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Folder Title:

Crime Bill - Recommendations on Crime Policy [2]

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File - ^{Hate} Crimes

Hate Crimes

July 1994

HR 1152 - a free standing bill that passed the House on 9/21/93.
Contains a three-level sentencing enhancement!

Crime Bill (HR 3355) contains similar provisions.

Senate section is 2409; House is Title XVII.

Senate section 5123 also amends Hate Crimes Stat. Act to add disability. *No objection*

The 70 page letter on the crime bill that the AG is expected to send up today expresses support for these provisions but says "we are concerned about the requirement that the sentencing enhancement factor be found by a jury beyond a reasonable doubt."u

HR 3355
both bill
House + Senate

no final yet



3 level enhancement
Support but concerns re:
~~re: re: re:~~

53458


55123

AG → No objection

Worley
53397

103D CONGRESS
1ST SESSION

H.R. 1152

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22 (legislative day, SEPTEMBER 7), 1993

Received, read twice and referred to the Committee on the Judiciary

AN ACT

To direct the United States Sentencing Commission to make sentencing guidelines for Federal criminal cases that provide sentencing enhancements for hate crimes.

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 “Hate Crimes Sentenc-

5 ing Enhancement Act of 1993”.

1 **SEC. 2. DIRECTION TO COMMISSION.**

2 (a) IN GENERAL.—Pursuant to section 994 of title
3 28, United States Code, the United States Sentencing
4 Commission shall promulgate guidelines or amend existing
5 guidelines to provide sentencing enhancements of not less
6 than 3 offense levels for offenses that the finder of fact
7 at trial determines beyond a reasonable doubt are hate
8 crimes. In carrying out this section, the United States
9 Sentencing Commission shall assure reasonable consist-
10 ency with other guidelines, avoid duplicative punishments
11 for substantially the same offense, and take into account
12 any mitigating circumstances which might justify excep-
13 tions.

14 (b) DEFINITION.—As used in this Act, the term
15 “hate crime” is a crime in which the defendant inten-
16 tionally selects a victim, or in the case of a property crime,
17 the property which is the object of the crime, because of
18 the actual or perceived race, color, religion, national ori-
19 gin, ethnicity, gender, or sexual orientation of any person.

Passed the House of Representatives September 21,
1993.

Attest: DONNALD K. ANDERSON,
Clerk.

found in your search? n

LEGI-SLATE Report for the 103rd Congress

Thu, June 16, 1994 1:07pm (EDT)

BILL TEXT Report for H.R.3355

As passed by the Senate (Engrossed Amendments), November 19, 1993
Showing Only the Paragraphs Found...

With reference to 'DISABILITY'
AND With reference to 'HATE'

H.R.3355 As passed by the Senate (Engrossed Amendments), November 19, 1993

Item 344: (17) SEC. 2409. DIRECTION TO UNITED STATES SENTENCING COMMISSION
REGARDING SENTENCING ENHANCEMENTS FOR HATE CRIMES.

(a) Definition.--In this section, "hate crime" means a crime in which th
defendant intentionally selects a victim, or in the case of a property crime
the property that is the object of the crime, because of the actual or
perceived race, color, religion, national origin, ethnicity, gender,
disability, or sexual orientation of any person.

Item 643: (4) SEC. 5123. HATE CRIMES STATISTICS ACT.

Section 1(b)(1) of the Hate Crime Statistics Act (Public Law 101-275, 10
Stat. 140) is amended by adding "disability," after "religion,".

Please type desired COMMAND (or MENU):

:

LEGI-SLATE Report for the 103rd Congress

Wed, June 15, 1994 3:21pm (EDT)

BILL TEXT Report for H.R.3355

House Amendment to Senate (Engrossed) Amendments, April 21, 1994

Showing the Full Text of Each Item

Limited to Item(s): 247 248

H.R.3355 House Amendment to Senate (Engrossed) Amendments, April 21, 1994

Item 247: (18) TITLE XVII--HATE CRIMES SENTENCING ENHANCEMENT

TITLE XVII--HATE CRIMES SENTENCING ENHANCEMENT

Item 248: (16) SEC. 1701. DIRECTION TO COMMISSION.

SEC. 1701. DIRECTION TO COMMISSION.

(a) In General.--Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the United States Sentencing Commission shall assure reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances which might justify exceptions.

(b) Definition.--As used in this section, the term "hate crime" is a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property which is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person.

Please type desired COMMAND (or MENU)

Choose ONE number: 3

Outline for H.R.3355

Item	Lines	Title/Heading
1:	(10)	Preamble
2:	(6)	SECTION 1. SHORT TITLE.
3:	(66)	SEC. 2. TABLE OF TITLES.
4:	(2)	TITLE I--VICTIMS OF CRIME
5:	(34)	Subtitle A--Victims of Crime
6:	(32)	SEC. 101. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.
7:	(90)	Subtitle B--Crime Victims' Fund
8:	(33)	SEC. 111. ALLOCATION OF FUNDS FOR COSTS AND GRANTS.
9:	(13)	SEC. 112. RELATIONSHIP OF CRIME VICTIM COMPENSATION TO CERTAIN FEDERAL PROGRAMS.
10:	(12)	SEC. 113. ADMINISTRATIVE COSTS FOR CRIME VICTIM COMPENSATION.
11:	(5)	SEC. 114. GRANTS FOR DEMONSTRATION PROJECTS.
12:	(11)	SEC. 115. ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.
13:	(9)	SEC. 116. MAINTENANCE OF EFFORT.
14:	(5)	SEC. 117. CHANGE OF DUE DATE FOR REQUIRED REPORT.
15:	(20)	Subtitle C--Report on Battered Women's Syndrome
16:	(18)	SEC. 121. REPORT ON BATTERED WOMEN'S SYNDROME.
17:	(65)	TITLE II--APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES
18:	(47)	SEC. 201. LIMITATION ON APPLICABILITY OF MANDATORY MINIMUM PENALTIES IN CERTAIN CASES.
19:	(8)	SEC. 202. DIRECTION TO SENTENCING COMMISSION.
20:	(7)	SEC. 203. SPECIAL RULE.
21:	(44)	TITLE III--ASSAULTS AGAINST CHILDREN
22:	(42)	SEC. 301. ASSAULTS AGAINST CHILDREN.
23:	(179)	TITLE IV--CONSUMER PROTECTION
24:	(143)	SEC. 401. CRIMES BY OR AFFECTING PERSONS ENGAGED IN THE BUSINESS OF INSURANCE WHOSE ACTIVITIES AFFECT INTERSTATE COMMERCE.
25:	(34)	SEC. 402. MISCELLANEOUS AMENDMENTS TO TITLE 18, UNITED STATES CODE.
26:	(137)	TITLE V--MANDATORY LIFE IMPRISONMENT FOR PERSONS CONVICTED OF CERTAIN FELONIES
27:	(114)	SEC. 501. MANDATORY LIFE IMPRISONMENT FOR PERSONS CONVICTED OF CERTAIN FELONIES.
28:	(20)	SEC. 502. LIMITED GRANT OF AUTHORITY TO BUREAU OF PRISONS.
29:	(78)	TITLE VI--VIOLENT OFFENDER INCARCERATION
30:	(51)	SEC. 601. GRANTS FOR CORRECTIONAL FACILITIES.
31:	(5)	SEC. 602. RULES AND REGULATIONS.
32:	(6)	SEC. 603. TECHNICAL ASSISTANCE AND TRAINING.

33: (5) SEC. 604. EVALUATION.
 34: (5) SEC. 605. DEFINITION.
 35: (4) SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

36: (1,144) TITLE VII--DEATH PENALTY
 37: (474) SEC. 701. CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE
 SENTENCE OF DEATH.
 38: (62) SEC. 702. CONFORMING CHANGES TO SPECIFIC OFFENSES FOR WHICH
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 39: (126) SEC. 703. AUTHORIZATION OF DEATH PENALTY FOR EXISTING OFFENSES.
 40: (24) SEC. 704. DEATH PENALTY FOR MURDER BY A FEDERAL PRISONER.
 41: (18) SEC. 705. MURDER BY ESCAPED PRISONERS.
 42: (12) SEC. 706. DRIVE-BY SHOOTINGS.
 43: (12) SEC. 707. DEATH PENALTY FOR GUN MURDERS DURING FEDERAL CRIMES O
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 44: (43) SEC. 708. DEATH PENALTY FOR THE MURDER OF STATE OR LOCAL
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 45: (23) SEC. 709. PROHIBITION OF RETALIATORY KILLINGS OF WITNESSES,
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 46: (32) SEC. 710. WEAPONS OF MASS DESTRUCTION.
 47: (46) SEC. 711. VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL
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 48: (191) SEC. 712. OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR
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 49: (62) SEC. 713. TORTURE.
 50: (5) SEC. 714. APPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.
 51: (7) SEC. 715. PROTECTION OF JURORS AND WITNESSES IN CAPITAL CASES.
 52: (5) SEC. 716. KIDNAPPING.

53: (112) TITLE VIII--TRUTH IN SENTENCING
 54: (6) SEC. 801. GRANTS.
 55: (63) SEC. 802. FEDERAL FUNDS.
 56: (19) SEC. 803. DEFINITIONS.
 57: (22) SEC. 804. AUTHORIZATION OF APPROPRIATIONS.

58: (83) TITLE IX--RACIALLY DISCRIMINATORY CAPITAL SENTENCING
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 60: (7) SEC. 902. ACTIONS BEFORE ENACTMENT.

61: (2) TITLE X--CRIME PREVENTION AND COMMUNITY JUSTICE

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 64: (9) SEC. 1002. USES OF FUNDS.
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 67: (7) SEC. 1005. REPORTS.
 68: (17) SEC. 1006. DEFINITIONS.
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70: (361) Subtitle B--Ounce of Prevention Grant Programs
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74: (2) PART II--FAMILY AND COMMUNITY ENDEAVOR SCHOOLS GRANT PROGRAM
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 78: (84) SEC. 1018. APPLICATIONS.
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 80: (18) SEC. 1020. PEER REVIEW PANEL.
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 88: (111) Subtitle C--Police Partnerships for Children
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 107: (239) Subtitle H--National Triad Program
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 115: (981) Subtitle I--Local Partnership Act
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 117: (7) SEC. 1076. CLERICAL AMENDMENT.

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 137: (6) SEC. 1098A. EXTENSION OF BYRNE GRANT FUNDING.
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 141: (12) SEC. 1099B. PROGRAM AUTHORITY.
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 143: (6) SEC. 1099D. ELIGIBLE PROVIDERS.
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186: (85) TITLE XII--CHILD SEXUAL ABUSE PREVENTION ACT OF 1994
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201: (5) TITLE XVI--VIOLENCE AGAINST WOMEN
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203: (551) Subtitle A--Safe Streets for Women
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 205: (198) SEC. 1602. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.
 206: (21) SEC. 1603. RAPE EXAM PAYMENTS.
 207: (9) SEC. 1604. FILING COSTS FOR CRIMINAL CHARGES.
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 209: (108) SEC. 1606. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL

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210: (17) SEC. 1607. NATIONAL INSTITUTE OF JUSTICE TRAINING PROGRAMS.
211: (9) SEC. 1608. INFORMATION PROGRAMS.
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214: (367) Subtitle B--Safe Homes for Women
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216: (236) SEC. 1622. INTERSTATE ENFORCEMENT.
217: (126) SEC. 1623. ENCOURAGING ARREST POLICIES.

218: (145) Subtitle C--Domestic Violence
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230: (14) SEC. 1646. TASK FORCE OPERATIONS.
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- 254: (70) TITLE XX--SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS
255: (68) SEC. 2001. SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS.
- 256: (225) TITLE XXI--ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS
257: (211) SEC. 2101. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.
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259: (5) SEC. 2103. SENSE OF THE CONGRESS.
- 260: (96) TITLE XXII--JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANT
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- 266: (2) TITLE XXIV--IMMIGRATION RELATED PROVISIONS AND CRIMINAL ALIENS.
- 267: (82) Subtitle A--Criminal Aliens
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- 271: (38) Subtitle B--Immigration Provisions
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273: (10) SEC. 2412. IMPROVING BORDER CONTROLS.
274: (10) SEC. 2413. EXPANDED SPECIAL DEPORTATION PROCEEDINGS.
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- 276: (11) Subtitle C--Border Patrol Agents
277: (9) SEC. 2421. BORDER PATROL AGENTS.
- 278: (34) Subtitle D--Passport and Visa Offenses Penalties Improvements
279: (32) SEC. 2431. PASSPORT AND VISA OFFENSES PENALTIES IMPROVEMENT.
- 280: (2) TITLE XXV--RURAL CRIME.
- 281: (62) Subtitle A--Drug Trafficking in Rural Areas
282: (10) SEC. 2501. AUTHORIZATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.
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284: (13) SEC. 2503. CROSS-DESIGNATION OF FEDERAL OFFICERS.
285: (9) SEC. 2504. RURAL DRUG ENFORCEMENT TRAINING.
286: (5) SEC. 2505. MORE AGENTS FOR THE DRUG ENFORCEMENT ADMINISTRATION.

287: (54) Subtitle B--Drug Free Truck Stops and Safety Rest Areas
 288: (52) SEC. 2511. DRUG FREE TRUCK STOPS AND SAFETY REST AREAS.

289: (25) Subtitle C--Rural Domestic Violence and Child Abuse Enforcement
 290: (23) SEC. 2521. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

291: (14) Subtitle D--Sense of Congress Regarding Funding for Rural Areas
 292: (12) SEC. 2531. FUNDING FOR RURAL AREAS.

293: (200) TITLE XXVI--COMMISSION ON CRIME AND VIOLENCE.
 294: (22) SEC. 2601. FINDINGS.
 295: (52) SEC. 2602. ESTABLISHMENT OF COMMISSION ON CRIME AND VIOLENCE.
 296: (46) SEC. 2603. DUTIES.
 297: (26) SEC. 2604. STAFF AND SUPPORT SERVICES.
 298: (23) SEC. 2605. POWERS.
 299: (24) SEC. 2606. REPORTS.
 300: (5) SEC. 2607. TERMINATION.

301: (44) TITLE XXVII--POLICE CORPS AND LAW ENFORCEMENT SCHOLARSHIP ACT
 302: (8) SEC. 2701. PURPOSES.
 303: (34) SEC. 2702. DEFINITIONS.

304: (389) Subtitle A--Police Corps
 305: (13) SEC. 2711. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS AND LAW ENFORCEMENT EDUCATION.
 306: (19) SEC. 2712. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.
 307: (100) SEC. 2713. SCHOLARSHIP ASSISTANCE.
 308: (91) SEC. 2714. SELECTION OF PARTICIPANTS.
 309: (49) SEC. 2715. POLICE CORPS TRAINING.
 310: (27) SEC. 2716. SERVICE OBLIGATION.
 311: (49) SEC. 2717. STATE PLAN REQUIREMENTS.
 312: (17) SEC. 2718. ASSISTANCE TO STATES AND LOCALITIES EMPLOYING POLICE CORPS OFFICERS.
 313: (7) SEC. 2719. AUTHORIZATION OF APPROPRIATIONS.
 314: (15) SEC. 2720. REPORTS TO CONGRESS.

315: (198) Subtitle B--Law Enforcement Scholarship Program
 316: (10) SEC. 2731. ALLOTMENT.
 317: (46) SEC. 2732. ESTABLISHMENT OF PROGRAM.
 318: (7) SEC. 2733. SCHOLARSHIPS.
 319: (9) SEC. 2734. ELIGIBILITY.
 320: (38) SEC. 2735. STATE APPLICATION.
 321: (19) SEC. 2736. LOCAL APPLICATION.
 322: (32) SEC. 2737. SCHOLARSHIP AGREEMENT.
 323: (24) SEC. 2738. DEFINITIONS.
 324: (11) SEC. 2902. PROHIBITION ON RELEASE AND USE OF CE
 325: (152) TITLE XXVIII--NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION
 326: (28) SEC. 2801. AUTHORIZING ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.
 327: (8) SEC. 2802. NONSERIOUS OFFENSE BAR.
 328: (37) SEC. 2803. PERFORMANCE GRANT PROGRAM.
 329: (11) SEC. 2804. APPLICATION REQUIREMENTS.

330: (11) SEC. 2805. DISBURSEMENT.
 331: (8) SEC. 2806. FEDERAL NONMONETARY ASSISTANCE.
 332: (5) SEC. 2807. AUTHORIZATION.
 333: (8) SEC. 2808. TRAINING PROGRAMS FOR JUDGES.
 334: (8) SEC. 2809. RECOMMENDATIONS ON INTRASTATE COMMUNICATION.
 335: (7) SEC. 2810. INCLUSION IN NATIONAL INCIDENT-BASED REPORTING
 SYSTEM.
 336: (7) SEC. 2811. REPORT TO CONGRESS.
 337: (12) SEC. 2812. DEFINITIONS.

 338: (163) TITLE XXIX--PROTECTING THE PRIVACY OF INFORMATION IN STATE MOTO
 VEHICLE RECORDS
 339: (3) SEC. 2901. SHORT TITLE.
 340: (152) SEC. 2902. PROHIBITION ON RELEASE AND USE OF CERTAIN PERSONAL
 INFORMATION FROM STATE MOTOR VEHICLE RECORDS.
 341: (5) SEC. 2903. EFFECTIVE DATE.

 342: (2) TITLE XXX--MISCELLANEOUS

 343: (19) Subtitle A--Display of Flags at Half Staff
 344: (17) SEC. 3001. DISPLAY OF FLAGS AT HALF STAFF.

 345: (37) Subtitle B--Sense of Congress With Respect to Violence Against
 Truckers
 346: (34) SEC. 3005. SENSE OF CONGRESS WITH RESPECT TO VIOLENCE AGAINST
 TRUCKERS.

 347: (8) Subtitle C--Financial Institu: (31) Subtitle H--Traveler Pro
 ction
 363: (29) S FRAUD.

 349: (12) Subtitle D--Authorization of Appropriations
 350: (10) SEC. 3016. AUTHORIZATION OF APPROPRIATIONS.

 351: (43) Subtitle E--Conversion of Closed Military Installations
 352: (41) SEC. 3021. CONVERSION OF THREE CLOSED MILITARY INSTALLATIONS
 INTO FEDERAL PRISON FACILITIES.

 353: (57) SUBTITLE F--COMMISSION MEMBERSHIP AND APPOINTMENT
 354: (52) SEC. 3026. COMMISSION MEMBERSHIP AND APPOINTMENT.
 355: (3) SEC. 3027. CONFORMING AMENDMENT.

 356: (32) Subtitle G--Explosives Crime Penalties
 357: (8) SEC. 3031. ENHANCED PENALTY FOR SECOND OFFENSE OF USING AN
 EXPLOSIVE TO COMMIT A FELONY.
 358: (7) SEC. 3032. THEFT OF EXPLOSIVES.
 359: (4) SEC. 3033. POSSESSION OF EXPLOSIVES BY FELONS AND OTHERS.
 360: (7) SEC. 3034. THEFT OF EXPLOSIVES FROM LICENSEE.
 361: (4) SEC. 3035. DISPOSING OF EXPLOSIVES TO PROHIBITED PERSONS.

 362: (t
 376: (17) SEC. 306Protection
 363: (29) SEC. 3041. AUTHORITY TO INVESTIGATE VIOLENT CRIMES AGAINST
 TRAVELERS .

364: (18) Subtitle I--Study and Report by Attorney General
 365: (16) SEC. 3046. STUDY AND REPORT BY ATTORNEY GENERAL.

 366: (8) Subtitle J--Edward Byrne Memorial Formula Grant Program
 367: (6) SEC. 3048. EDWARD BYRNE MEMORIAL FORMULA GRANT PROGRAM.

 368: (15) Subtitle K--Penalties for Trafficking in Counterfeit GoodAPPROP
 ATE REMEDIES FOR PRISON OVERCROW (12) SEC. 3051. PENALTIES FOR TRAFFICKING
 COUNTERFEIT GOODS AND
 SERVICES.

 370: (18) Subtitle L--Military Medals and Decorations
 371: (16) SEC. 3056. MILITARY MEDALS AND DECORATIONS.

 372: (64) Subtitle M--Age Discrimination in Employment
 373: (17) SEC. 3061. REENACTMENT OF SUBSECTION WITH AN AMENDMENT.
 374: (45) SEC. 3062. STUDY AND GUIDELINES FOR PERFORMANCE TESTS.

 375: (19) Subtitle N--Prison Security Enhancement
 ne Penalty Study
 393: (8) SEC. 3092. COCAINE PENALTY Subtitle O--Civil Rights of Institut
 nalized Persons Act
 378: (13) SEC. 3070. EXHAUSTION REQUIREMENT.
 379: (10) SEC. 3071. FRIVOLOUS ACTIONS.
 380: (5) SEC. 3072. MODIFICATION OF REQUIRED MINIMUM STANDARDS.
 381: (8) SEC. 3073. REVIEW AND CERTIFICATION PROCEDURE CHANGES.
 382: (20) SEC. 3074. PROCEEDINGS IN FORMA PAUPERIS.

 383: (48) Subtitle P--Prison Overcrowding
 384: (46) SEC. 3080. APPROPRIATE REMEDIES FOR PRISON OVERCROWDING.

 385: (68) Subtitle Q--Sense of Congress With Respect to Child Pornography
 386: (66) SEC. 3083. CHILD PORNOGRAPHY.

 387: (41) Subtitle R--Labels on Products
 388: (39) SEC. 3086. PLACEMENT OF MADE IN AMERICA LABELS ON PRODUCTS.

 389: (12) Subtitle S--Awards of Pell Grants to Prisoners Prohibited
 390: (6) SEC. 3089. AWARDS OF PELL GRANTS TO PRISONERS PROHIBITED.
 391: (4) SEC. 3090. EFFECTIVE DATE.

 392: (10) Subtitle T--Cocaine Penalty Study
 393: (8) SEC. 3092. COCAINE PENALTY STUDY.

 394: (24) Subtitle U--Inmate Rehabilitation
 395: (22) SEC. 3095. EDUCATION REQUIREMENT FOR EARLY RELEASE.

Which outline item do you desire?

Choose ONE or MORE numbers separated by spaces,
 or type 'ALL':

Crime Bill's Price Tag Rises to \$30 Billion

Biden Calls Use of Racial Data in Capital Cases a Sticking Point as Hill Negotiations Begin

By Kenneth J. Cooper
and Helen Dewar
Washington Post Staff Writers

Even before House and Senate negotiators sit down together for the first time today to hash out details of the most expensive crime bill in history, the record price tag has gone up.

Faced with a choice between the Senate's \$22 billion and the House's \$28 billion over five years, the lead Democratic negotiators tentatively have agreed to \$30 billion over six years. The Clinton administration appears likely to go along.

The anti-crime legislation, politically appealing in an election year when violence stands as a top public concern, would tap savings from scheduled cuts in the federal work force to hire 100,000 local police, create programs designed to prevent crime and help states build more prisons to house violent criminals. Both the House and Senate versions would vastly expand the federal death penalty.

To try to assure that \$30 billion will be available to spend, Senate Judiciary Chairman Joseph R. Biden Jr. (Del.) and House Judiciary Chairman Jack Brooks (Tex.), lead negotiators for the majority Democrats, have agreed to the Senate proposal to create a trust fund to deposit six years of savings from the personnel cuts.

"I'm confident that we're going to have a bill around \$30 billion that's really funded," Biden said.

A \$30.2 billion spending plan being circulated in the House would allocate \$12.8 billion for police, \$8.4 billion for prisons, \$7.6 billion for

prevention programs and \$1.4 billion for specialized "drug courts."

Despite the Democratic agreement on funding issues, Biden said that several "serious sticking points" remain and identified as "the single-most contentious issue" a House proposal to allow capital defendants to use racial statistics to challenge a death sentence as racially discriminatory in a particular jurisdiction.

Congressional Black Caucus members and white liberals who support the proposal argue that the statistical defense is needed to combat bias that lingers in some areas of the South and West and to assure fairness to minority defendants who could become subject to the death penalty in federal courts under the crime bill's provisions.

The Senate in May took a non-binding vote, 58 to 41, to instruct its negotiators to reject the House's "racial justice" proposal, while House and Senate Republicans have vehemently objected to its inclusion in the final crime bill.

Senate Appropriations Chairman Robert C. Byrd (D-W.Va.), architect of the trust fund for the anti-crime bill, has added his voice to the critics. His opposition could create political cover for other Senate Democrats who fear that the House proposal would block imposition of the death penalty.

"Please know that as a supporter of capital punishment for certain heinous crimes, I would be unable to support a crime-control conference report containing language that would prove so cumbersome to states and the federal government that it would greatly limit, if not abolish, seeking the death penalty in

capital cases," Byrd said in a May 17 letter to Biden.

Meanwhile, Attorney General Janet Reno and Rep. William J. Hughes (D-N.J.) have embarked on a search for a compromise on the racially divisive issue. The administration, which supports the death penalty, has vacillated from being opposed to the "racial justice" provision, to being neutral to now favoring an unspecified compromise.

"We are committed to work... on provisions that would prevent discrimination, while allowing effective use of capital punishment in appropriate cases," Reno said in a letter sent Monday to Biden and Brooks.

When Democratic negotiators from the House and Senate met with Reno last Thursday, Hughes suggested a compromise that would substitute the "practice and pattern" approach used in housing and employment discrimination cases for the straight statistical analysis authorized in the House bill. Such "practice and pattern" cases back up statistics with evidence of how specific practices have caused discrimination.

"Prosecutors are not going to own up to [bias], so you have to do it by circumstantial evidence," Hughes said.

Rep. John Conyers Jr. (D-Mich.), sponsor of the House proposal and Black Caucus dean, said he could live with Hughes's approach.

"The practice and pattern is what the statistics show," Conyers said. "If that's what Bill is trying to do... have a semantical way to have the same objective—no problem."

But Republican critics they

would still have a problem with the Hughes alternative.

"I don't think there's any ground for compromise," said Sen. Orrin G. Hatch (R-Utah). "It would still put quotas on the death penalty."

Rep. Henry J. Hyde (R-Ill.) said he was "not impressed with 'pattern or practice' as an improvement over the statistical approach... You should be able to prove [discrimination] within the four corners of these cases and not draw conclusions from other cases."

Besides the "racial justice" provisions, Biden said that increased funding for prisons and a proposed ban on some military-style assault weapons could hang up the House-Senate conference. He predicted that some House Democrats and Senate Republicans would press for more than \$8 billion for prison-building and that Brooks, an opponent of gun control, would try "a gambit on guns."

Brooks and Biden worked together on an issue that has heated up in California, Florida and other states where illegal immigrants have placed a burden on state and local services. Their joint proposal covering most of the crime bill authorizes federal compensation for the incarceration of illegal immigrants, to the tune of \$1.9 billion in a draft spending plan.

Administration officials and House leaders initially hoped for final action on the crime bill before Memorial Day, a missed deadline that some have pushed back to the Fourth of July.

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tection Act through fiscal 1995 and would provide that fees may be collected for a fisherman's protection fund even if they are not needed to replenish that fund.

SOCIAL POLICY

• EDUCATION AID

The Senate Labor and Human Resources Committee on Wednesday will mark up legislation (S 1513) that would reauthorize federal school aid programs under the Elementary and Secondary Education Act.

Under the law, enacted in 1965 as one of President Johnson's Great Society programs, federal money is made available to almost every school district. S 1513 would renew the law, with unspecified funding levels, until 2004.

The measure also would direct a greater share of federal money to school districts with large numbers of poor children.

• STRIKER REPLACEMENT

The Senate this week may take up legislation (S 55) to prohibit companies from permanently replacing striking workers.

The measure has been stalled in the Senate due to a threatened filibuster by Republicans and a number of conservative Democrats. A vote on ending debate and proceeding to the bill may be very close. Bill supporters say they have just under the 60 votes needed to invoke cloture.

On June 15, the House passed companion legislation (HR 5)

• CRIME BILL CONFERENCE

House and Senate conferees later this week are expected to meet for the first time to begin settling differences in omnibus anti-crime legislation.

The bill (HR 3355) would authorize funds to build new prisons, hire more police officers, prevent crime and crack down on repeat violent offenders and drug traffickers.

Unlike the House version, the Senate bill would link availability of new prison funds to lengthier incarceration of convicted criminals and require minimum mandatory sentences for drug-related offenses and crimes in which a firearm is used.

• HOUSING LAWS

The House Banking Committee on Wednesday and Thursday plans to mark up a bill (HR 3838) that would reauthorize the nation's housing laws.

The two-year bill would authorize \$31.3 billion in fiscal 1995 for housing programs administered by the Department of Housing and Urban Development and the Farmers Home Administration.

Among other things, the bill would provide local housing authorities more flexibility in using federal funds. The measure also includes language to allow tenants to ban guns in their developments. ■

Health Care Update

CBO Releases Numbers for Gibbons Plan

The House Ways and Means Committee's health care overhaul plan would create a \$23 billion five-year budget shortfall, according to a Congressional Budget Office report released on Friday.

The bill, proposed by acting Chairman Sam M. Gibbons, D-Fla., would create a new Medicare program to provide health benefits to the unemployed and employees of small firms.

The CBO report estimated that start-up expenses and the costs of running the program would add billions of dollars to the federal budget deficit in 1998 and 1999. That would more than offset the \$600 million savings in government health care costs that the proposed reform might generate over the five-year period.

The budget deficit would be reduced initially as some employer-paid health insurance premiums build up the new Medicare fund, but the plan would add to the deficit each year from 1998 through 2003.

Also on Friday, the House Education and Labor Committee ostensibly began its markup of health care legislation but dedicated the day to opening statements from members.

Other Health Action Last Week

The Senate Labor and Human Resources Committee approved, 11-6, a health care plan that includes many aspects of President Clinton's proposal (S 1757, HR 3600) but also seeks to ease the financial burden on small companies.

Crafted by Chairman Edward M. Kennedy, D-Mass., the draft measure is the first to be approved by a full committee in either chamber. Kennedy's plan also is the first to see action in the Senate.

Under Kennedy's plan, all Americans would have access to health insurance by Jan. 1, 1998, the target date set by Clinton, but it would give people more choices on where to obtain insurance than Clinton's plan.

The Labor panel began work on the bill May 18. Last week, members turned back GOP attempts to remove the mandate that employers pay 80 percent of their worker's insurance premiums and to eliminate the guaranteed benefits package.

The panel did adopt an amendment designed to ease the burden on small businesses by exempting those with 10 or fewer workers from the employer mandate.

The House Education Subcommittee on Labor-Management Relations finished its markup, which began April 21, a day before the initial full committee action.

The subcommittee completed its markup on Thursday by approving a single-payer bill (HR 3960) after minimal debate, the only panel so far to approve a proposal that would put the government in charge of collecting premiums and distributing health care benefits.

Two More Plans in the Hopper

Senate Finance Committee Chairman Daniel Patrick Moynihan, D-N.Y., and Ways and Means' Gibbons became the latest influential lawmakers to unveil health care proposals.

While less regulatory than Clinton's plan, Moynihan's draft measure would rely heavily on taxes for financing. It would add a 1 percent payroll tax for firms with more than 500 workers and boost the per-pack cigarette tax by \$1.

The plan would require employers with more than 20 workers to pay 80 percent of the cost of providing insurance for them. Employers of fewer than 20 workers could choose to pay part of their employees' insurance or a payroll tax based on the size of the firm.

Finance panel members will meet privately this week to discuss the proposal.

Gibbons, who took the helm at Ways and Means after Dan Rostenkowski, D-Ill., was indicted, unveiled a proposal that builds on a measure reported by the Health Subcommittee. It includes a controversial financing mechanism that would require companies to pay insurance premiums even for employees covered under their spouses' health plans.

The committee last week began a "walk-through" of the plan.

This Week's Health Care Agenda

Ways and Means is expected to take its first votes this week, perhaps as early as Tuesday. Gibbons said the panel will consider substantive amendments at the outset.

The House Education panel will meet four days this week to consider a version of Clinton's health plan (HR 3600). First, members will turn to a substitute amendment drafted by Republicans that would not overhaul the health care system but rather would make smaller changes to medical malpractice and insurance practices.

Q U I C K B I L L

H.R. 3355 by Rep. Jack Brooks (D-TX)

Violent Crime Control and Law Enforcement Act of 1994 (Crime Bill)

Major Actions on Bill:

10/26/93 -- In The HOUSE

Introduced by BROOKS (D-TX)

Referred to House Committee on the Judiciary

Parts of a different measure incorporated into this measure (H.R. 3131)

10/28/93 -- In The HOUSE

Public mark-up held by House Committee on the Judiciary

Ordered reported, as amended, by House Committee on the Judiciary (Vote No. 7505: 34-1)

11/03/93 -- In The HOUSE

Report filed by House Committee on the Judiciary (H.Rept. 103-324)

Considered (debated) in the House (CR Page H-8715)

Motion by BROOKS (D-TX) to suspend the rules and pass the measure as amended

Passed (agreed to), as amended (by Voice Vote)

Full text of measure printed in "Congressional Record" (CR Page H-8715)

11/04/93 -- In The SENATE

Received in the Senate, after passage in the House

11/19/93 -- In The SENATE

Considered (debated) in the Senate under the unanimous consent agreement of

Thursday, November 18, 1993 (CR Page S-16301)

Another measure incorporated into this measure (S. 1607, as amended)

Passed (agreed to), as amended (Vote No. 1384: 95-4)

11/24/93 -- In The SENATE

Full text of measure printed in "Congressional Record" (CR Page S-17095)

03/18/94 -- In The HOUSE

This measure incorporated into a different measure (H.R. 4092)

03/23/94 -- In The HOUSE

Returned to the House from the Senate, with Senate amendment(s)

04/21/94 -- In The HOUSE

Considered (debated) in the House (CR Page H-2609)

Another measure incorporated into this measure (H.R. 4092, as passed by the House)

Sent to conference and conferees appointed (by Voice Vote) (CR Page H-2609, H-2613)

05/19/94 -- In The SENATE
Conference report submitted and considered (CR Page S-6018)

Report is Completed

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Press ENTER to continue:

Q U I C K B I L L

H.R. 3355 by Rep. Jack Brooks (D-TX)

Violent Crime Control and Law Enforcement Act of 1994 (Crime Bill)

Bill Text Versions Available:

11/03/93 -- In The HOUSE

Full text of measure printed in "Congressional Record" (CR Page H-8715)

11/24/93 -- In The SENATE

Full text of measure printed in "Congressional Record" (CR Page S-17095)

Bill Text Versions Available in LEGI-SLATE

As introduced in the House, October 26, 1993

As reported by House committee, November 3, 1993, House Report No.
103-324

As passed by the House (Engrossed)

As placed on the Senate Legislative Calendar, November 4, 1993

As passed by the Senate (Engrossed Amendments), November 19, 1993

House Amendment to Senate (Engrossed) Amendments, April 21, 1994

Report is Completed

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LEGI-SLATE Report for the 103rd Congress

Thu, June 16, 1994 1:04pm (EDT)

BILL TEXT Report for H.R.3355

House Amendment to Senate (Engrossed) Amendments, April 21, 1994
Showing Only the Paragraphs Found...
With reference to 'HATE CRIMES'

H.R.3355 House Amendment to Senate (Engrossed) Amendments, April 21, 1994

Item 3: (66) SEC. 2. TABLE OF TITLES.

[...Intervening text...]

TITLE XVII--HATE CRIMES SENTENCING ENHANCEMENT

Item 181: (6) SEC. 1099KK. DEFINITIONS.

The term "young violent offender" means individuals, ages 7-22, who have committed crimes of violence, weapons offenses, drug distribution, hate crimes and civil rights violations, and offenses against personal property of another.

Item 247: (18) TITLE XVII--HATE CRIMES SENTENCING ENHANCEMENT

TITLE XVII--HATE CRIMES SENTENCING ENHANCEMENT

Item 248: (16) SEC. 1701. DIRECTION TO COMMISSION.

(a) In General.--Pursuant to section 994 of title 28, United States Code the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the United States Sentencing Commission shall assure reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances which might

justify exceptions.

Please type desired COMMAND (or MENU):

found in your search? n

LEGI-SLATE Report for the 103rd Congress

Thu, June 16, 1994 1:10pm (EDT)

BILL TEXT Report for H.R.3355

House Amendment to Senate (Engrossed) Amendments, April 21, 1994
Showing Only the Paragraphs Found...

With reference to 'DISABILITY'

H.R.3355 House Amendment to Senate (Engrossed) Amendments, April 21, 1994

Item 37: (474) SEC. 701. CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE
SENTENCE OF DEATH.

[...Intervening text...]

"(c) Mental Capacity.--A sentence of death shall not be carried out upon
a person who is mentally retarded. A sentence of death shall not be carried
out upon a person who, as a result of mental disability, lacks the mental
capacity to understand the death penalty and why it was imposed on that
person.

Item 79: (17) SEC. 1019. ELIGIBILITY OF PARTICIPANTS.

[...Intervening text...]

(1) Nondiscrimination.--In selecting children to participate in a
program that receives assistance under this section, a community-based
organization shall not discriminate on the basis of race, color,
religion, sex, national origin, or disability.

Item 105: (90) SEC. 1061. GRANT AUTHORITY.

[...Intervening text...]

(D) demographic characteristics of the population to be served,
including age, disability, race, ethnicity, and languages used; and

Item 307: (100) SEC. 2713. SCHOLARSHIP ASSISTANCE.

[...Intervening text...]

(B) If the participant who has received a scholarship is unable to compl

with the repayment provision set forth in paragraph (1)(B)(ii) because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

Item 308: (91) SEC. 2714. SELECTION OF PARTICIPANTS.

[...Intervening text...]

(e) Leave of Absence.--(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the even of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

Item 340: (152) SEC. 2902. PROHIBITION ON RELEASE AND USE OF CERTAIN PERSONAL INFORMATION FROM STATE MOTOR VEHICLE RECORDS.

[...Intervening text...]

"(2) the term 'personal information' means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information, but such term does not include information on vehicular accidents, driving violations, and driver's status; and

Please type desired COMMAND (or MENU):

BILL TEXT Report for S.1522

As introduced in the Senate, October 6, 1993

S.1522 As introduced in the Senate, October 6, 1993

103d CONGRESS
1st Session

II

S. 1522

To direct the United States Sentencing Commission to promulgate guidelines or
amend existing guidelines to provide sentencing enhancements of not less
than 3 offense levels for hate crimes.

IN THE SENATE OF THE UNITED STATES
October 6 (legislative day, September 27), 1993
Mrs. Feinstein (for herself, Mrs. Boxer, Mr. Campbell, Mr. Inouye, and Ms.
Moseley-Braun) introduced the following bill; which was read twice and
referred to the Committee on the Judiciary

A BILL
To direct the United States Sentencing Commission to promulgate guidelines or
amend existing guidelines to provide sentencing enhancements of not less
than 3 offense levels for hate crimes.

=====
Be it enacted by the Senate and House of Representatives of the United
States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hate Crimes Sentencing Enhancement Act of
1993".

SEC. 2. DIRECTION TO UNITED STATES SENTENCING COMMISSION.

(a) Definition.--In this Act, "hate crime" means a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person.

(b) Sentencing Enhancement.--Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the United States Sentencing Commission shall ensure that there is reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances that might justify exceptions.

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From:

Anna C. Kelly

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crimes

THE WHITE HOUSE

WASHINGTON

June 16, 1994

MEMORANDUM TO JOEL I. KLEIN
DEPUTY COUNSEL TO THE PRESIDENT

FROM: CLARISSA CERDA *cc*
ASSISTANT COUNSEL TO THE PRESIDENT

SUBJECT: HATE CRIMES LEGISLATION

Attached are sections of legislation from both the House and Senate regarding "hate crimes." The documents are as follows:

Item 1:

HR 1152: a free standing bill that passed the House on September 21, 1993. This bill contains a three level sentencing enhancement.

Item 2:

Crime Bill HR 3355: contains similar provisions, specifically in Title XVII.

Item 3:

Senate section 2409: contains similar provisions.
Senate section 5123: amends the Hate Crimes Stat. Act to include disability.

Item 4:

A 70 page letter on the crime bill that expresses the AG's support for these provisions, but states "we are concerned about the requirement that the sentencing enhancement factor be found by a jury beyond a reasonable doubt." NOTE: I have yet to receive a copy of this letter. It should arrive sometime tomorrow.

103D CONGRESS
1ST SESSION

H.R. 1152

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22 (legislative day, SEPTEMBER 7), 1993

Received, read twice and referred to the Committee on the Judiciary

AN ACT

To direct the United States Sentencing Commission to make sentencing guidelines for Federal criminal cases that provide sentencing enhancements for hate crimes.

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 "Hate Crimes Sentenc-
5 ing Enhancement Act of 1993".

(b) DEFINITION.—As used in this Act, the term “hate crime” is a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property which is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person.

Attest: DONNALD K. ANDERSON,
Clerk.

BILL TEXT Report for H.R.3355

House Amendment to Senate (Engrossed) Amendments, April 21, 1994
Showing the Full Text of Each Item

Limited to Item(s): 247 248

H.R.3355 House Amendment to Senate (Engrossed) Amendments, April 21, 1994

Item 247: (18) TITLE XVII--HATE CRIMES SENTENCING ENHANCEMENT

TITLE XVII--HATE CRIMES SENTENCING ENHANCEMENT

Item 248: (16) SEC. 1701. DIRECTION TO COMMISSION.

SEC. 1701. DIRECTION TO COMMISSION.

(a) In General.--Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the United States Sentencing Commission shall assure reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances which might justify exceptions.

(b) Definition.--As used in this section, the term "hate crime" is a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property which is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person.

Please type desired COMMAND (or MENU)

found in your search? n

LEGI-SLATE Report for the 103rd Congress

Thu, June 16, 1994 1:07pm (EDT)

BILL TEXT Report for H.R.3355

As passed by the Senate (Engrossed Amendments), November 19, 1993

Showing Only the Paragraphs Found...

With reference to 'DISABILITY'

AND With reference to 'HATE'

H.R.3355 As passed by the Senate (Engrossed Amendments), November 19, 1993

Item 344: (17) SEC. 2409. DIRECTION TO UNITED STATES SENTENCING COMMISSION
REGARDING SENTENCING ENHANCEMENTS FOR HATE CRIMES.

(a) Definition.--In this section, "hate crime" means a crime in which th
defendant intentionally selects a victim, or in the case of a property crime
the property that is the object of the crime, because of the actual or
perceived race, color, religion, national origin, ethnicity, gender,
disability, or sexual orientation of any person.

Item 643: (4) SEC. 5123. HATE CRIMES STATISTICS ACT.

Section 1(b)(1) of the Hate Crime Statistics Act (Public Law 101-275, 10
Stat. 140) is amended by adding "disability," after "religion,".

Please type desired COMMAND (or MENU):

TO: JOSE CERDA

FROM: GREG TAYLOR

RE: STATE ANTI-CRIME LEGISLATION: "THREE STRIKES AND
YOU'RE OUT"

DATE: MAY 30, 1994

What follows is a state by state analysis of the recently adopted "Three Strikes and You're Out" anti-crime legislation. I have included in this comparison, those states that have similar and/or related "mandatory time for repeat violent offenders" crime proposals. Finally, it should be noted that all states have enacted some sort of habitual offender law for repeat felons. However, for the purpose of analyzing "Three Strikes Legislation," I have included only those 1993-94 amendments that mandate non-parole eligible jail time.

As of May, 1994 the following states have enacted "Three Strikes" legislation:

Washington, Initiative 593 (1993)
California, A 971 (1994)
Connecticut, H 5385 (1994)
Georgia, S 441 (1994)
Indiana, H 1063 (1994)
Kansas, H 2788 (1994)
Maryland, H (1994, awaits governor)
New Mexico, S 73 and 742, Chapter 24 (1994)
North Carolina, H 39, Part 6 Chapter 22, Extra Session (1994)
Virginia, H 273 (1994)
Wisconsin, 1993 S 781, Act 289 (1994)

Florida
Illinois
New Jersey
Minnesota

The following states have related "Three Strikes" legislation pending as of May 1, 1994: AL, CO, DE, IL, MI, NJ, NY, OH, SC, VT, RI, PA

Of all of the states that have enacted "Three Strikes" type legislation, only Connecticut, Kansas and Maryland have retained some judicial discretion regarding sentencing. All other member states impose mandatory statutory sentencing.

In cases involving violent repeat offenders, ten states have listed

offenses that if committed eliminate or severely reduce plea bargaining in sentencing. In Arizona for example, repeat criminals are not eligible to plea bargain sentencing if the offense is against a child, or committed while the perpetrator is on parole. Moreover, in Arizona, parole will only be granted if the parole board approves an offenders petition with at least four votes or by unanimous vote if fewer consider the petition.

In Connecticut, parole eligibility is eliminated for offenders sentenced to capital felony, felony murder, arson murder, and any offense committed with a firearm on, or within 1500 feet of a school. California, Illinois and Pennsylvania each have pending "truth in sentencing" proposals that mandate that violent offenders serve at least eighty-five percent of their sentence, while non-violent, low-risk offenders receive alternate sentencing. Furthermore, in Tennessee, a judge can inform the jury of how much jail time the defendant will serve if convicted of a "serious, violent felony." Finally, GA, MD, NC, VA, WV and WI each have restricted or amended parole eligibility for repeat felony offenders.

In preparing this memo, I contacted the Department of Corrections, the Governor's office, and the appropriate legislators of each state that had passed "Three Strikes" legislation as of May 1994. Additionally, I contacted the National Conference of State Legislatures. Several states have yet to send me updated information.

Enclosed please find a draft copy of an 11 state chart. I have attempted to outline the nature and results of the amendments, and the targeted criminal acts were possible. I will update the chart as more information becomes available.

cc: Clarissa Cerda

**A COMPARISSON OF STATE "THREE STRIKES AND YOU'RE OUT"
AND/OR SIMILAR ANTI-CRIME INITIATIVES**

**NATURE AND RESULT OF
AMENDMENTS**

TARGETED CRIMINAL ACT

CONNECTICUT: -bill increases the maximum prison term a court may impose under the persistent dangerous felony offender law from 25 to 40 years based on one previous violent felony conviction and from 25 years to life based on two such previous convictions. -Life imprisonment is at least 60 years. -A life sentence can be imposed if it is in public interest.	-offense with a firearm in, or w/in 1500 feet of a public/private school, -manslaughter, arson, kidnapping, first degree assault, many sexual assaults, sexual assaults with a firearm, -first or second degree robbery. -After July 1981 no person convicted of HB 5385 shall be eligible for parole,	
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KANSAS: -doubles length of prison term for certain repeat offenders. -Requires a person convicted of 1st degree premeditated murder to serve a minimum 25 years before eligible for parole or good behavior credits. -Bill makes it easier to impose mandatory 40 years hard time for person (including 14 year olds) committing premeditated murder. -Mandates doubling of existing sentencing guidelines when crime involves the use of minors under 16, gang membership, or crimes of extreme sexual violence.	-felonies committed against the person, including various classifications of murder, sex crimes, battery, and assault -especially aggravating circumstances that warrant imposing severe mandatory sentencing: gang involvement, use of a minor under the age of 16 years old in the commission of a felony, or a crime of extreme sexual violence	
WASHINGTON: -Provides life imprisonment without possibility of parole for "persistent offenders convicted of a third serious felony.	-More than 20 serious felonies, including any Class A felony and any felony with a deadly weapon; many crimes against children	

GEORGIA: - "Sentence Reform Act of 1994" provides mandatory life without parole for <u>second</u> "serious violent felony" conviction. - Fourth conviction on any felony requires maximum sentence to be served before eligible for parole.	- "serious violent felonies" under "two strikes" approach. Offenses include murder, felony murder, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, aggravated sexual battery	
INDIANA: - "Three strikes law providing mandatory life without parole if in separate charge state proves two prior unrelated felony convictions. - Court has discretion to sentence to life without parole if found subject to provisions	- many serious felonies, including murder, battery, rape, sexual battery with a deadly weapon, child molesting, arson, robbery, burglary, resulting in serious bodily injury or with deadly weapon, dealing drugs.	

MARYLAND (AWAITS GOVERNOR APPROVAL): -Mandatory life sentence without parole for <u>fourth</u> conviction of crime of violence, for which offender has served three separate prison terms. -Third crime of violence after two such convictions and at least one prison term results in mandatory 25 years. -Second crime of violence following prison term results in mandatory 10 year sentence. -Person sentenced under provisions who is 65 years old and served 15 years may petition for and be granted parole.	-More than 29 crimes of violence, including murder, rape, robbery with a deadly weapon, carjacking, armed carjacking, first and second degree sex offenses, arson, burglary, kidnapping, manslaughter, mayhem, maiming, use of handgun in the commission of a felony, attempt to commit murder, rape, robbery, sexual offenses.	
NEW MEXICO: -Mandatory life imprisonment, in addition to required years of imprisonment for third violent felony conviction. -Parole eligibility after 30 years of life term served	-Violent crimes including first and second degree murder, and several crimes resulting in great bodily harm, including shooting from a motor vehicle, kidnapping, criminal sexual penetration and robbery	

NORTH CAROLINA: -Life without parole required upon third violent felony conviction and finding, under separate indictment, that offender is violent habitual felon. -Separate law (SB 2, 1994 Extra Session of 1994) provides for parole review after 25 years served of life without parole sentence	-applies to 40 violent felonies enumerated by statute. -After 10/1/94 when structured sentencing takes effect, provisions will apply to 47 Class A, B, B1, B2, C, D and E felonies	
VIRGINIA: -Three strikes law providing mandatory life without parole for offender convicted of third felony involving first and second degree murder, voluntary manslaughter, mob related felonies, kidnapping or abduction, malicious felonious assault or malicious bodily wounding, robbery, carjacking, any criminal sexual assault. -Those sentenced under this law who reach 65 years of age and have served five years may petition the parole board for conditional release.	-Acts of violence covered by statute include first and second degree murder, mob-related felonies, kidnapping or abduction, robbery and carjacking, sexual assault felonies, conspiracy to commit any of the above	

WISCONSIN:

-Persistent repeater who has two previous, separate "serious felony" convictions, receives mandatory life sentence without parole

-the provisions of this bill apply to adult criminals or to juveniles who have been tried as adults.

-serious felonies (any felony that is punishable by a maximum prison term of 30 years or more) includes murder, manslaughter, battery, and aggravated battery, mayhem, vehicle theft, robbery and many crimes against children including sexual assault, physical abuse, sexual exploitation, abduction

CALIFORNIA:

-serious felony
with two priors,
applicable jail
term is life, 25
year mandatory
sentence

-violent felony
with two priors,
sentence is life
without parole

-priors from other
jurisdictions count
as serious/violent
felonies in CA

-court cannot
dismiss or strike
prior convictions

-for inherently
serious felonies
with one prior add
5 years

-for current
violent felonies
with one violent
prior felony add 10
years

-for current
forcible sex crime
or kidnapping of a
child less than 14
years of age, with
one prior of the
same type of crime,
the jail term is
life imprisonment
with mandatory 25
year minimum
sentence

-enumerated violent
felonies include
arson of residence
or structure, bomb
offenses involving
injury or death,
all carjacking, any
felony with
purposeful use of a
dangerous or deadly
weapon, assault
with intent to
commit a sex crime,
felony assault of a
peace officer, fire
fighter, or
custodial officer,
1st degree robbery

-serious felonies
include new violent
felonies and
witness
intimidation. All
robberies qualify
as serious felonies