

104TH CONGRESS
1ST SESSION

H. R. 146

To impose mandatory sentences for violent felonies committed against individuals of age sixty-five or over, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. SOLOMON introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To impose mandatory sentences for violent felonies committed against individuals of age sixty-five or over, 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 “Crimes Against the
5 Elderly Penalty Act”.

6 **SEC. 2. ADDITIONAL PENALTIES FOR CRIMES AGAINST THE**
7 **ELDERLY.**

8 (a) IN GENERAL.—Subchapter A of chapter 227 of
9 title 18, United States Code, is amended by adding at the
10 end the following new section:

1 **“§ 3560. Mandatory sentence for felony against indi-**
2 **viduals of age sixty-five or over**

3 “(a) Upon any plea of guilty or nolo contendere or
4 verdict or finding of guilty of a defendant of a crime of
5 violence under this title, if any victim of such crime is an
6 individual who had attained age sixty-five on or before the
7 date that the offense was committed, the court shall sen-
8 tence the defendant to imprisonment—

9 “(1) for a term of not less than one-half of the
10 maximum term of imprisonment provided for such
11 crime under this title, in the case of a first offense
12 to which this section is applicable; and

13 “(2) for a term of not less than three-fourths
14 of the maximum term of imprisonment provided for
15 such crime under this title, in the case of a second
16 or subsequent offense to which this section is appli-
17 cable.

18 “(b) Notwithstanding any other provision of law, with
19 respect to a sentence imposed under subsection (a) of this
20 section—

21 “(1) the court shall not suspend such sentence;

22 “(2) the court shall not give the defendant a
23 probationary sentence;

24 “(3) such sentence shall be served consecutively
25 to any other sentence imposed under this title; and

1 “(4) the court shall reject any plea agreement
2 which would result in the imposition of a term of im-
3 prisonment less than that which would have been
4 imposed under subsection (a) of this section in con-
5 nection with any charged offense.

6 “(c) As used in this section, the term ‘victim’ means
7 an individual against whom an offense has been or is being
8 committed.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 for subchapter A of chapter 227 of title 18, United States
11 Code, is amended by adding at the end the following new
12 item:

 “3560. Mandatory sentence for felony against individual of age sixty-five or
 over.”.

13 **SEC. 3. APPEALS RELATING TO MANDATORY PENALTY**
14 **CASES.**

15 Section 3731 of title 18, United States Code, is
16 amended by inserting after the second paragraph the fol-
17 lowing new paragraph:

18 “An appeal by the United States shall lie to a court
19 of appeals from an otherwise final decision, judgment, or
20 order of a district court sentencing a defendant on the
21 ground that such sentence is less severe than that required
22 under section 3560 of this title.”.

1 **SEC. 4. PRESENTENCE REPORT.**

2 Rule 32(c) of the Federal Rules of Criminal Proce-
3 dure is amended—

4 (1) by adding at the end of the first paragraph
5 in paragraph (1) the following new sentence: “Nei-
6 ther the defendant nor the court may waive a
7 presentence investigation and report unless there is
8 in the record information sufficient for the court to
9 determine whether a mandatory sentence must be
10 imposed pursuant to title 18, United States Code,
11 section 3560.”; and

12 (2) in paragraph (2)(D), by inserting after “the
13 offense” the following: “and information relating to
14 whether any victim of the offense had attained age
15 65 on the date that the offense was committed”.

16 **SEC. 5. CONFORMING AMENDMENT.**

17 Rule 11(e)(1) of the Federal Rules of Criminal Proce-
18 dure is amended by striking out “The” after “*In General.*”
19 and inserting in lieu thereof “Except as provided in title
20 18, United States Code, section 3560, the”.

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