

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3336

To amend title 18, United States Code, to provide mandatory life imprisonment for persons convicted of a third violent felony and to provide for the conversion of three military installations to be closed under the base closure laws into Federal prison facilities capable of incarcerating these persons.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 1993

Mr. LIVINGSTON introduced the following bill; which was referred jointly to the Committees on the Judiciary and Armed Services

---

## A BILL

To amend title 18, United States Code, to provide mandatory life imprisonment for persons convicted of a third violent felony and to provide for the conversion of three military installations to be closed under the base closure laws into Federal prison facilities capable of incarcerating these persons.

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. LIFE IMPRISONMENT FOR EGREGIOUS RECID-**  
4 **VISTS.**

5 Section 3581 of title 18, United States Code, is  
6 amended by adding at the end the following:

1       “(c) IMPRISONMENT OF CERTAIN VIOLENT FEL-  
2       ONS.—

3               “(1) GENERAL RULE.—Notwithstanding any  
4       other provision of this title or any other law, in the  
5       case of a conviction for a Federal violent felony, the  
6       court shall sentence the defendant to prison for life  
7       if the defendant has previously been convicted of two  
8       other violent felonies.

9               “(2) DEFINITION.—As used in this section the  
10      term “violent felony” is a State or Federal crime of  
11      violence (as defined in section 16 of this title)—

12              “(A) that involves the threatened use, use,  
13      or the risk of use of physical force against the  
14      person of another;

15              “(B) for which the maximum authorized  
16      imprisonment exceeds one year; and

17              “(C) which is not designated a mis-  
18      demeanor by the law that defines the offense.

19              “(3) RULE OF CONSTRUCTION.—This sub-  
20      section shall not be construed to prevent the imposi-  
21      tion of the death penalty.”.

22   **SEC. 2. CONVERSION OF THREE CLOSED MILITARY INSTAL-**  
23                   **LATIONS INTO FEDERAL PRISON FACILITIES.**

24              (a) STUDY OF SUITABLE BASES.—The Secretary of  
25      Defense and the Attorney General shall jointly conduct a

1 study of all military installations selected before the date  
2 of the enactment of this Act to be closed pursuant to a  
3 base closure law for the purpose of evaluating the suit-  
4 ability of any of these installations, or portions of these  
5 installations, for conversion into Federal prison facilities.  
6 As part of the study, the Secretary and the Attorney Gen-  
7 eral shall identify the three military installations so evalu-  
8 ated that are most suitable for conversion into Federal  
9 prison facilities.

10 (b) SUITABILITY FOR CONVERSION.—In evaluating  
11 the suitability of a military installation for conversion into  
12 a Federal prison facility, the Secretary of Defense and the  
13 Attorney General shall consider the estimated cost to con-  
14 vert the installation into a prison facility, the proximity  
15 of the installation to overcrowded Federal and State pris-  
16 on facilities, and such other factors as the Secretary and  
17 the Attorney General consider to be appropriate.

18 (c) TRANSFER TO ATTORNEY GENERAL.—Notwith-  
19 standing any other provision of law regarding disposal of  
20 military installations selected to be closed pursuant to a  
21 base closure law, the Secretary of Defense shall transfer,  
22 without reimbursement, jurisdiction over the three instal-  
23 lations identified under subsection (a) to the Attorney  
24 General for conversion into Federal prison facilities. The  
25 Federal prison facilities established using these installa-

1 tions shall be designed to incarcerate persons convicted of  
2 a Federal violent felony. Upon a space available basis, the  
3 Attorney General may accept transfers from overcrowded  
4 State prisons if the persons to be transferred had pre-  
5 viously been convicted of a Federal violent felony or are  
6 serving a sentence of more than 20 years.

7 (d) TIME FOR STUDY.—The study required by sub-  
8 section (a) shall be completed not later than 180 days  
9 after the date of the enactment of this Act.

10 (e) DEFINITIONS.—For purposes of this section:

11 (1) The term “base closure law” means—

12 (A) The Defense Base Closure and Re-  
13 alignment Act of 1990 (part A of title XXIX of  
14 Public Law 101–510; 10 U.S.C. 2687 note); or

15 (B) Title II of the Defense Authorization  
16 Amendments and Base Closure and Realign-  
17 ment Act (Public Law 100–526; 10 U.S.C.  
18 2687 note).

19 (2) The term “violent felony” has the meaning  
20 given that term in section 3581(c)(2) of title 18,  
21 United States Code.

○