

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE RESOLUTION

No. 915 Session of 2015

INTRODUCED BY DAWKINS, DEAN, BULLOCK, KINSEY, SCHLOSSBERG,  
J. HARRIS, COOK-ARTIS, DAVIS, YOUNGBLOOD, GIBBONS, THOMAS,  
NEILSON, ROZZI, O'BRIEN AND GROVE, JUNE 9, 2016

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 9, 2016

A CONCURRENT RESOLUTION

1 Establishing the Task Force on Juvenile Life Sentences.

2 WHEREAS, The General Assembly finds and declares as follows:

3 (1) In 2012, the United States Supreme Court ruled in  
4 *Miller v. Alabama* that state laws imposing mandatory life  
5 without parole sentences for individuals who were under the  
6 age of 18 at the time of commission of an offense are  
7 unconstitutional.

8 (2) In January 2016, the United States Supreme Court  
9 ruled in *Montgomery v. Louisiana* that its decision in *Miller*  
10 *v. Alabama* must be applied retroactively to cover individuals  
11 who were sentenced prior to the date of the *Miller v. Alabama*  
12 ruling.

13 (3) The United States Supreme Court's rulings in *Miller*  
14 *v. Alabama* and *Montgomery v. Louisiana* require a review of  
15 laws and procedures relating to the appeals and applications  
16 for postconviction relief filed by hundreds of individuals in  
17 this Commonwealth sentenced to mandatory life without parole

1 for crimes they committed when the individuals were under the  
2 age of 18.

3 (4) It is the responsibility of the Commonwealth to:

4 (i) adequately comply with the Federal mandates  
5 established in *Miller v. Alabama* and *Montgomery v.*  
6 *Louisiana*; and

7 (ii) ensure that its appeals and postconviction  
8 relief procedures provide for just sentences that are  
9 fair to the offender and sufficient to protect public  
10 safety and promote rehabilitation.

11 (5) Therefore, the General Assembly shall establish a  
12 task force to conduct a thorough and comprehensive review to  
13 determine best practices for handling the appeals and  
14 postconviction relief process for individuals in this  
15 Commonwealth sentenced to mandatory life without parole for  
16 crimes they committed when they were under the age of 18;  
17 therefore be it

18 RESOLVED (the Senate concurring), That the Task Force on  
19 Juvenile Life Sentences is established; and be it further

20 RESOLVED, That the task force consist of the following  
21 members, appointed within 25 days after the adoption of this  
22 resolution by both chambers:

23 (1) Four members knowledgeable and experienced in issues  
24 relating to criminal appeals, postconviction relief and the  
25 appropriate sentencing of youth offenders as follows:

26 (i) Two members appointed by the President pro  
27 tempore of the Senate, in consultation with the Majority  
28 Leader and the Minority Leader of the Senate. A member  
29 under this subparagraph may be a member of the Senate.

30 (ii) Two members appointed by the Speaker of the

1 House of Representatives, in consultation with the  
2 Majority Leader and the Minority Leader of the House of  
3 Representatives. A member under this subparagraph may be  
4 a member of the House of Representatives.

5 (2) Three members appointed by the Governor as follows:

6 (i) A district attorney.

7 (ii) A defense attorney with experience in defending  
8 cases for which a life sentence is imposed or experience  
9 in juvenile defense.

10 (iii) A member of a youth offender organization or  
11 an organization that is directly involved in advocating  
12 for or providing services to youth offenders.

13 (3) The chairperson of the Board of Probation and Parole  
14 or a designee who shall be a member or employee of the board.  
15 The designee shall be appointed in writing and a copy shall  
16 be submitted to the chairperson of the task force.

17 (4) The Secretary of Corrections or a designee who shall  
18 be an employee of the department. The designee shall be  
19 appointed in writing and a copy shall be submitted to the  
20 chairperson of the task force.

21 (5) The chairperson of the Pennsylvania Commission on  
22 Sentencing or a designee who shall be a member or employee of  
23 the commission. The designee shall be appointed in writing  
24 and a copy shall be submitted to the chairperson of the task  
25 force.

26 (6) The Pennsylvania Victim Advocate or a designee who  
27 shall be an employee of the Office of Victim Advocate. The  
28 designee shall be appointed in writing and a copy shall be  
29 submitted to the chairperson of the task force;

30 and be it further

1       RESOLVED, That the Governor shall select the chairperson of  
2 the task force; and be it further

3       RESOLVED, That the task force shall conduct its business as  
4 follows:

5           (1) The physical presence of six members shall  
6 constitute a quorum of the task force.

7           (2) Action of the task force must be authorized or  
8 ratified by majority vote of its members.

9           (3) A member not physically present may participate by  
10 teleconference or video conference.

11          (4) The following apply:

12           (i) The task force shall meet as necessary but no  
13 fewer than 3 times within 60 days of the appointment of  
14 the members of the task force. Additional meetings may be  
15 called by the chairperson as necessary.

16           (ii) The chairperson shall schedule a meeting upon  
17 written request of eight members of the task force.

18           (iii) The first meeting shall be convened within 15  
19 days of the appointment of the members of the task force.

20           (iv) The task force shall hold public hearings as  
21 necessary to obtain the information required to conduct  
22 its review.

23           (v) The Department of Corrections, the Board of  
24 Probation and Parole and the Joint State Government  
25 Commission shall cooperate to provide administrative or  
26 other assistance to the task force.

27           (vi) Members shall not receive compensation but  
28 shall be reimbursed for reasonable and necessary expenses  
29 incurred in service of the task force;

30 and be it further

1       RESOLVED, That the task force shall have the following  
2 powers:

3           (1) To examine, review and analyze law, court decisions,  
4 practices, procedures and rules applicable to the handling of  
5 appeals and postconviction relief for individuals in this  
6 Commonwealth serving mandatory life without parole sentences  
7 for crimes they committed when they were under the age of 18.

8           (2) To hold public hearings for the taking of testimony  
9 and the requesting of documents.

10          (3) The chairperson shall have the power to administer  
11 oaths and affirmations to witnesses appearing before the task  
12 force;

13 and be it further

14       RESOLVED, That the task force shall have the following  
15 duties:

16           (1) To accept and review written comments from  
17 individuals and organizations.

18           (2) To make, within 90 days of its first meeting, a  
19 final report to the following:

20               (i) The Governor.

21               (ii) The Judiciary Committee of the Senate.

22               (iii) The Judiciary Committee of the House of  
23 Representatives.

24               (iv) The Pennsylvania Supreme Court.

25               (v) Each member of the Pennsylvania judiciary.

26           (3) Based on the task force's review, the report under  
27 paragraph (2) shall include recommendations:

28               (i) For the efficient and effective handling of  
29 appeals and postconviction relief proceedings by  
30 individuals in this Commonwealth serving mandatory life

1 without parole sentences for crimes they committed when  
2 they were under the age of 18.

3 (ii) To implement any necessary changes in State  
4 statutes and practices, policies and procedures.

5 (4) To make reports as follows:

6 (i) The task force may file status reports and  
7 updates with the Governor, the Judiciary Committee of the  
8 Senate and the Judiciary Committee of the House of  
9 Representatives as it deems appropriate.

10 (ii) A report under this paragraph shall be adopted  
11 at a public meeting.

12 (iii) A report under this paragraph shall be a  
13 public record under the act of February 14, 2008 (P.L.6,  
14 No.3), known as the Right-to-Know Law;

15 and be it further

16 RESOLVED, That the task force expire 30 days following the  
17 issuance of its final report.