

HB

262

American Academy of Pediatrics



In support of Senate Bill 163 and House Bill 262

WHY DOES ALASKA NEED TOUGH

CHILD PASSENGER SAFETY LEGISLATION?

Alaska Chapter

Chairman Clinton B. Lillibridge, M.D. 4001 Dale Street, Suite 213 Anchorage, 99508

Alternate Chairman Tom Porter, M.D. Dept. of Pediatrics Box 7-741 Anchorage 99510

Secretary-Treasurer Charles Ryan, M.D. 3300 Providence Drive, Suite 206 Anchorage 99504

- 1. THE GREATEST KILLER of KIDS is the CAR/TRUCK
a. More children are killed by motor vehicles than by the next two greatest killers combined--more than birth defects, congenital heart lesions, brain malformations, leukemia, cancer, etc. together.
b. Children under age 6 are PHYSICALLY more susceptible to HEAD INJURY. Twenty-five percent of children's weight is in their head (compared to 9 percent for adult). When the vehicle slows suddenly, the child is thrown HEADFIRST into the dashboard like an arrow. The child's SKULL is more FRAGILE, and BRAIN DAMAGE occurs more easily.

2. WOULD INTENSE EDUCATION ACHIEVE GOOD RESULTS?

- a. No. Several other states have spent hundreds of thousands of dollars on TV, newspaper, pediatric office teaching, etc. with NO MEASURABLE DIFFERENCE IN USAGE or death rate, because young people (parents) naively believe accidents always happen only to other people.

3. WOULD A TOUGH LAW INCREASE USAGE and SAVE LIVES?

Yes. Massachusetts Usage: Pre-Law 14% With Law 70%

Yes. Tennessee: Pre-Law 12 deaths/year With Law 1 death/year

Yes. Washington: Death rate over 10 years and 39,600 accidents is 13 times greater for children riding loose than restrained.

Clinton B Lillibridge MD

I. REQUEST

Bill/Resolution No.: HB 262 #
 Title: "...child safety devices..."
 Sponsor: Clocks in
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Admin/Justice
 BRU, Program of Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not identified by sponser

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact is anticipated.

Prepared By: Francis C. Allan R.C.A. Phone: 269-5691
 Division: Alaska State Troopers MCK Date: 3-22-83
 Approved by Commissioner: R.J. Sundberg J. Lindberg Date: 3/29/83
 Department: Public Safety

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponscr)

3/8/83

I. REQUEST

Bill/Resolution No.: 262 #2
 Title: Use of Child Safety devices in motor, etc
 Sponsor: Clocks, Szymanski & Koponen
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Health & Social Services
 Program Category Affected: _____
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Source)	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Vernellia Randall
 Division: Public Health

Phone: 465-3104
 Date: 3/22/83

Approved by Commissioner: Robert Landa Smith, Ph.D.
 Department: Health & Social Services

Date: 3/30/83

Distribution:

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COMMITTEE REPORT

5/3

HOUSE

JUDICIARY

(7)

FURTHER: FINANCE

3/11/83

Date:

5/2/83

Mr. Speaker: HEALTH, EDUCATION AND SOCIAL SERVICES

The Committee on _____ has had HB 262

"An Act relating to child safety devices for motor vehicles; providing for a child safety loan program; and providing for an effective date." device

under consideration and reports it back as follows:

- [] do pass [] do not pass
[] do pass with attached amendments(s)
[] replace with CS for HB. 262 (HESS) [X] same title [] new title
and recommends with original recommendation
[] AND attaches a "Letter of Intent" [] New Fiscal Note [2] Zero Fiscal Note Attached
[] reports it back without recommendation
[] referred to the _____ Committee

MEMBERS SIGNING DO PASS

Milo H. Fritz
Peter
M. W. Miller
Michael

MEMBERS HAVING OTHER RECOMMENDATIONS:

W. Keith Herrmann No Rec.
M. J. ... No Not Pass

CHAIRMAN

CO - MILO H. FRITZ



Judiciary Referral

WHY DOES ALASKA NEED TOUGH

CHILD PASSENGER SAFETY LEGISLATION?

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b. Children under age 6 are PHYSICALLY more susceptible to HEAD INJURY. Twenty-five percent of children's weight is in their head (compared to 9 percent for adult). When the vehicle slows suddenly, the child is thrown HEADFIRST into the dashboard like an arrow. The child's SKULL is more FRAGILE, and BRAIN DAMAGE occurs more easily.

2. WOULD INTENSE EDUCATION ACHIEVE GOOD RESULTS?

- a. No. Several other states have spent hundreds of thousands of dollars on TV, newspaper, pediatric office teaching, etc. with NO MEASURABLE DIFFERENCE IN USAGE or death rate, because young people (parents) naively believe accidents always happen only to other people.

3. WOULD A TOUGH LAW INCREASE USAGE and SAVE LIVES?

Table with 3 rows and 3 columns. Row 1: Massachusetts Usage: Pre-Law 14%, With Law 70%. Row 2: Tennessee: Pre-Law 12 deaths/year, With Law 1 death/year. Row 3: Washington: Death rate over 10 years and 39,600 accidents is 13 times greater for children riding loose than restrained.

Clinton B Lillibridge MD

American Academy of Pediatrics



In support of Senate Bill 163
and House Bill 262 JR

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3. WOULD A TOUGH LAW INCREASE USAGE and SAVE LIVES?

	<u>Pre-Law</u>	<u>With Law</u>
<u>Yes.</u> Massachusetts Usage:	14%	70%

	<u>Pre-Law</u>	<u>With Law</u>
<u>Yes.</u> Tennessee:	12 deaths/year	1 death/year

Yes. Washington: Death rate over 10 years and 39,600 accidents is 13 times greater for children riding loose than restrained.

Clinton B. Lillibridge MD

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: CSHB 262(HESS)
 Title: "...Child Safety Devices..."
 Sponsor: Clocksini, Szymanski, Koponen
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Admin/Justice
 BRU, Program of Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not identified by sponsor

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact is anticipated.

Prepared By: Michael Korhonen Phone: 269-5646
 Division: Alaska State Troopers Date: 5-9-83
 Approved by Commissioner: R.J. Sundberg Date: 5/13/83
 Department: Public Safety

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3/8/83

MSG 83-00015214 PRTY 1 05/05/83 14:36:00 ORIG: LA01 IN= 0019 OUT= 0133
FROM: SHIRLEE ANC LIO 2 TO: POMS JUNEAU INFO
TARGET: LJHL SUBJ: POM

OR

TO: REPRESENTATIVE BUSSELL

FROM: PHYLISS JONES, 5800 GLENN HIGHWAY, ANCHORAGE 9950
H 333-6233



I URGE YOU TO VOTE FOR HOUSE BILL, 262.



HB

270

POSITION PAPER

CS for SS for House Bill No. 270

"An Act relating to child pornography."

CS for SS for House Bill No. 270 raises the penalty for exploitation of a minor from a Class C felony to a Class B felony in AS 11.41.455. House Bill No. 270 also adds a new section, Sec. 11.61.125, to Alaska State Statutes which makes distribution of child pornography a Class C felony. The Department estimates that one additional medium security bed will be necessary to house offenders convicted of unlawful exploitation of a minor and/or distribution of child pornography.

Recommended by: *for Roger V. Endell*
Roger V. Endell, Director
Division of Adult Corrections

Date: 4-12-83

Approved by: *Robert London Smith*
Robert London Smith, Ph.D.
Commissioner

Date: 4/14/83

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No. CS for SS H.B. #270
Title: "An Act relating to child porno."
Sponsor: HESS Committee
Requestor: Judiciary Committee

II. FISCAL DETAIL

Agency Affected: Health & Social Services
Program Category Affected: Justice
BRU, Program of Subprogram(s) Affected: Adult Confinement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		2.4	5.1	5.4	5.7	6.1
400 COMMODITIES		2.5	5.3	5.6	6.0	6.3
500 EQUIPMENT						
600 LAND & STRUCTURES			-	-	-	-
700 GRANTS, CLAIMS, ETC		.2	.2	.3	.3	.4
TOTAL OPERATING		5.1	10.6	11.3	12.0	12.8
CAPITAL	-0-	146.0	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	151.1	10.6	11.3	12.0	12.8
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The source of funds to offset the fiscal impact of this bill has not been identified by the sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange *Roger C. Lange* Phone: 465-3376
Division: Adult Corrections Date: April 11, 1983
Approved by Commissioner: Robert Landon Smith, M.D. Date: 4/14/83
Department: Health & Social Services

Distribution:

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3/8/83

FISCAL NOTE

CS for SS for House Bill No. 270

Page 2

IV. ANALYSIS

A. Assumptions

Based on conversations with Department of Law staff, it is assumed that there will be one additional Class B felony conviction and four Class C felony convictions per year. It is assumed all will be first time offenders. Therefore it is estimated that 50% of the Class B and 20% of the Class C felony offenders will receive terms of confinement. This will result in approximately 1.5 person years per year of jail time will be served.

It is further assumed that the distributors of child pornography will remove these materials from their visible stock and convictions for distribution of child pornography will decrease from the original estimate of four per year.

Therefore, it is estimated that one additional medium security bed will be required if this proposed legislation is enacted.

B. Program Summary

1. Positions - An average of one position is required for every 2½ beds. Since only one bed is requested in the fiscal note, no positions are identified as being needed.
2. Other expenditures
 - a. Contractual Services
Medical care and counseling services \$2400
 - b. Commodities
Food and clothing \$2500
 - c. Grants
Inmate gratuities for kitchen, janitorial or other assigned tasks \$200.

C. Impact

There will be no significant economic or local government as a result of passage of this bill.



ADMINISTRATIVE OFFICES
325 WEST POTTER DRIVE, ANCHORAGE, ALASKA 99502

OR



Judiciary Committee
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

April 30, 1983

Further reference House Bill # 270.
This is addendum to Book Cache packet dated April 23, 1983.

Attached is a copy of page S 316 of The Congressional Record of January 26, 1983 containing S.57, A bill to amend title 18 of the United States Code relating to the sexual exploitation of children; to the Committee on the Judiciary in the United States Senate.

I have highlighted that portion of the Congressional Record that deals with the reference we have made in our letter of April 23 regarding Senator Spector's proposal for an affirmative defense.

We continue to be concerned about protection of children. We are also concerned about the protection of the First Amendment rights of all citizens. Since it appears that the amendment proposed to the U.S. Senate will be adopted, it would seem appropriate that similar language be included in either HB 270 or SB 221.

If further information can be of assistance please call.

Sincerely,

Russ Riemann
President

(2) thousands of children including large numbers of runaway and homeless youth are exploited in the production and distribution of pornographic materials; and

(3) the use of children as subjects of pornographic materials is harmful to the physiological, emotional, and mental health of the individual child and to society.

Sec. 3, Chapter 110 of title 18, United States Code, is amended to read as follows:

"CHAPTER 110—SEXUAL EXPLOITATION OF CHILDREN

"Sec. 2251. Definitions for chapter.

"Sec. 2252. Sexual exploitation of children.

"Sec. 2253. Certain activities relating to material involving the sexual exploitation of minors.

"Sec. 2254. Defense.

"§ 2251. Definitions for chapter

"For the purposes of this chapter, the term—

"(1) 'minor' means any person under the age of eighteen years;

"(2) 'sexually explicit conduct' means actual or simulated—

"(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

"(B) bestiality;

"(C) sadomasochistic abuse (for the purpose of sexual stimulation);

"(D) masturbation; or

"(E) lewd exhibition of the genitals or public area of any person;

"(3) 'simulated' means the explicit depiction of any conduct described in clause (2) of this section which creates the appearance of such conduct and which exhibits any uncovered portion of the genitals or buttocks;

"(4) 'producing' means producing, directing, manufacturing, issuing, publishing, or advertising; and

"(5) 'visual or print medium' means any film, photograph, negative, slide, book, magazine, or other visual or print medium.

"§ 2252. Sexual exploitation of children

"(a) Any person who knowingly employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, shall be punished as provided under subsection (c), if such person knows or has reason to know that such visual or print medium will be transported in interstate or foreign commerce or mailed, or if such visual or print medium has actually been transported in interstate or foreign commerce or mailed.

"(b) Any parent, legal guardian, or person having custody or control of a minor who knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct shall be punished as provided under subsection (c) of this section, if such parent, legal guardian, or person knows or has reason to know that such visual or print medium will be transported in interstate or foreign commerce or mailed or if such visual or print medium has actually been transported in interstate or foreign commerce or mailed.

"(c) Any person who violates this section shall be fined not more than \$75,000 or imprisoned not more than 10 years, or both, but, if such person has a prior conviction under this section, such person shall be fined not more than \$150,000 or imprisoned not less than 2 years nor more than 15 years, or both.

"§ 2253. Certain activities relating to material involving the sexual exploitation of minors

"(a) Any person who—

"(1) knowingly transports or ships in interstate or foreign commerce or mails any visual or print medium, if—

"(A) the production of such visual or print medium involves the use of a minor engaging in sexually explicit conduct; and

"(B) such visual or print medium depicts such conduct; or

"(2) knowingly receives any visual or print medium that has been transported or shipped in interstate or foreign commerce or mailed, if—

"(A) the production of such visual or print medium involves the use of a minor engaging in sexually explicit conduct; and

"(B) such visual or print medium depicts such conduct;

shall be punished as provided in subsection (b) of this section.

"(b) Any person who violates this section shall be fined not more than \$75,000 or imprisoned not more than 10 years, or both, but, if such person has a prior conviction under this section, such person shall be fined not more than \$150,000 or imprisoned not less than two years nor more than 15 years, or both.

"§ 2254. Defense

"In any prosecution brought under this chapter for the production or distribution of a visual or print medium depicting sexually explicit conduct as defined in section 2251 (1)(2)(D) or (E), it shall be an affirmative defense that the medium, when taken as a whole, possesses serious literary, artistic, scientific, social, or educational value."

Sec. 4, Section 1981 of title 18, United States Code, is amended in clause (1)(B) by inserting after "section 1955 (relating to the prohibition of illegal gambling businesses)," the following: "sections 2252 and 2253 (relating to the sexual exploitation of children)."

Sec. 5, Section 1984 of title 18, United States Code, is amended in subsection (c) by striking out "his business or" and inserting in lieu thereof "his person, business, or".

By Mr. SPECTER:

S. 58. A bill to authorize incarceration in Federal prisons of convicts sentenced to life imprisonment under the habitual criminal statute of a State; to the Committee on the Judiciary.

S. 58—INCARCERATION UNDER HABITUAL OFFENDER STATUTES

Mr. SPECTER. Mr. President, I now send to the desk two bills which are meant to supplement the Armed Career Criminal Act of 1983, which I just introduced.

The first of these bills, S. 58, grants the Attorney General authority to incarcerate in Federal facilities persons convicted and sentenced to life imprisonment in State courts under their habitual offender statutes.

Permitting these persons to be transferred to Federal prisons will encourage more prosecutions under State career-criminal statutes. These statutes normally allow judges to sentence habitual offenders for significant periods in order to keep them from engaging in further criminal activity. Often, local district attorneys have task forces specially created to target career criminals. Unfortunately however, long-term incarceration of these criminals is nearly impossible due to already crowded State prison conditions. Prisoners are sometimes set free early to

make room for the continuing stream of newly convicted persons.

By holding persons sentenced to life imprisonment under a State's career criminal statute, the Federal Government is reducing the burden of overcrowding caused by prisoners serving long sentences.

Recent statistics show that the State prison population continues to increase at an alarming rate. Since 1975 the total U.S. prison population grew by only 1.2 percent. In the first 9 months of 1982, the State prison population exploded with a 10.4-percent rate of increase over 1981 prison population figures. Over the same 9 month period, the Federal prison population increased only 4.5 percent, much of that attributed to unsentenced prisoners under the jurisdiction of the U.S. Immigration and Naturalization Service.

The States need help from the Federal Government to reduce overcrowded conditions. This bill provides this assistance by allowing special targeting efforts to be directed at career criminals.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 58

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Congress finds that—

(1) career criminals commit a large percentage of the violent and major felonies afflicting society, causing immeasurable physical injury to innocent persons and damage, destruction, or loss to their property estimated at billions of dollars annually, thereby terrorizing law-abiding citizens, disrupting the community, and undermining respect for law;

(2) the continuing criminal activity of career criminals adversely affects interstate commerce;

(3) despite prior convictions for serious offenses, many repeat offenders are placed on probation or sentenced to unduly short terms of imprisonment by State judges, to the detriment of public safety;

(4) many repeat offenders cannot reasonably be rehabilitated and, unless incarcerated for life, will commit further felonies;

(5) many States have "habitual criminal" statutes providing for life sentences for repeat offenders, upon subsequent felony convictions;

(6) many State prison systems are severely overcrowded, understaffed, and unable to confine convicts sentenced to life imprisonment under such statutes in a safe, secure, and humane manner;

(7) State judges may be deterred by the lack of sufficient prison space, staff, and funding from imposing life sentences for repeat offenders as provided by State law, and the legislatures in those States without habitual criminal statutes may be dissuaded by such considerations from enacting such statutes;

(8) the interests of justice and public safety would be served if State authorities felt free to impose life sentences for repeat major offenders unrestrained by such considerations;