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Folder Title:

Crime Bill - Old Summaries (Pre-1993) [3]

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To: Jose Serta

Fr: Chris Putala

973-1475

CRIME CONFERENCE REPORT -- DETAILED SUMMARY

DEATH PENALTY

- o Provides the largest-ever expansion of the Federal death penalty to cover 53 offenses. Included in the bill: assassination of the President; murder in the course of rape; murder for hire; drive-by-shootings.
- o Provides the death penalty for killing a federal law enforcement officer and for killing state officers in the course of cooperative investigations with federal agencies.
- o Provides the death penalty for "drug kingpins" who are convicted of trafficking in massive amounts of drugs.

THE BRADY BILL

- o Imposes a national, five-day waiting period for the purchase of handguns. Requires police background checks of gun buyers to keep weapons out of the hands of convicted criminals.
- o Authorizes \$100 million for the development of a national "instant check" system for gun purchases.

AID TO STATE AND LOCAL LAW ENFORCEMENT

- o Authorizes \$1 billion in new drug- and crime-fighting aid for local police departments, prosecutors, corrections and other criminal justice agencies.
- o Overall, the bill provides more than \$3 billion to put more police on the streets, more prosecutors in the courts, and more prisoners behind bars.

PENALTIES FOR DRUG AND VIOLENT CRIMES

- o Provides 56 new criminal offenses or penalty increases, including serious violent crimes, drug trafficking and firearms offenses -- more than in the Administration's crime bill.
- o Imposes mandatory federal prison sentences for 12 serious crimes, including using minors to sell drugs, possession of a gun by a convicted criminal, and dealing drugs in drug-free school zones -- more than in the Administration's crime bill.

GANG VIOLENCE

- o Launches a major new anti-gang initiative, including expanded juvenile courts, new law enforcement efforts, and gang violence prevention programs (e.g., Boys/Girls clubs in housing projects).
- o Creates a new federal offense for serious gang-related drug trafficking and violent crimes.
- o Provides the death penalty for drive-by-shootings, one of the most common and serious types of gang crimes.

VICTIMS OF CRIME

- o Increases federal aid to the victims of crime by removing the "cap" on the Crime Victims Fund.
- o Grants crime victims the right to speak at the sentencing phase of federal criminal trials, including death penalty cases.
- o Bars attempts by OMB to use the Crime Victims Fund to pay for expenses currently covered by Medicare and other federal programs.

RURAL LAW ENFORCEMENT

- o Provides \$50 million in aid to rural law enforcement agencies.
- o Establishes federal-state-local Rural Law Enforcement Task Forces in every federal judicial district with significant rural areas.
- o Establishes a specialized rural law enforcement training program at the Federal Law Enforcement Training Center in Glynco, Georgia.

POLICE CORPS

- o Establishes an ROTC-style program to provide college scholarships to students willing to serve as police officers upon graduation.
- o Provides new educational opportunities for police officers who are already on the beat and have demonstrated a commitment to a law enforcement career.

PRISONS

- o Establishes 10 new regional prisons to hold up to 8,000 federal and state drug offenders.
- o Creates 10 new military-style boot camps on closed military bases for first-time and other non-violent drug offenders.

TERRORISM

- o Provides the death penalty for terrorist murders and creates stiff new federal penalties for providing material support to terrorists.
- o Implements United States' obligations under new anti-terrorism treaties by creating new federal offenses for terrorist acts committed against civil aviation and maritime targets.

GUN PENALTIES

- o Provides new mandatory minimum penalties for serious gun offenses, including gun possession by convicted felons and for theft of a firearm.

FEDERAL LAW ENFORCEMENT

- o Authorizes more than \$350 million for federal law enforcement agencies to add hundreds of additional FBI and DEA agents, federal prosecutors, Border Patrol officers, and other law enforcement officials to combat violent crime and drug trafficking.

EXCLUSIONARY RULE

- o Codifies current law providing a "good faith" exception to the exclusionary rule where police have a warrant.

CHILD ABUSE

- o Creates a national system for background checks for workers in day care centers.
- o Imposes the death penalty for child abuse murders.

CRIME CONFERENCE REPORT -- MAJOR PROVISIONS

DEATH PENATLY:

The largest-ever expansion of the federal death penalty, including murder of a law enforcement officer, drive-by-shootings, and death penalty for "drug kingpins."

BRADY BILL:

A five-day waiting period for the purchase of a handgun, requiring police background check to keep guns out of the hands of criminals.

STATE & LOCAL LAW ENFORCEMENT:

Authorizes \$1 billion for formula grants for local police departments, prosecutors and prisons. A total of \$3.2 billion authorized for federal aid to state and local law enforcement programs.

HABEAS CORPUS REFORM:

Limits death row inmates to a single federal appeal, which must be filed within one year.

EXCLUSIONARY RULE REFORM:

Codifies a "good faith" exception to the exclusionary rule where the police have a warrant.

INCREASED PENALTIES:

Contains 56 penalty increases or new criminal offenses, including 12 new mandatory minimum penalties, penalties for gun crimes, violent crimes, gun possession by convicted criminals, and using children to sell drugs.

VICTIMS OF CRIME:

Expands aid to crime victims, and permits them to speak at the sentencing of their assailants.

CHILD ABUSE:

Provides a national criminal background check system for workers in day care centers, and imposes death penalty for child abuse murders.

PRISONS AND BOOT CAMPS:

Military-style boot camps, drug treatment prisons and other programs will house an additional 40,000 Federal, state and local prisoners.

Crime Conference Report

THE BRADY BILL

Imposes a five day waiting period for the purchase of handguns, until a national "instant check" system is developed. Requires police background checks of gun purchasers, to keep guns out of the hands of criminals.

DEATH PENALTY

Provides the largest-ever expansion of the federal death penalty, covering 53 offenses. Included in the bill: murder of a federal law enforcement agent; killing the President; murder in the course of rape; murder for hire; drive-by-shootings. Also, imposes the death penalty on "drug kingpins."

GUN PENALTIES

Provides new minimum penalties for offenses committed with guns, for gun possession by felons, and for the theft of guns.

AID TO LOCAL LAW ENFORCEMENT

Authorizes new aid for local police departments and prosecutors for anti-drug law enforcement efforts (\$1 billion).

GANG VIOLENCE

Launches new anti-gang program, including expanded juvenile courts, police programs, and prevention (e.g., Boys/Girls clubs in housing projects).

VICTIMS OF CRIME

Expands aid to crime victims, and permits them to speak at the sentencing of their assailants.

POLICE CORPS

Creates an ROTC-style program to provide college scholarships for students willing to serve as police officers upon graduation. Also, provides educational benefits for existing police officers.

RURAL CRIME

Launches new rural anti-crime program, with aid and training for rural police departments, and additional federal drug agents for rural areas.

TERRORISM

Creates new penalties, including death, for terrorist acts. Also, authorizes more funding for U.S. anti-terrorism agencies.

HABEAS CORPUS REFORM

Limits death row inmates to a single federal appeal, which must be filed within one year, in states providing legal assistance to inmates.

PRISONS AND BOOT CAMPS

Authorizes 8,000 new prison cells to hold drug criminals. Also, converts 10 closed military bases into "boot camps" for youthful offenders.

FEDERAL LAW ENFORCEMENT

Authorizes hundreds of new FBI, DEA, Border Patrol agents, and U.S. Attorneys to combat crime and drug trafficking.

EXCLUSIONARY RULE REFORM

Codifies current law, providing a "good faith" exception to the exclusionary rule where police officers have a warrant.

WHITE COLLAR CRIME

Increases penalties for insurance fraud; mandates new S&L prosecution task force; establishes new penalties for credit card and telemarketing fraud.

INCREASES PENALTIES

Increases existing penalties for repeat drug offenses, assault, manslaughter, crimes against the elderly, and for violent crimes.

COERCED CONFESSIONS

CRS Report for Congress

Crime, Drug, and Gun Control: Highlights of Conference Agreement on H.R. 3371, 102d Congress

Coordinated by Harry Hogan
Government Division

Charles Doyle
Senior Specialist in American
Public Law

Elizabeth Bazan
Legislative Attorney

American Law Division

Harry Hogan
Specialist in American
National Government

Keith Bea and
Suzanne Cavanagh
Analysts in American
National Government

Government Division

February 12, 1992



**CRIME, DRUG, AND GUN CONTROL:
HIGHLIGHTS OF CONFERENCE AGREEMENT
ON H.R. 3371, 102d CONGRESS**

SUMMARY

On November 21, 1991, the House approved a conference agreement on H.R. 3371, an omnibus bill for crime, drug, and gun control; failure to pass a cloture motion kept the agreement pending in the Senate, where it could be called up again during the second session. Under the agreement, the bill has thirty-one titles—with highlights relating to the Federal death penalty, reform of *habeas corpus* procedures, waiting periods and criminal history checks for commercial gun purchase, increased funding for Federal and local law enforcement and anti-drug efforts, and modification of the Fourth Amendment exclusionary rule. The report provides brief descriptions of the highlight provisions and identifies their provenance. For a side-by-side comparison of the House-passed, Senate-passed, and Administration bills, see CRS Report 91-737 GOV, *Crime, Drug, and Gun Control: Comparison of Major Omnibus Bills*.

**CRIME, DRUG, AND GUN CONTROL:
HIGHLIGHTS OF CONFERENCE AGREEMENT
ON H.R. 3371, 102d CONGRESS**

Subject	General Description
Death Penalty	Establishes procedures to make the death penalty available for a wide range of new and existing offenses. Adopts Senate version of drive-by shooting capital offense. Includes, from House bill, death penalty for rape or sexual abuse resulting in death; sexual exploitation of children where death results; intentional killing of witness in Federal witness protection program; first degree murder involving firearms or other dangerous weapons in Federal facilities; murder of court officers and jurors; retaliatory killing of witnesses, victims, and informants; and murder by an escaped Federal prisoner serving a life sentence. Also includes two capital offenses which do not involve the death of a victim: attempted presidential assassination causing serious bodily harm or coming dangerously close to causing the President's death; and a major felony drug offense committed by a drug kingpin as part of a "continuing criminal enterprise." Does not include Senate proposal of a death penalty for intentional killing during the course of a drug offense in the District of Columbia; nor for murder involving a firearm, during the course of an offense against the United States, or using a firearm that had travelled in interstate or foreign commerce. Relies upon use of jury instructions and juror certifications to prevent considerations of race, color, religion, national origin, or gender from intruding into capital sentencing decision. Permits withholding of list of veniremen and witnesses from capital defendants where court finds, by a preponderance of the evidence, that providing such a list may jeopardize the life or safety of any person. Prohibits execution of a pregnant woman, a person who is mentally retarded, or a person who, as a result of mental disability, lacks the mental capacity to understand the death penalty and why it was imposed. Also precludes imposition of death penalty upon anyone who was less than 18 at the time of the commission of the capital offense.

Habeas Corpus Reform	Contains House bill's provisions to expedite Federal habeas corpus proceedings involving State prisoners under sentence of death including provisions for the appointment of counsel in State proceedings. Also embodies House provisions expanding for all prisoners--State and Federal-- access to Federal habeas corpus to seek or claim the benefit of precedent-setting constitutional interpretations. Omits a limitation, found in the Senate bill and favored by the Administration, on Federal habeas corpus consideration of constitutional claims after they have received a full and fair hearing in State court.
Background Checks on Gun Buyers	With minor changes, incorporates the Senate bill's version. Contains provisions designed to develop a national felon identification system that could eventually make it possible to conduct a point-of-purchase background check on individuals buying a firearm through a licensed gun dealer. On an interim basis (minimum 30 months, but indefinitely in a State not in compliance with specified requirements), makes commercial handgun sales subject to a waiting period (5 business days) during which time the buyer's local law enforcement agency would be required to make a "reasonable effort" to determine whether there is any legal impediment to his owning a gun. Provides for funding of improvement of State criminal record systems in order to achieve the desired level of completeness in the national system.
Other Firearm Controls	Does not include the Senate bill's ban on further manufacture, and restrictions on transfer, of certain military-style firearms (semiautomatic "assault weapons"). Also, drops the Senate bill provision to allow Federal prosecution of any violent crime or drug trafficking offense involving a firearm or other dangerous weapon. Otherwise, contains most of both bills' provisions for increased or enhanced penalties for crimes involving guns.

Exclusionary Rule
Modification

Takes Senate language, which enacts into law, for purposes of Federal proceedings, the "good faith reliance on a warrant" exception to the Fourth Amendment exclusionary rule recognized in the Supreme Court's *Leon* decision. Does not contain House language recognizing a good faith exception in the case of warrantless searches and seizures.

Drug Control

A mixture of the House and Senate bills, includes provisions to: (1) authorize a new grant program of emergency assistance to State and local areas suffering from significant levels of drug-related trafficking, smuggling, abuse, or violence; (2) extend controls designed to reduce diversion from legal commerce of certain "precursor and essential" chemicals used in illicit production of controlled substances; (3) provide new sanctions for failure to land, under certain circumstances, by the operator of an aircraft; (4) extend the special anti-drug trafficking penalties covering schools and playgrounds to include public housing; (5) expand Federal efforts and assistance for rural drug law enforcement, prevention, and treatment; and (6) substantially increase penalties for distribution of controlled substances in or near a truck stop or safety area. Some death penalty provisions are targeted specifically at drug offenders, and a number of other more general provisions-- particularly those offering law enforcement assistance to States and localities--have drug control implications.

Terrorism Control

Generally includes the more stringent alternative where the House and Senate disagreed. With no greater nexus to American interests or jurisdiction necessary than that the accused is brought to the U.S. for trial, makes it a Federal crime to commit torture, or an act of serious violence against a maritime navigational facility, fixed maritime platform, or international airport. Also makes it a Federal crime to knowingly contribute financial or other support within the United States to one who subsequently commits such an offense. Use of weapons of mass destruction against Americans or their property becomes a Federal crime. Authorizes the Attorney General to waive entry requirements for up to 100 alien witnesses a year and to subsequently grant them permanent resident alien status; these provisions expire after 5

years unless extended. The Senate bill would have permitted admission of 200 such witnesses a year; neither bill contained a sunset provision.

Addresses economic terrorism with the establishment of a study task force, creation of a Federal crime for counterfeiting U.S. currency outside the U.S., and an increase in the penalties for existing economic terrorism offenses.

State and Local Law
Enforcement Grants

Contains most of the provisions from the House and Senate bills concerning non-Federal law enforcement assistance. With regard to the Byrne Memorial Program: authorizes the program through fiscal year 1994 and at a \$1 billion level for fiscal year 1992; authorizes grantees to improve DNA analysis resources; provides funding from the discretionary program solely to non-Federal entities; authorizes the States to use discretionary funds for litigation involving Federal habeas corpus petitions in capital punishment; and allows grant recipients to use funds to establish "bindover" systems to prosecute 16- and 17-year old offenders charged with violent crimes. Also establishes new programs for community policing, drug testing for arrestees, trauma center assistance, "Police Corps" and law enforcement scholarship assistance, and drug emergency areas. Also authorizes funds for and addresses problem of rural crime.

Gangs and Juvenile
Offenders

Provides for enhanced penalties for second offenders who commit illicit drug or felony offenses in association with a street gang. Includes the Senate provision to authorize a grant program, administered by Office of Juvenile Justice and Delinquency Prevention (OJJDP), aimed at reducing the formation and continuation of juvenile gangs and the use and sale of illegal drugs by juveniles. Contains House provisions (1) directing the Attorney General to develop a strategy to coordinate gang-related investigations by Federal law enforcement agencies and (2) establishing midnight basketball league programs in public housing projects.

Prisons

Includes House language establishing new grant programs for alternatives to prison for young offenders and substance abuse treatment in State prisons. As proposed by the Senate, authorizes funds for the construction and operation of ten regional prisons to be used primarily by States for treatment and incarceration of violent drug offenders. Also directs the Bureau of Prisons to establish incentives for Federal inmates to participate in substance abuse programs and requires that the Attorney General expand the Federal "boot camp" program from one to ten facilities.

Overall Funding for Anti-crime Programs

Generally combines funding provisions of House and Senate bills. Authorizes total appropriations of approximately \$3.5 billion for FYs 1992 through 1996. Funds for non-Federal law enforcement are authorized in Titles XI and XII, for Federal law enforcement agencies in Title XIII, and for prisons in Title XIV. Other titles fund rural crime and drug enforcement (Title XV), drug emergency areas (Title XVI), and a safe schools program (Title XXIX).

Miscellaneous

Among others, includes provisions relating to sports gambling, consumer protection, sexual violence and child abuse, crime victims, motor vehicle theft prevention, parental kidnapping, computer crime, protections for the elderly, and financial institution fraud prosecutions. Drops the forfeiture sections from both House and Senate versions as well as the public corruption and environmental offender monitoring favored by the Senate bill.

LIKELY ISSUES SUMMARY
1993 CRIME BILL

- o Habeas Corpus Reform
- o Exclusionary Rule
- o Death Penalty
 - Number of Crimes
 - Procedures
- o Brady Bill
 - Waiting Period
 - Criminal Records Improvement
- o State & Local Law Enforcement
 - Community Policing - 100,000 Cops
 - Police Corps
- o Additional Federal Offenses
 - Minimum Sentencing
 - Enhanced Penalties [gun possession by felon/use during
commission of a crime]
- o Authorizations
- o Prison Construction [Federal & Regional]

1993 Crime Bill

*8 million for
Boot Camps*

	Current	Authorizations		
		Year 1	Year 2	Year 3
Brady Bill Gun Provision				
Instant Records Check ✓	*	100.0	100.0	100.0
Law Enforcement Grants [Byrne]	900.0	100.0	100.0	100.0
Grants and Aid To States				
Community Policing	*	150.0	150.0	150.0
Drug Emergency Areas		300.0	300.0	300.0
Safe Schools ✓	*	100.0	100.0	100.0
Juvenile Gang Prevention		100.0	100.0	100.0
DNA Analysis ✓		10.0	10.0	10.0
Law Enforcement Scholarships ✓		30.0	30.0	30.0
Law Enforcement Family Support		5.0	5.0	5.0
Community Coalitions		15.0	20.0	30.0
Arrestee Drug Testing		100.0	100.0	100.0
Racial & Ethnic Bias Study		2.0	2.0	2.0
Midnight Basketball - ?		2.5	2.5	2.5
Police Corps ✓	*	100.0	100.0	200.0
State-Federal Boot Camps		100.0	100.0	100.0
State Prison Drug Treatment		100.0	100.0	100.0
Regional Prisons [One Time Construction]		700.0		
Prison Literacy Programs		10.0	15.0	25.0
Rural Drug Enforcement Task Forces		50.0	50.0	50.0
Rural Treatment & Prevention	*	25.0	25.0	25.0
Federal Prison Construction [One Time]		800.0		

*Would
prefer such*

Federal Law Enforcement Adds 345.5 345.5 345.5

Breakout of Federal Adds

DEA	100.5
FBI	98.0
INS	25.0
Border Patrol	20.0
U.S. Marshals	10.0
U.S. Attorneys	45.0
BATF	15.0
Courts	20.0
Federal Defender Services	12.0

*Authorizations for
FY 94 - &
"such sums" for
out years.*

Total New Authorizations 3,245.0 1,755.0 1,875.0

Examiner: Duke

* Requested At Some Level In The President's FY 1994 Budget

CRIME BILL CONFERENCE -- SUMMARY OF MAJOR PROVISIONS

DEATH PENALTY

- Provides the largest-ever expansion of the Federal death penalty to cover 53 offenses. Included in the bill: assassination of the President; murder in the course of rape; murder for hire; drive-by-shootings.
- Provides the death penalty for killing a federal law enforcement officer and for killing state officers in the course of cooperative investigations with federal agencies.
- Provides the death penalty for "drug king pins" who are convicted of trafficking in massive amounts of drugs.

THE BRADY BILL

- Imposes a national, five-day waiting period for the purchase of handguns. Requires police background checks for gun buyers to keep weapons out of the hands of convicted criminals.
- Authorizes \$100 million for the development of a national "instant check" system for gun purchasers.

HABEAS CORPUS REFORM

- Limits time for filing a habeas petition to one year after conviction becomes final. No time limit currently exists.
- Limits the number of petitions allowed to one except for certain narrow exceptions such as newly discovered evidence or state interference. Under current law there is no limit on the number of petitions.
- Sets certain performance and qualification standards for trial and appellate counsel representing indigents.
- Before the Supreme Court adopted the Teague v. Lane doctrine in 1989, a prisoner could challenge his sentence in a habeas petition based on a favorable new court ruling that post-dated his trial and appeal. Teague significantly narrowed retroactive applications. The crime bill narrows Teague by never allowing new rules of law to be applied retroactively, but it also restores a narrower, pre-Teague definition of a new rule.

AID TO STATE AND LOCAL LAW ENFORCEMENT

- Raised the authorization level for the Byrne Memorial State and Local Law Enforcement Assistance Programs to \$1 billion. The Byrne program is the primary means of providing states and localities with federal law enforcement assistance.¹
- Other authorized appropriations for states and localities include:
 - \$150 million yearly for community policing grants;
 - \$300 million yearly for Drug Emergency Areas;
 - \$100 million yearly for Safe Schools grants;
 - \$100 million yearly for juvenile gang prevention grants.
 - \$10 million yearly for grants to states for DNA analysis;²
 - \$30 million yearly for law enforcement scholarships;
 - \$5 million yearly to provide family support services to law enforcement personnel;
 - \$15, \$20 and \$30 million over the next three years for substance abuse grants to community coalitions;
 - \$100 million yearly for grants to states and localities to drug test arrestees;
 - \$2 million yearly for grants to states to conduct racial and ethnic bias studies of their criminal justice systems;
 - \$2.5 million yearly for Midnight Basketball League grants;
 - \$100, \$100 and \$200 million thereafter for a National Police Corps;
 - a one-time \$100 million authorization to establish joint state-federal boot camps at closed military installations;
 - \$100 million yearly for drug treatment in state prisons;
 - a one-time \$700 million authorization for the construction and operation of 10 regional prisons for violent drug offenders;
 - \$10, \$15, \$20 and \$25 million for grants to state prisons for literacy programs;
 - \$50 million yearly for Rural Drug Enforcement Task Forces;
 - \$25 million yearly for Rural drug treatment and prevention programs.

TOTAL NEW SPENDING -- ALMOST \$1 BILLION YEARLY

(AND 800 MILLION IN ONE-TIME PRISON CONSTRUCTION COSTS)

¹After the crime bill failed to pass last year, this increased Byrne authorization was passed as part of separate legislation. Incorporating such an increase into a new crime bill would be redundant.

²This bill passed the House as separate legislation earlier this year.

PENALTIES FOR DRUG AND VIOLENT CRIMES

- Provides 56 new criminal offenses or penalty increases, including serious violent crime, drug trafficking and firearms offenses.
- Imposes four new mandatory federal prison sentences. They are: using minors to sell drugs in a drug-free zones; closing the loophole for the importation of small quantities of drugs; possessing or distributing drugs in a federal prison; and drug-related violations in newly created drug-free truck stops.

GANG VIOLENCE

- Launches a major new anti-gang initiative, including expanded juvenile courts, new law enforcement efforts, and gang violence prevention programs (e.g., Boys/Girls Clubs in housing projects).
- Creates a new federal offense for serious gang-related drug trafficking and violent crimes.
- Provides the death penalty for drive-by-shootings, one of the most common and serious types of gang crimes.

VICTIMS OF CRIME

- Increased federal aid to the victims of crime by removing the "cap" on the Crime Victims Fund and barred attempts by the previous administration to use the Crime Victims Fund to pay for expenses currently covered by Medicare and other federal programs.³
- Grants crime victims the right to speak at the sentencing phase of federal criminal trials, including death penalty.

RURAL LAW ENFORCEMENT

- Provides \$50 million in aid to rural law enforcement agencies.
- Establishes federal-state-local Rural Law Enforcement Task Forces in every federal judicial district with significant rural areas.

³These provisions were enacted separately when the crime bill failed last year.

- Establishes a specialized rural law enforcement training program at the Federal Law Enforcement Training Center in Glynco, Georgia.

POLICE CORPS

- Establishes an ROTC-style program to provide college scholarships to students willing to serve as police officers upon graduation.
- Provides new educational opportunities for police officers who are already on the beat and have demonstrated a commitment to a law enforcement career.

PRISONS

- Establishes 10 new regional prisons to hold up to 8,000 federal and state drug offenders.
- Creates 10 new military-style boot camps on closed military bases for first-time offenders and other non-violent drug offenders.

TERRORISM

- Provides the death penalty for terrorist murders and creates stiff new federal penalties for providing material support to terrorists.
- Implements United States' obligations under new anti-terrorism treaties by creating new federal offenses for terrorist acts committed against civil aviation and maritime targets.

GUN PENALTIES

- Provides new mandatory minimum penalties for serious gun offenses, including gun possession by convicted felons and for theft of a firearm.

FEDERAL LAW ENFORCEMENT

- Authorizes \$345.5 million for federal law enforcement agencies to add hundreds of additional FBI and DEA agents, federal prosecutors, Border Patrol officers, and other law enforcement officials to combat violent crime and drug trafficking.

Specifically, these allocations are:

- \$45 million to hire and train 350 new DEA agents;
- \$25 million to expand DEA state and local task forces;
- \$5 million for special agents to investigate violations of the Controlled Substances Act relating to anabolic steroids;
- \$9 million for FBI drug trafficking investigations;
- \$500 million to hire and train 500 new border patrol officers;
- \$10 million for the U.S. Marshals Service;
- \$15 million for BATF to hire train 100 special agents to investigate firearms violations committed by drug trafficking organizations;
- \$20 million for U.S. Courts to address case overload;
- \$12 million for federal defender services.

EXCLUSIONARY RULE

- Codifies current law providing "good faith" exception to the exclusionary rule where police have a warrant.

CHILD ABUSE

- Creates a national system for background checks for workers in day care centers.
- Imposes the death penalty for child abuse murders.

THE WHITE HOUSE

WASHINGTON

April 27, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED, DEPUTY ASSISTANT TO THE PRESIDENT
JOSE CERDA III, SENIOR POLICY ANALYST

SUBJECT: CRIME BILL CONSIDERATIONS

In structuring a proposal that meets your pledge to put 100,000 new police officers on the street, Domestic Policy has combined a series of crime-related initiatives. Inadequate funding caused us to take this piecemeal approach and to include Enterprise Zones, HUD's crime initiative, Safe Schools legislation and National Service participants in the 100,000 calculation. But the crime bill component of this plan has always been the central -- and most credible -- element of our 100,000 new police proposal.

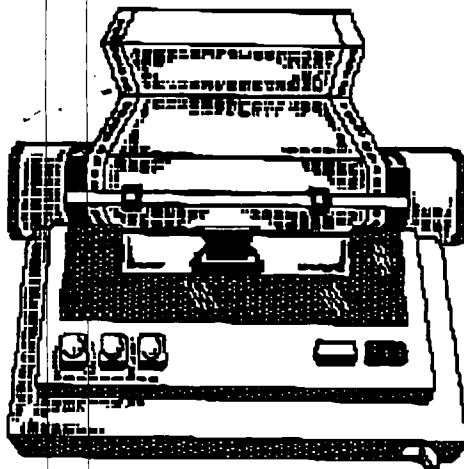
Last year's crime bill conference report does not really include monies for hiring new law enforcement personnel. The bill's Cop on the Beat program does not allow funds to be used for new personnel, and the increase in funding for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs was enacted as part of separate legislation after the crime bill conference report failed last year. The Police Corps, as included in last year's bill, only offers scholarship assistance and provides no direct funding to put police on the streets. Moreover, given the scarcity of resources for the policing initiative, we do not believe the Police Corps is a cost effective means for increasing police force levels. Thus, without changes to the language and funding levels for these programs, the crime bill will not put more police on our streets.

So that the crime bill properly reflects your commitment to the 100,000 police pledge, we have been structuring a proposal, the Police on Our Streets Act, that would combine the Justice Department's spending for new programs and use that \$2.299 billion in budget authority to fund a single match grant program. We would then have a single direct funding source for the majority of our new police personnel.

We have spoken to Senator Biden's and Congressman Schumer's staff about such an approach, and they believe a "Police on Our Streets Act" could easily be incorporated as Title I of a new crime bill. We have not spoken to Chairman Brooks' staff about this specific proposal, but we believe he would be open to the idea. Chairman Brooks has been a critic of the large scale Police Corps included in the crime bill, and he may support scaling back the program.

A summary of the major provisions in the crime bill is attached.

4567739



TRANSPORTATION, COMMERCE AND JUSTICE DIVISION

FAX COVER SHEET

From:

Kenneth Schwartz

Roger Adkins

Cora Beebe

Jim Duke

Sharon Barkeloo

Chris Brown

Anita Ford

Chris Bertram

Ron Jones

Martha Gagné

Dan Corbett

Louisa Koch

Trish Watson

Alice Davis

Brad Kyser

Meg DiBari

Lin Liu

Desiree Thompson

Jeff Payne

David Tornquist

John Serlemitsos

Rebecca Wayne

Adrien Silas

TO: JOSE CERDA

PHONE: _____

SUBJECT: CRIME BILL AUTHORIZATIONS

FOR YOUR INFORMATION
PER YOUR REQUEST
SEE REMARKS BELOW
FOR COMMENT

DOES THIS TRACK WITH
INFO YOU ARE GETTING ON
THE '93 CRIME BILL?

REMARKS: _____

The phone number for this Xerox 7020 machine is (202) 395-7238.

1993 Crime Bill

	<u>Current</u>	<u>Authorizations</u>		
		<u>New</u>		
		<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Brady Bill Gun Provision				
Instant Records Check		100.0	100.0	100.0
Law Enforcement Grants [Byrne]	900.0	100.0	100.0	100.0
Grants and Aid To States				
Community Policing		150.0	150.0	150.0
Drug Emergency Areas		300.0	300.0	300.0
Safe Schools		100.0	100.0	100.0
Juvenile Gang Prevention		100.0	100.0	100.0
DNA Analysis		10.0	10.0	10.0
Law Enforcement Scholarships		30.0	30.0	30.0
Law Enforcement Family Support		5.0	5.0	5.0
Community Coalitions		15.0	20.0	30.0
Arrestee Drug Testing		100.0	100.0	100.0
Racial & Ethnic Bias Study		2.0	2.0	2.0
Midnight Basketball		2.5	2.5	2.5
Police Corps		100.0	100.0	200.0
State-Federal Boot Camps		100.0	100.0	100.0
State Prison Drug Treatment		100.0	100.0	100.0
Regional Prisons [One Time Construction]		700.0		
Prison Literacy Programs		10.0	15.0	25.0
Rural Drug Enforcement Task Forces		50.0	50.0	50.0
Rural Treatment & Prevention		25.0	25.0	25.0
Federal Prison Construction [One Time]		800.0		
Federal Law Enforcement Adds		345.5	345.5	345.5
DEA	100.5			
FBI	98.0			
INS	25.0			
Border Patrol	20.0			
U.S. Marshals	10.0			
U.S. Attorneys	45.0			
BATF	15.0			
Courts	20.0			
Federal Defender Services	12.0			
		3,245.0	1,755.0	1,875.0

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PAGE	TITLE	DESCRIPTION	COMMENTS
# 2	TITLE I (DEATH PENALTY)	Provides Federal death penalty for a range of offenses.	Includes drug offenses as an aggravating factor for homicide (page 5) and a possible death penalty for Drug Kingpins (Sec. 108, page 13). Aggravating factors that could lead to the imposition of the death penalty include use of firearms, drug distribution near schools, use of minors in drug distribution, drug distribution to those under 21 years, prior serious drug convictions, and others.
# 37	TITLE VII (YOUTH VIOLENCE)	Strengthens Federal penalties for employing children to distribute drugs Adds Section 521 to the Code, with language that addresses criminal street gangs and Federal or State felonies involving a controlled substance (page 38)	Amends Section 419 of the Controlled Substances Act to address the use of children in the furtherance of drug distribution. Allows penalties three times those that would normally be assessed would normally be assessed for drug dealing. Felonies involving either a controlled substance, a crime of violence, or a conspiracy to commit either would carry certain added penalties.
# 66	TITLE XI (STATE AND LOCAL LAW ENFORCEMENT) SUBTITLE A, SECTION 1104 TASK FORCE GRANTS	Grants for multi-jurisdictional drug task forces.	Authorizes grants for drug task forces, with a total funding of "as necessary" for FY 1991 and \$200,000,000 each in Fiscal Years 1992, 1993, and 1994
# 70	SUBTITLE C COMMUNITY PARTNERSHIPS	Community Partnerships to combat substance abuse.	Authorizes a grant program to combat substance abuse, to be run through the Bureau of Justice Assistance (DOJ). Proposes \$15,000,000 in FY 1992 million, \$20,000,000 in FY 1993, and \$25,000,000 in FY 1994. Priority would be given to communities that meet certain criteria listed on page 72. Each coalition receiving money would be required to submit an annual report, evaluating the effectiveness of the program. DOJ would be required to submit an annual report to Congress, evaluating the overall program.
# 76	SUBTITLE F DRUG TESTING	Amends Omnibus Crime Act of 1968 (grants for State-level drug testing for arrested individuals)	Authorizes a program, to be administered by BJA, that provides grants for post-arrest drug testing. Funding is set at \$100,000,000 each for Fiscal Years 1992, 1993, and 1994. An allocation and distribution schema are provided. The Federal share is not to exceed 70 percent of the cost of the program. A yearly report to BJA on program effectiveness is required, but there is no requirement for a report to Congress.
# 85	SUBTITLE H, SECTION 1191 JUVENILE GRANTS	Establishes a grant program for "Juvenile Drug Trafficking and Gang Prevention."	Authorizes a grant program to assist State and local governments in developing more effective programs to reduce the formation and continuation of juvenile gangs and the use and sale of illegal drugs by juveniles. Specific purposes the grants may be used for are specified (page 85). A 50/50 split between supply and demand programs is mandated, and certain special emphasis programs are defined. Funding is \$100,000,000 for FY 1992, with funds "as may be necessary" for FY 1993.
# 111	TITLE XIII (FEDERAL LAW ENFORCEMENT AGENCIES)	Lists authorizations for Federal Law Enforcement Agencies for FY 1992 (does not provide for following years). Dollars, and in some cases, FTEs are provided.	Total authorization is set at \$345,000,000 for Fiscal Year 1992. This is over and above any other appropriations. DEA total: \$100,500,000 (\$45,000,000 for 350 agents and necessary support personnel to expand DEA investigations against drug trafficking organizations in rural areas, \$25,000,000 to expand DEA State and Local Task Forces, and \$5,000,000 for 50 special agents to investigate violations of CSA laws pertaining to anabolic steroids. FBI total: \$98,000,000 for hiring of additional agents and support personnel to be dedicated to investigations of drug trafficking organizations.

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PAGE	TITLE	DESCRIPTION	COMMENTS
	TITLE XIII (FEDERAL LAW ENFORCEMENT AGENCIES)		INS total: \$45,000,000 (\$25,000,000 for "no fewer than" 500 Border Patrol officers, \$20,000,000 for "no fewer than" 400 INS criminal investigators dedicated to drug trafficking by illegal aliens and deportation of criminal aliens. U.S. Attorneys: \$45,000,000 for "not less than" 350 additional prosecutors and support personnel dedicated to the prosecution of drug trafficking and related offenses. U.S. Marshals: \$10,000,000. BATF: \$15,000,000 for "not less than" 100 special agents and support personnel to investigate firearms violations committed by drug trafficking organizations. U.S. Courts: \$20,000,000 for additional magistrates, probation officers, and other personnel and equipment to address the additional caseload generated by the other programs in this Title. Federal Defenders: \$12,000,000 for the defense of those charged with drug trafficking and related crimes.
# 112	TITLE XIV (PRISONS) SUBTITLE A, SECTION 4047 IMPACT ASSESSMENT	Sets up a requirement for prison impact assessments.	Requires that an impact assessment be done for any submission of legislation that could lead to an increase or decrease in the Federal prison population
# 113	SECTION 1403, FEDERAL PRISONER DRUG TESTING	Federal prisoner drug testing program.	Adds a requirement for drug testing for Federal offenders on post-conviction release. The program would include standards and guidelines, as the Director of BOP determines are needed. This section, in (e) on page 115, would require confirmation of all positives by the "gold standard" gas chromatography/mass spectrometry technique -- or by some other technique determined to be equally accurate (after consultation with the Director, HHS).
# 115	SECTION 1404, DRUG TREATMENT IN FEDERAL PRISONS	Sets specific goals for residential substance abuse treatment within the Federal prison system.	Requires that an increasing percent of "eligible prisoners" be provided treatment each year, with 100 % being treated by the end of FY 1995. Requires a detailed yearly report to Congress and gives BOP control over both time and conditions of incarceration for prisoners who successfully complete treatment.
	SECTION 1405, PRISON FOR VIOLENT DRUG OFFENDERS	Authorizes funding for 1992 to provide special regional Federal prisons for violent drug offenders (both Federal and State inmates would be eligible for incarceration). NOTE: DIRECTOR, ONDCP HAS A CONSULTATION ROLE.	Authorizes appropriation of \$600,000,000 for FY 1992 to construct 10 regional prisons, and \$100,000,000 for operation for one year. The Director, BOP will consult with the Director, ONDCP on locations. The populations will be 20% Federal inmates and 80% State inmates. States are required to reimburse BOP for all costs. 25% of the cost is refunded to the State for each inmate who successfully completes the program.
# 116	SECTION 1406, BOOT CAMPS	Authorizes funding for 1992 to provide 10 Federal bootcamps (both Federal and State inmates would be eligible for incarceration). NOTE: DIRECTOR, ONDCP HAS A CONSULTATION ROLE.	Authorizes appropriation of \$150,000,000 for FY 1992 to construct and operate 10 Federal boot camps for selected prisoners. The Director, BOP will consult with the Director, ONDCP on locations, which would be on closed military installations. The populations will be 20% Federal inmates and 80% State inmates. Post-release supervision is required and States are required to reimburse BOP for all costs. 20% of the cost is refunded to the State for each inmate that successfully completes the program.
# 120	SUBTITLE B (STATE PRISONS) PART U, RESIDENTIAL TREATMENT	Authorizes a BJA grant program to provide for residential drug treatment programs in State prisons.	Establishes a grant program, under BJA, to provide funds for residential treatment programs in State prisons. There is a drug testing requirement. Certain reports are required. Total funding available under the program for FY 1992 thru FY 1994 is \$100,000,000 per year.

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PAGE	TITLE	DESCRIPTION	COMMENTS
# 125	TITLE XIV (PRISONS) SECTION 1424, NIJ ASSESSMENT OF ALCOHOL USE AND TREATMENT	Requires the Director of NIJ to conduct a study on alcohol use and treatment.	The study will compare the recidivism rates of individuals under the influence of alcohol or alcohol in combination with other drugs at the time of the offense. Participation in residential treatment while in the custody of the State as an influencing factor will be included. The assessment will also include a nationwide assessment regarding the use of alcohol and alcohol in combination as a factor in criminal activity.
# 125	SECTION 1425, NOTIFICATION OF RELEASE OF PRISONERS	Requires BOP to give notice when a prisoner is being released on supervised release or when a prisoner changes to a new jurisdiction.	Requires BOP to notify the chief law enforcement officer of both the State and local jurisdiction when a prisoner convicted of a violent or drug trafficking crime is due to be released.
# 126	TITLE XV (RURAL CRIME) SUBTITLE A, DRUG TRAFFICKING IN RURAL AREAS SECTIONS 1501 AND 1502.	Amends Safe Streets Act of 1968 to add funding for a range of activities to address rural drug problems.	Provides \$50,000,000 for FY 1992 and "such sums as may be necessary" for FY 1993 FY 1994. Also establishes rural drug enforcement task forces and allows Attorney General to cross-designate up to 100 Federal law enforcement officers. An extra \$1,000,000 per FY is provided for this cross-designation program.
# 127	SUBTITLE B, RURAL DRUG PREVENTION & TREATMENT	Provides rural drug prevention and treatment grants.	Defines a program under control of the Director, OTI to provide for the drug prevention and treatment needs of nonmetropolitan areas. The program is a coordinated effort, giving special consideration to certain projects and providing grants that can run for up to three years. Funding is \$25,000,000 each for FYs 1992 and 1993.
# 129	SUBTITLE C, TRUCK STOPS	Amends CSA to address drug possession or distribution at truck stops and safety rest areas.	Sets up a 1,000 foot drug-free zone and provides enhanced penalties. Also directs the Sentencing Commission to develop sentencing guidelines for this new offense.
# 131	TITLE XVI (DRUG CONTROL) SECTION 1601, DRUG EMERGENCY AREAS	Authorizes the President to declare a State or part of a drug-related emergency area.	Funding for this section is set at \$300,000,000 each for FYs 1992, 1993, and 1994. NOTE: THE DIRECTOR, ONDCP HAS A CONSULTATIVE ROLE, IS REQUIRED TO MAKE RECOMMENDATIONS TO THE PRESIDENT, AND MUST DEVELOP AND ISSUE REGULATIONS TO IMPLEMENT THIS SUBSECTION.
# 133	SUBTITLE T, PRECURSOR CHEMICALS	Amends and adds to CSA, reference precursor chemicals.	Makes certain technical changes to existing laws governing precursor chemicals. Includes definitions, registration and reporting requirements, and certain reports.
# 139	SUBTITLE C, GENERAL PROVISIONS	Addresses a range of general provisions in the drug arena.	Section 2237 (page 139) provides criminal penalties for failure to obey an order to land. Section 1833 (page 149) enhances penalties for drug trafficking in prisons. Section 1837 (page 142) adds penalties for drug dealing in public housing. Section 1844 (page 143) sets mandatory penalties for illegal drug use in Federal prisons.
# 143	SECTION 1542, NATIONAL DRUG CONTROL STRATEGY	Adds a new goal to the Strategy.	Adds a long-term goal for expanding the availability of treatment for drug addiction.

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PAGE	TITLE	DESCRIPTION	COMMENTS
# 145	TITLE XVIII (COMMISSIONS)		
# 145	SUBTITLE A, COMMISSION ON CRIME AND VIOLENCE	Establishment of a commission on crime and violence.	The Commission, which will have only an indirect effect on the drug area, is established to develop a crime control plan to serve as a "blueprint" for action in the 1990's. The Commission has a broad mandate.
# 146	SUBTITLE B, COMMISSION TO STUDY THE CAUSES OF THE DEMAND FOR DRUGS IN THE U.S.	Establish a national commission to study the causes of the demand for drugs in the United States.	In general, the Commission shall examine the root causes of illicit drug use; evaluate efforts being made to prevent drug use; assess the needs of the Government at all levels for resources and policies for reducing the desire to use drugs; and make recommendations concerning improvements in policies for reducing illicit drug use.
# 165	TITLE XXV (SENTENCING PROVISIONS)		
# 165	SECTION 2503. REVOCATION OF PROBATION	Mandatory revocation of probation for possession of a controlled substance or a firearm, or refusal to cooperate with drug testing.	The mandatory revocation requires the court to revoke the sentence of probation and resentence the defendant to a sentence that includes a term of imprisonment.
# 165	SECTION 2504. SUPERVISED POST-IMPRISONMENT RELEASE	Mandatory revocation of supervised release for possession of a controlled substance or for refusal to cooperate with drug testing.	The mandatory revocation requires the court to revoke the supervised release status and resentence the defendant to prison, to serve the full term as authorized under subsection (e)(3)