISE Act of  
7 2021”.

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

1       “(c) MANDATORY LIFE SENTENCE.—In the case of  
2 a youth convicted of an offense that carries a mandatory  
3 term of life imprisonment, the sentencing court shall treat  
4 the life sentence as discretionary and consider the age of  
5 the youth in determining the appropriate sentence.

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

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

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

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

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

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

22               “(1) 30 days imprisonment if the violation is  
23               the first violation during the defendant’s period of  
24               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 (as defined  
21               in section 3624(g)) separate from other offenders  
22               and, to the extent possible, minimize contact be-  
23               tween youth and other offenders except in rehabilita-  
24               tive, reentry, or similar programs; and

1           “(9) establish education, skills training, reentry,  
2           and mental and emotional health programs specific  
3           to the needs of youth (as defined in section  
4           3624(g)).”.

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

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

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

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

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

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

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

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

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

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

24           (3) DIVERSION FOR YOUTH.—A program for  
25 youth, who serve as the primary caretaker for a

1 young child or sibling, for an ill or impaired parent  
2 or grandparent, or for a dependent and vulnerable  
3 individual, that provides such youth with an oppor-  
4 tunity to avoid criminal conviction through intensive  
5 case management and comprehensive community  
6 services.

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

13 (d) DEFINITIONS.—In this section—

14 (1) the term “youth” means an individual who  
15 was 21 years of age or younger at the time of the  
16 criminal offense for which the individual is being  
17 prosecuted or serving a term of imprisonment, as  
18 the case may be; and

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

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

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

4 **SEC. 8. RETROACTIVE EFFECT.**

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

○