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Crime Bill Conf. [Conference] - Summary Materials [2]

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Backup Material

Funding Authorizations House-Senate Side-by-Side

Crime Bill Provisions Side-by-Side [Senate Order]

Crime Bill Funding Authorizations House-Senate Side-By-Side

(\$ IN MILLIONS)

House Crime Bill [H.R. 4092]				Senate Crime Bill [H.R. 3355]			
Provision	FY 1995	FY 1996	FY 94-99 Total	FY 1995	FY 1996	FY 94-99 Total	Provision
PREVENTION:							
Title X - Crime Prevention & Community Justice Act [H.R. 4033]							
Model Intensive Prevention	300	300	1,500	--	--	--	
Ounce of Prevention							
Prevention Grants	25	25	125	--	--	75	
Schools Grants	230	230	1,150	100	100	500	
Midnight Sports League							
Grants	10	10	50	25	25	150	
Study	--	--	--	--	--	--	
Drug Courts	280	280	1,400	100	100	300	
Assistance for Delinquent & At-Risk Youth	10	10	50	--	--	--	
Local Partnership Act [H.R. 581]	2,000	--	2,000	ss	ss	40	
Youth Employment & Skills "YES"	75	100	525	--	--	--	
Police Partnerships With Children	20	ss	20	ss	ss	20	
Triads for Seniors	7	--	7	7	--	7	
Title XVI - Violence Against Women Act [H.R. 1133]							
Safe Streets	200	--	400	200	200	600	
Rape Prevention	75	100	235	65	65	195	
Training	1	--	2				
Safe Campuses	--	--	0	ss	ss	20	
Safe Homes	25	25	75	25	25	125	
Misc. Provisions	1	1	4	0.5	0.5	2	
Domestic Violence Grants	ss	ss	20	100	100	300	
Equal Justice For Women	--	--	1	--	--	1	
Flr Amt Title X Amendments (Martinez)							
Family Outreach	20	ss	20	--	--	--	
Gang Prevention Services	20	ss	20	--	--	--	
Anticrime Youth Councils	5	ss	5	--	--	--	
Flr Amt Boys & Girls Clubs in Public Housing (Rostenkowski)	12	12	36	--	--	--	
Title XXII - Juvenile Drug Trafficking & Gang							
Prevention [H.R. 3353]	100	--	200	ss	ss	100	
Title XX - Federal Prison Drug Treatment [H.R. 3350]	ss	ss	ss	ss	ss	ss	
Title XXI - Alternatives To Incarceration [H.R. 3351]	200	200	600	200	200	600	
Title XXIII - State Prison Drug Treatment [H.R. 3354]	100	100	300	100	100	300	
	--	--	--	--	--	20	TB Prevention & Treatment in Prison
	--	--	--	25	25	50	Youth Development Centers
	--	--	--	1	1	3	Protection For The Elderly
	--	--	--	110	110	320	Safe Schools
	--	--	--	10	10	30	Sexual Exploitation Prevention Grants
	--	--	--	100	125	310	Family Violence Prevention Grants
	--	--	--	20	25	60	Child Safety Demonstration Grants
	--	--	--	15	20	60	Community Partnerships Drug Prevention
	--	--	--	--	--	10	Senior Citizen Marketing Scams Prevention
	--	--	--	20	ss	20	Community Programs On Domestic Violence
Total Prevention	3,716	1,393	8,745	1,224	1,232	4,218	

Crime Bill Funding Authorizations House-Senate Side-By-Side

(\$ IN MILLIONS)

House Crime Bill [H.R. 4092]				Senate Crime Bill [H.R. 3355]			
Provision	FY 1995	FY 1996	FY 94-99 Total	FY 1995	FY 1996	FY 94-99 Total	Provision
LAW ENFORCEMENT:							
Title XIV - Community Policing Grants [H.R. 3355] **	650	650	3,450	1,720	2,070	8,995	
Title XV - DNA Identification [H.R. 829]							
Grants to States	10	10	50	5	5	25	
FBI	5	5	23	5	5	23	
Title X - Crime Prevention & Community Justice Act [H.R. 4033]							
Police Recruitment	6	6	30	--	--	--	
Flr Amt Treasury Authorizations (Hoyer)	210	210	1,050	36	36	180	
Flr Amt Immigration Provisions (Becerra)	ss	ss	0	2	2	13	
Flr Amt Rural Law Enforcement (Long)							
Rural Law Enforcement Grants	50	50	250	50	50	250	
Rural Drug Enforcement Training	1	1	5	1	1	5	
More DEA Agents	20	20	100	20	20	100	
Rural Domestic Violence Assistance	10	10	30	10	10	30	
Flr Amt Stalking & Dom'tic Violence Inform't'n Grants [Beilenso	2	2	6	--	--	--	
Title VI - Violent Repeat Offender Incarceration							
Incarceration Grants	600	600	3,000	--	--	3,000	Subtitle B - State Prisons & Boot Camps
Flr Amt Truth In Sentencing (Chapman)	2,500	2,000	10,500	--	--	--	
				600	600	3,000	Subtitle D - Regional Federal Prisons
				100	100	500	Subtitle C - Community Based Violent Juvenile F
Flr Amt Community Based Local Prosecutors Grants (Kennedy)	20	20	100	100	100	500	
Flr Amt Age Discrimination In Employment (Owens)	5	--	5	--	--	--	
Flr Amt Police Corps (McCurdy)	100	250	350	100	250	350	
In Service Scholarships	30	30	150	30	30	120	
Flr Amt Border Patrol - 6,000 Staff (Hunter)	ss	ss	ss	ss	ss	ss	
	--	--	--	20	20	101	Gangs, Juveniles, Drugs, and Prosecutors
	--	--	--	40	--	40	Child Abuse Records Improvement
	--	--	--	2	2	158	State & Local Enforcement
	--	--	--	5	5	20	Police Assistance Grants
	--	--	--	100	100	348	Violence Against Women - Safe Streets
	--	--	--	--	--	14	Senior Citizens Marketing Scams
	--	--	--	8	8	32	Family Unity Demonstration
	--	--	--	18	25	93	Victims of Child Abuse Prosecution
	--	--	--	280	280	1300	Increased Funding For Judicial Processing
	--	--	--	--	--	7	Miscellaneous
Total Law Enforcement	4,219	3,864	19,099	3,252	3,719	19,204	
Total All House Crime Authorizations	7,935	5,257	27,844	4,476	4,951	23,422	

** Shows Amounts Enacted by House Only
 "ss" = Such Sums As Necessary.

Senate & House Violent Crime Control Bills - Side-by-Side

Senate Bill [H.R. 3355]	Total Senate	Total House	House Bill [H.R. 4092]
Title I - Public Safety and Policing			Title XIV - Community Policing
Community Policing Grants 100,000 "Cops On Beat"	8,995	3,450	Community Policing Grants 50,000 "Cops On Beat"
Minimum Amount To All Applicants 0.6% of Funds Available			Minimum Amount To All Applicants 25% of Funds Available
Federal Share Decreases Over Five Years To \$0			Federal Share Decreases Over Unspecified Number of Years
Waiverable Overall Cap At \$75,000 Per Hire			Waiverable Overall Cap At \$75,000 Per Hire
Preference To Grantees Contributing More Than 25%			
Preference To Grantees Hiring Former Members of Armed Forces			
		30	Subtitle G, Title X - Police Recruitment
			Grants To Community Organizations To Assist Programs To Recruit & Retain Applicants of Police Departments
Ounce of Prevention Fund			Subtitle B, Title X - Ounce of Prevention Grant Program
Supports Programs For Juveniles Such As After School and Summer Academic	75	125	Similar To Senate But Administered by Secretary of HHS
Administered By OP Council Chaired By AG and Secretaries of HHS & Ed			Adds Secretary of Interior To Council [Vento]
Title II - Death Penalty			Title VII - Death Penalty
Death Penalty Procedures - 25 Aggravating Factors			Permits Capital Punishment for 60+ Federal Offenses
Includes Death Penalty For Drug Kingpins			Includes Death For Kidnapping Where Death of a Minor Occurs
Death Penalty Procedures - 8 Mitigating Factors			Requires Notification and Separate Punishment Trial Procedure
Include Intent To Kill and Reckless Disregard For Life			Protection Due To Diminished Capacity, Pregnancy, or Under 18 Years
Protection Due To Diminished Capacity, Pregnancy, or Under 18 Years			Aggravating Factors Must Be Proven Beyond Reasonable Doubt
			Each Juror Must Find At Least One Aggravating Factor Present
			Includes Death Penalty For Drug Kingpins
			Automatic Review By Appeals Court and Supreme Court Required
			Title IX - Racially Discriminatory Capital Sentencing
			Bars Execution of prisoners who demonstrate racial discrimination
			Bar Applies To Both Federal and State Death Sentences
Title III - Firearms			NO PROVISION
Licensees Required To Be Photographed & Fingerprinted			
Requires Reporting of Theft of Firearms By Licensees			
Requires Notification of Names & Addresses of Licensees			

Senate & House Violent Crime Control Bills - Side-by-Side

Senate Bill [H.R. 3355]	Total Senate	House Bill [H.R. 4092]	Total House
Title IV - Gun Crime Penalties			
Mandatory Minimums			
Use of a Semi-Automatic Firearm During a Crime			
Second Offense Using An Explosive To Commit A Felony			
Smuggling Firearms in Aid of Drug Trafficking			
Theft of Firearms and Explosives			
Drug or Firearm Possession and Drug Testing Refusal			
Making False Statements To Acquire a Firearm			
Possession of Explosives By Felons			
Using A Firearm in Counterfeiting, Forgery, or Murder			
Firearms Possession By Violent Felons & Serious Drug Offenders			
Receipt of Firearms by Nonresident			
Firearms and Explosives Conspiracy			
Conspiracy Any Weapon or Explosives			
Conspiracy Silenced Machinegun			
Revocation of Supervised Release For Firearms Possession			
Requires Study of Incendiary Ammunition			
Theft of Firearms From Licensee			
Interstate Gun Trafficking			
Title V - Obstruction of Justice			
Attempted Murder of Court Officer or Witness			
Attempted Retaliatory Killings of Witnesses, Victims, and Informants			
Title VI - Gangs, Juveniles, Drugs, and Prosecutors			
Creates Criminal Street Gang Offenses			50
Employing Children To Distribute Drugs			
Gang Activity [Drug, Violence, or Conspiracy]			
Violent Juvenile Bindover [16 & 17 Year Olds]			
Violent Juvenile Offenders [To Age 13] Prosecuted As Adults			
Subtitle F - Youth Handgun Safety			
Gang Prosecution - Additional U.S. Attorneys	100		
Gang Investigation, Coordination, & Information Collection	1		
Juvenile Drug Trafficking and Gang Prevention Grants (Formula)	100		200
Eliminates Part D Gang Grants (Discretionary)			
Youth Development Centers Grants To Study Youth Crime	50		
Title XXIV - Explosive Crime Penalties [Slaughter]			
		Enhanced Penalty for Firearms Possession By Felons and Others	
		Theft of Explosives Penalty - 10 Years	
		Theft of Firearms From Licensee	
Title XIX - Youth Handgun Safety			
		Prohibits The Sale or Transfer of a Handgun to a Juvenile [See Senate Title I	
[Same As Senate Version]			
		Contained In House Title IV - Death Penalty Sections 703, 708-9, and 715.	
Subtitle F, Title X - Assistance for Delinquent and At-Risk You			
		Grants For Delinquency Prevention Programs	
Subtitle K, Title X - Multijurisdictional Gang Task Forces			
		Authority for Establishing Task Forces	
Title XI - Youth Violence			
		Violent Juvenile Offenders [To Age 13] Prosecuted As Adults	
		Prohibits Transfer of a Handgun To a Juvenile [See Title XIX Above]	
Title XXII - Juvenile Drug Trafficking and Gang Prevention			
		Creates Juvenile Drug Trafficking and Gang Prevention Grants	
		Provides For A 25% State and Local Match	

Senate & House Violent Crime Control Bills - Side-by-Side

Senate Bill [H.R. 3355]		House Bill [H.R. 4092]	
	Total Senate	Total House	
Title VII - Terrorism			
Threat To Safety - Maritime Platform			NO SPECIFIC PROVISION
Threatened Use of Weapon of Mass Destruction			
Violence Against Civil Aviation			
Counterfeiting of U.S. Currency Abroad			
Extension of Territorial Sea To Twelve Miles			
Any Act Promoting Terrorism			
Providing Material Support To Terrorists			Provisions Addressing Terrorism Against Maritime, Maritime Platforms, and Provisions Addressing Torture and Weapons of Mass Destruction Are Found I Title VII, Sections 711-13 and 710
Title VIII - Sexual Violence and Abuse of Children, Elderly, and Disabled		Title III - Assaults Against Children	
Extends National Criminal Background Check System (OPRAH) To Elderly and Disabled			Creates Federal Offense of Assaults Against Children
Creates Offense of Child Pornography and Abuse Including International Trafficking			
Sense of Congress That States Should Enact Child Pornography Legislation			Title XIII - Jacob Wetterling Crimes Against Children Registration Act
Requires OJJDP To Study Information on Abuse Offenders			[Same As Senate Version]
Grants To Improve Child Abuse Crime Information (Records Upgrade)	40		
Reduces By 10% Amount of Federal Grants To States Not Complying With Act			
Creates Rule of Admissibility of Evidence of Similar Crimes In Sex Offense Cases			
Requires Reporting of Location of Violent Sexual Offenders [Jacob Wetterling]			
Title IX - Crime Victims		Title I - Victims of Crime	
Allows Victim or Relative of Victim To Make Statement in Court			Allows Victim or Relative of Victim To Make Statement in Court
Mandates Restitution Regardless of Financial Circumstances of Offender			Changes Allocation of Crime Victims Fund
Changes Allocation of Crime Victims Fund			
Allows Grants For Pilot Crime Prevention Programs for Senior Citizens			Subtitle H, Title X - National Triad Program
Triad Pilot Program	2	2	[Same As Senate Version]
Nat'l Training	1	2	
Public Service Announcements	1	1	
Nat'l Assessment and Training Assistance	2	2	

Senate & House Violent Crime Control Bills - Side-by-Side

Senate Bill [H.R. 3355]	Total Senate	Total House	House Bill [H.R. 4092]
Title X -- State and Local Enforcement			
Established Drug Control and System Improvement Grant Program			Title XV - DNA Identification
DNA Identification State & Local Grants	25	50	Funding Level @ \$50M
DNA Identification Index - FBI	23	23	
			[Same As Senate Version]
Community Partnerships - Substance Abuse Prevention	60		
Authorizes Racial/Ethnic Bias Study Grants	8		
Training & Tech. Automation Grants	100		
Training Facility Improvements at Quantico	40		
Intelligence Gathering	10		
Title XI -- Provisions Relating To Police Officers			
Establishes a Family Support Office Within DOJ			Title XXIV - Age Discrimination in Employment [Owens]
Establishes Grant Program To Assist States	20		Exempts Law Enforcement Agencies From Age Discrimination Provisions
Establishes Cause of Action for Unlawful Conduct of Police Officers		5	Funds Development of Wellness Standards
Requires Annual AG Report on Data On Use of Excessive Force			
			Title ____ Redesignation of Firefighters [Manzullo]
			Makes Firefighters and Police Chaplains Eligible For Federal Death Benefits
Establishes Police Corps Program (Including Payments To States)	350	350	Title ____ Police Corps [McCurdy]
Law Enforcement Scholarship Program	120	150	[Same As Senate Version]
Title XII - Drug Court Program			Subtitle E, Title X - Drug Courts
Limits Participation To Non Violent Offenders	0		Establishes Judicial Jurisdiction Over Certain Categories of Persons
Establishes Grant Program To Provide Drug Testing Upon Arrest	300	1,400	Funds Grants For Treatment, Diversion, Probation, Health and Aftercare
			Title XXI - Alternative Punishments for Young Offenders
Provides Funding For Grants For Alternative Punishments [Boot Camps]	600	600	Provides Grants To Develop Alternative Sanctions
			Authorizes "Boot Camps" To Include Education and Job Training
			Provides For Distribution of Funds To Local Units of Government
Residential Substance Abuse Treatment for Prisoners	300	300	Title XXIII - Residential Substance Abuse Treatment for State Prisoners
Provides Grants To States For Drug Treatment Programs			
Provides Preference To Programs That Provide After Care			
Provides For Distribution of Funds To Local Units of Government			[Same As Senate Version]

Senate & House Violent Crime Control Bills - Side-by-Side

Senate Bill [H.R. 3355]	Total Senate	Total House	House Bill [H.R. 4092]
Title XIII -- Prisons			Title VI - Violent Repeat Offender Incarceration
Provides For Construction of No Less Than 10 Regional Prisons Prison Capacity @ 2500 Beds With 75 % Allotted To State Prisoners for States That Adopt "Truth In Sentencing" Reforms	3,000	3,000	Grants To States To Develop, Expand, Modify, or Improve Prisons Requires 25 % State Match Requires Assurances That Funds Will Be Used To Ensure The Incarceration Of Violent Offenders
Establishes Program of "Prison Impact Statement" For Federal Legislation			
Provides Funds For Drug Testing Of Federal Prisoners	ss		
Bars Favoritism Based On High Economic or Social Status In Fed'l Prisons			
Requires Drug Treatment for 50% of Federal Prisoners in 1995			Title XX - Substance Abuse Treatment in Feder'l Prisons
75 % in 1996, and 100% Thereafter	ss	ss	Requires Drug Treatment for 50% of Federal Prisoners in 1995 75 % in 1996, and 100% Thereafter
Provides Authority For US Sentencing Commission To Set Fines Using Consideration of Cost To Government of Incarceration and Treatment			
Provides Grants For Boot Camps & Prisons For Violent Offenders	3,000	10,500	Title __ - Truth In Sentencing [Chapman]
Authorizes Use Of Closed Military Facilities For Camps			Provides Grants To States To Build, Expand, or Provide Incarceration Space Funds Allocated By Formula Based Upon Violent Crime Statistics Eligibility For Funding States Contingent Upon Effort Extend Prison Time Twenty Five Percent of Funds Allocated Based Upon Incentive Program Funds Appropriated Will Remain Available Until Expended
Restricts Usage for Construction of Treatment Facilities To One Third			
Requires NJ Study Housing Prisoners Close To Their Families			
Requires NJ Study of Alcohol Use and Treatment			
Requires BOP To Notify S&L Law Enforcement of Release Information			Title __ . Civil Rights of Institutionalized Person [Canady]
Establishes Grants For Community Based Violent Juvenile Facilities	500		Grants Court The Authority To Dismiss Frivolous Legal Actions By Prisoners Requires Prisoners To Exhaust Administrative Remedies Prior To Filing Cour
			Title __ . Prison Overcrowding [Canady]
			Provides That A Federal Court Shall Not Hold Prison or Jail Crowding Unconstitutional Except To Extent Proven By An Individual Inmate As Crue
			Title __ . Prison Security Enhancement [Pryce]
			Prohibits Strength Training in Federal Prisons Requires The Removal of All Strength Training Equipment From Prisons

Violent Crime Reduction Trust Fund

Sense of Congress That Measures Must Be Fully Funded
Establishes Levels of Full Time Equivalent Employees
Creates The VCRTF By Transferring Funds At Start of Each Fiscal Year
Provides For Appropriations From The Fund @ Specified Amounts
Requires Report By President of Status of The Fund
Requires Listing of The VCRTF In Budget Among Government Trust Funds

NO PROVISION

Senate & House Violent Crime Control Bills - Side-by-Side

Senate Bill [H.R. 3355]	Total Senate	Total House	House Bill [H.R. 4092]
Title XIV - Rural Crime			Title __. Rural Crime [Long]
Authorizes Grants For Rural Drug Enforcement	250	250	[Same As Senate Version]
Creates Rural Drug Enforcement Task Forces			
Provides For Cross Designation of Federal Officers			Authorizes AG To Cross Designate Federal Law Enforcement Agents In Rura
Provides Funds For Rural Drug Enforcement Training	5	5	Enhances Penalties For Drug Distribution Near Truck Stops [Long]
Provides Funds For Hiring More DEA Agents	100	100	
Drug Free Truck Stops			
Provides Grants For Rural Domestic Violence & Child Abuse Enforcement	30	30	
Title XV - Drug Control			
Drug Trafficking In Prison			
Drug Dealing in Public Housing			
Anabolic Steroids			NO PROVISION
Drug Dealing in Drug-Free Zones			
Drug Use in Federal Prison			
Requires Inclusion of Drug Treatment In National Strategy			
Title XVI -- Drunk Driving Provisions			Title XVIII - Use of Formula Grants To Prosecute Persons Driving While Intoxicated
Increases Penalties Under Certain Conditions			Byrne Grants Funds May Be Used For Programs To Prosecute Drunk Drivers
Title XVII -- Commissions			Title __. National Commission On Crime and Violence [Wheat]
Establishes National Commission on Crime and Violence	88		Establishes A National Commission on Crime and Violence
Establishes National Commission To Study Demand Causes For Drugs			Establishes Procedures For Commission To Support Law Enforcement [Slaug
Establishes National Commission To Support Law Enforcement			
Establishes National Commission On Violence In Schools	88		
Calls For President To Convene A National Summit On Violence			
Title XVIII -- Ball Posting Reporting			NO PROVISION
Requires Report of Cash Bails Above \$10K To IRS			

Senate & House Violent Crime Control Bills - Side-by-Side

Senate Bill [H.R. 3355]	Total Senate	House Bill [H.R. 4092]	Total House
Title XIX -- Motor Vehicle Theft Prevention			
Require The Attorney General To Develop Voluntary Prevention Program		NO PROVISION	
Establishes Decal System To Allow Cars To Be Stopped	0		
Establishes Crime of Unlawful Use of Theft Decal			
Title XX -- Protections For The Elderly			
Missing Alzheimer's Disease Patient Alert Program	3	NO PROVISION	
Sentencing Guideline For Crimes Against Elderly			
Title XXI - Consumer Protection		Title IV - Consumer Protection	
Creates Federal Jurisdiction of Insurance Crime Affecting Interstate Commerce		[Same As Senate Version]	
Broadens Jurisdiction Over Credit Card Fraud - Access Devices		Sec. __ Penalties For Trafficking In Counterfeit Goods [Frank]	
Extends Mail Fraud Statute To Cover Private and Commercial Interstate Companies		Provides Fines Up To \$5M and 15 Years Imprisonment	
Title XXII - Financial Institution Fraud		Sec. __ Financial Institution Fraud [Hoyer]	
Strengthens Disqualification For Participating In Banking By Those Convicted of Fraud		Authorizes Secret Service To Investigate Financial Institution Fraud	
Encourages AG To Submit Report Concerning Collapse of Private Deposit Insurance Corps			
Amends Limitation Period For Tort Actions By RTC			
Title XXIII -- Savings and Loan Prosecution Task Force		NO PROVISION	
Require AG To Establish Task Force			
Title XXIV - Sentencing Provisions		Title __. Crack Penalty Amendments	
Revocation of Supervised Release		Requires Sentencing Commission Study of "Crack" Penalties	
Flexibility in Application of Mandatory Minimum Sentences [Safety Valve]		Title II - Application of Mandatory Minimum Sentences	
		Limits The Applicability of Mandatory Minimum Sentences in Certain Cases	
		Gives Sentencing Commission Authority To Adjust Sentencing Guidelines	
		Allows Provision To Be Applied Retroactively To Prisoners With Good Behav	

Senate & House Violent Crime Control Bills - Side-by-Side

Senate Bill [H.R. 3355]	Total Senate	Total House	House Bill [H.R. 4092]
Sentencing Provisions (Cont'd)			
Mandatory Prison For Firearms Use In A Crime [D'Amato]			
Gives AG Discretion Upon Which Cases Are Prosecuted Under Fed'l Jurisdiction			
Provides For Federal Jurisdiction Where Guns Moved Interstate			
Death or Life In Prison For Murder Involving A Firearm			
Mandatory Minimum For Selling Drugs To Minors			
Life In Prison For 3rd Offense [Three Strikes]			
			Title V - Mandatory Life Imprisonment [Three Strikes]
			Provides For Mandatory Life Imprisonment For A 3rd Violent Felony
			Provides For A Serious Drug Offense To Count As A Strike
			Provide For Bank Robbery, Robberies, and Burgleries
Enhanced Sentences For Hate Crimes			Title XVII - Hate Crime Sentencing Enhancement
Sentencing Commission Study			Provides For Sentencing Enhancements For Hate Crimes
Title XXV -- Sentencing and Magistrate Amendments			
Authorizes Trial By Magistrate For Petty Offenses			NO PROVISION
Title XXVI -- Computer Crime			
Creates Computer Abuse Crimes			NO PROVISION
Creates Cause of Civil Action			
Title XXVII - International Parental Kidnapping			
Creates Offense of International Parental Kidnapping			NO PROVISION
Establishes Training Program for State Courts		0	
Title XXVIII -- Safe Schools			
Establishes BJA Grants To States For Safe Schools Programs		300	NO PROVISION
Provides Funds To State To Coordinate Statewide Efforts		20	

Senate & House Violent Crime Control Bills - Side-by-Side

Senate Bill [H.R. 3355]	Total Senate	House Bill [H.R. 4092]	Total House
Title XXIX - Miscellaneous		Miscellaneous Amendments	
Increased Penalties			
Assault On Certain Protected Persons			
Manslaughter			
Civil Rights Violations			
Murder For Hire			
Conspiracy To Commit Murder For Hire			
Travel Act Violations			
Fair Housing Act Violations			
Damage To Religious Property			
Trafficking in Counterfeit Goods			
White Collar Crime			
Receiving Proceeds of Extortion			
Receiving Proceeds of Postal Robbery			
Theft of Major Artwork			
Extention of Protection of Civil Rights Statutes			
Conspiracy Against Rights			
Deprivation Under Color of Law			
Audit Requirement For S&L Receiving Forfeiture Funds			
Requires Report To Congress On Administrative & Contracting Costs			
Gambling			
Undercover Operations - Churning			
AG Report on Battered Women's Syndrome			
Balance in the Criminal Justice System - SoC Regarding Add'l Judgeships			
Extension of Statute of Limitations For Arson			
Gun Free School Zones - SoC			
Title XXX - Technical Corrections		NO PROVISION	
Title XXXI -- Driver's Privacy Protection Act		Title . . Protecting Privacy of Information in State Motor Vehicle Records	
Prohibits The Release of Personal Information From DMV Records			
Defines Scope of Personal Information		[Same As Senate Version]	

Senate & House Violent Crime Control Bills - Side-by-Side

Senate Bill [H.R. 3355]	Total Senate	Total House	House Bill [H.R. 4092]
Title XXXII -- Violence Against Women; Safe Streets			Subtitle A, Title XVI - Safe Streets For Women
Enhanced Penalties For Repeat Sex Offenders		0.2	Provides For Study of Campus Sexual Assault
Sentencing Commission Review and Report on Guidelines			Mandates Restitution For Sex Crimes
Mandates Restitution For Sex Crimes			
Provides For Federal Victims/Witness Counselors Training	2	2	Provides NJ Grants To Train Probation and Parole Officers
Establishes Grant Program For High Intensity Crime Areas	300		
Establishes Grant Program To Combat Crimes Against Women	570	400	Establishes Grant Program To Combat Violence Against Women
Grants To Indian Tribes	30		
Grants For Capital Improvement in Public Transportation	10		
Grants For Capital Improvements To National Parks	10		
Grants For Capital Improvements in Public Parks	15		
National Commission on Violence Against Women	1		
Allows Sexual History To Be Used In Civil Cases			
Amendments To Rape Shield Law			
Waiverability of Evidence By Victims			
Victim's Clothing Not Admissible For Defense			
Establishes Education and Prevention To Reduce Sexual Assaults	195	235	Establishes Education and Prevention To Reduce Sexual Assaults
Requires States To Pay For Rate Examinations			Requires States To Pay For Rate Examinations
Establishes Grants To Present Sexual Exploitation	30		
Establishes Victim's Right To Allocation in Sentencing			
Title XXXIII -- Safe Homes For Women			Subtitle D, Title XVI - Miscellaneous Provisions
Establishes Grants For National Domestic Violence Hotline	2	4	Establishes Grants For National Domestic Violence Hotline
Interstate Enforcement - Traveling To Commit Spousal Abuse		1	Establishes Task Force On Domestic Violence
Creates Offense for Interstate Violation of Protection Orders			Subtitle B, Title XVI - Safe Homes For Women
Establishes Restitution Mechanism			
Establishes Grants To Improve Spousal Abuse Law Enforcement	125	75	Establishes Grants For Programs To Encourage Arrest Policies
Establishes Grants For Domestic Violence and Family Support	300		
Establishes Family Violence Prevention Grants	310		
Establishes Youth Education Programs	0		
Domestic Violence Injury Study	0		
NIJ Research Into Domestic Violence	0		

Senate & House Violent Crime Control Bills - Side-by-Side

Senate Bill [H.R. 3355]	Total Senate	Total House	House Bill [H.R. 4092]
Title XXXIV -- Civil Rights			
Sense of Congress Regarding Gender Discrimination			NO PROVISION
Sense of Senate Regarding Right To Privacy of Rape Victims			
Title XXXV -- Safe Campuses For Women			NO PROVISION
Authorization For Campus Rape Education and Prevention Programs	20		
Title XXXVI -- Equal Justice For Women In Courts			Subtitle E, Title XVI - Equal Justice For Women In the Courts
Established Grants To States For Model Training Programs For Court Personnel	1	1	[Same As Senate Version]
Establishes Courts Clearinghouse & Education Programs	0	0	
Courts of Appeals, District Courts	0	0	
Federal Judicial Center	0	0	
Administrative Office of Courts	0	0	
Title XXXVII -- Violence Against Women Act Improvement			
Increases Penalties For Sex Offenses Against Victims Under 16			
Requires Payment For Cost of HIV Testing	0		
Extends and Strengthens Restitution Provisions			
Provides For Suspension of Federal Benefit To Support Restitution Claims			
Makes Inadmissable Provocation or Invitation By Victim			
Requires Campus Baseline Study on Campus Sexual Assault			Subtitle D, Title XVI - Miscellaneous Provisions
Requires AG Report On Battered Women's Syndrome			AG Report on Confidentiality of Addresses For Victims of Domestic Violence
Requires Report on Confidentiality of Addresses For Victims			AG Report on Recordkeeping Relating to Domestic Violence
Requires AG Report on Recordkeeping Relating To Domestic Violence			Establishment of Task Force on Violence Against Women
Requires AG Report on Fair Treatment in Legal Proceedings			Payment For Cost of STD Testing For Victims in Sex Offense Cases
Requires Judicial Conference Report on Federal Rule of Evidence			AG Report on Confidentiality of Addresses For Victims of Domestic Violence
Establishes Supplemental Grants For States For Effective Laws [Up to \$1M]	0		

Senate & House Violent Crime Control Bills - Side-by-Side

Senate Bill [H.R. 3355]	Total Senate	House Bill [H.R. 4092]
Title XXXVIII -- Enhanced Penalties For Anti-Fraud Efforts		
Enhances Penalties For Health Care Fraud		NO PROVISION
Provides For Forfeiture of Property For Health Care Fraud		
Adds Health Care Fraud To List of RICO Offenses		
Adds False Claims To List of Offenses Covered Under Fraud		
Title XXXIX -- Senior Citizens Against Marketing Scams		
Enhanced Penalties For Telemarketing Fraud		NO PROVISION
Enhanced Penalties For Telemarketing Fraud Against Seniors		
Provides For Forfeiture of Fraud Proceeds		
Establishes A System of Rewards For Information		
Additional Funding To Support Fraud Investigations		
Federal Bureau of Investigation	10	
Adds 30 New U.S. Attorneys	4	
Senior Citizen Awareness Seminars	10	
Broadens Mail Fraud Coverage To Include Cash Access Devices		
Requires AG To Establish A National Fraud Hotline		
Title XL -- Child Safety		
Establishes Grants For Supervised Visitation Centers For Families of Domestic Violence	60	NO PROVISION
20% of Grants To Be Earmarked For Abused Children		
Title XLI -- Family Unity Demonstration Project		
Establishes "Community Correctional Facilities" Grants	32	NO PROVISION
Allow Up To 50 Inmates To Be Housed With Children Under Age 7		
Up To 10% of Funds May Be Used For Violators of Federal Law		

Senate & House Violent Crime Control Bills - Side-by-Side

Senate Bill [H.R. 3355]	Total Senate	House Bill [H.R. 4092]	Total House
Title XLII -- Domestic Violence		Subtitle C, Title XVI - Domestic Violence	
Prohibition Against Sale or Transfer of A Weapon To Persons Who Have Committed Domestic Violence		Grants For Community Programs on Domestic Violence	20
		Title __. National Stalker/Domestic Violence Reduction	
		Authorizes Access To Crime Data Bases For Stalker and Violence Cases	6
		Provides Grants To Improve Processes For Entering Information	
Title XLIII --- Missing and Exploited Children		Title XII - Child Sexual Abuse Prevention Act	
Establishes A Missing Children Task Force To Work With Nat'l Center		Create New Penalties For International Trafficking In Child Pornography	
Task Force Empowered To Assist Enforcement of Federal Law Related To Child Abduction		New Penalties For Travel To Engage In Sex With A Juvenile	
		Sense of Congress Concerning State Legislation	
Title XLIV -- Public Corruption		NO PROVISION	
Strengthen Laws Relating To Public Corruption Offenses			
Provides For Narcotics-Related Public Corruption			
Title XLV -- Semiautomatic Assault Weapons		NO PROVISION	
Bans The Manufacture, Transfer, and Possession of Certain Semi Automatic Firearms			
Establishes Record Keeping Requirement and Restrictions			
Exempts Weapons Owned Prior To Effective Date of Law			
Exempts Semi-Automatic Shotguns Holding Five Rounds or Less			
Bans Large Capacity Ammunition Feeding Devices			
Defines Large Capacity as 10 Rounds			
Requires AG Study Of Impact of Title To Drug Trafficking Crime			
Requires Large Capacity Magazine Manufactured After Enactment To Be Dated			
Provision Expires 10 Years After Enactment			
Title XLVI -- Recreational Hunting Safety		NO PROVISION	
Creates A Civil Offense of Obstructing A Lawful Hunt			
Obstruction of Hunt Involving Force or Violence			
Authorizes Collection of Damages and Attorney's Fees			
Provides For Non Preempting of State and Local Law			

Senate & House Violent Crime Control Bills - Side-by-Side

Senate Bill [H.R. 3355]	Total Senate	Total House	House Bill [H.R. 4092]
Title XLVII -- Correctional Job Training and Placement			
Provides For Establishing An Office of Correctional Job Tng and Placement Office To Enhance Job Placement Activities and Information Sharing			NO PROVISION
Title XLVIII -- Police Partnerships For Children			Subtitle C, Title X - Police Partnerships for Children
Establishes Grants To Law Enforcement Activities For Creation of Partnerships With Child and Family Support Agencies To Address Needs of Children Provides For Reducing Federal Share From 80% to 60% Over 3 Years Limits Mentoring and Conflict Resolution Portion To 10%	20	20	Establishes Grant Program To Support Activities For Children Provides For Subsidized Rent For Police Officers Living In High Crime Areas
		36	Title __ Boys and Girls Clubs In Public Housing [Rosty] HUD Contracts With Boys and Girls Clubs To Establish Club
Title XLIX -- National Community Economic Partnership			Subtitle I, Title X - Local Partnership Act
Establishes Lines of Credit To Community Development Corps Limits Lines To \$2M Per Applicant Establishes Community Development Corp Improvement Grants Requires 60% Use For Lines of Credit	40	2,000	Grants To High Crime and Poverty Areas
Title L -- Deportation of Criminal Aliens			Title XXXX - Criminal Aliens [Inslee]
Expands Definition of Aggravated Felony To Include Drug Trafficking & Other Offenses Eliminates Administrative Hearings For Criminal Aliens Provides For Assumption of Deportability Of Aliens Convicted of Agg. Felony Provides For Jurisdiction of District Court Over Deportation Restricts Defenses To Deportation Provides For Enhanced Penalties For Failure To Depart Establishes Criminal Alien Tracking Centers	13		Authority For AG To Accept Gifts of Property To Aid INS Deportation
		ss	Title XXIV - Immigration Provisions [Becerra] Increased INS Authorization To Improve Border Control Expanded Authority To Insure Deportation of Criminal Aliens Upon Release
		ss	Contruction of 2 INS Processing Centers To Detain Criminal Aliens
		ss	Subtitle __. Border Patrol [Hunter] Authorizes 6,000 More Border Patrol Agents and Support Staff
			Title __. Criminal Aliens [Bellenson] Requires Federal Government To Take Custody of Criminal Aliens Requires Federal Government To Reimburse States For Costs of Incarceration Reimbursement Subject To Appropriations Until 1998

Senate & House Violent Crime Control Bills - Side-by-Side

Senate Bill [H.R. 3355]	Total Senate	House Bill [H.R. 4092]	Total House
Title LI -- General Provisions		Subtitle A, Title X - Model Intensive Grant Programs	1,500
Provides For BOP Discretion Regarding Awarding of "Good Time"			
Prohibits Payment of Federal Benefits To Illegal Aliens			
Creates A Task Force Addressing Introduction of Non Indiginous Plants		Subtitle D, Title X - Midnight Sports	
Establishes A Task Force on Prison Construction and Techniques		Grants To States	50
Requires Report on Royal Hong Kong Police Recruitment		Study	0
Prohibits Interstate Wagering Mechanisms			
Alien Terrorist Removal			
Establishes Special Court and Procedures		Subtitle J, Title X - Youth Employment and Skills (YES)	
Requires Mandatory Life For 3rd Violent Felony		Department of Labor Grants To States	525
Requires Assessment of Prison Contruction Methods			
Resticts Payments of Benefits To Persons Confined To Mental Institutions			
Driving While Intoxicated Programs			
Provides For Civil Penalites For Parents of Juvenile Offenders			
Mandatory Minimum Fine			
Provides For Community Service or Parenting Class In Lieu			
Provides For Protection of Recipients of Counterterrorism Rewards			
Established Violent Crime and Drug Emergency Areas Program			
Eligibility For Federal Assistance			
AG Required To Establish Regulations To Implement Program			
State and Local Cooperation With Immigration Service			
AG Report On Adverse S&L Laws			
Denial Of Federal Funds For Refusing To Cooperate With INS			
Department of Education Organization Act Amendments			
Prevention, Diagonosis, Treatment of Tuberculosis In Prisons			
AG To Develop Guidelines			
Establishes Grants To State & Local Corrections Authorities	20		
Federal Share of Grants Shall Not Exceed 50%			
Community Program On Domestic Violence			
Establishes Demonstration Grants	20		
Adds "Disabilities" To Hate Crime Statistics Act			
Penalties For Document Fraud			
Directs AG Study of Model Anti-Loitering Laws			
Victims of Child Abuse			
Court Appointed Special Advocates	37		
Child Abuse Training For Judicial Officials	37		
Grants For Televised Testimony	19		

Senate & House Violent Crime Control Bills - Side-by-Side

Senate Bill [H.R. 3355]

House Bill [H.R. 4092]

Total
Senate

Total
House

General Provisions [Cont'd]

Special Treatment of Indian Tribes and DC For Grant Matching

SSA Agreement To Assist In Locating Parents

Adds Solicitation of a Minor To Commit A Crime

SoC on Asylum

Increased Funding For Federal Judicial Processing

Federal Judiciary

300

Department of Justice

600

Federal Bureau of Investigation

250

United States Attorneys

150

Funds Used In Indian Country Need Not Be Matched

Statute of Limitations On RTC Prosecutions Extended

Prohibits Awards of Pell Grants To Prisoners

Transfer of Certain Aliens Criminals To Federal Facilities

Provides For Compensation To Be Paid To States For Costs of Incarceration

500

Grants To State Courts To Ease Burden of Act

Requires FBI Report On How To Accelerated Automated Fingerprint ID

Appropriate Remedies For Prison Overcrowding

Prisoner Must Prove Crowding Is Cruel or Unusual Punishment

Prohibits Courts From Placing Capacity Ceilings On Prisons

Establishes Community Programs On Domestic Violence

Grants To States

20

Child Centered Activities

Establishes School Youth Services Grants

500

Grants Eligible For Disbursement To Community Based Organizations

Establishes Olympic Youth Development Centers

150

Makes Federal Land and Wilderness Available To Youth Programs

Bankruptcy Fraud

Concealment of Assets

Embezzlement Against An Estate

Adverse Interest and Conduct

20

Handguns In Schools

Provides For Award of Up To 25% More In Grant Funds Incentives

Driver's License Revocation For Gun In School

Sense of Senate Regarding Study of Out-Of-Wedlock Births

5

Congressional Approval For Expansion of Lorton Prison

SEC__ Pell Grants [Gordon]

Prohibits Awarding of Pell Grants To Prisoners

Subtitle P, Title X - Community-Based Justice Grants for
Local Prosecutors

Grants To Speed Prosecution of Violent Young Offenders

100

Pt II, Subtitle B, Title X - Family & Community Schools Grants

Grants To Eligible Communities To Develop After School Programs

1,150

Subtitle L, Title X - Urban Recreation and At-Risk Youth

Provides Authority To Use Recovery Act Funds For Urban Recreation

Subtitle M, Title X - Hope In Youth Program

Grants for Family Outreach

Subtitle N, Title X - Gang Prevention Services For Boys and G

OJP Grants to Local Communities

Subtitle O, Title X - Anticrime Youth Councils

Grants to Communities To Establish Councils

Senate & House Violent Crime Control Bills - Side-by-Side

Senate Bill [H.R. 3355]	Total Senate	House Bill [H.R. 4092]	Total House
National Narcotics Leadership Act			
Extends "Sunset" of ONDCP to September 30, 1993			
Authorizes Staff At 75, Subject To Appropriations			
Extension of Full Time Status of Member of U.S. Sentencing Commission			
Sense of Senate That Able Bodied Prisoners Should Work			
First Time Violent Offender Rehabilitation Program			
Asset Forfeiture			
Allows For Payment of Property Taxes On Seized Property			
Clarification of Definition of "Court of United States"			
Permits Cooperative Extradition of Criminals To U.S.			
Provides Funds For Expedited Deportation of Denied Asylum Applicants	0		
Provides For Improved Border Controls Through Increase INS Funding	0		
Expands Special Deportations Proceedings			
Provides Funds For Construction of INS Service Processing Centers	0		
Assistant U.S. Attorneys Shall Reside Within 50 Miles of District			
Additional Funding For Department of Treasury:		1,050	
Create 50 Gang Resistance Education and Training Projects [GREAT]	200		
Adds 200 BATF Agents	150		
Provides Funding For More U.S. Secret Service Agents	30		
Sense of Congress That Law Enforcement Personnel Should Not Be Reduced			
Requires AG Review of Prison Capacity and Standards			
Requires AG and Secretary HHS Consultation on Coordination of			
Treatment and Prevention Programs			
Authorizes Juvenile Anti-Drug and Anti-Gang Grants in Federal Housing			
Total Authorizations	23,422		27,845

Sec. __. Department of Treasury Authorizations [Hoyer]

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993
Introduced September 23, 1993

The Violent Crime Control and Law Enforcement Act of 1993 introduced by Chairman Brooks is a needed response to the many facets of criminal activity in our society. The bill balances a strong Federal commitment to crime control with a recognition of the basic fact that State and local governments have historically played, and must continue to play, a fundamental role in the functioning of our criminal justice system. The following are among the key provisions of the bill:

- * Federal Death Penalty -- The bill expands, to over 50, the number of Federal crimes punishable by death. Included under this title are death penalties such as: murder of a Federal law enforcement agent; death resulting from hijacking, terrorists, drive-by shootings; death resulting from hostage taking; killing the President; murder in the course of a rape crime; murder for hire; death resulting from child abuse; and many more.
- * Handgun Control (Brady Bill) -- The bill would require an interim system to be put in place in the States requiring a 5-day waiting period before a potential buyer could purchase a handgun. During the 5-day period, a local law enforcement official would attempt to determine whether the applicant was ineligible to buy a handgun because of Federal or State law. The interim system eventually will be replaced by an "instant check" national computer system once the Attorney General certifies one.
- * Community Policing: Cops on the Beat -- The bill makes Federal assistance and leadership available to State and local law enforcement authorities in their efforts to put more cops back on the beat, thereby increasing police presence on the streets.
- * Safe Schools -- The bill provides grants to those local school districts most severely affected by the rising tide of crime and violence, in an effort to make schools safe environments for learning and to eliminate drug- and gang-related activity in schools.
- * Child Abuse -- The bill provides a national system of background checks for people who work with children. It also imposes the death penalty for child abuse murders. The bill makes international parental kidnapping a Federal felony, and provides grants for training of State and local officials in dealing with this increasing problem.
- * Habeas Corpus -- The bill streamlines, reforms, and limits current habeas corpus procedures in death penalty cases. Among the changes are the establishment of a strict statutory time period within which death row petitioners must file Federal petitions, and the virtual prohibition of all second and successive habeas corpus applications in capital cases.
- * Coerced Confessions -- The bill reinstates the law in effect prior to a Supreme Court decision in 1991, which held that the admission of a coerced confession in a criminal trial can be merely harmless error. By returning the law to the black letter rule that has been followed for decades, the bill ensures that the government does not resort to State-supported coercion as a legitimate tool to develop evidence against defendants.

**GRANT PROGRAMS IN THE
VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993**

Alphabetical Listing by Program

<u>PROGRAM</u>	<u>AUTHORIZATION</u>	<u>FISCAL YRS</u>	<u>SECTION NO.</u>
● Brady-Improved Crime Records	\$100 million	94 & each FY	503
	650 million	95 - 99 each	
● Certainty of Punishment for Young Offenders	200 million	94 - 96 each	605
● Child Protection-Improved Info	20 million	94 - 96	806
● Community Substance Abuse Prevention	15 million	94	1008
	20 million	95	
	25 million	96	
● Cops on the Beat	200 million	94	102
● Drug Enforcement Administration	100 million	94	
● DNA Proficiency Testing	4.5 million	94 - 98 each	1007
● DNA Analysis Improvement	10 million	94 - 98 each	1003
● Drug Emergency Areas	100 million	94 - 96 each	1501
● Drug Testing Arrestees	100 million	94 - 96	1010
● Habeas Corpus	Sum necessary	Each	307
● Interstate & Int'l Parental Child Abduction Programs	250 thousand	To carry out program	2302
● Juvenile Drug Trafficking and Gang Prevention	100 million	94 & 95 each	606
● Law Enforcement Family Support	5 million	94 - 98 each	1102
● Law Enforcement Scholarship	25 million	94 - 97 each	1122
● Missing Alzheimer's Program	1 million	94 - 96 each	1901
● Motor Vehicle Theft Protection Program	Sum necessary	To carry out program	1801
● Police Corps Program	5 million	94 - 98 each	1112
● Racial and Ethnic Bias Study	2 million	94 - 98 each	1011
● Rural Law Enforcement	50 million	94	1401
	Sum necessary	95 & 96	
● Rural Drug Enforcement Training	1 million	94 - 96 each	1404
● Safe Schools	100 million	94 - 96 each	2402
● Substance Abuse-State Prisoners	100 million	94 - 96 each	1201
● Substance Abuse-Federal Prisoners	Sum necessary	Each	1306

**GRANT PROGRAMS IN THE
VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993**

Listing is by Section that the Program is found in the Bill

<u>PROGRAM</u>	<u>AUTHORIZATION</u>	<u>FISCAL YRS</u>	<u>SECTION NO.</u>
● Cops on the Beat	\$200 million	94	102
	650 million	95 - 99 each	
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● Missing Alzheimer's Program	1 million	94 - 96 each	1901
● Interstate & Int'l Parental Child Abduction Programs	250 thousand	To carry out program	2302
● Safe Schools	100 million	94 - 96 each	2402
● DEA-	100 million	94	

**BRIEF SUMMARY OF
VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993
BROOKS CRIME BILL**

TITLE I -- PUBLIC SAFETY AND POLICING

Title I targets crime by putting more police "on the beat" in local neighborhoods and communities. The general purposes of the title include:

- * increasing the number of visible officers in community policing;
- * enhancing police skills in community interaction;
- * encouraging innovative programs for community assistance in crime prevention; and
- * developing new technologies to help police become more proactive, rather than reactive, to crime.

Community Policing Program. The Attorney General is authorized to make grants to State and local governments and to other public and private entities to increase police presence, to enhance police-community cooperation in addressing crime and disorder, and otherwise to enhance public safety.

Grant money would be used for hiring additional law enforcement officers and rehiring officers who have been laid off for budgetary reasons for deployment in community-oriented policing.

Other funding objectives include: proactive crime control and prevention; specialized training; facilitation of police-community interaction; development of innovative programs; community involvement in crime prevention efforts; and adoption of community policing as an organization-wide philosophy.

The Attorney General is also authorized to provide technical assistance to State and local governments, which may include the development of a flexible model for implementing community or problem-oriented policing. This assistance may also include establishing training centers to train police executives, managers, trainers, and supervisors regarding community or problem-oriented policing and improving police-community interaction.

States must provide at least 25% of the funding for community policing programs and must also submit plans for

assuming the full costs of increased police hiring following a five-year period of Federal assistance.

Grant applications must include a long-term strategy and detailed implementation plan reflecting consultation with community groups and appropriate public and private agencies; information concerning coordination with other governmental agencies; and plans for obtaining necessary funds for continuing the program following the conclusion of Federal support.

Grants to State and local governments are to be used to supplement, and not to supplant, State and local funds; no more than 5% of available funds may be used for administrative costs; and, money received through the asset forfeiture program may be used to cover the non-Federal portion of programs funded under the title.

Each funded program must include an evaluation component (including outcome measures), and the performance of each grant recipient is to be reviewed by the Attorney General.

This program authorizes appropriations of \$²⁰⁰~~175~~ million for FY94, \$~~650~~ million for FY95, \$~~650~~ million for FY96, \$~~650~~ million for FY97, and \$~~650~~ million for FY98, + 650M for 99

TITLE II -- DEATH PENALTY

This title establishes the death penalty for certain enumerated offenses as well as procedures for the constitutional imposition of the Federal death penalty. It provides the Federal death penalty for the following offenses:

Aircraft piracy where death results
Bank robbery where death results
Carjacking where death results
Child sexual exploitation where death results
Conspiracy to violate civil rights where death results
Damage of Federal property by explosives where death results
Damage of Federal property by fire where death results
Damage of property affecting commerce by fire where death results
Damage of property affecting commerce by explosives where death results
Destruction of aircraft where death results
Destruction of aircraft facilities where death results
Destruction of motor vehicle facilities where death results
Destruction of motor vehicles where death results
Drive-by shootings where death results
General espionage
Genocide
Hostage-taking where death results

Interference with federally-protected activities where death results
Interstate explosives offense where death results
Kidnapping where death results
Mailing dangerous articles where death results
Murder in aid of racketeering
Murder of Cabinet officers
Murder of certain foreign officials
Murder of court officers
Murder of diplomats
Murder by escaped Federal prisoner
Murder of Federal law enforcement officials
Murder of Federal judges
Murder with firearm in course of Federal drug crime
Murder with firearm in course of Federal violent crime
Murder with firearm during Federal drug trafficking crime
Murder during firearms attack in or on Federal facility
Murder of high-level government officials
Murder for hire
Murder of juror
Murder by life-term Federal prisoner
Murder of local official assisting Federal law enforcement officer
Murder of members of families of Federal officials with intent to
 impede or retaliate
Murder of Members of Congress
Murder of President
Murder in special maritime and territorial jurisdiction
Murder of staffs of high-level government officials
Murder of State official assisting Federal law enforcement officer
Murder of Supreme Court Justices
Murder of U.S. national in foreign country
Murder of Vice-President
Obstruction of free exercise of religious rights where death results
Rape where death results
Retaliatory murder of informant
Retaliatory murder of witness
Retaliatory murder of victim
Sexual abuse crimes where death results
Terrorist murder of U.S. national abroad
Torture resulting in death
Treason
Use of weapon of mass destruction where death results
Violence at international airports where death results
Violence against maritime navigation where death results
Violence against maritime platforms where death results
Wartime espionage
Willful deprivation of Federal rights where death results
Witness-tampering murders
Wrecking trains where death results

TITLE III -- HABEAS CORPUS REFORM

Filing Deadlines. Imposes a 180-day limitations period for the filing of Federal habeas corpus petitions. The limitations period applies in capital cases, and in non-capital cases in which the State provides counsel for State post-conviction review. A one-time 60-day extension of the period is available upon a showing of good cause.

Stays of Execution in Capital Cases. Provides an automatic stay of execution in capital cases through the consideration of the first Federal habeas corpus petition. Thereafter, a stay of execution may be granted only if the habeas petition on its face satisfies the requirements for successive petitions.

Limits on New Rules; Standard of Review. Prohibits a Federal court from announcing or applying a new rule to grant relief to a habeas corpus petitioner with two narrow exceptions. Defines a new rule as one that changes the constitutional or statutory standards that prevailed at the time the petitioner's conviction and sentence became final on direct appeal. This section also codifies case law providing for an independent Federal habeas corpus review of claims under Federal law.

Limits on Successive Petitions. Provides that in capital and non-capital cases, a prisoner may bring a second or subsequent petition only if the prisoner shows both cause for not having brought the claim before and prejudice if the claim is not heard. The section also requires Federal courts to give prompt consideration to successive petitions, notwithstanding other items on their dockets.

Provision of Qualified Counsel. Sets standards and procedures for the provision of qualified counsel for indigent defendants at all stages of State capital litigation. Appointed lawyers are to be paid reasonable hourly fees, to be set by the State's highest court.

State Counsel Funding. Provides for grants to States to help fund the provision of defense counsel in capital cases. Also provides grants for the prosecution in Federal habeas corpus cases in an amount equal to that allocated to capital resource centers.

TITLE IV -- COERCED CONFESSIONS

This title reverses the United States Supreme Court's decision in Arizona v. Fulminante, by declaring that the admission of a coerced confession into evidence in a criminal trial shall never be considered harmless error when the confession is involuntarily obtained. The

title also identifies the appropriate harmless error standard for criminal proceedings in Federal court.

TITLE V -- GUN CRIME PENALTIES

Subtitle A. Brady Handgun Violence Prevention Act

Brady Handgun Violence Prevention Act. Establishes an interim Federal waiting period of up to 5 days before a licensed dealer, importer, or manufacturer may sell, deliver, or transfer a handgun to a private purchaser. During that waiting period, a local law enforcement official would do a background check to determine whether the applicant is ineligible to purchase a handgun under Federal or State law. The interim waiting period would be replaced by an "instant background check" system, once the Attorney General certifies that such a system is established. There is authorized to be appropriated for this program \$100 million for FY94 and each fiscal year following.

Subtitle B. Gun Crime Penalties

Semiautomatics. Enhances the penalty for use of a semiautomatic firearm during the commission of a crime of violence or a drug trafficking crime.

Explosives: Second Offense. Enhances the penalty for a second conviction of using or carrying an explosive in the commission of a Federal felony.

Smuggling Firearms in Aid of Drug Trafficking. Prohibits and penalizes the smuggling of firearms into the United States in furtherance of a Federal or State trafficking crime.

Theft of Firearms and Explosives. Prohibits and penalizes the theft of firearms or explosives that have moved in interstate commerce.

False Statement in Gun Buying. Increases the penalty for knowingly making a false, material statement in connection with the acquisition of a firearm from a licensed dealer.

Possession of Explosives by Felons and Others. Prohibits the possession of explosives by felons, fugitives, drug users and persons adjudicated mentally defective.

Explosives Destruction. Authorizes summary destruction of explosives subject to forfeiture where the explosives cannot be safely

removed and stored and allows an innocent owner to make application for reimbursement of the value of the property.

Stolen Firearms. Prohibits a variety of transactions involving stolen firearms (receipt, possession, concealment, sale) which have moved in interstate commerce.

Counterfeiting or Forgery. Enhances the penalty when a firearm is used in the commission of counterfeiting or forgery.

Firearms Possession by Felons. Enhances the penalties for gun possession by violent felons and serious drug offenders.

Receipt of Firearms by Nonresident. Prohibits and penalizes the transfer of firearms to a nonresident of a State, except for lawful sporting purposes.

Firearms and Explosives Conspiracy. Prohibits and penalizes conspiracies to commit firearms and explosives crimes.

Incendiary Ammunition. Directs the Treasury Secretary to conduct a study of incendiary ammunition to determine whether it has a reasonable sporting or law enforcement purpose.

Firearms, Explosives Theft. Prohibits and penalizes the theft of firearms or explosives from a licensed importer, manufacturer or dealer.

Distribution of Explosives. Prohibits and penalizes the distribution of explosives to a person who is legally disqualified from having the explosives.

"Burglary" Clarification. Defines "burglary" for purposes of Armed Career Criminal Statute provisions regarding predicate offenses.

Interstate Gun Trafficking. Increases the penalty for interstate gun trafficking.

TITLE VI -- YOUTH VIOLENCE

Subtitle A. General

Using Kids to Deal Drugs. Increases the penalties for employing children under the age of 18 to distribute drugs or to assist in avoiding apprehension for a drug offense.

Commencement of Juvenile Proceeding. Clarifies when a juvenile can be transferred to adult prosecution and when a dispositional hearing can be held with regard to that juvenile.

Bindover System for Violent Juveniles. Authorizes grants for bindover systems for the prosecution of 16- and 17-year olds as adults for certain violent crimes (murder in the first or second degree, attempted murder, armed robbery with a firearm, aggravated battery or assault with a firearm, criminal sexual penetration when armed with a firearm, and drive-by shootings).

Subtitle B. Criminal Street Gangs

Criminal Street Gangs. Provides a term of imprisonment of not more than 10 years and/or a fine for a gang member or person acting on behalf of a criminal street gang who commits a Federal drug or violent crime offense and who has had a prior drug or crime of violence conviction. The penalty is to run consecutively to any other sentence imposed.

A "criminal street gang" is a group, organization, or association of 5 or more persons whose members have engaged in a continuing series of drug crimes or crimes of violence.

Subtitle C. Certainty of Punishment for Young Offenders

Certainty of Punishment for Young Offenders. Authorizes grants to States to develop alternative methods of punishment for young offenders to traditional forms of incarceration and probation. The alternatives developed must ensure certainty of punishment for young offenders, and promote reduced recidivism, crime prevention and assistance to victims. There is authorized to be appropriated \$200 million for each of FY94, 95, and 96.

Subtitle D. Juvenile Drug Trafficking and Gang Prevention Grants

Juvenile Drug Trafficking and Gang Prevention. Authorizes grants for programs to curb the formation or continuation of juvenile gangs and the use and sale of illegal drugs by juveniles. Additionally, authorizes grants for public or non-profit private organizations or individuals to identify promising new juvenile drug reduction and enforcement programs, as well as programs to address the unique crime, drug, and alcohol-related challenges faced by juveniles living at or near international ports of entry and in other international border communities, including rural localities. There is authorized to be appropriated \$100 million for each of FY94 and 95.

TITLE VII -- TERRORISM

Subtitle A -- Maritime Navigation and Fixed Platforms

Maritime Navigation and Fixed Platforms. Prohibits and penalizes the seizure of a ship or fixed platform by force, an act of violence against a person on board, damage or destruction of a ship, a fixed platform, or maritime navigation facilities, or the injuring or killing of a person in connection with such activities. Provides the death penalty where death results.

Subtitle B -- General Provisions

Weapons of Mass Destruction. Provides the death penalty where death results from the use of a weapon of mass destruction.

Crimes Against U.S. Nationals on Foreign Ships. Extends special maritime and territorial jurisdiction to offenses committed by or against a U.S. national during a voyage on a foreign vessel that is scheduled to arrive or depart from the United States.

Torture. Provides criminal penalties for the commission of torture outside the United States. Provides the death penalty when the torture results in death. Torture is defined as an act committed under color of law and intended to inflict severe physical or mental pain or suffering upon one within the official's custody or control.

Extension of Statute of Limitations. Provides for an extended, 10-year statute of limitations for certain terrorist offenses.

F.B.I. Access to Telephone Subscriber Information. Provides the FBI with access to telephone subscriber information if the Director or Deputy Assistant Director certifies that the requested information is relevant to a foreign counterintelligence investigation and that there are specific facts giving reasons to believe that it pertains to an agent of a foreign power or to an individual engaged in international terrorism or clandestine intelligence activities involving a violation of U.S. criminal statutes.

Violence at International Airports. Criminalizes acts of terrorism at U.S. international airports. Provides the death penalty where a death results from attempting or performing an act of violence or destruction at an airport.

Terrorism Against Civilian Aviation. Provides criminal penalties for willful violations of airport or airline security regulations.

Counterfeiting United States Currency Abroad. Prohibits and penalizes the making, dealing or possessing of any counterfeit U.S. obligation or security, or plate or stone used to counterfeit such

obligation or security outside the United States if such an act would constitute a violation within the U.S.

Enhanced Penalties for Terrorist Crimes. Enhances penalties for any felony, whether committed within or outside the U.S., that involves or is intended to promote international terrorism.

Alien Witness Cooperation. Amends the Immigration and Nationality Act to allow the Attorney General to grant a nonimmigrant visa to an alien who possesses critical and reliable information about a criminal organization, who is willing to supply such information to law enforcement authorities, and whose presence in the United States is essential to the success of an investigation or prosecution of an individual involved in the organization. This section also allows the spouse and children of such an alien to join the alien in the United States. It limits to 100 the number of nonimmigrant visas per fiscal year and limits the period of admission to 3 years. The Attorney General may adjust the status of these individuals to that of permanent resident under specified circumstances. Such aliens must report to U.S. officials quarterly, may not be convicted of a crime while in the U.S., and must waive the right to contest deportation prior to any adjustment of status.

Material Support to Terrorists. Penalizes those who provide "material support or resources" to terrorists. The term "material support or resources" is defined to mean currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, but does not include humanitarian assistance to persons not directly involved in such violations.

TITLE VIII -- SEXUAL VIOLENCE AND CHILD ABUSE

Subtitle A. Sexual Abuse

Sexual Abuse Amendments. Prohibits and penalizes the intentional touching of the naked genitalia of a person under 16 years with an intent to abuse, humiliate, degrade, or arouse or gratify the sexual desire of any person.

Subtitle B. Child Protection

Child Protection. Establishes a national background check system whereby child care organizations can determine whether prospective employees have histories of child abuse or other serious crimes. States are required to have at least 80% currency of crime cases in their systems within 3 years. The Act also directs a study

of child abusers' criminal records. There is authorized to be appropriated \$20 million for each of FY94, 95, and 96.

Subtitle C. Crimes Against Children Registration

Crimes Against Children Registration. This program encourages States to establish registration systems for persons convicted of crimes against minors (kidnapping, false imprisonment, criminal sexual conduct, solicitation to engage in sexual conduct, use in sexual performance, or solicitation to practice prostitution). Under the proposal, such convicts would be required to keep law enforcement authorities informed of their addresses for a period of ten years following release from prison or being placed under supervision. Fingerprints and photographs would be forwarded to State law enforcement agencies which, in turn, would forward them to the FBI. States that fail to establish such systems within three years could lose 10% of their Byrne Grant funding.

TITLE IX -- CRIME VICTIMS

Victims' Fund Percentage Allocation Modification. Specifies the amounts available for grants under certain sections of the Victims of Crime Act of 1984.

Relationship of Crime Victim Compensation to Certain Federal Programs. Prohibits victims' compensation funds from being diverted to other federally-financed programs.

Victim's Right of Allocution in Sentencing. Gives victims of violent crimes and sexual abuse the right to address the court concerning the sentence to be imposed on the convicted offender. The right may be exercised by a parent or guardian if the victim is under 18, or by one or more family members if the victim is deceased or incapacitated.

Report on Battered Women's Syndrome. Directs the Attorney General and the Secretary of the Department of Health and Human Services to report to Congress on the medical and psychological basis of battered women's syndrome and the extent to which evidence of the syndrome has been admitted as evidence as to guilt or as a defense in criminal trials.

TITLE X -- STATE AND LOCAL LAW ENFORCEMENT

Subtitle A. Safer Streets and Neighborhoods

Safer Streets and Neighborhoods. Ensures that the funding formula for Federal-State grants is continued and that federal financial assistance intended for State and local law enforcement is not diverted to Federal programs.

Subtitle B. DNA Identification

DNA Identification. Establishes a national DNA quality control system for the identification of criminals. Grants to develop DNA analysis would be available to States whose laboratories meet certain quality assurance standards and whose analyses are disseminated in accordance with confidentiality requirements. The quality assurance standards to be followed by the States would be developed by the FBI. In addition, the FBI would be authorized to maintain an index of DNA records of persons convicted of crimes, DNA samples from crime scenes, and DNA samples of human remains. FBI personnel performing DNA analysis would be required to undergo proficiency testing.

There is authorized to be appropriated for DNA analysis improvement \$10 million for each of FY94, 95, 96, 97, and 98. There is authorized to be appropriated for DNA proficiency testing \$4.5 million for each of FY94, 95, 96, 97, and 98.

Subtitle C. Department of Justice Community Substance Abuse Prevention

Community Partnerships. Establishes a grant program for eligible coalitions to study and implement substance abuse prevention programs. To be eligible, a coalition would have to include a variety of public and private organizations, agencies and individuals committed to preventing abuse. The efforts of the coalitions would involve substantial community participation. Priority would be given to communities providing evidence of significant substance abuse and support for eliminating it. There is authorized to be appropriated for this program \$15 million for FY94, \$20 million for FY95, and \$25 million for FY96.

Subtitle D. Drug Testing of Arrested Individuals

Drug Testing of Arrested Individuals. Authorizes grants for drug testing of individuals upon arrest and on a regular basis pending trial for the purpose of making pretrial detention decisions. There

is authorized to be appropriated for this program \$100 million for each of FY94, 95, and 96.

Subtitle E. Racial and Ethnic Bias Study Grants

Racial and Ethnic Bias Study Grants. Authorizes grants for States that establish, by State law or by the court of last resort, plans for analyzing the role of race in their criminal justice systems. State plans must include recommendations designed to correct any findings of racial or ethnic bias. There is authorized to be appropriated for this program \$2 million for each of FY94, 95, 96, 97, and 98.

TITLE XI -- PROVISIONS RELATING TO POLICE OFFICERS

Subtitle A. Law Enforcement Family Support

Law Enforcement Family Support. Requires the Bureau of Justice Assistance to establish guidelines to implement family-friendly policies in law enforcement divisions of the Justice Department; identify model programs that provide support to law enforcement families; and provide technical assistance for stress reduction and family support efforts by State and local law enforcement agencies. It also establishes a grant program for State and local law enforcement agencies, and organizations representing State and local law enforcement personnel, to provide family support services to law enforcement personnel. There is authorized to be appropriated for this program \$5 million for each of FY94, 95, 96, 97, and 98.

Subtitle B. Police Pattern or Practice

Police Pattern or Practice. Makes it unlawful for law enforcement officers to engage in a pattern or practice of conduct that deprives persons of their constitutional or Federal rights. The Attorney General would be authorized to bring a civil injunctive action to eliminate such a pattern or practice.

Subtitle C. Police Corps and Law Enforcement Officers Scholarships Programs

Police Corps and Law Enforcement Officers Scholarships. Seeks to increase the number of police with advanced education and training, to provide educational assistance to law enforcement personnel and students with an interest in law enforcement, and to recruit more highly educated officers.

Police Corps. This program authorizes up to 10 Community Police Corps Programs in which participants can receive scholarships of not more than \$5,000 annually times the number of years in the educational institution's regular program in exchange for a commensurate period of work with a State or local police force upon graduation. If participants do not follow through on their commitment, they must pay back all the scholarship money plus interest at a fair rate specified by the Attorney General.

There is authorized \$5 million for each of FY94, 95, 96, 97, and 98. Up to 10% of the grant funds can be awarded to law enforcement officers currently employed by the jurisdiction, and who are assigned to community-oriented policing or who exercise supervisory or training roles in relation to such officers. The grants can be used for college or post-graduate work.

Law Enforcement Scholarships. This program provides scholarships for in-service law enforcement personnel who seek further education. Grants are also provided for summer jobs or part-time jobs during the year for high school students interested in law enforcement careers. 80% of funds is to be allocated on the basis of the relative number of law enforcement officers per State, and 20% of funds is to be based on the relative shortage of law enforcement personnel. Scholarships are to be paid back with law enforcement service. There is authorized to be appropriated \$25 million for each of FY94, 95, 96, and 97.

Subtitle D. Study of Rights of Police Officers

Study of Rights of Police Officers. Requires that the Attorney General conduct a study of the procedures followed in internal, non-criminal investigations of State and local law enforcement officers to determine if such investigations are conducted fairly. The Attorney General must report the results of that study to Congress no later than one year after the date of enactment.

TITLE XII -- GRANT PROGRAM FOR STATE PRISONS

Substance Abuse Treatment in State Prisons. Authorizes grants for residential substance abuse treatment programs in State prisons. To be eligible, programs must be carried out in residential treatment facilities set apart from the general prison population and last between 9 and 12 months. There is authorized to be appropriated \$100 million for each of FY94, 95, and 96.

TITLE XIII -- FEDERAL PRISONS

Subtitle A. General

Prisoner's Place of Imprisonment. Provides that the Bureau of Prisons may not consider the social or economic status of a prisoner in designating his or her place of imprisonment.

Prison Impact Assessments. Requires that any submission of legislation by the executive or judicial branch that might affect Federal prison populations be accompanied by an impact statement. Any request from Congress for such a statement on pending legislation would have to be answered by the Attorney General, in consultation with the Sentencing Commission and the Administrative Office of the Courts, within 14 days. An impact statement must include (1) the impact on prison, probation, and supervised release populations, (2) the fiscal impact of such population changes, (3) any other significant factors affecting the cost of the measure and its impact on components of the criminal justice system, and (4) a statement of underlying assumptions and methodologies. In addition to assessing particular pieces of legislation, the Attorney General must submit annual reports showing the cumulative impact of all relevant legislation enacted during the calendar year.

Notification of Release of Prisoners. Requires notice to State and local law enforcement authorities concerning the release or relocation to their areas of Federal offenders under post-release supervision at least five days prior to such release or relocation. Applies to prisoners convicted of drug trafficking and violent crimes.

Application to Prisoners to Which Prior Law Applies. As parole no longer exists in the Federal penal system, this clarifies that, in a case of a prisoner convicted of an offense committed prior to November 1, 1987 -- when parole did exist -- reference to supervised release in Federal criminal law is to be deemed a reference to probation or parole.

Subtitle B. Drug Testing

Drug Testing of Offenders on Post-Conviction Release. Requires periodic drug testing of Federal offenders on post-conviction release.

Subtitle C. Enhanced Penalties for Drugs in Federal Prisons

Enhanced Penalties for Drug Trafficking in Federal Prisons. Provides enhanced penalties for drug trafficking in Federal prisons.

Enhanced Penalties for Illegal Drug Use in Federal Prisons. Provides enhanced penalties for illegal drug use in Federal prisons.

Subtitle D. Drug Treatment in Federal Prisons

Drug Treatment in Federal Prisons. Establishes a schedule for the Bureau of Prisons to place all eligible prisoners into residential substance abuse treatment programs for between 9 and 12 months, in facilities separate from the general prison population. Eligible prisoners would be those with substance abuse problems who are willing to participate in the program. At least 50% of eligible prisoners would have to be in treatment by the end of FY1995, 75% by the end of FY1996, and 100% by the end of FY1997. A prisoner who successfully completes such programs could receive a reduction in sentence of up to one year. Such sums as necessary is authorized to be appropriated for each fiscal year.

Subtitle E. Studies

National Institute of Justice Study. Directs the National Institute of Justice to study the feasibility of establishing an information clearinghouse to facilitate the interstate transfer of prisoners to facilities near their families.

Study and Assessment of Alcohol Use and Treatment. Directs the National Institute of Justice (NIJ) to study the recidivism rates of persons who were under the influence of alcohol at the time they committed their crimes. The study would compare the recidivism rates of those who participated in a residential treatment program while in custody and those who did not. NIJ would also conduct a study of the use of alcohol, alone or in combination with other drugs, as a factor in violent, domestic, and general criminal activity.

TITLE XIV -- RURAL CRIME

Subtitle A. Fighting Drug Trafficking in Rural Areas

Fighting Drug Trafficking in Rural Areas. Provides an annual grant authorization for rural drug enforcement and requires the Attorney General to establish rural drug enforcement task forces in each Federal judicial district that includes significant rural lands. It also authorizes the Attorney General to cross-designate law enforcement officers from several Federal law enforcement agencies in furtherance of the purposes of the title and directs the Director of the Federal Law Enforcement Training Center to develop a specialized course of instruction to train law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

There is authorized to be appropriated for rural law enforcement \$50 million for FY94, and such sums as necessary for FY95 and 96.

There is authorized to be appropriated for rural drug enforcement training \$1 million for each of FY94, 95, and 96.

Subtitle B. Drug Free Truck Stops and Safety Rest Areas

Drug Free Truck Stops and Safety Rest Areas. Enhances penalties for drug distribution at or near truck stops and safety rest areas.

TITLE XV -- DRUG CONTROL

Subtitle A. Drug Emergency Areas

Drug Emergency Areas. Permits the President to declare a State, or part thereof, a drug emergency area, to take all necessary actions to save lives and to protect property and public health and safety, and to make grants aggregating \$25 million for any single major drug-related emergency. A drug-related emergency would exist where drug smuggling, trafficking, abuse, or related violence reaches dramatic levels.

Grant money must be divided equally between drug supply and demand reduction efforts, unless State or local conditions dictate otherwise. In addition to monetary assistance, the President may direct any Federal agency to utilize its authorities and resources (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) to assist State anti-drug efforts.

There is authorized to be appropriated for this program \$100 million for each of FY94, 95, and 96.

Subtitle B. Precursor Chemicals

Precursor Chemicals. Imposes registration requirements for precursor chemicals and requires all manufacturers to submit annual reports on the total quantity of listed chemicals produced during the year. It also provides that brokers and traders will be subject to the same record-keeping and reporting requirements for international transactions as exporters and will be subject to the same criminal penalties.

Additionally, the proposal allows the DEA to apply a targeted approach to export controls and establishes criminal penalties for attempting to evade reporting requirements and for smuggling listed drugs. The DEA would have the same inspection authority for listed chemicals as it presently has for controlled substances.

An additional felony would be created for an individual who violates the Solid Waste Disposal Act in the handling of chemicals used to illegally manufacture a controlled substance.

Subtitle C. General Provisions

Drug Dealing in Public Housing Authority Facilities. Prohibits and penalizes drug dealing in or near public housing authority facilities.

Anabolic Steroids Penalties. Prohibits and penalizes a physical trainer or adviser who tries to persuade an individual to use anabolic steroids. The penalty is increased if that individual is under 18.

Advertising. Prohibits and penalizes advertising which aims to illegally solicit or sell drugs.

Enhanced Penalties for Drug-Dealing in "Drug-Free" Zones. Enhances penalties for drug-dealing in "drug-free" zones, such as schools and public housing.

National Drug Control Strategy. Contains a Congressional declaration that among the long-term goals of the National Drug Control Strategy should be the availability of drug treatment to all who need it.

TITLE XVI -- DRUNK DRIVING PROVISIONS

This title applies State laws in areas of Federal jurisdiction and provides supplementary prison terms and fine authorizations for cases where drunk driving endangers or injures a person below the age of 18. In addition, it contains a Congressional declaration that courts should take into consideration any history of drunk driving in determining child custody and visitation rights.

TITLE XVII -- COMMISSIONS

Subtitle A. Commission on Crime and Violence

National Commission on Crime and Violence. Establishes a national commission to develop a comprehensive crime control plan for the 1990s. The Commission would have 22 members, 16 of whom would be appointed by Congress and 6 by the President.

Subtitle B. National Commission to Study the Causes of the Demand for Drugs in the United States

National Commission to Study the Causes of the Demand for Drugs. Establishes a commission to study the causes of the demand for drugs in the United States. The Commission would have 13 members, 10 appointed by Congress and 3 by the President.

Subtitle C. National Commission to Support Law Enforcement

National Commission to Support Law Enforcement. Establishes a commission with the dual purpose of reviewing and recommending changes regarding the operations and effectiveness of law enforcement and the working conditions and compensation of law enforcement officers at the Federal, State, and local levels. The Commission would have 25 members, 20 of whom would be appointed by Congress and 5 by the President. The Comptroller General would serve in an advisory capacity to oversee the methodology and approach of the Commission's study.

TITLE XVIII -- MOTOR VEHICLE THEFT PREVENTION

This title directs the Attorney General to develop a voluntary motor vehicle theft prevention program, which would involve putting decals on the vehicles of consenting owners. Such vehicles could then be stopped by law enforcement officers under conditions specified in rules promulgated by the Attorney General, if the officers have a reasonable suspicion that the vehicles are not being operated by or with the consent of their owners. The title also prohibits and penalizes tampering with motor vehicle identification numbers to further the theft, sale or receipt of a stolen vehicle. Such sums as necessary to carry out the program is authorized to be appropriated.

TITLE XIX -- PROTECTIONS FOR THE ELDERLY

Missing Alzheimer's Disease Patient Alert Program. Directs the Attorney General to make grants in support of programs to protect and locate missing patients with Alzheimer's disease and related dementias. There is authorized to be appropriated \$1 million for each of FY94, 95, and 96.

Crimes Against the Elderly. Directs the Sentencing Commission to ensure that the sentences for those convicted of crimes of violence against elderly victims be sufficiently stringent to deter such

crimes, incapacitate such offenders, and provide enhanced penalties under specified criteria.

TITLE XX -- CONSUMER PROTECTION

Insurance Business Crimes. Establishes new Federal penalties for insurance industry crimes, including embezzling from insurance companies, making false entries in insurance company books with intent to deceive, and corruptly influencing or obstructing proceedings before State insurance regulatory agencies or insurance examiners. This section also prohibits persons convicted of criminal felonies involving dishonesty or breach of trust from engaging in the insurance business.

Credit Card Fraud. Strengthens Federal law with regard to credit card fraud by prohibiting the sale of credit cards without credit card company authorization; fraudulent receipt of payments via credit card for goods never received or inferior to those promised; and laundering of credit card receipts.

Mail Fraud. Extends the mail fraud statute to include mail sent by private interstate carriers.

TITLE XXI -- SENTENCING PROVISIONS

Among the miscellaneous changes to sentencing and magistrate provisions in this title: the unlawful possession of a controlled substance or firearm, and the refusal to cooperate in drug testing would mandate the revocation of supervised release.

TITLE XXII -- COMPUTER CRIME

This title strengthens the provisions of Federal law penalizing computer crimes, particularly in relation to hackers who insert viruses into computers.

TITLE XXIII -- INTERNATIONAL PARENTAL KIDNAPPING

This title would prohibit and penalize international parental child kidnapping. It also authorizes grants for training and educational programs on interstate and international parental child

abduction. There is authorized to be appropriated \$250 thousand to carry out this program.

TITLE XXIV -- SAFE SCHOOLS

This title provides annual authorizations for safe schools grants and assistance. It directs the Director of the Bureau of Justice Assistance in consultation with the Secretary of Education to make grants to those local educational agencies most directly affected by crime and violence. Grants would be used to fund anti-crime and safety measures; to develop crime and drug prevention programs; for school victim counselling programs; for crime prevention equipment including metal detectors and video-surveillance devices; and for anti-gang programs. There is authorized to be appropriated \$100 million for each of FY94, 95, and 96.

TITLE XXV -- FINANCIAL INSTITUTIONS FRAUD PROSECUTIONS

This title strengthens the provision in current law that disqualifies certain persons with criminal records from participating in the affairs of insured depository institutions and credit unions.

TITLE XXVI -- WHITE-COLLAR CRIME AMENDMENTS

Proceeds of Extortion. Prohibits and penalizes the receipt, possession, concealment or disposal of money or property obtained by extortion. Regarding ransom money, makes it unlawful to transport, transmit, or transfer in interstate or foreign commerce the proceeds of a kidnapping, or to receive, possess, conceal or dispose of the proceeds knowing they have been unlawfully obtained.

Proceeds of a Postal Robbery. Prohibits and penalizes the receipt, possession, concealment or disposal of the proceeds of a postal robbery.

Obstruction of Civil Investigative Demands. Extends the prohibition against obstructing civil investigative demands to include obstruction in racketeering and false claims investigations.

Definition of Savings and Loan Associations in Bank Robbery Statute. For purposes of 18 U.S.C. 2113, defines "savings and loan

association" to mean any Federally-chartered savings association or State-chartered savings association insured by the Federal Deposit Insurance Corporation and any corporation under a certain provision of the Federal Deposit Insurance Act operating under the laws of the United States.

TITLE XXVII -- GAMBLING

Clarifying Amendments Regarding Scope of Prohibition Against Gambling on Ships in International Waters. Clarifies the scope of the current prohibition against certain "gambling ships."

Criminal History Information. Gives a State gaming enforcement office located within a State Attorney General's office access to FBI criminal history record information for licensing purposes.

TITLE XXVIII -- BAIL POSTING REPORTING

This title requires State and Federal criminal court clerks to report to the Internal Revenue Service and prosecutors the name and taxpayer identification number of anyone accused of a drug, money laundering or racketeering crime who posts cash bail exceeding \$10,000. The names of individuals other than licensed bail bondsmen posting such bail on behalf of such persons would also be reported.

TITLE XXIX -- GENERAL INCREASED PENALTY PROVISIONS

Assault. This section increases the penalties for assault of a Federal officer, of foreign officials, of official guests and internationally protected persons, and assault within a maritime and territorial jurisdiction. It also increases the penalties for the assassination, kidnapping or assault of the President, the presidential staff, congressional leaders, Cabinet officials, and Supreme Court Justices.

Manslaughter. Increases the maximum penalties for voluntary and involuntary manslaughter.

Conspiracy to Commit Murder for Hire. Increases the maximum penalties for conspiracy to commit murder for hire.

Increased Penalties for Counterfeiting -- Obligations or Securities. Increases the maximum penalty for counterfeiting

obligation or securities through the misuse of any plates, stones, or other objects.

Increased Penalties for Trafficking in Counterfeit Goods and Services. Increases the maximum penalty for trafficking in counterfeit goods and services, and enhances the penalty for second offenders. Provides that such an offense can also serve as a money laundering predicate.

Civil Rights Violations. Broadens the scope and increases the penalties for conspiracies to deprive persons of their civil rights.

Travel Act. Increases the penalties for Travel Act violations involving violence.

TITLE XXX -- MISCELLANEOUS

Additional Authorization for Drug Enforcement Administration. There is authorized to be appropriated for the Drug Enforcement Administration \$100 million for FY94. These funds are to be used to hire 350 new agents and support staff to investigate drug trafficking in rural areas; to expand DEA State and local task forces; and to hire and train 50 special agents and support personnel to investigate violations of Federal laws regulating anabolic steroids.

Extension of Civil Rights Statutes. Extends the protections of the criminal civil rights statute to any person in a State. (Currently, the statute only covers State "inhabitants.")

Audit Requirement for State and Local Law Enforcement Agencies Receiving Federal Asset Forfeiture Funds. Requires the Comptroller General to audit annually Federal asset forfeiture funds. It also directs the Attorney General to require State and local enforcement agencies to audit annually and detail the uses and expenses to which forfeiture funds were dedicated and the amount used for each use or expense.

Administrative and Contracting Expenses. Requires a report to Congress containing a description of the administrative and contracting expenses paid from the forfeiture fund.

Optional Venue for Espionage and Related Offenses. Creates an optional venue in the District of Columbia for espionage and related offenses regarding the gathering, transmitting, losing or delivering of defense information.

Undercover Operations. Establishes how certain elements of an offense involving stolen or counterfeit goods may be established. This provision is intended to ensure that the scope of the statute

extends to situations where the property was not actually stolen but was represented by law enforcement officials during the course of a sting operation as stolen, and was in fact believed by the defendant to be stolen.

Wiretaps. Prohibits and penalizes the disclosure of information obtained through wiretapping or electronic surveillance with the intent to obstruct a criminal investigation.

Theft of Major Art Works. Prohibits and penalizes the theft or procurement by fraud of any object of cultural heritage held in a museum.

Misuse of "DEA" Initials. Prohibits and penalizes the unauthorized use of the words "Drug Enforcement Administration" and the initials "DEA" in a manner calculated to convey the impression of DEA endorsement.

Trial by a Magistrate in Petty Offense Cases. This provision permits concurrent sentencing of a defendant to imprisonment and probation for petty offenses and the trial of petty offenses by magistrates.

Definition of Livestock. There is no definition of "livestock" in current Federal criminal law. This provision adds such a definition and includes carcasses, since the livestock may be slaughtered after theft and before interstate transfer.

TITLE XXXI -- TECHNICAL CORRECTIONS

This title contains various technical amendments to title 18 of the United States Code.

THE BIDEN BILL: BEYOND CRIME AND PUNISHMENT

The Biden Crime Bill recognizes that there are two sides to solving the crime equation: punishing violent criminals is one part of the solution; reaching out to help those who have not committed crimes, but are at risk to do so, is the second part. Although much of the Senate floor debate focused on penalties and punishment because of the amendments offered by other Senators, the Biden Crime Bill contains many initiatives and considerable funding to deter crime by helping at-risk youth and nonviolent offenders.

The provisions in the Biden bill that address the underlying causes of crime include:

COMMUNITY POLICING PREVENTION AND TREATMENT PROGRAMS

- o **Community Policing for Crime Prevention:** Of the total \$8.9 billion authorized for community policing programs, \$1.2 billion may be used to fund innovative prevention programs, such as:
 - * **Early Intervention teams:** police, social workers, educators and doctors working together to intervene early in the lives of juvenile victims and offenders -- to help them turn their lives around.
 - * **Proactive Prevention:** police involvement in prevention programs for youth, such as --
 - ** The Police Athletic League;
 - ** Big Brothers/Big Sisters programs; and
 - ** Girls' and Boys' Clubs.

ALTERNATIVES TO INCARCERATION

- o **Boot Camps:** The bill authorizes \$3 billion for states to build and operate boot camps as an alternative to prisons to help get young, non-violent offenders back on their feet. Offenders assigned to boot camps receive a reduced sentence -- boot camp terms last no more than six months.

Boot camps must provide intensive drilling and supervision, involving work programs, education and job training, and drug treatment.

Boot camp participants must receive aftercare services, to be coordinated with human service and rehabilitation programs, such as:

- * educational and job training programs;**
- * drug counseling or treatment;**
- * halfway house programs;**
- * job placement programs; and**
- * self-help and peer group programs.**

- o Drug Courts: The bill authorizes \$1.2 billion in grants to states for "Drug Court" programs to provide an alternative to prison and to help non-violent drug offenders get the treatment they need to get their lives back on track.**

Instead of serving time, a drug offender is placed on probation with mandatory drug testing and treatment. If an offender fails the tests, he or she becomes subject to graduated alternative punishments, which intensify treatment and supervision, but stop short of traditional incarceration. The alternative punishments include:

- * community service programs which employ offenders with nonprofit and community organizations;**
- * community-based incarceration like halfway houses, weekend incarceration, and electric monitoring; and**
- * boot camp programs.**

If an offender fails the Drug Court program completely and is sentenced to prison, he or she receives treatment there -- in facilities set apart from general prison population. The treatment programs should address the offender's social, behavioral, and vocational problems, as well as drug addiction.

Preference in making grants is given to states providing assurance that offenders are provided with aftercare services, such as:

- * educational and job training programs; and
- * self-help and peer group programs.

JUVENILE DRUG TRAFFICKING AND GANG PREVENTION

o **Gang and Drug Abuse Prevention:** The bill authorizes \$100 million in state grants for drug and gang prevention programs, such as:

- * education, prevention, and treatment programs for at-risk juveniles;
- * academic, athletic, and artistic after-school activities;
- * sports mentor programs where athletes serve as role models and counselors for kids at risk for gang and drug activity;
- * alternative activities in public housing projects, such as Girls' and Boys' clubs, scout troops, and little leagues;
- * education and treatment programs for juveniles exposed to severe violence;
- * pre- and post-trial drug abuse treatment for juvenile offenders;
- * treatment for drug-dependent pregnant juveniles and drug dependant juvenile mothers; and
- * training for judicial and correctional agencies to identify, counsel, and treat drug-dependent or gang involved juvenile offenders.

DRUG TREATMENT AND PREVENTION

- o **Community Substance Abuse Prevention Grants:** The bill provides \$60 million over three years for coalitions of community organizations (such as schools, health and social service agencies, parents, civic groups, academics) to:
 - * plan and implement comprehensive long-term strategies for drug abuse prevention; and
 - * coordinate drug abuse services and activities, including prevention activities in schools.
- o **Drug Treatment in Prisons:** The bill establishes a schedule for drug treatment for all federal drug-addicted prisoners.

VIOLENCE AGAINST WOMEN

- o **Grants to fight violence against women:** The bill authorizes \$870 million over 3 years for state grants to combat violence against women, with a special earmark for high intensity crime areas. Programs can include:
 - * expanding or strengthening victim services programs, such as rape crisis centers, battered women's shelters, and rape and family violence programs, including nonprofit organizations assisting victims through the legal process;
 - * training law enforcement officers to more effectively identify and respond to violent crimes against women; and
 - * expanding units of law enforcement officers specifically to target violent crimes against women.
- o **Victim Counselors:** \$1.5 million is provided for federal victim/witness counselors in sex and domestic violence cases.
- o **Indian Tribes:** \$30 million is available over 3 years for grants to Indian tribes for programs to reduce violence against women.

- o **Rape Education:** The bill authorizes \$65 million for rape prevention and education programs, starting in junior high school, such as:
 - * educational seminars for students and training programs for professionals; and
 - * public awareness programs in under-served racial, ethnic, and language minority communities.
- o **Help for the Homeless and Runaways:** The bill provides \$10 million for education and prevention grants addressing the problem of homeless and runaway women and girls, such as:
 - * street-based outreach and education programs; and
 - * treatment and counseling programs for runaway, homeless, and street youth who are at risk of being subjected to sexual abuse.
- o **Battered Women's Shelters:** The bill provides \$300 million in grant money specifically for the operation of shelters for women and their children who are fleeing violent homes.
- o **National Family Violence Hotline:** The bill authorizes \$1.5 million.
- o **Youth Education:** \$400,000 is provided for programs to educate youth about family violence and abuse.
- o **Safe Colleges:** \$20 million is targeted to rape and violence prevention and education on college campuses.

SAFE SCHOOLS

- o **Education and Prevention in Schools:** The bill offers \$100 million in local school and community grants, to be used for:
 - * drug and alcohol education and training programs;
 - * counseling programs for children who are victims of school crimes; and
 - * programs to provide alternative, constructive programs for youth at risk for gang recruitment.

SEXUAL VIOLENCE AND CHILD ABUSE

- o **The "Oprah" bill:** \$40 million will pay for the development of a national criminal background check system for those who provide care to children, the elderly, or the disabled.
- o **The Child Safety Act:** \$60 million in state grants is available to establish supervised child visitation centers for families with a history of violence or abuse.

**S. 1488 – THE VIOLENT CRIME CONTROL
AND LAW ENFORCEMENT ACT OF 1993**

Two principles inform the key crime-fighting provisions of the 1993 Anti-Crime Bill. First, more police on our streets means less crime. Plain and simple, a police officer standing on the street corner reduces the opportunities for violence. The federal government must help get more police on our streets, and the crime bill contains a new Title I to put 50,000 new police officers in community policing programs. Second, punishment for all criminals – including juveniles – must be swift, certain, and effective. Violent criminals must be removed from our communities, and those who have not yet committed themselves to violence, but have broken the law, must be deterred from future, more serious, crime. The crime bill contains tough federal penalties and, more importantly, it contains programs that encourage states and local law enforcement – where 95% of crime is investigated and prosecuted – to hold violent criminals strictly accountable and to prevent nonviolent, young offenders from committing more crimes.

The key provisions of the bill include:

Title I – Community Policing

Title I is a brand-new provision that will put more police officers on the streets of our communities to practice "community policing." Today, a typical urban police department assigns officers to large precincts; they ride in cruisers and respond to radio calls from any and all parts of the oversized "beat." This system isolates police officers; they are strangers in the very communities they are trying to protect. One result is that they are always behind the curve – responding after the fact to a crime's occurrence, picking up the pieces after the violence is already done.

Community policing is designed to integrate police officers back into the life of the community, so they can help prevent crime from occurring in the first place and be better positioned to respond when it does occur. It takes police out of their cars to walk smaller "beats" of five or ten block areas. It allows them to learn who is in the community – so they know the trouble spots, the trouble makers, the at-risk juveniles. They work cooperatively with community leaders, school officials, family workers, and others to tailor preventative programs to best fit the community.

The provision is the largest single component of the President's "100,000 police" initiative, with the remaining 50,000 being funded through other legislation. Current funding in the bill calls for \$3.4 billion over six years which will fund a total of 50,000 new officers. States must match funds by paying 25% of the costs of new officers.

BROOKS DID NOT MOVE BIG PACKAGE
BECAUSE R's + D's ASKED FOR
MORE HEARINGS. CAN'T WAIT FOR
COPS + BRADY.

WE DON'T NECESSARILY DISAGREE
W/ R's ON VIOLENT OFFENDER
STUFF, BUT WE NEED TO ACT NOW
ON COPS + GUNS, ~~ALREADY~~

Schiff is really saying
I'll wait for him to disagree with us

~~Also, it's~~ HAVE SUGGEST

WE'RE FOR CERTAINTY OF
~~PUNISHMENT~~

~~Choice~~ SHOULDN'T BE I

Title XIII – Prisons and Boot Camps

Our ability to reduce crime in a cost-effective manner depends directly on our ability to target offenders with the appropriate type of sentence. This means, first and foremost, that we must identify violent offenders and make sure they go to prison. Second, it means separating out the nonviolent offenders who can be diverted from a career in crime through intensive, cost-effective programs, such as military-style boot camps. Third, it means making drug treatment (which cuts recidivism rates in half) available for all addicts who enter the criminal justice system, whether at the state or federal level. These are the goals served by Title XIII of the bill on Regional Prisons and Boot Camps. Let's take these one at time.

Violent offenders must go to prison

First – what can we do to ensure that violent offenders are sent to prison? It is very important to understand where the problem lies. At the federal level, there is no need to authorize additional spending for new prison construction: the current budget already includes funding to accommodate the projected 32% increase in federal prisoners over the next five years. There is a prison space crisis, but it exists at the state level, where some localities have been forced to release criminals because of overcrowding. (Currently, 32 states are under court orders concerning overcrowding at one or more facilities in the state.) By the end of 1992, state prisons were housing 840,000 inmates – and local jails held an additional 450,000 persons. The price tag for this incarceration is steep: state spending on prisons doubled between 1986 and 1992, and there is no end in sight unless we get smarter in using our resources.

To respond to the problem, the crime bill focuses new prison funding on states and localities. It contains a grant program under which states can fund prisons for violent drug offenders. States can use the funds not only to build new state prisons – (construction accounts for only 5% of the total cost of running a prison) – but also to operate state prisons that are already constructed but sit idle for lack of operating funds.

Nonviolent offenders need alternatives

Second, to encourage states to identify nonviolent offenders and offer them alternative, more cost-effective programs, the states can apply for grants to run military-style boot camps. These camps provide a regimented program of work and exercise for young, nonviolent offenders. They have shown some success with young offenders, who learn discipline and a respect for the law and for authority. Particularly when combined with follow-up job placement efforts, the programs can turn some offenders from a criminal path.

~~MINUTE~~

CRIME BILL HAS PROVISION TO ALLOW VICTIMS TO SPEAK AT SENTENCING.

WE MUST DO PREVENTION, BUT IN THE END CRIME IS INDIVIDUAL ACT & MUST BE PUNISHED.

CHOICE

COERCED TREATMENT IS AS EFFECTIVE AS VOLUNTARY TREATMENT.

ROOT CAUSES RENO

Running these boot camps costs less than half what a prison costs on a per inmate basis, and making use of them — where appropriate — is essential.

All addicts must get drug treatment

Third, both the federal and state systems suffer from the same key shortcoming: the lack of drug treatment. Drug treatment, as former Drug Director Bill Bennett acknowledged, cuts recidivism rates in half, and it is cost effective: for every \$1 dollar we spend treating drug offenders, we save \$3 dollars later — in reduced crime and in the other high social costs of addiction. The need is great. Each year, over 200,000 drug-addicted offenders are released from state prisons or jails without being treated; approximately 15,000 addicts are released annually from federal prisons without ever receiving adequate treatment.

At the federal level, the bill includes a provision which sets a schedule for the Bureau of Prisons to place all eligible federal prisoners into drug treatment programs lasting between 9 and 12 months — in facilities separate from the general prison population. At least 50% of prisoners with abuse problems who seek help must be in treatment by the end of FY95, 75% by the end of FY96, and 100% by the end of FY97.

The bill also requires periodic drug-testing of federal offenders on post-conviction release.

Title XII — "Drug Court" Programs For Nonviolent Offenders

Title XII of the bill is a grant program called "Drug Court Programs." As with boot camps, the key to drug court programs is to identify those nonviolent offenders who can be diverted from a criminal career. In most states, such offenders are either simply released back onto the streets, or they occupy prison spaces that are in short supply for violent offenders. Neither option is a good one. These are not programs for violent offenders. These are cost-effective programs that combine the concepts of prevention plus responsibility to reach those offenders whose minor crimes have just brought them into the criminal justice system.

Drug court programs combine the "carrots" of intensive supervision by probation/parole officers and mandatory drug testing and treatment — with the "stick" of a certain prison term if the individual again strays from the straight and narrow. The bill authorizes a three-year, \$1.2 billion grant program to states for "drug courts" that offer drug testing, drug treatment, and alternative punishments for young drug offenders.

Here's how a drug court works — a nonviolent offender arrested on a drug charge is given a choice: go to prison or enter an intensive supervision and treatment program. The alternative to prison is no free ride. Participants must get and keep a job. They must agree to random, mandatory drug testing. If they successfully complete the program, they don't have to do time.

Juveniles w/ guns

BASED ON
PUBLIC
SAFETY NEED

~~THAT'S~~

That's why we must empower cops
to solve crime problems

SAN DIEGO

CHICAGO

LA

DETROIT

Supt. RODRIGUEZ is going
COMMUNITY POLICING NOW &
WANTS OUR COPS. HAS
APPLIED FOR H.

But if they flunk out of the program -- they go to prison and serve all their time and they get drug treatment there. Punishment is certain unless they succeed fully. Moreover, sanctions are increased incrementally each time there's a lapse. The idea here is that there must be immediate and direct consequences for every mistake.

The results of one existing Drug Court program -- that in Dade County, Florida -- are impressive: from June 1989 to December 1991, 1,740 offenders successfully graduated from the program and only 3% have been rearrested. Before the drug court program was instituted, the rearrest rate for these offenders was 33%. And the program is saving money that can be redirected to incarcerating and treating violent, career criminals. In Miami, it costs \$17,000 year to keep an offender in the county jail. That same offender can get the benefits of the drug court at a price of about \$2,000 a year.

This is smart punishment. There are currently 600,000 offenders nationwide who meet the profile used for drug court programs who are now effectively ignored by the system. The Drug Court Title programs can make a difference with that part of the offender population that can still be deterred from future, more serious, crime.

Title VI and XXVIII -- Youth Violence

More and more violent crime in our nation is committed by juveniles. To respond effectively, we must separate violent juveniles from those who have not yet committed themselves to serious criminal activity. And, again, the problem of juvenile crime is one fought primarily at the state and local levels -- the federal government's role is one of providing guidance and support. The youth violence title in the crime bill encourages states to hold juveniles responsible for their crimes. It provides both for tougher treatment of serious violence and for important prevention and enforcement programs for juveniles.

First, it targets gang activity, which accounts for an ever increasing percentage of violent juvenile behavior, creating new federal penalties for violent crime or drug crime by gang members: when a gang member who once before has been convicted of a drug offense or crime of violence commits another such crime -- he gets up to 10 extra years additional time to run consecutively to any other sentence he must serve. The bill also triples the penalties for using kids for selling drugs in "drug-free" zones.

Finally, the bill encourages states to treat those most violent among juveniles as adults -- providing grants for bindover systems permitting prosecution and sentencing as adults of 16 and 17 year-olds who commit certain violent crimes, such as murder, attempted murder, armed robbery, and drive-by shootings. These tough responses are necessary to combat violent juveniles.

~~DIARY~~

CHECK IS NOT
MANDATORY?

SEP. BILL MOVING
IN CONGRESS.
WE SUPPORT.

100,000

MADISON, WISC. HAS COMMUNITY
POLICING — THEY TARGET
AREAS WHERE VIOLENT OFFENDERS
MOVED + INCREASED SURVEILLANCE.

COMPAC

At the same time, we can help communities fight and try to deter juvenile drug trafficking and gang activity. The bill authorizes \$100 million for grants to states for anti-gang programs; participating states must devote 50% of the money to law enforcement and 50% to prevention. Each community can devise programs that best fit its needs, whether they be: investigating and prosecuting juveniles involved in drug-related crimes; targeting violent juveniles with increased efforts at apprehension and punishment; working to disband gangs ravaging rural or city neighborhoods; developing programs for counseling and treatment of drug-involved youth; or creating active programs to help high-risk kids avoid criminal behavior.

Examples of successful programs already in use are the Boys and Girls Clubs' anti-gang and drug programs. Located in public housing projects, the program involves those at risk for gang recruitment in positive group activities, designed to teach independence, self-esteem, and responsibility. The public housing clubs focus as well on drug prevention, reduction, and elimination. The program was named one of 10 exemplary prevention programs for 1990, and a recently completed evaluation found that public housing communities with clubs saw the number of children involved in unhealthy and dangerous activities decrease as more constructive educational and social activities were available.

The bill also includes the Safe Schools Program, to provide grants for anti-crime and safety measures, and to develop education and training programs for the prevention of crime, violence and drug and alcohol abuse. For example, the funds could be used to hire teachers for after-school drug and crime counseling, to hire police patrol officers, and for safety measures, such as metal detectors and video surveillance devices.

The youth violence provisions in the bill attack the problem of juvenile crime from both ends: punishment and prevention. This is the heart of our fight against crime. We can not afford to lose the next generation of juveniles.

Title XIV – Rural Crime

Rural crime is on the rise – and at a faster rate than in any other part of America. According to the most recent report of the FBI, violent assaults rose 30 faster in rural America than in our 25 largest cities; the number of rapes rose more than 9% in rural counties, while decreasing by nearly 4% in urban America; and drugs are an increasing menace in rural states: the number of arrests for drug abuse violations in rural areas jumped almost 23% in 1992. New drugs – such as the smokable methamphetamine "ICE" and a new Inhalant "CAT" – have proven especially popular in rural areas.

To meet this challenge, the crime bill provides \$50 million in drug crime fighting money to aid state and local law enforcement in rural areas. 50% of this aid – \$25 million – will be divided

equally among 19 rural states. The \$1.3 million per state is enough to deploy an additional 50 drug-fighting police in each state – and this is above and beyond the grants for community policing also available to the states under Title I of the bill. The remaining 50% of this aid is targeted to rural areas of the other 31 non-rural states.

The crime bill also responds to this problem by establishing a rural drug enforcement task force in every federal judicial district encompassing significant rural lands. The goal is to make the resources of federal agencies – both in manpower and in expertise – available to law enforcement in rural areas who lack the staff and the funds to focus solely on investigating and prosecuting drug trafficking. These task forces will be chaired by the U.S. Attorney for the district, and will include representatives from state and local law enforcement agencies, the DEA, the FBI, the Park Police and Forest Service. The Attorney General is specifically authorized to cross-designate federal agents to fight drug trafficking in local jurisdictions. This plan can effectively add hundreds of new federal agents to anti-drug efforts in rural America.

The federal government can also help rural areas learn the hard lessons about drugs and crime taught by our experience in our cities. The crime bill directs the Director of the Federal Law Enforcement Training Center in Glynco, Georgia, to develop a special course specially devoted to training rural law enforcement officers in the investigation of drug trafficking and related crimes.

Titles II, IV, XV. – Federal Death Penalty and Other Increased Penalties

The crime bill authorizes the federal death penalty for 47 offenses, most of which have passed the Senate previously. These include murder of a federal law enforcement officer, drive-by-shootings, and car-jackers who murder. A complete list appears in the accompanying title-by-title summary.

The death penalty procedures contained in the bill have also passed the Senate before – either as part of the bill passed in 1991 or as part of the drug kingpin death penalty enacted in 1988. Among other specifics, these procedures set forth the intent standard that must be proven; delineate the mitigating and aggravating factors a jury must consider; outline the process by which a sentencing hearing is to occur separate from the guilt determination; and provide for appellate review. The procedures allow for the government to present a victim impact statement at sentencing and for the victim's family to testify at the sentencing hearing. The procedures also provide that no one under 18 may be sentenced to death, and that no one with mental retardation may be executed. They also require juries to be informed of their option to sentence the defendant either to death or to life imprisonment without the possibility of release.

The death penalties are tough; the procedures are fair.

In addition, the bill authorizes over 60 increased penalties and new offenses covering violent crimes, drug-trafficking, and gun crimes. These include, for example, increased penalties for drug dealing in "Drug-free Zones;" for the use of semi-automatics in committing a federal crime; and for drunk-driving where a child is injured.

Title III -- Habeas Corpus Reform

The Biden Habeas Bill:

- Limits prisoners to a single federal habeas petition;
- Places a six-month time limit on that single petition;
- Applies to both death row inmates and non-capital inmates where a state has offered counsel for state habeas proceedings;
- Allows exceptions for second petitions only in extraordinary cases, either to establish innocence or to show a constitutional defect in the sentence;
- Specifically disavows "full and fair," which would virtually eliminate all federal habeas review;
- Allows a claim of innocence based on newly discovered evidence to be heard by a federal court;
- Requires states to provide indigent capital defendants with counsel who possess specific qualifications at all stages of state proceedings. Authorizes federal grants of up to 75% for the additional costs imposed by the new counsel requirements for the first three years (50% thereafter).

This is a very tough, fair habeas reform package hammered out with the nation's prosecutors -- who for years have been concerned about excessive delays in carrying out state sentences. To speed up the process and promote finality, the provision limits prisoners -- both death row inmates and non-capital prisoners -- to a single federal habeas corpus petition. And for the first time ever, it sets a six-month time limit on the filing of that petition. At the same time, it also helps ensure that we don't execute people, or keep them in jail, in violation of the United States Constitution. To ensure fairness, the provision makes sure that indigent capital defendants get good lawyers at trial -- and throughout state proceedings.

Judiciary Committee's hearings over the years have documented that capital defendants in many states receive utterly incompetent or unqualified representation. I worked both with the prosecutors and the criminal defense bar to come up with counsel provisions that would make a difference. The bill includes detailed qualification standards for lawyers defending capital defendants. The goal is to eliminate the very need for protracted habeas proceedings by making

the first criminal trial the "main event" -- where competent counsel work to keep error from occurring in the first place.

The habeas provision also recognizes that if a death row inmate comes forward with new and exceptionally persuasive evidence that he is innocent, he should have a chance to have a federal court hear his claim before he is sent to death. Finally, the provision also makes sure that the federal courts continue to play their historic role as the final arbiters of federal Constitutional law. The Republican alternative -- called "full and fair" reform -- would make a radical and unprecedented shift -- by giving states the final word on what the federal Constitution requires. This proposal forces federal courts to defer to state court decisions on an issue, even where the state decision is wrong.

Last Congress, it was the opposition of the nation's prosecutors that stopped passage not only of habeas reform, but of an entire crime bill. This bill is a tough, hard-nosed compromise between finality and fairness. It has the support of the National District Attorneys Association, of two dozen state Attorneys General, and of Attorney General Reno and President Clinton. It has also drawn a lot of fire from those on both sides who are unwilling to compromise. I believe as well that compromise is necessary to preserve the writ of habeas corpus from further erosion in the name of finality. The proposal strikes the necessary balance.

Other Provisions

A title-by-title summary of the entire crime bill is attached.

SIDE BY SIDE -- DEMOCRATIC CRIME BILL V. REPUBLICAN BILL**PROVISION****DEMOCRATIC BILL****REPUBLICAN BILL****COMMUNITY
POLICING****\$3.4 billion to states to
hire 50,000 new officers
over 6 years for
community policing****\$1.8 billion to states to
hire 27,000 new police
officers over 5 years****POLICE CORPS &
LAW ENFORCEMENT
SCHOLARSHIPS****\$200 million for college
scholarships/salaries for
students who commit to
4 years service as police
officers****\$250 million for college
scholarships to students
who commit to 4 years
service as police officers****\$150 million for
scholarships for current
officers****No provision****PRISONS AND BOOT
CAMPS****\$300 million to states for
military-style boot
camps for nonviolent
offenders and regional
prisons for violent drug
criminals****\$1 billion over 5 years to
states to build prisons****No provision for boot
camps****Note: Budget now
includes \$2.2 billion for
expanding federal
prisons by 32% over the
next five years****\$2 billion over 5 years
for 10 regional prisons
for violent criminals
(50% federal, 50% state);
requires participating
states to increase time
served at additional cost
to states of up to \$12
billion per year****Drug treatment****Regional prisons will
provide drug treatment****No provision****Establishes schedule for
treatment of federal
drug-abusing prisoners****No provision**

PROVISION**DEMOCRATIC BILL****REPUBLICAN BILL****Drug testing****Mandates drug testing of federal offenders on post-conviction release****No provision****Enhanced penalties****Enhances penalties for drug offenses in prisons****No provision****Prison overcrowding****No provision (corrections officers fear excessively crowded prisons)****Limits judicial ability to correct for overcrowding****DRUG COURT PROGRAMS****\$1.2 billion program over 3 years for drug testing/treatment and alternative punishments for young non-violent drug offenders****No provision****YOUTH VIOLENCE INITIATIVES****Punishment and Prevention****Strengthens federal penalties for using children to distribute drugs****Same****Additional penalty (of up to 10 years) for second federal drug or violent crime by gang member****Creates mandatory minimum penalties for crimes by gang members****\$100 million to states for youth gang enforcement and prevention****\$20 million for federal prosecution of gangs; authorizes use of Byrne grants for gang-prevention programs****Authorizes use of Byrne grants for bindover systems to prosecute 16 and 17 year olds as adults for violent crimes****Creates presumption in favor of federal prosecution of gang leaders as adults**

PROVISION**DEMOCRATIC BILL****REPUBLICAN BILL****Safe Schools**

\$100 million per year to states for enhanced school security measures and prevention programs

\$100 million per year to states for enhanced school security measures

No provision

\$100 million to pay salaries of former Armed Forces members as teachers

RURAL CRIME

\$50 million for rural law enforcement,
\$1 million for drug enforcement training

Same

No provision (existing HHS program)

\$25 million for rural drug prevention and treatment

Establishes rural law enforcement task forces

Same

Enhances penalties for drug dealing near truck stops/safety rest areas

No provision

DEATH PENALTY

Death penalty for 47 crimes
(some differences)

Death penalty for 47 crimes
(some differences)

OTHER PENALTIES

Over 60 increased penalties and new offenses for violent crimes, drug trafficking and gun crimes (some differences)

Over 60 increased penalties and new offenses for violent crimes, drug trafficking and gun crimes (some differences)

HABEAS CORPUS

6-month federal statute of limitations for capital cases and for non-capital cases where state provides lawyer for state post-conviction proceedings

6-month federal statute of limitations for capital cases; 1-year statute for non-capital cases

PROVISION

DEMOCRATIC BILL

REPUBLICAN BILL

HABEAS (Continued)

Provides indigent capital defendants with counsel meeting rigorous qualifications at all state proceedings

No counsel qualification standards

Preserves role of federal court in reviewing state convictions

Severely curtails role of federal court in reviewing state convictions

TERRORISM

Death penalty for terrorists and increased penalties for terrorist bombings; new penalties for providing material support to terrorists; implements regulations for aviation and maritime terrorism treaties; gives Attorney General authority to develop terrorist informants

Substantially the same

SEXUAL VIOLENCE AND CHILD ABUSE

"Oprah Bill" -- establishes national background checks for day care workers

Substantially the same

VICTIMS OF CRIME

Permits victims to speak at sentencing

No provision

Mandates that criminals pay restitution

Substantially the same, but would suspend federal benefits for defendants delinquent in making restitution

Prohibits diversion of victims' funds to other federal programs

No provision