

LEGISLATIVE REFERENCE BUREAU

RESOLUTION

INTRODUCED _____, 20 _____

BY _____, **District NO.** _____

BY _____, **District NO.** _____

BY _____, **District NO.** _____

BY _____, **District NO.** _____

BY _____, **District NO.** _____

See next page for additional co-sponsors.

Referred to Committee on	
Date _____	20 _____
Reported _____	20 _____
As Committed-Amended	
Recommendation	

By Hon. _____	

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

1 this Commonwealth sentenced to mandatory life without parole
2 for crimes they committed when the individuals were under the
3 age of 18.

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

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

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

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

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

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

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

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

1 (ii) Two members appointed by the Speaker of the
2 House of Representatives, in consultation with the
3 Majority Leader and the Minority Leader of the House of
4 Representatives. A member under this subparagraph may be
5 a member of the House of Representatives.

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

7 (i) A district attorney.

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

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

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

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

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

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

1 and be it further

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

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

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

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

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

12 (4) The following apply:

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

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

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

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

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

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

1 and be it further

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

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

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

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

14 and be it further

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

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

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

21 (i) The Governor.

22 (ii) The Judiciary Committee of the Senate.

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

25 (iv) The Pennsylvania Supreme Court.

26 (v) Each member of the Pennsylvania judiciary.

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

29 (i) For the efficient and effective handling of
30 appeals and postconviction relief proceedings by

1 individuals in this Commonwealth serving mandatory life
2 without parole sentences for crimes they committed when
3 they were under the age of 18.

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

6 (4) To make reports as follows:

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

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

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

16 and be it further

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