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FACT SHEET

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August 10, 1994

The Crime Bill Agreement

This DSG Fact Sheet deals with the conference agreement on H.R. 3355, Violent Crime Control and Law Enforcement Act, which the House is scheduled to consider on Thursday.

Responding to President Clinton's call for "strong, smart, tough" anti-crime legislation, the conferees have agreed to a \$33 BILLION measure that is the most sweeping federal anti-crime bill in U.S. history. The agreement provides more than twice as much funding for police on the street than the House-passed bill.

The measure mandates life imprisonment for those convicted of three violent felonies, and makes more than 60 federal crimes subject to the death penalty. It also provides funds to put 100,000 state and local cops on the street, bans the sale and possession of assault weapons, commits more than \$10 BILLION for state prisons to ensure that violent prisoners are locked up, and authorizes more than \$7 BILLION for crime prevention programs. The measure, however, does not contain House "racial justice" provisions that bar execution of prisoners who demonstrate that their death sentence was imposed because of racial discrimination.

A key vote is expected on the rule providing for the consideration of the agreement.

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Section I

Overview

After six years of legislative efforts, Congress is on the brink of enacting the most comprehensive anti-crime bill in the nation's history. In the 102nd Congress, the House adopted a conference agreement on a sweeping crime bill, but the measure was killed in the Senate by a Republican filibuster.

Now, with the strong support of President Clinton, both the House and Senate have passed omnibus bills and conferees have agreed upon comprehensive, carefully balanced measure – focusing on police, prisons, punishment, and prevention – to address the American people's number one concern.

Anti-Crime Funding

The conference agreement authorizes more than \$33 BILLION for a variety of anti-crime strategies over the next six years – with more than two-thirds of the funds for increased law enforcement and prisons, and the remaining funds (more than \$8 BILLION) for crime prevention programs. (For a breakdown of the funding levels, see Table 2.) These funds are geared primarily towards state and local governments and community organizations to address the crime problems in their area (see Table 1 for a state-by-state breakdown of some of the funds in the measure).

Of that total, \$30.2 BILLION of the funds authorized in the agreement would be financed through the appropriations from the Violent Crime Reduction Trust Fund – established under the measure through the expected savings to be realized by eliminating more than 270,000 federal jobs. These funds would be reserved for the crime fighting programs authorized in the measure, with new budget restrictions to ensure that this spending does not increase the federal deficit.

Under the conference agreement, \$13.2 BILLION – more than double the amount in the House-passed bill – is committed to increasing law enforcement efforts over the next six years, with \$10.6 BILLION for state and local law enforcement. Through FY 2000, the measure authorizes almost \$9 BILLION to put 100,000 more cops on the beat, thus increasing the number of state and local law enforcement by about 20%.

Table 1

Estimated Assistance to States from the Crime Bill

(\$ in millions)					
	Number of Police Officers	Law Enforcement	Prisons	Prevention	Total
Ala.	1,700	\$159	\$56	\$77	\$293
Alaska	600	\$62	\$12	\$19	\$93
Ariz.	1,600	\$157	\$44	\$70	\$271
Ark.	1,200	\$111	\$28	\$47	\$186
Calif.	10,200	\$953	\$475	\$504	\$1,932
Colo.	1,500	\$147	\$35	\$56	\$238
Conn.	1,500	\$138	\$32	\$53	\$223
Del.	650	\$63	\$14	\$17	\$95
Fla.	4,600	\$435	\$230	\$194	\$859
Ga.	2,500	\$238	\$77	\$108	\$423
Hawaii	800	\$74	\$12	\$25	\$111
Idaho	800	\$77	\$12	\$24	\$113
Ill.	4,100	\$382	\$175	\$178	\$735
Ind.	2,200	\$207	\$48	\$83	\$338
Iowa	1,300	\$127	\$20	\$45	\$191
Kans.	1,200	\$121	\$25	\$41	\$187
Ky.	1,600	\$148	\$30	\$73	\$251
La.	1,800	\$164	\$64	\$100	\$328
Maine	800	\$82	\$10	\$28	\$120
Md.	2,000	\$186	\$73	\$74	\$332
Mass.	2,300	\$218	\$69	\$97	\$383
Mich.	3,400	\$318	\$110	\$154	\$581
Minn.	1,800	\$169	\$27	\$68	\$265
Mo.	2,100	\$191	\$63	\$80	\$334
Miss.	1,300	\$117	\$22	\$62	\$200
Mont.	700	\$69	\$9	\$20	\$97
Nebr.	900	\$93	\$15	\$28	\$135
Nev.	850	\$85	\$20	\$25	\$129
N.H.	800	\$74	\$9	\$21	\$104
N.J.	2,800	\$265	\$77	\$119	\$461
N.M.	900	\$92	\$26	\$41	\$159
N.Y.	6,100	\$573	\$300	\$318	\$1,191
N.C.	2,600	\$243	\$70	\$102	\$415

Table 1 (cont.)

Estimated Assistance to States from the Crime Bill

	(\$ in millions)				
	Number of Police Officers	Law Enforcement	Prisons	Prevention	Total
N.Dak.	630	\$64	\$8	\$16	\$88
Ohio	3,900	\$366	\$94	\$166	\$626
Okla.	1,400	\$138	\$34	\$58	\$229
Oreg.	1,400	\$132	\$29	\$53	\$213
Pa.	4,200	\$392	\$83	\$171	\$646
R.I.	750	\$70	\$14	\$22	\$106
S.C.	1,600	\$148	\$56	\$71	\$275
S.Dak.	650	\$67	\$9	\$17	\$93
Tenn.	2,000	\$191	\$58	\$78	\$327
Tex.	6,000	\$557	\$215	\$304	\$1,076
Utah	1,000	\$98	\$15	\$33	\$146
Vt.	600	\$63	\$9	\$15	\$87
Va.	2,400	\$228	\$41	\$94	\$363
Wash.	2,000	\$191	\$45	\$83	\$318
W.Va.	1,000	\$93	\$12	\$52	\$157
Wis.	2,000	\$191	\$27	\$77	\$295
Wyo.	600	\$59	\$10	\$15	\$83

Source: Senate Judiciary Committee

Note: This table does not include all funds authorized under the bill, and thus this table understates the total amount that states would receive. A number of programs funded under the bill are discretionary competitive grants (such as the Youth Employment Skills program) and thus the amount for these programs cannot be estimated by state.

"Law Enforcement" includes funds for police, Byrne law enforcement grants, and rural law enforcement grants.

"Prisons" does not include funds for the truth-in-sentencing grants since it is not clear which states would be eligible.

"Prevention" funds include grants through the Local Partnership Act, Violence Against Women Act, drug treatment in prisons, Community Schools Youth Services program, and the Family and Community Endeavors program.

Table 2

Authorizations for Law Enforcement, Prisons, & Prevention (\$ in millions)

	House Bill	Conf. Agrmt. (Total)	Conf. Agrmt. (Trust Fund)
TOTAL	\$27,820	\$33,500	\$30,209
Law Enforcement	\$5,547	\$13,902	\$13,161
"Cops on the Beat"	3,450	8,800	8,800
Police Corps/Scholarship	500	550	—
Law Enforcement Family Support	—	25	25
Criminal Records	—	150	150
Rural Drug Grants & Training	255	245	245
Community Prosecutors & State Courts	100	200	200
Police Recruitment	30	24	24
Technical Assistance & DNA Testing	40	170	170
Byrne Law Enforcement Grants	*	1,000	1,000
Immigration and Naturalization Service	*	1,000	1,119
Treasury	1,050	550	550
Justice	—	300	300
FBI	22	275	275
DEA	100	150	150
U.S. Attorneys	—	50	50
Telemarketing Fraud vs. Elderly (SCAMS)	—	20	20
Federal Courts	—	200	200
Prisons	\$14,100	\$10,650	\$8,450
Youth Offenders Incarceration & Probation Alternatives	600	150	150
State Prison Grants	13,500	8,700	6,500
Incarceration of Criminal Aliens	*	1,800	1,800
Prevention Programs	\$8,173	\$8,948	\$8,598
Model Intensive Grants	1,500	895	895
"Ounce of Prevention" Grants	125	100	100
Drug Courts	1,400	1,300	1,300

Table 2 (cont.)

Authorizations for Law Enforcement, Prisons, & Prevention (\$ in millions)

	House Bill	Conf. Agrmt. (Total)	Conf. Agrmt. (Trust Fund)
Grants to Combat Violence			
Against Women	765	1,800	1,800
Local Partnership Act	2,000	1,800	1,800
Youth Employment & Skills	525	900	550
National Community Economic Partnership	--	300	300
Midnight Sports Leagues	50	40	40
Olympic Youth Development	--	50	50
Community Youth Academies	50	40	40
Community Schools	--	630	630
Family & Community Endeavor Schools	1,150	270	270
Anti-Gang Grants	200	125	125
Youth Development Centers	--	50	50
Hope in Youth	20	20	20
Boys and Girls Club & Gang Prevention	56	50	50
Police Partnerships for Children	20	30	30
Anti-Crime Youth Councils	5	5	5
Drug Treatment for State Prisoners	300	300	300
Drug Treatment for Federal Prisoners	*	125	125
Child Visitation & Family Unity	--	52	52
Urban Parks and Recreation	--	5	5
Prevent Crime Against Older Americans	7	11	11

*"Such sums as may be necessary."

Note: Authorizations in the House bill were generally for five years, through FY 1999, while most of the funds in the conference agreement are for six years, through FY 2000.

For state prisons, the conference agreement authorizes \$10.7 BILLION, with more than one-third of this amount committed to states that adopt strict "truth in sentencing" laws (requiring repeat violent offenders to serve 85% of their sentence) and \$1.8 BILLION for reimbursing state prisons for incarcerating criminal aliens.

For programs to stop youths from becoming involved in crime in the first place, the measure includes \$8.6 BILLION through FY 2000, including grants for towns for speedy access to flexible funds for anti-crime activities, funds to fight violence against women, money for in-school and after-school programs to improve childrens' academic and social skills, and funds for drug courts to handle non-violent drug offenders.

New Penalties & Gun Provisions

In addition to new spending for anti-crime initiatives, the measure also does the following:

- Imposes the death penalty for over 60 federal crimes, ranging from drive-by shootings to carjackings to espionage;
- Contains the "three strikes and you're out" provisions requiring life imprisonment for three-time violent offenders;
- Bans, for ten years, the manufacture and possession of 19 specified types of semiautomatic assault weapons and large capacity magazines, and copies thereof, exempting 650 specified sporting guns and semiautomatic assault weapons that already are legally owned. The measure does not have the House-passed "recordkeeping" requirement provisions that would have required a gun owner to complete a form in order to sell an assault weapon that the gun owner legally owned at the time the measure was enacted;
- Exempts certain handgun purchases at pawnshops from the five-day waiting period requirement under the Brady Bill (PL 103-159), and contains provisions designed to protect hunters from protests;

- Includes a range of provisions dealing with kids and crime, such as providing that juveniles 13 years-old or older could be tried as adults for violent federal crimes, such as murder, assault, robbery, and rape, and prohibiting the transfer of handguns to minors;
- Allows victims of gender-motivated violence to sue the attacker for civil rights damages, and blocks people subject to a court restraining order for family violence from obtaining a gun; and
- Reduces mandatory minimum penalties for certain non-violent drug offenders to make room in prison for truly violent offenders.

The measure does not contain House "racial justice" provisions that bar execution of prisoners who demonstrate that their death sentence was imposed because of racial discrimination, and that would have allowed defendants to use statistics as evidence of a racially discriminatory pattern in death sentencing. However, the President has indicated that he will issue an executive order regarding racial discrimination in death sentencing.



Section II

"Cops on the Beat" & Law Enforcement

This section describes provisions of the conference report on H.R. 3355, which provide funds for law enforcement. Under the conference agreement, \$13.2 BILLION is committed to increasing law enforcement efforts over the next six years, with \$10.6 BILLION for state and local law enforcement. Through FY 2000, the measure authorizes \$8.8 BILLION to put 100,000 more cops on the beat – thus increasing the number of state and local law enforcement personnel by about 20%. The measure also provides funds for college scholarships to those committing to work as police officers, for anti-crime and drug efforts in rural communities, and for state courts and prosecutors.

In addition, the measure authorizes \$2.6 BILLION to strengthen federal law enforcement, with more than \$1 BILLION for the Immigration and Naturalization Service. It also provides funds for the Justice Department, Federal Bureau of Investigation, Drug Enforcement Administration, U.S. Attorneys, Treasury Department, and the federal courts.

State & Local Law Enforcement

Community Policing

The measure authorizes a total of \$8.8 BILLION in federal grants for "community policing" programs through FY 2000 – \$1.3 BILLION in FY 1995, \$1.9 BILLION in each of fiscal years 1996 and 1997, \$1.7 BILLION in each of fiscal years 1998 and 1999, and \$268 million in FY 2000. This amount is expected to fund up to 100,000 police officers. (The House bill authorized a total of \$3.45 BILLION in federal grants for "community policing" programs through FY 1999, which was expected to fund up to 50,000 police officers.)

These new grants to state and local governments would be used to rehire police who have been laid-off, to hire and train new law enforcement officers, and for equipment, technology, and support systems to increase the number of police involved in community-oriented policing. In addition, these funds could be used to increase the number of police officers involved in crime prevention programs in the community, to reduce the time police officers spend in court, and to develop police policies and community programs focusing on crime prevention.

Under the agreement, 50% of the grants would be available for grants to small municipalities with populations of less than 150,000; the other half would be reserved for grants to larger municipalities. Generally, grants for hiring or rehiring police would be limited to \$75,000 per year,

and could be extended for up to five years. The agreement specifies that the federal share of the project may not exceed 75%, and would be reduced for multi-year grants for hiring of police. Under the measure, the Justice Department in making grants would give preference to applicants that contribute more than 25%, and that plan on hiring former members of the Armed Forces. Under the agreement, each state would receive at least 0.5% of the total amount appropriated each year. The measure includes special provisions for very small communities under 50,000 in population.

Rural Law Enforcement

The conference agreement includes a number of provisions to fight drugs and crime in rural areas. Specifically, the measure authorizes a total of \$245 million in fiscal years 1996 through 2000 for anti-drug trafficking efforts in rural areas (including a total of \$5 million through FY 2000 to train rural drug enforcement officers). Like the House-passed bill, the agreement provides for the establishment Rural Crime and Drug Enforcement Task Forces (interagency task forces intended to coordinate law enforcement efforts) in rural federal judicial districts.

Expansion of Byrne Grant Funding

Like the House bill, the conference agreement authorizes such sums as may be necessary for the Byrne Grant program – which provides grants to state and local law enforcement agencies for a wide variety of programs to control violent crime and drug abuse, and to improve the criminal justice system. Under the measure, \$1 BILLION would be available from the Violent Crime Reduction Trust Fund through FY 2000 – \$580 million in FY 1995, \$130 million in FY 1996, \$100 million in FY 1997, \$75 million in FY 1998, \$70 million in FY 1999, and \$45 million in FY 2000.

Like the House bill, the conference agreement allows states to use Byrne law enforcement grants to fund the prosecution of persons driving while intoxicated. It also allows states to use these grants for law enforcement and prevention programs relating to gangs and youths who are at risk to join gangs. (The Justice Department currently provides Byrne law enforcement grants to states to be used for a wide variety of law enforcement purposes, ranging from drug prevention efforts to prosecuting white collar crime.)

Police Corps & Law Enforcement Scholarships

Like the House bill, the conference agreement establishes a Police Corps program (similar to ROTC) which would provide, on a competitive basis, federal college scholarships of up to \$10,000 per year, in return for a four-year commitment to serve in a state or local police force. Under

the measure, a person must participate in 16 weeks of Police Corps training and may only receive up to \$30,000 in scholarship through this program. Participants who fail to complete the agreed upon service would be required to pay back the entire scholarship aid, plus 10%. Law enforcement agencies employing Police Corps participants would receive \$10,000 in each of the four years of service.

The conference agreement also establishes a law enforcement scholarship program under which existing law enforcement personnel could receive financial assistance to further their education (with participants agreeing to work in a law enforcement position in that state for one month for each credit hour for which assistance is made), and under which state and local law enforcement agencies may hire high school and college students interested in law enforcement careers for summer and part-time employment. Under the measure, the scholarships would be allotted to states based on the number of police among the states. Federal aid could be used for only 60% of the costs of such educational scholarships and employment.

The measure authorizes a total of \$400 million in FY 1995 and FY 1996, and such sums thereafter for the Police Corps program, and it authorizes \$30 million per year in fiscal years 1996 through 2000 for the law enforcement scholarship program. These funds would be from the general Treasury and not from the Crime Trust Fund. (The House bill authorized \$100 million in FY 1995, \$250 million in FY 1996, and such sums thereafter for the Police Corps program; it authorized \$30 million per year for the law enforcement scholarship program.)

Police Recruitment

The measure authorizes a total of \$24 million in FY 1996 through FY 2000 for grants to community organizations to recruit and retain police officers from under-represented neighborhoods. (The House bill authorized \$6 million in each of fiscal years 1995 through 1999.) Eligible programs would recruit officers and provide training and counseling to help people qualify and apply to be police officers.

Justice Grants for Prosecutors & State Courts

The conference agreement includes House-passed provisions establishing a "Community-Based Justice Grant Program," and authorizing \$50 million in fiscal years 1996 through 2000 for the program. (The House authorized \$100 million.) The program would help local prosecutors, school officials, police, probation officers, and youth and social service professionals to identify and prosecute young violent offenders.

In addition, the measure authorizes a total of \$150 million in fiscal years 1996 through 2000 for state courts, prosecutors, and public defenders, to deal with the increasing caseload resulting from passage of the bill.

Law Enforcement Family Support

The conference agreement contains Senate provisions authorizing a total of \$25 million in fiscal years 1996 through 2000 for grants to state and local law enforcement agencies to provide family support services. Under the measure, in order to receive these grants, the law enforcement agency must provide one of the following services: counseling for law enforcement family members; child care on a 24-hour basis; marital and adolescent support groups; stress reduction programs; or stress education for law enforcement recruits and families.

Improved Training & Technical Automation

The conference report includes Senate provisions authorizing a total of \$130 million in fiscal years 1996 through 2000 for Justice Department grants to state and local criminal justice agencies to increase efficiency through automation and technological improvements. In addition, the measure authorizes funds for improved training and investigative assistance for state and local law enforcement.

Criminal History Records

The conference agreement authorizes a total of \$150 million in fiscal years 1995 through 1997 from the Violent Crime Control Trust Fund for states to update criminal records pursuant to the Brady Bill, and for grants to states under the National Child Protection Act (PL 103-209), which requires states to report criminal history records relating to child abuse crimes in the state to the Federal Government.

Funds for DNA Analysis

The measure authorizes a total of \$40 million in FY 1996 through FY 2000 for state and local governments to develop or improve the analysis of DNA for identifying criminals, and requires that states and the FBI laboratory adhere to minimum standards for quality control, proficiency testing, and privacy. (DNA carries the unique genetic code of each human being, so that DNA found in blood, skin tissue, and semen can be used to identify an individual suspected of committing a crime.)

Federal Law Enforcement

The measure authorizes \$2.5 BILLION to strengthen federal law enforcement, with 40% of it (\$1 BILLION) for the Immigration and Naturalization Service. It also provides funds for the Justice Department, Federal Bureau of Investigation, Drug Enforcement Administration, U.S. Attorneys, Treasury Department, and the federal courts.

Immigration & Naturalization Service

The measure authorizes a total of \$1 BILLION for the Immigration and Naturalization Service (INS) from the Violent Crime Control Trust Fund, with an additional \$191 million authorized through regular appropriations.

The conference agreement authorizes a total of \$675 million in fiscal years 1995 through 1998 for the INS – with \$484 million from the Violent Crime Control Trust Fund and \$191 million through regular appropriations. These funds would be used to increase INS resources for the Border Patrol, Inspections Program, and Deportation Branch in order to apprehend illegal aliens and those who overstay their visas. Specifically, these funds would be used to increase by 4,000 the number of Border Patrol Agents over the next four fiscal years.

Further, the measure authorizes a total of \$338 million in FY 1995 through FY 1998 from the Trust Fund, for the expeditious adjudication of asylum claims, and the expeditious deportation of asylum applicants whose applications have finally been denied. It also authorizes \$160 million in FY 1995 through FY 1998 to expand the program for the deportation of those convicted of aggravated felonies to ensure that such aliens are immediately deportable upon release from incarceration and for the construction of two INS Processing Centers for the detention and removal of criminal aliens.

The conference agreement authorizes a total of \$18 million to operate a criminal alien tracking center in fiscal years 1996 through 2000.

Other Federal Agencies

In order to handle the increased workload resulting from the measure, the conference agreement authorizes a total of the following amounts for the following federal agencies:

- \$550 million for the Treasury Department in fiscal years 1996 through 2000;
- \$300 million for the Justice Department in fiscal years 1996 through 2000;
- \$250 million for the FBI in fiscal years 1995 through 2000;
- \$150 million for the DEA in fiscal years 1996 through 2000;
- \$50 million for the U.S. Attorneys in fiscal years 1996 through 2000; and
- \$200 million for the federal courts in fiscal year 1996 through 2000.

Funds for DNA Analysis

The measure specifies that the FBI may establish an index of DNA profiles of convicted felons and requires the FBI to adhere to minimum standards of quality assurance, proficiency testing, and privacy. The agreement authorizes a total of \$25 million in fiscal years 1996 through 2000 for the FBI to carry out the responsibilities under these provisions.

Telemarketing Fraud Efforts

The conference agreement authorizes \$20 million for the Justice Department and the FBI to hire agents to investigate telemarketing fraud, to prosecute telemarketing fraud, and to conduct public awareness and other initiatives to prevent telemarketing fraud against senior citizens.

Police Misconduct

The agreement gives the Justice Department authority to sue police, corrections, or other government authorities in juvenile justice to stop them from engaging in a "pattern or practice" of unconstitutional or unlawful conduct.

The measure also requires the Justice Department to collect data on the use of excessive force by police officers.



Section III

Assault Weapons Ban & Other Gun Provisions

This section summarizes the provisions banning assault weapons and other gun provisions of the conference report on H.R. 3355, Violent Crime Control and Law Enforcement Act. Like the House bill, the conference agreement bans, for ten years, the manufacture and possession of 19 specified types of semiautomatic assault weapons, and copies thereof – exempting weapons and 650 specified sporting guns and semiautomatic assault weapons that already are owned legally.

The measure does not contain House "recordkeeping" provisions that would have required a gun owner to complete a form in order to sell an assault weapon that the gun owner legally owned at the time the measure was enacted.

The measure includes a number of other provisions relating to guns. The conference agreement strengthens the rules for federal firearms dealers, prohibits the sale or transfer of handguns to minors, and blocks people subject to a court restraining order from obtaining a gun.

The agreement also includes provisions to exempt certain pawnshops purchases from the five-day waiting period requirement under the Brady Bill (PL 103-159), and provisions designed to protect hunters from protests.

Ban on Assault Weapons

The bill prohibits the possession, manufacture, and transfer of the following 19 assault weapons and copies and duplicates thereof: Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models); Action Arms Israeli Military Industries UZI and Galil; Beretta AR-70 (SC-70); Colt AR-15; Fabrique Nationale FN/FAL, FN/LAR, and FNC; SWD M-10, M-11, M-11/9, and M-12; Steyr AUG; INTRATEC TEC-9, TEC-DC9, and TEC-22; and revolving cylinder shotguns, such as the Street Sweeper and Striker 12.

In addition to those listed, the measure also bans possession, sale, and manufacture of other firearms that have features specified in the bill. Semiautomatic rifles with a detachable magazine would be banned if they have at least two of the following features:

- A folding or telescoping stock;
- A pistol grip that protrudes conspicuously beneath the rifle's action;

- A bayonet mount;
- A flash suppressor or threaded barrel designed to accommodate a flash suppressor; or
- A grenade launcher.

Semiautomatic pistols with a detachable magazine would be banned if they have at least two of the following features:

- An ammunition magazine that attaches to the pistol outside of the pistol grip;
- A threaded barrel capable of accepting a barrel extender, flash suppressor, a forward handgrip, or silencer;
- A shroud that is attached to the barrel that permits the shooter to hold the firearm with the non-trigger hand without being burned;
- A manufactured weight of 50 ounces or more when the pistol is unloaded; or
- A semiautomatic version of an automatic firearm.

Semiautomatic shotguns would be banned if they have at least two of the following features:

- A folding or telescoping stock;
- A pistol grip that protrudes conspicuously beneath the action of the weapon;
- A fixed magazine capacity of more than five rounds; or
- The ability to accept a detachable magazine.

Weapons Exempted from Ban

The bill specifically exempts more than 650 hunting and sporting rifles and shotguns – including the Browning and Remington rifles – and replicas and duplicates thereof, from the bill's ban. The measure also specifies that none of these listed weapons may be banned while the bill is in effect. In addition, the bill states that the fact that a weapon is not on the list of exempted weapons does not mean it is banned.

In addition to the firearms specifically exempted, hunting and sporting weapons also would be exempt from the ban if the firearm is:

- Manually operated by bolt, pump, lever, or slide action;
- Rendered permanently inoperable;
- An "antique firearm";
- A semiautomatic rifle that cannot accept a detachable magazine that holds more than five rounds of ammunition; or
- A semiautomatic shotgun that cannot hold more than five rounds of ammunition in a fixed or detachable magazine.

The measure also exempts assault weapons for governmental use, such as the military and police (including those who are retired), and experimental use approved by the Treasury Department from the ban.

Penalties for Banned Guns

Under the bill, it would be a federal offense to own, manufacture, or sell these assault weapons or copies and duplicates thereof – except for weapons that are currently legally owned under the bill's "grandfather" provision. The bill imposes penalties of up to five years in prison, a fine of up to \$5,000, or both. The measure also makes use of a semiautomatic weapon during a federal crime of violence or drug trafficking crime punishable for a minimum of five years in prison.

Ban on Ammunition Feeding Devices

The bill also would make it a federal offense to own or sell large-capacity ammunition feeding devices (devices with a capacity of more than ten rounds). In addition, the measure bans any combination of parts that could be assembled into such a large-capacity ammunition feeding device.

Under the measure, tubular magazines for .22 caliber rimfire ammunition are exempt from this ban – along with large-capacity ammunition feeding devices that are legally owned on the date of the bill's enactment and those for governmental agencies, such as law enforcement officials and the military.

Under the bill, those knowingly violating these provisions would be subject to a fine of up to \$5,000 and up to five years in prison.

The bill applies to large-capacity magazines those laws and regulations that currently apply to all firearms (e.g. manufacturers and dealers must be licensed and weapons must be marked with a serial number).

10-Year "Sunset"

The measure's provisions automatically would expire ("sunset") 10 years after the measure's enactment.

No Recordkeeping for Lawful Transfers of "Grandfathered" Weapons

The measure does not contain the "recordkeeping" provisions of the House bill that would have required a gun owner to complete a form in order to sell an assault weapon that the gun owner legally owned when the measure was enacted.

Study Bill's Effect on Violence

The bill requires the Justice Department to conduct an 18-month study of the impact of the bill's ban on assault weapons on violent and drug trafficking crime one year after the bill is enacted. Under the measure, this study must be submitted to Congress 30 months after the bill's enactment.

Other Gun Provisions

The conference agreement strengthens the rules for federal firearms dealers, generally prohibits the sale or transfer of handguns to minors, and blocks people subject to a court restraining order from obtaining a gun.

Recreational Hunter Safety Act

The conference agreement includes a Senate provision designed to protect hunters from protests. Under the measure, it would be a federal offense to engage intentionally in physical conduct to significantly hinder a lawful hunt on federal land, and allows for injunction against prospective interference. Offenses would be punishable by civil fines of up to \$5,000 per violation, or up to \$10,000 if the violation involved the threatened use of force or violence.

Pawn Brokers & the Brady Bill

The conference agreement exempts pawnbrokers from the five-day waiting-period requirement of the Brady Bill (PL 103-159) that they conduct a background check of a prospective purchaser of a gun – if the purchaser is redeeming a handgun that he or she sold to the pawnshop.

(The Treasury Department, in issuing regulations, has required that pawnbrokers must abide by the a five-day waiting period before allowing anyone getting a handgun can take possession, even if the person is redeeming a handgun that he or she pawned earlier.)

Strengthen Licensing Requirements for Federal Firearms Dealers

The conference agreement contains Senate provisions that strengthen federal standards for licensing firearms dealers, and increasing reporting requirement of federally licensed firearms dealers.

The measure requires applicants for licenses to sell guns to certify that they are in compliance with state and local laws in order to be licensed by the Federal Government, and to submit their photograph and fingerprints in their application. Further, licensed gun dealers must report the theft or loss of firearms within two days, and to respond to Treasury Department requests for gun tracing information with one day.

Further, the Treasury Department would have 60 days (rather than 45 days as under current law) to act on gun dealer applications; could inspect the licensed gun dealer without a warrant any time a gun used in the commission of a crime is traced back to that licensee (the Treasury Department is currently only permitted to inspect a licensee one a year without a warrant); and must notify local law enforcement of all licensed gun dealers in the area.

Prohibit Youth Handguns

Similar to the House bill, the conference agreement makes it a federal crime for anyone to sell or transfer a handgun, or ammunition for a handgun, to a person under 18 years of age. It also makes it a crime for these youths to possess a handgun or ammunition for a handgun. (Current federal law prohibits only licensed gun dealers from selling a handgun to minors, but does not prohibit possession of a handgun by a minor.)

Under the measure, it would not be a crime, however, to transfer temporarily or possess a handgun when the handgun is used for farming, ranching, target shooting, and safety instruction. These exemptions would apply only if the youth has the parent's written permission to have the handgun. The conference agreement specifies that for these exemptions to apply, the transfer or possession of a handgun must be legal under state and local law. Under the measure, a juvenile may inherit the title to a handgun, may have a handgun as a member of the Armed Forces or as part of a police department, and may have a handgun to fend off a burglar.

The conference agreement imposes fines and up to one year in prison for violations of this legislation. Under the measure, first-time juvenile offenders who possess a handgun should not be imprisoned, unless they violate conditions of probation. Finally, the conference agreement provides that if the person transferring the handgun knew that the youth intended to use it in a crime of violence, that person could be sentenced to up to 10 years in prison.

Prohibit Guns for People Subject to Restraining Orders

The conference agreement prohibits people subject to a court order restraining them from harassing, stalking, or interfering with spouse or intimate partner or the child of the intimate partner from obtaining a gun. For this provision to apply, the restraining order must explicitly prohibit violence, and the court must determine that the person is a credible threat to the safety of the partner or child.

Under the measure, those who knowingly sell or obtain a gun in violation of this provisions would be subject to federal penalties of up to 10 years in prison.

Increased Penalties for Crimes Involving Guns

The conference agreement contains a wide variety of Senate provisions increasing penalties for gun crimes. Among other things, the measure increases penalties for a federal crime of violence or a federal drug trafficking crime if the offender was using or carrying a semiautomatic weapon; increases the penalties for interstate gun trafficking to up to 10 years; and increases penalties for using a firearm during the crime of counterfeiting or forgery. The conference agreement makes it a federal crime, punishable by up to 10 years in prison, to smuggle guns into the United States in order to traffick in drugs or commit a violent crime.

Finally the measure increases the penalties for making a false statement when buying a gun from a federally license firearm dealer, outlaws the possession of explosives by people who are prohibited under current law from possessing firearms, and makes it a federal crime to possess or receive a stolen firearm.



Section IV

"Three Strikes," Youth & Crime, Immigration, & Other Provisions

The section describes provisions of the conference agreement which increase criminal penalties. The conference agreement contains the "three strikes, and you're out" provision, and provisions regarding children and crime – such as providing that juveniles 13-years-old or older could be tried as adults for certain violent crimes and requiring persons who have committed crimes against children and other sex offenders to register with state law enforcement. It increases penalties for immigration document fraud, terrorism-related offenses, and for violating drug laws. Further, the measure reduces mandatory minimum penalties for certain non-violent drug offenders, calls for a National Crime Summit, and establishes a voluntary program to prevent motor vehicle theft.

"Three Strikes"

Generally, the conference agreement mandates life imprisonment for a conviction of a federal violent felony if the defendant previously was convicted of two violent offenses with a potential sentence of 10 years, or one serious drug felony and a serious violent felony. Under the agreement, the third strike must be a conviction of a federal violent crime, and not a drug offense. (These provisions are somewhat narrower than the House-passed bill, as the House bill provided that a conviction of a serious federal drug offense would count as the third strike mandating life imprisonment, and specified that convictions of two serious drug felonies could form the basis for a third-strike prosecution.)

The conference agreement specifies that state or federal convictions for certain offenses – murder, manslaughter, assault with intent to kill or rape, sex abuse, kidnapping, hijacking, robbery (unless there is no threat of use of a firearm), carjacking, extortion, firearms use, or arson – would count toward the first two strikes, regardless of the potential sentence. Any other felony conviction, punishable by up to 10 years, involving threats or use of force also would be considered a strike. The measure specifies that the two convictions must be from separate incidents.

Like the House-passed bill, the conference agreement requires that the defendant prove that there was no threat of the use of a firearm during a robbery in order for the offense not to be subject to the "three strikes" provision.

The conference agreement requires federal prosecutors to notify defendants, prior to trial, that the government intends to seek a sentence of life imprisonment under these provisions.

As under the House bill, these provisions would not apply to crimes on Indian lands, unless an Indian tribe elects that it shall apply. Those sentenced to life imprisonment under these provisions who have served 30 years and reached age 70 could be released if the Bureau of Prisons certifies that they are no longer dangerous.

The conference agreement provides that if either of the previous two convictions that formed the basis for sentencing the defendant to life in prison are held to be unconstitutional, or pardoned because of the defendant's innocence, then the defendant must be resentenced, not under the three strikes law.

Mandatory Minimum "Safety Valve"

Like the House-passed bill, the agreement gives federal judges discretion to waive mandatory minimum penalties for first-time non-violent drug offenders, but provides that such offenders must be sentenced to at least two years. This would apply only to offenders who have not been sentenced previously to more than 60 days in jail, who were not organizers or leaders, and who did not possess a firearm or use force or threats of force in the offense. In addition, the offense must not have resulted in death or serious bodily injury to any person. Further, the defendant must have provided all information he or she has concerning the offense.

Under the measure, the Sentencing Commission must amend the guidelines to comport with this change. These provisions would apply to sentences issued 10 days after enactment.

Like the House bill, the measure allows a judge to apply these provisions retroactively to certain prisoners who have demonstrated good behavior in prison.

Youth & Crime

The conference agreement contains a variety of provisions dealing with juveniles and crime. Among other things, the measure allows for the prosecution of 13-year-olds in federal court as adults for certain violent offenses; increases federal penalties for assaults against children; and requires persons who have committed crimes against children (including sexual offenses) to register with state law enforcement.

Prosecution of Youth as Adults

Like the House bill, the conference agreement provides that juveniles 13-years-old or older could be tried in federal court as adults for certain violent crimes – including assault, murder, and a variety of other crimes where the juvenile uses a gun. (Under current law, only those 15-years-old or older could be prosecuted in federal court as adults.)

Juveniles convicted under this provision could not be imprisoned with adult prisoners. These provisions would not apply to crimes on Indian lands, unless an Indian tribe elects that it shall apply.

Enhanced Penalties for Gang Activity

The conference agreement increases penalties, by up to 10 years, for certain federal drug or violent offenses if they are committed by a repeat offender who is involved in a gang. Specifically, federal sentences for a violent crime, a drug felony with a mandatory minimum sentence of five years, or conspiracy would be increased by up to 10 years if the person participated in a criminal street gang and has been convicted recently of a federal drug felony with a mandatory minimum sentence of five years, a federal crime of violence, conspiracy, or a similar state offense.

Registration of Child Abusers & Sexual Predators

Like the House bill, the conference agreement requires the Justice Department to establish guidelines for states to create programs which would require persons who have committed crimes against children (including sexual offenses) to register their addresses with state law enforcement agencies for 10 years after they have been released from prison or have been placed on parole, supervised release, or probation. However, the conference agreement expands this provision to require all sexually violent offenders to register with the state following their release.

Under the measure, persons would be required to register with state law enforcement agencies if they had been convicted of numerous specified state or federal crimes against children – including kidnapping, false imprisonment, sexual molestation, or solicitation for prostitution – or convicted of sexual abuse.

State law enforcement agencies responsible for maintaining registration information would be required to notify local law enforcement agencies that the offender is living in their community, and must provide the person's fingerprints and conviction information to the Federal Bureau of Investigation (FBI). Under the conference agreement, law enforcement officials may notify the victim of a sex offense under this program. The measure makes law enforcement agencies immune from liability, if the employees of the agency act in good faith and diligence in carrying out this program.

The conference agreement requires states to establish these registration programs within three years of enactment. States that fail to do so would have 10% of certain federal law enforcement funding (so-called Byrne Grants) withheld.

Offenders required to register under these provisions would be subject to criminal penalties if they knowingly fail to do so.

Victims of Child Abuse Programs

The measure authorizes \$38 million in fiscal years 1996 through 2000 for court-appointed special advocate programs for victims of child abuse. It also authorizes \$8 million for child abuse training programs for judicial personnel and practitioners, and \$5 million for televised testimony in child abuse cases.

Increased Penalties for Assaults Against Children

The agreement increases the federal criminal penalties for assaults against youths under 16 years of age. Under the measure, if the victim is under 16 years of age, then those convicted could be imprisoned up to one year, instead of three months as under current law. If the assault causes substantial injury to the young person, the offender could be imprisoned for up to five years.

Penalties for Using a Juvenile to Distribute Drugs or Commit Crime

The conference agreement increases penalties for using a juvenile to distribute drugs in a drug-free zone (e.g. near a school or playground) or for asking a minor to commit a crime.

Child Pornography Provisions

Like the House-passed bill, the measure outlaws producing child pornography for importation into the United States. The conference agreement makes it a federal crime to travel overseas in order to engage in a sexual act with a juvenile. The measure expresses the sense of Congress that states should enact laws making production, distribution, and possession of child pornography a felony.

The conference agreement also expresses the sense of Congress that the brief submitted by the Justice Department for the case *Knox v. U.S.*, regarding what constitutes child pornography, represents a misinterpretation of the statute.

Missing & Exploited Children Task Force

The conference agreement includes Senate provisions establishing a task force of federal law enforcement officers to work with the National Center for Missing and Exploited Children and coordinate the provision of federal resources to assist state and local authorities in investigating the most difficult cases of missing and exploited children.

Immigration Provisions

Expedited Deportation for Rejected Asylees & Criminal Aliens

The measure calls for expedited deportation proceedings for aliens convicted of an aggravated felony who are not permanent residents. The measure also provides for expedited deportation procedures for immigrants whose application for asylum has been denied. (See Section II for a description of the measure's increased INS funding for speeding up adjudication of asylum application, and deportation.)

The conference agreement also specifies that those applying for asylum cannot have authorization to work in the United States, unless the Justice Department issues regulations providing for work authorizations.

Increase Penalties Related for Immigration Document Fraud

The conference agreement generally increases criminal penalties for a variety of visa and passport abuse crimes to 10 years in prison. For example, the measure increases penalties from five years to 10 years the maximum sentence in prison for forging documents and making false statements in order to obtain a passport, for misuse of a passport, and for fraud in acquiring visas and other immigration documents.

Further, the measure includes Senate provisions which increase penalties for reentering the United States after being deported from 15 to 20 years for those convicted of aggravated felonies, and from five to 10 years for those convicted of any other felony or three misdemeanors.

Drug Control

Increase Penalties for Drug Trafficking in Prison

Like the Senate bill, the conference agreement requires that punishment for possessing controlled substance in prison must be served consecutively after any imposed for the underlying controlled substance offense.

The conference directs the Sentencing Commission to increase the sentence for those convicted for possession of drugs in a federal prison, or smuggling or distributing drugs in a federal prison. Under the measure, those convicted of these crimes could not be placed on probation.

Increase Penalties in Drug-Free Zones & Truck Stops

The measure provides for penalties for drug trafficking to be doubled for persons convicted of drug offenses within 1,000 feet of a truck stop or highway rest area (with penalties for subsequent convictions to be tripled).

The conference agreement directs the Sentencing Commission to increase the penalties for distributing or manufacturing drugs in a "drug-free" zones (e.g. near a school or playground).

Crack Cocaine Study

Like the House bill, the conference agreement includes provisions to direct the U.S. Sentencing Commission to conduct a study regarding the difference in penalties for "crack" and powder cocaine. (Under current law, the criminal penalties for "crack" cocaine are significantly harsher than for powder cocaine.)

Violent Crime & Drug Emergency Areas

The conference agreement authorizes the President to declare a state or locality a violent crime or drug emergency area. Under the measure, the President could direct federal agencies to provide federal assistance, such as personnel, equipment, funds, or technical assistance, to the area for up to one year.

Increased Penalties

The conference agreement contain a number of other penalty provisions, ranging from increasing penalties for hate crimes, to making insurance fraud and computer tampering a federal offense.

Increased Penalties for Hate Crimes

Under the measure, the U.S. Sentencing Commission must increase sentences for a federal offense that is determined by the jury (or the judge in the case of a non-jury trial) to be a hate crime. The measure defines a hate crime as "a crime in which the defendant intentionally selects a victim,

or in the case of a property crime, the property which is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person." Generally, the measure would have the effect of increasing a sentence by about one-third.

Insurance Fraud

The conference agreement makes it a federal crime to defraud, loot, or plunder an insurance company doing business in interstate commerce. Under the measure, it would be a federal crime to 1) knowingly file a false statement with an insurance regulator; 2) embezzle from an insurance company; 3) make a false statement regarding the financial condition of the insurance company; or 4) obstruct the investigation of insurance regulators. Further, the measure provides that anyone convicted of a crime of dishonesty (such as fraud) could not engage in the insurance business for five years. Under the measure, the penalty for violating these provisions, would be up to 10 years imprisonment.

Computer Crimes

The measure prohibits causing a transmission that causes damage or loss of access in a computer used in interstate commerce. Under the conference agreement, intentional violations would be punishable with up to five years in prisons and/or a fine of up to \$250,000, with reckless violation punishable with up to one year in prison and/or a fine of up to \$100,000. The measure allows victims of these crime to sue the violator for civil damages, if the violation was intentional.

Crimes Against the Elderly

The measure directs the Sentencing Commission to ensure that the sentencing guideline range for defendants convicted of a violent crime against an elderly victim (over 65) is sufficiently stringent to deter such crime, and requires the Sentencing Commission to review sentencing guidelines regarding fraud against the elderly. The measure also includes provisions enhancing federal penalties for telemarketing fraud.

Increase Penalties for Drunk Driving

The conference agreement also includes a Senate provision which increases penalties for drunk driving when a child under 18 years of age is in the car and the offense is committed on federal lands. Under the measure, penalties generally would be increased by up to one year in prison, but if the minor is seriously injured it would increase by up to five years in prison, and up to 10 years in prison if the child is killed.

Terrorism & Other Crimes

The agreement includes a number of provisions to increase penalties for crimes related to terrorism. Among other things, the measure would make it a federal crime, punishable with up to 10 years in prison, to provide material support, such as money, lodging, or weapons, to a terrorist.

The measure authorizes the limited admittance of a small number of immigrants to give information to the Federal Government regarding terrorists organizations and operations, or regarding criminal organizations or enterprises. Under the measure, these immigrants would be required to report quarterly to the Federal Government, and could not stay for more than three years, unless they aid in the prosecution.

Under the conference agreement, federal penalties would be increased for assault, manslaughter, arson, civil rights violations, and a number of other crimes.

Other Provisions

Child Protection Act/Limit Fees for Volunteers

The National Child Protection Act (PL 103-209) encourages states to adopt laws requiring criminal history background checks on prospective employees and volunteers who seek positions working with children. The conference report limits to \$18 the fee that a state may charge for background checks on prospective volunteers. Under current law, states may charge the actual cost of doing the background check.

Drivers' Privacy Protection

Like the House-passed bill, the conference agreement prohibits state motor vehicle departments from disclosing, without authorization, personal information about individual license-holders to persons who do not have a legitimate business interest. The measure continues to provide unlimited access to drivers' records for courts, law enforcement, and other government agencies, for insurance companies, and for certain automobile safety activities. Under the conference agreement, it would be a federal crime to obtain information in violation of this law, and allows a driver to sue for civil damages anyone who knowingly obtains, discloses, uses this information. These provisions would take effect three years after enactment.

Car Theft Prevention

The conference agreement requires the Justice Department to establish a voluntary program to prevent motor vehicle theft. The measure requires the Justice Department to prescribe a uniform highly visible decal to identify vehicles of those people volunteering to participate in the program.

Under the program, state and local enforcement officials would be authorized to stop people in such motor vehicles, if they are driven in an abnormal circumstance, as indicated by the decal, on the presumption that they have been stolen. (For example, the decal program could provide the police with cause to stop a stolen car at night, when its decal would indicate that it is normally parked.) Under the measure, the Justice Department must establish the conditions under which participating vehicles would be stopped.

The measure also makes it a federal offense to alter or remove motor vehicle identification numbers.

National Crime Summit & Commission on Crime Control & Prevention

The measure calls on the President to convene a national summit on violence in America. After the summit, the conference agreement establishes a 28-member Commission on Crime Prevention and Control to develop a comprehensive proposal for preventing and controlling crime which must be submitted to Congress within two years after appointment.

Interstate Sale of Lottery Tickets

The measure includes a Senate provision designed to close a loophole in current law regarding interstate sales of lottery tickets. Current law prohibits the sale of lottery tickets across interstate lines, but does not address computer sales of out-of-state lottery tickets. Under the conference agreement, the sale of lottery ticket receipts also would be prohibited, thus stopping sales of lottery tickets via computer.



Section V

Death Penalty

This section describes the death penalty provisions of the conference agreement. The agreement, like the House bill, expands the list of federal crimes for which the death penalty may be imposed, and establishes a single set of procedures for imposing the federal death penalty.

The measure does not contain House "racial justice" provisions that bar execution of prisoners who demonstrate that their death sentence was imposed because of racial discrimination, that would have allowed defendants to use statistics as evidence of a racially discriminatory pattern in death sentencing. However, the President has indicated that he will issue an executive order regarding racial discrimination in death sentencing.

Background

In the 1972 case of *Furman v. Georgia*, the Supreme Court effectively invalidated all state and federal death penalty laws on the basis that sentencing decisions were left to the uncontrolled discretion of judges or juries, and that consequently there was a substantial risk that the punishment would be inflicted in an arbitrary and capricious manner. In 1976, in *Gregg v. Georgia*, the Supreme Court approved death sentencing procedures adopted by several states that required the decision maker to consider and weigh certain aggravating and mitigating factors. Under the 1976 ruling, the death penalty could be imposed or reimposed for specific crimes if the legislation meets the standards approved by the ruling.

Under current law, there are only two federal offenses for which the death penalty can be imposed – airline hijacking that results in death, and certain drug-related murders.

Additional Federal Death Penalty Crimes

The conference agreement is substantially similar to the House bill in permitting capital punishment as a sentencing option for over 60 federal offenses, including the following:

- Drug trafficking in very large amounts of drugs (even where no death results);
- Killing or attempted killing by a drug kingpin of a public officer or juror in order to obstruct justice;

- Drive-by shooting resulting in death;
- Carjacking, where death results;
- Sexual abuse resulting in death;
- Sexual exploitation of children resulting in death;
- Murder by an escaped federal prisoner;
- Gun murder during a violent crime or drug trafficking offense;
- Alien smuggling, where death results;
- Murder of a state correctional officer by a prisoner;
- Aircraft hijacking (either domestic or international), where death results;
- Espionage and treason;
- Assassination of the President or Vice President or a Member of Congress, Cabinet member, or Supreme Court Justice;
- First degree murder on federal land or property;
- Murder at an international airport;
- Destroying aircraft resulting in death;
- Destroying motor vehicles, where death results;
- Transporting explosives with intent to kill resulting in death;
- Destroying federal property (with explosives), where death results;
- Mailing of injurious articles (e.g. explosives) resulting in death;

- Wrecking a train, where death results;
- Bank robbery resulting in death;
- Intentional killing of a foreign official;
- Murder by a federal prisoner serving a life sentence;
- Kidnapping, where death results;
- Hostage taking resulting in death;
- Murder for hire;
- Racketeering crimes resulting in death;
- Genocide;
- Murder of court officials or jurors in order to obstruct justice;
- Retaliatory murders of witnesses, victims or informants;
- Murder of federal law enforcement officials;
- Murder of a state official, or law enforcement assisting federal officials;
- Torture, where death results;
- Use of weapons of mass destruction (such as biological weapons or poison gas), where death results;
- Attacking a federal facility with firearms resulting in death;
- Violating an individual's federally protected rights based on race, religion, or national origin, where death results;
- Interfering with religious freedom resulting in death;

- Intentional killing of a person in the federal witness protection program;
- Murder of a U.S. citizen abroad by another U.S. citizen; and
- Violence at sea, where death results.

Federal Death Penalty Procedures

Like the House bill, the conference agreement also establishes a general set of procedures for imposing the federal death penalty. Under the new procedures, the Justice Department would be required to notify the court and the defendant that it intends to seek the death penalty and indicate the aggravating factors that it intends to prove as a basis for imposition of the death penalty. Such notice must be given "reasonable time" before the trial begins, or before the court accepts a plea of guilty.

The measure mandates division of the federal court trial into two phases when the death penalty is sought: first, the trial to determine guilt; and then, a sentencing trial. Both phases would be conducted before a jury, unless the defendant has elected to be tried by a judge instead.

Aggravating & Mitigating Factors

Like the House bill, the conference agreement sets out the aggravating and mitigating factors that must be considered in deciding whether to impose a death sentence. The aggravating factors include the following: a crime committed in the course of another specified crime (such as kidnapping); previous conviction of a state or federal offense for which a sentence of death or life imprisonment was authorized; previous conviction of two or more serious offenses; involvement of a firearm or previous conviction of a violent felony involving a firearm; grave risk of death to additional persons; heinous, cruel or depraved manner of commission; payment for the offense; substantial planning and premeditation; previous convictions of two drug felonies or one serious drug felony; continuing criminal enterprise involving sales to minors; prior conviction of sexual assault or child molestation; and vulnerability of the victim, or the type of victim (i.e., the President, head of a foreign nation, employee in a federal prison). These factors also may include the effect of the offense on the victim and the victim's family.

The conference agreement specifies that other aggravating factors may be considered if the prosecutor notifies the court. As under the House-passed bill, elements that must be proved to convict the defendant of the offense (such as premeditation) could be aggravating factors to be considered in deciding whether to impose a death sentence.

Mitigating factors to be considered include impaired mental capacity; duress; the defendant's minor degree of participation in the offense; insignificant prior criminal record; severe mental or emotional disturbance; others equally culpable will not be punished with death; and consent of the victim. The court or jury must also consider whether any other aspects of the defendant's character, background, or record, or the circumstances of the offense, mitigate the offense.

The bill directs the court to instruct the jury that it shall not consider race, color, religious beliefs, national origin, or sex of either the defendant or victim, and requires the jury to certify that it did not consider these issues in imposing the death penalty.

Under the conference agreement, aggravating circumstances must be proven beyond a reasonable doubt, while mitigating factors need only be supported by a preponderance of the evidence. The measure specifies that all evidence (even that prohibited at trial under the Federal Rules of Evidence), both aggravating and mitigating, may be considered unless the probative value of the evidence is outweighed by danger of prejudicing or misleading the jury.

The jury may impose the death penalty if each juror (or the judge, in a non-jury trial) finds at least one aggravating factor exists beyond a reasonable doubt and not one juror finds a mitigating factor, and/or if each juror finds one or more aggravating factors that sufficiently outweigh any mitigating factors.

Like the House-passed bill, the measure does not include provisions that would have specified that the jury be instructed that it is never required to impose a death penalty.

Counsel & Appeals

Unlike the House bill, the conference agreement requires the Federal Government to appoint two lawyers, rather than one as required under current law, for defendants who are financially unable to obtain such legal representation and who are charged with a federal offense for which the death penalty is authorized. Under the measure, at least one of these attorneys must be knowledgeable about death penalty cases. As under current law, the measure also requires the Federal Government to provide funds for expert testimony.

The conference agreement also provides for automatic review of any death sentence by both a court of appeals and the Supreme Court.

Limitations on Death Penalty

Like the House bill, the conference report prohibits imposing the death penalty on people who were under 18 years of age at the time of their crime, or who are mentally retarded or mentally incompetent. It also suspends execution of women while they are pregnant.

The federal death penalty would not apply to crimes on Indian lands (which are federal lands) unless an Indian tribe elects that the death penalty shall apply.



Section VI

Prisons & Prisoners

This section describes the provisions of the conference report dealing with prisons and prisoners. The agreement authorizes a total of \$10.7 BILLION through FY 2000 for state prisons, with \$8.4 BILLION authorized to be appropriated from the Violent Crime Trust Fund. (The House-passed bill authorized a total of \$14.1 BILLION.) Of this total, the measure provides almost \$9 BILLION to states in order to expand prison space to incarcerate violent offenders, with 40% of these funds committed to states that adopt strict "truth in sentencing" laws, requiring repeat violent offenders to serve 85% of their sentence. The agreement authorizes \$1.8 BILLION from the Trust Fund for reimbursing state prisons for incarcerating criminal aliens, and for supporting programs to ensure the punishment of young offenders. The measure also prohibits the awarding of Pell Grants to prisoners.

Prisons

The conference agreement authorizes a total of \$8.7 BILLION in FY 1995 through FY 2000 in grants for state or regional correctional facilities to provide for the incarceration of violent offenders – \$175 million in FY 1995, \$940 million in FY 1996, \$1.2 BILLION in FY 1997, \$1.7 BILLION in FY 1998, \$2.2 BILLION in FY 1999, and \$2.3 BILLION in FY 2000. Of this total, \$6.5 BILLION is from the Violent Crime Trust Fund. Under the measure, these grants would be available to a state or group of states to develop, expand, operate or improve correctional facilities, including boot camps, to ensure that prison space is available for violent offenders.

Of these funds, 60% would go for Violent Offender Incarceration Grants, with the other 40% being reserved for states that have strict "truth in sentencing" requirements, requiring repeat violent offenders to serve 85% of their sentence.

Under the Violent Offender Incarceration grant program, each state generally would receive 0.25% of the total funds of the program, with the remainder distributed based on the number of violent crimes in each state.

The 40% of funds appropriated each year for "Truth in Sentencing" grants would be allocated among qualifying states based on the number of violent crimes in each state. To be eligible for these grants, a state must show either that:

- It has a law in effect that requires violent felons serve at least 85% of their sentences; or
- That since 1993, it has increased the percentage of violent offenders sentenced to prison; increased the average time served by violent offenders; increased the percentage of sentence that violent offenders serve; and has laws in effect that require repeat violent or serious drug offenders to serve 85% of their sentence.

In order to receive funds from either of these programs, states must submit a comprehensive plan to the Justice Department. The plan must include assurances that it has implemented or will implement correctional policies, including truth-in-sentencing laws, that ensure that violent offenders serve a substantial portion of the sentences imposed, and assurances that it has policies recognizing victims' rights. The conference agreement specifies that the Justice Department must take into account the number of illegal aliens in state prisons in deciding how to distribute the funds among the states. The federal share for both of these programs would be limited to 75%.

Certainty of Punishment for Young Offenders

The conference agreement authorizes a total of \$150 million in fiscal years 1996 through 2000 for states to develop new programs specifically to ensure certainty of punishment of youthful offenders, who might otherwise be placed on probation.

Under the measure, the grants would be used for alternative punishments for these young offenders – such as "shock incarceration," requiring young offenders to reimburse victims of their crimes, weekend incarceration, community service, and programs to deal with serious substance abuse and gang-related crime. The agreement limits funding to programs directed at offenders aged 22 or younger, who are non-violent first-time offenders or are non-violent offenders with minor criminal records.

Under the measure, the federal share of the match for these programs would not exceed 75%. In making these grants, the Justice Department must consider whether state and local governments have a law or policy which: 1) punishes any student caught with a firearm with the loss of drivers license privileges and suspension from school; and 2) bans guns and other weapons within 100 yards of a school.

Reimbursement of States for Incarcerating Criminal Aliens

The conference agreement authorizes such sums as may be necessary for the Justice Department in FY 1995 through FY 2000 to reimburse states and localities for the costs of incarcerating undocumented criminal aliens who have been convicted of a felony in state or local courts. The measure authorizes \$1.8 BILLION from the Crime Trust Fund through FY 2000 – \$130 million in FY 1995, \$300 million in FY 1996, \$330 million in FY 1997, \$350 million in each of fiscal years 1998 and 1999, and \$340 million in FY 2000 to reimburse states.

Under the measure, the Federal Government must reimburse states and localities beginning in 2004 for the costs of incarcerating undocumented criminal aliens who have been convicted of a felony in state or local courts. (The House bill required the Federal Government to reimburse states and localities for these costs by FY 1999.)

New Limits on Prisoners' Rights

Pell Grants

Like the House-passed measure, the conference agreement prohibits the awarding of Pell Grants to anyone incarcerated in either federal, or state penal institutions.

Prisoners' Challenges

The measure includes provisions similar to the House bill which limit prisoners' ability to challenge the conditions of their imprisonment.

Under the measure, prisoners must exhaust the administrative remedies of the prisons before filing suit alleging civil rights violations against the prison, as long as the Justice Department or federal court finds the administrative remedies are "fair and effective." (Under current law, prisoners do not have to exhaust administrative remedies, unless the prison grievance system meets standards set out by the Justice Department.) To accommodate this new requirement, the measure provides that a state has 180 days, as compared with 90 days under current law, to conduct administrative proceedings regarding the prisoners complaint.

Like the House bill, the conference agreement also requires that a federal court shall not hold prison or jail overcrowding unconstitutional under the Eighth Amendment unless the inmate proves that the crowding causes the infliction of cruel and unusual punishment on that inmate. The measure limits equitable relief for a constitutional violation to the least

intrusive means necessary to remedy the violation, and prohibits federal courts from imposing caps on prison population unless the court finds that crowded conditions have inflicted cruel and unusual punishment on particular prisoners. Finally, the conference agreement mandates that federal courts reconsider at least every two years provisions of federal court orders or consent decrees to remedy an Eighth Amendment violation, if so requested by the state.

Drug Testing & Treatment for Prisoners

Drug Treatment for Prisoners

Like the House bill, the conference agreement requires treatment for federal prisoners with substance abuse problems who wish to participate. Under the measure, the Federal Bureau of Prisons must be able to accommodate all eligible participants by FY 1997. The measure authorizes the Bureau of Prisons to release a prisoner up to one year early, based on successful participation in the substance abuse program, and specifies that only non-violent offenders may be released. The conference agreement provides for periodic drug testing of a prisoner who participated in the program, if the Bureau moves a prisoner from a prison to a halfway house based on successful completion of the program. The measure authorizes \$125 million for the program in fiscal years 1996 through 2000.

The conference agreement also authorizes a total of \$300 million in fiscal years 1996 through 2000 for grants to states for substance abuse treatment programs in state prisons. (The House bill authorized \$100 million each year.) To be eligible for such funds, a state must implement a drug testing program for prisoners who have completed a drug abuse program. The agreement specifies that such prisoners must be tested for drugs as long as they are in state custody. The measure specifies how the funds will be allocated among the states, based generally on the number of state prisoners. The federal share of the match for this program would be limited to 75%.

Drug Testing of Released Federal Prisoners

Similar to the Senate bill, the conference agreement requires the Justice Department, in consultation with the Health and Human Services Department, to establish a program for drug testing those convicted of federal offenses that are on parole or probation. Under this program, all federal offenders convicted of a felony, misdemeanor, or infraction who are to be released on probation or parole must stop using controlled substances and must submit to three drug tests during the year after their release.

Other Provisions

Law Enforcement Notification of Release of Violent Federal Offenders

Like the Senate bill, the conference agreement requires the Federal Bureau of Prisons to notify local law enforcement officials of the release of a federal offender convicted of a crime of violence, or drug trafficking to that community. Under the measure, this information could be used only for law enforcement purposes.

Tuberculosis in Prisons

The conference agreement contains Senate provisions authorizing \$5 million in fiscal years 1996 through 2000 for state and local prisons and jails to establish programs to prevent, diagnose, and treat inmates for tuberculosis.

Prison Impact Assessments

Like the Senate bill, the conference agreement requires that legislation proposed by the Justice Department or the Administration that could affect the size of the federal prison population must be accompanied by a prison impact statement that includes the fiscal impact of the measure. In addition, the measure requires the Justice Department to prepare prison impact statements for legislation at the request of Congress.

Conversion of Closed Military Facilities to Prisons

Like the House-passed-bill, the conference agreement requires the Justice and Defense Departments to jointly evaluate the suitability of military installations to be closed under the Defense Base Closure and Realignment Act for conversion into federal prison facilities.



Section VII

Crime Prevention & Violence Against Women

This section describes provisions of the conference agreement relating to crime prevention and to preventing and punishing those who commit violent crimes against women. The bill authorizes more than \$7 BILLION, slightly more than the House bill, for community programs intended to prevent crime – including \$1.8 BILLION for grants for localities for speedy access to flexible funds for anti-crime activities, \$1.8 BILLION to stop violence against women, and \$895 million for up to 15 model programs for intensive community services in high-crime areas.

The measure also authorizes \$1.3 BILLION over five years for drug courts for substance abusers. These programs provide drug offenders with drug testing, drug treatment, and intensive judicial supervision, with prison time for those who do not cooperate.

Local Partnership Act

The measure authorizes a total of \$1.8 BILLION in fiscal years 1996 through 2000 for grants for education, job, and substance abuse programs to prevent crime – \$300 million in FY 1996, \$315 million in FY 1997, \$395 million in each of fiscal years 1998 through 2000. (The House bill authorized a total of \$2.0 BILLION in FY 1995 and FY 1996.) Under the measure, local governments would be encouraged to use grants for programs substantially similar to a variety of federal job training, education, and drug treatment programs ranging from Head Start and the Job Training Partnership Act, to Drug Abuse Resistance Education.

These grants, to be distributed by the Housing and Urban Development Department, would be based on a formula that takes into account the unemployment and poverty rates. Grants would be higher for areas with higher taxes as a percentage of their citizens' income.

Model Crime Prevention Programs

The agreement authorizes a total of \$895 million for up to 15 model programs for intensive community services in high-crime areas over fiscal years 1996 through 2000. (The House bill provided \$1.5 BILLION in 1995 through 1999.) These grants would be provided to selected communities for programs to fight the social conditions that contribute to crime in that community, and to provide lasting alternatives to crime. These provisions are intended to test a variety of new prevention strategies to determine which approaches are most successful in preventing crime in areas with consistently high rates of violent crime, and chronically high rates of poverty.

Youth Employment & Skills

Similar to the House-passed bill, the conference agreement authorizes a total of \$900 million over fiscal years 1996 through 2000 for grants for programs providing employment opportunities for young adults (16 to 25 years of age) in areas with high crime and poverty rates. Of this total, \$550 million of the funds are authorized from the Violent Crime Control Trust Fund, with the other \$350 million authorized through the regular appropriation process. (The House bill provided a total of \$525 million in 1995 through 1999.)

Under the conference agreement, the Labor Department would provide grants to programs such as those providing apprenticeship programs and on-the-job training in the private sector. These programs must require participants to avoid crime and drug use, to have regular attendance and satisfactory work, to pay child support, and to stay in school or return to education if they have not completed high school. The conference agreement specifies that a participant would be eligible for up to one year of subsidized work.

"Ounce of Prevention" Programs

The measure establishes an "Ounce of Prevention" Council – composed of the Secretaries of the Departments of Justice, Education, Health and Human Services, Housing and Urban Development, Labor, Agriculture, Treasury, Interior, and the Office of National Drug Control Policy – to coordinate programs authorized under the bill, and to provide a catalogue of crime prevention programs to communities, and develop strategies for program integration and grant simplification.

The conference agreement authorizes a total of \$100 million in fiscal years 1995 through 2000 for "Ounce of Prevention" grants. (The House provided \$25 million in 1995 through 1999.) These grants for state and local governments, educational institutions, local education agencies, and other private and public entities could be used for summer and after-school educational and recreational programs; mentoring, tutoring, and other programs involving participation by adult role models; programs assisting and promoting employability and job placement; and substance abuse treatment and prevention programs including outreach programs for at-risk families. The federal share of these programs would be limited to 75%.

Drug Courts

The measure authorizes a total of \$1.3 BILLION (about the same amount as the House bill) – \$100 million in FY 1995, \$150 million in FY 1996, \$200 million in FY 1997, \$250 million in FY 1998, and \$300 million in each of fiscal years 1999 and 2000 – for new "drug courts". These Justice

Department grants would go to state and local governments and public and private organizations that develop programs of intensive judicial supervision over non-violent offenders with substance abuse problems. These programs would combine intensive judicial supervision with potential prison time as the disciplinary incentive, with mandatory drug testing, drug treatment, and aftercare services such as relapse prevention, job training and placement and other support services. The federal share of these programs would be limited to 75%.

The conference agreement requires that programs funded through these grants must bar violent offenders from participating, and requires the suspension of funds for programs that violate this requirement.

National Community Economic Partnership

The conference agreement contains Senate provisions authorizing a total of \$300 million through FY 2000 for grants and loans to community development corporations that provide economic development projects that primarily benefit low-income individuals and communities.

Under the measure, the Health and Human Services Department would extend a line of credit of up to \$2 million per community development corporation to stimulate business and employment opportunities for low-income, unemployed and underemployed individuals. The community development corporations generally would be required to have local resources committed that are equal to their line of credit, and these funds would be available for up to three years.

The conference agreement authorizes grants of up to \$75,000 per year for community development corporations to upgrade their business management and development skills, and grants of up to \$500,000 for community development corporations to make capital investments in new or expanding local businesses.

Educational Programs For Youth

After-School Programs/Community Schools

Similar to the Senate bill, the conference agreement authorizes a total of \$630 million through FY 2000 for the Community Schools Youth Services and Supervision Grant Program. Community-based organizations could use these grants for a variety of after-school, weekend, holiday, and summer programs for youth, involving education, tutoring, job preparation, athletics, culture, and arts and crafts. The federal share of these programs would be limited to 75% in fiscal years 1995 and 1996, dropping to 70% in FY 1997, and 60% in fiscal years 1998 and thereafter.

In-School Programs/F.A.C.E.S.

Similar to the House bill, the conference agreement authorizes a total of \$270 million through FY 2000 for the Family and Community Endeavor Schools Grant Program (FACES). (The House bill authorized \$230 million in each of fiscal years 1995 through 1999 for a total of \$1.2 BILLION.) These grants, to be distributed by the Education Department, would be provided for school-based programs to provide social services in school to improve the academic and social development of at-risk children, and would be directed at communities with significant poverty and violent crime. The federal share of these programs would be limited to 70%.

Community Youth Academies

Like the House bill, the conference agreement authorizes a total of \$40 million through FY 2000 for grants to state and local governments for residential educational programs for youths (aged 11 through 19) who have dropped out of school or been charged with committing a crime and those at risk of dropping out of school or committing crimes. These educational programs would house these juveniles, and provide academic and vocational counseling, and other services to improve the responsibility of these youths.

Midnight Sports & Olympic Youth Development

Like the House bill, the conference agreement authorizes a total of \$40 million through FY 2000 for grants for midnight sports leagues for young adults. These grants to local governmental agencies and non-profit organizations will require those participating in these leagues to attend employment counseling, job training, and other educational classes to be held immediately after the conclusion of the games. Under the bill, at least one-half of the players in the league must be residents of federally assisted low-income housing. Further, these grants would be targeted toward communities with high youth unemployment rates, high youth crime rates, high drug use, or high levels of school dropouts.

The conference agreement contains Senate provisions authorizing \$50 million for a program to provide grants to the U.S. Olympic Committee to establish Olympic Youth Development Centers and to carry out programs through these centers.

Gang Prevention Programs

The measure includes funding in the following amounts for the programs aimed at preventing young people from getting involved in gangs:

- **Anti-Gang & Youth Drug Trafficking Grants** – Authorizes a total \$125 million in fiscal years 1996 through 2000 for programs to reduce gang activities and the use of illegal drugs by juveniles;
- **Gang Prevention Services** – Authorizes a total of \$20 million through 2000 for programs to prevent young children from becoming involved in a gang, such as the Boys and Girls Clubs of America;
- **Boys & Girls Clubs in Public Housing** – Authorizes \$30 million in fiscal years 1996 through 2000 for the establishment of Boys and Girls Clubs in public housing; and
- **BATF Gang Prevention Program** – Authorizes a total of \$50 million in FY 1995 through FY 2000 to fund projects in which the Bureau of Alcohol, Tobacco, and Firearms (BATF) work with local law enforcement and schools to educate young people to prevent them from joining gangs.

Other Programs Relating to Youth & Violence

Anti-Crime Youth Councils

Like the House bill, the conference agreement authorizes \$5 million in FY 1995 through FY 2000 for anti-crime youth councils for junior high and high school students to work with community leaders, police, school administrator to address issues regarding youth and violence.

Hope in Youth Program

Like the House bill, the conference agreement authorizes \$20 million through FY 2000 to establish a demonstration program under which the Health and Human Services Department would provide grants for the activities of certain advisory organizations in federally-designated

"empowerment zones" and enterprise communities. Such organizations (to be composed of consortia of public and private nonprofit local social service organizations) would serve as umbrella agencies for the strategic planning and evaluation of service programs serving local low-income communities.

Police Partnership for Children

The measure authorizes \$30 million through FY 2000 for partnership grants for programs in which law enforcement and child and family services agencies work together to deal with incidents of violence involving juveniles and children, such as 24-hour crisis response teams, where a child commits or is a victim of a crime. The conference agreement also specifies that some of these grants could be awarded to provide reduced-cost housing for police in high crime areas. The federal share of these programs would be capped at 75%.

Youth Violence Prevention Block Grant

The agreement authorizes a total of \$50 million in fiscal years 1996 through 2000 for programs to develop more effective education, training, research, prevention, treatment, and rehabilitation programs for juvenile violence. These funds would be allocated among the states based on the number of juveniles in the state. Under the measure, the federal share of the match for these programs would not exceed 75%.

"At-Risk Youth Urban Recreation Grants"

Similar to the House-passed bill, the conference agreement authorizes a total of \$5 million from the Trust Fund to establish a new category of competitive grants – "At-Risk Youth Recreation Grants" – under the Urban Park and Recreation Recovery Program, which would be used for projects to improve recreation facilities and expand recreation services in urban neighborhoods and communities that have a high incidence of crime.

Supervised Child Visitation & Family Unity

The conference agreement contains Senate provisions authorizing \$30 million through FY 2000 for entities to establish a demonstration program supervised visitation centers. In these centers, noncustodial parents who have been abusive or neglectful may visit their children under supervision. The measure also includes funds to evaluate the success of these centers.

The conference agreement contains Senate provisions authorizing \$22 million through FY 2000 for states and the Federal Government to establish family unity demonstration programs that enable certain nonviolent offenders to live in community corrections facilities with their children over seven years of age. Under the measure, 90% of the grants would be available to states, with 10% reserved for the Federal Government.

Crimes Against Older Americans

The bill authorizes a total of \$6 million in order to collaborate efforts to prevent crime against older Americans. The measure also authorizes \$3 million in grants to establish and operate a Missing Alzheimer's Disease Alert Program, to protect and locate missing patients with Alzheimer's disease and related dementias; and \$2 million for a safe senior corridors program of grants to community groups that organize efforts to stop crime in neighborhoods with many seniors.

Violence Against Women

The measure contains a wide variety of provisions intended to reduce the incidence of violence against women, and to punish those who commit crimes of violence against women.

New Civil Rights Cause of Action for Gender-Based Violence

The conference agreement includes Senate provisions that provide a new federal civil rights remedy for gender-based violent crime. Under the measure, a victim of a violent crime motivated by gender can sue the attacker in federal court for compensatory and other punitive damages and other relief, including injunction and attorneys fees. This would apply to violent acts that would be a felony, regardless as to whether criminal charges are prosecuted.

Sexual Predator Registration

The measure also includes Senate provisions that call on states to register and track sexually violent offenders released from prison. (See Section IV).

Expand Rape Shield Laws

The conference agreement expands rape shield laws, restricting the use of evidence in court about the victims sexual history or predisposition.

Grants to Combat Violence Against Women

The measure authorizes a total of \$1.8 BILLION in FY 1995 through FY 2000 for programs to stop violence against women. This total includes \$1 BILLION for state and local governments to apprehend and prosecute those who attack women, and to provide counseling services to victims. The conference also authorizes \$220 million in rape prevention education, \$325 million for battered women's shelters, \$120 million for grants to encourage arrest policies in domestic violence cases, and \$30 million for rural areas to investigate and prosecute incidents of domestic violence and child abuse, to provide treatment and counseling to those victims, and to develop community domestic violence and child abuse education and prevention programs.

New Federal Crimes

The measure makes interstate domestic violence and interstate stalking a federal crime. Under the agreement, it would be a federal offense to cause bodily injury to a spouse or partner (of either gender) if the offender crosses a state line to do so, or if the offender forces the victim to cross the state line through duress, coercion, or fraud. The measure establishes criminal penalties of up to five years in prison for this offense. If the offender uses a dangerous weapon or causes serious bodily injury to the victim, the sentence could be up to 10 years in prison. The sentence could be up to 20 years if the offender causes permanent disfigurement or a life threatening bodily injury. If the victim dies, the offender could be sentenced to life in prison.

The agreement also makes it a federal crime to cross state lines, or to cause the person protected to cross state line, to violate an order issued by a state court to prevent harassment of the victim. These offenses would be subject to the same penalties as interstate domestic violence and interstate stalking.

The conference agreement also includes mandatory restitution provisions, requiring the offender to pay the victim for costs associated with the offense, such as medical treatment, attorneys' fees, and lost wages.

The conference agreement requires pretrial detention in sex offense cases involving any felony under federal sex abuse laws. The agreement requires the Crime Victims Fund to pay for the cost of testing for sexually transmitted diseases after a sexual assault, and directs the Sentencing Commission to recommend appropriate sentencing for intentionally transmitting HIV.

The measure also provides that a victim of a federal crime of violence or sexual abuse would have the right to speak to the court regarding the sentencing of the convicted defendant.

Other Provisions

The bill includes a variety of other provisions, including:

- **Protection for Immigrant Women** – The conference agreement contains provisions permitting battered immigrant women to leave the batterer without fearing deportation, as in the House bill.
- **Education & Training for Judges** – The agreement includes provisions to train judges and other court personnel to handle cases involving violence against women.
- **Domestic Violence Hotline** – The measure authorizes funds to establish a national toll-free telephone hotline to provide information and assistance to victims of domestic violence.



Section VIII

Crime Trust Fund

This section summarizes the provisions of the conference report regarding the Violent Crime Reduction Trust Fund, which the measure establishes to fund the anti-crime strategies over the next six years. Of the more than \$33 BILLION authorized in the agreement, \$30.2 BILLION of the funds would be financed through the appropriations from this Trust Fund. This amount represents the savings expected from eliminating more than 270,000 federal jobs as required by the Federal Workforce Restructuring Act (PL 103-226).

The conference agreement requires the appropriation of a total of \$30.2 BILLION for deposit in the Violent Crime Trust Fund by FY 2000. The agreement authorizes appropriations for anti-crime programs from the trust fund of \$2.4 BILLION in FY 1995, \$4.3 BILLION for FY 1996, \$5.0 BILLION for FY 1997, \$5.5 BILLION for FY 1998, \$6.5 BILLION in FY 1999, and \$6.5 BILLION in FY 2000. Under the measure, outlays resulting from appropriations from the trust fund would be limited as follows: \$703 million in FY 1995, \$2.3 BILLION in FY 1996, \$3.9 BILLION in FY 1997, \$4.9 BILLION in FY 1998, \$5.6 BILLION in FY 1999, and \$6.2 BILLION in FY 2000. (These are the same as the amounts proposed by the President as reestimated by the Congressional Budget Office.)

To ensure that spending from the Trust Fund does not add to the federal deficit, the conference agreement lowers the annual caps on discretionary spending set in last year's Budget Reconciliation Act by the same amounts as the annual deposits into the trust fund. Further, the measure requires across-the-board sequestration of spending from the Trust Fund if appropriations (budget authority or outlays) exceed the spending limits set for the Trust Fund.

Money from the Trust Fund would be reserved for programs authorized in the measure, and would be on top of the regular annual appropriations. Under the measure, Congress still would have to approve the spending through the annual appropriations bills. If the authorized funds are not appropriated, then those funds could not be used for other programs, and could only be used for deficit reduction.

Under the conference agreement, money could be transferred between programs within the fund, but these transfers would be subject to "mini-firewalls," such that funds could not be shifted between categories of spending (e.g., federal law enforcement, state and local law enforcement, and prevention programs). Specifically, up to 10% of authorized appropriations for any program could be shifted to another program in that

category of spending – federal law enforcement, state and local law enforcement, or prevention. However, the measure specifies that the overall six-year authorization for each program may not be reduced by more than 10% of the total authorized amount.

The measure also carries forward amounts authorized, but not appropriated, for a program in a given year into the authorization for future years. In other words, if appropriations for a program in a year are less than the authorization, then the authorization for that program in future years would be increased automatically by an amount equal to the shortfall in appropriations.

The conference agreement requires the President to report annually on the status of the Trust Fund, along with proposed reductions in the federal workforce by agency for that year.



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Summary of Alcohol and Drug Prevention and Treatment Issues in House-passed Conference Report on H.R. 3355 Violent Crime Control and Law Enforcement Act of 1993 (August 21, 1994)

Ounce of Prevention: (Title III, Subtitle A)

\$90 million (down from \$100 million) to create an interagency Ounce of Prevention Council to coordinate new and existing crime prevention programs.

LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM:

(Title II, Subtitle B)

A new \$377 million block grant created in this conference report folds in programs that were previously individually authorized in the House and Senate, and makes funding available using a formula based on the number of violent crimes and at-risk children. The programs include the Youth AntiCrime Councils, Boys and Girls Clubs of America grants, Family Outreach Teams, Youth Fair Chance Programs, Midnight sports league programs, and Police Partnerships.

Community Schools: (Title III, Subtitle D)

\$567 million (down from \$630 million) for afterschool, weekend and summer "safe haven" programs to provide children with positive activities and alternatives to the street life of crime and drugs. This program to be under Department of Health and Human Services.

F.A.C.E.S.: (Title III, Subtitle D)

\$243 million (down from \$270 million) to provide in-school assistance to at-risk children, including education, mentoring, and other programs. This program to be under Department of Education.

Local Partnership Act: (Title III, Subtitle J)

\$1.62 billion (down from \$1.8 billion) for direct funding to localities around the country for anti-crime efforts, such as drug treatment, education, and jobs.

Drug Treatment: (Title III, Subtitles T and U [Substance Abuse Treatment in Federal Prisons and Residential Substance Abuse Treatment for State Prisoners])

\$112.5 million for drug treatment for federal prisoners (down from \$125 million) and \$270 million for state prisoners (down from \$300 million), for a total of \$382.5 million for all drug treatment programs. Creates a treatment schedule for all drug-addicted federal prisoners so that all are covered by the end of FY 1997, subject to the availability of appropriations. An early-release incentive for successful program completion is restricted to non-violent offenders. States participating in this program must agree to conduct drug tests of prisoners during and after treatment.

Drug Courts: (Title V)

Provides \$1 billion (down from \$1.3 billion) for drug court programs for non-violent offenders with substance abuse problems over the next six years. Participants will be intensively supervised, given drug treatment, and subjected to graduated sanctions -- ultimately including prison terms -- for failing random drug tests. Drug Court programs may support costs of judges, magistrates, quasi-judicial personnel, probation officers, drug testing personnel, prosecutors, defense attorneys, other criminal justice participants, drug treatment personnel, persons involved in programmatic and after care services, and other personnel necessary to implement drug court programs.

For additional information, contact Susan Galbraith or Pat Taylor at the Legal Action Center, 202/544-5478.

August 24, 1994

LEGAL ACTION CENTER

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August 24, 1994

Honorable John H. Chafee
United States Senate
Washington, DC 20510

Dear Senator Chafee:

The undersigned members of the National Coalition of State Alcohol and Drug Treatment and Prevention Associations and the Legal Action Center are writing to urge you to bring the Conference Report on the Violent Crime Control and Law Enforcement Act of 1994 to the floor for a vote.

We urge you to vote in favor of this critical proposal because of its measures to provide substance abuse treatment and prevention opportunities for individuals in the criminal justice system. We strongly object to the characterization of drug and alcohol treatment and prevention programs as "pork." These programs have been demonstrated to be cost-effective and successful in reducing drug-related crime.

Community-based care for nonviolent offenders and those who are not yet involved in the criminal justice system is one of the most effective means to fight violent crime and relieve the overburdened criminal justice system. It makes no sense whatsoever to have nonviolent, drug-addicted individuals taking up prison cells when they could be treated more cost-effectively in the community.

The revised Conference Report has already cut about \$2 billion from critical prevention programs. We urge you to strongly resist calls for further cuts in programs that will in the long run reduce crime and domestic violence and the need for prisons and other law enforcement expenditures and vote in favor of the Crime Bill Conference Report.

Thank you for considering our views.

Sincerely,

Alabama Alcohol and Drug Abuse Association
Arizona Association of Behavioral Health Programs
California Association of Alcoholic Recovery Homes
California Association of Alcohol & Drug Program Executives, Inc.
California Therapeutic Communities, Inc.

County Alcohol and Drug Program Administrators Association of California
Florida Alcohol and Drug Abuse Association
Georgia Association for the Prevention and Treatment of Substance Abuse
Illinois Alcoholism and Drug Dependence Association
Iowa Substance Abuse Program Directors' Association
Maine Association of Substance Abuse Programs
Massachusetts Alcoholism and Drug Abuse Association
Chemical Dependency Programs of Montana
Nevada Association of State Drug Abuse Programs
New Jersey Association for the Prevention and Treatment of Substance Abuse
New York State Association of Substance Abuse Programs
North Carolina Association of Alcohol and Drug Service Administrators
Association of Ohio Substance Abuse Programs
Ohio Council of Community Mental Health and Recovery Organizations
Drug and Alcohol Treatment Association of Rhode Island
Tennessee Alcohol & Drug Association
Association of Substance Abuse Service Providers of Texas
Washington Association on Alcoholism and Addictions Programs
Wisconsin Association on Alcohol & Other Drug Abuse

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CRS Report for Congress

Crime Control Act of 1994: Selected Highlights of H.R.3355 as Passed

Keith Bea
David Teneley
Government Division
Charles Doyle
Coordinator

SUMMARY

On Thursday, August 25, 1994, the Senate completed action on the \$30 billion Violent Crime Control and Law Enforcement Act of 1994 (H.R.3355). The bill, among other things, pledges substantial financial support for State and Federal law enforcement efforts, prisons and crime prevention, with particular emphasis on violence, drug abuse, women and children; imposes a 10 year ban on new assault weapons; revives capital punishment as a Federal sentencing option; mandates a sentence of mandatory life imprisonment for violent three times Federal offenders; creates a Federal cause of action for the victims of sexually motivated violence; devotes special attention to the law enforcement problems associated with terrorists and aliens; and establishes a trust fund, subject to annual appropriations and fed by savings from reductions in the Federal workforce or in discretionary spending to finance its initiatives. The version of H.R.3355 which passed is reprinted beginning at 140 *Cong.Rec.* H8772 (daily ed. Aug. 21, 1994).

LAW ENFORCEMENT

State and local: Authorizes a total of \$8.8 billion, from FY 1995-2000, to States and localities for the expansion of law enforcement resources. Funds may be used to rehire officers laid off, hire new officers (including former members of the Armed Forces), purchase equipment or pay overtime, or improve interaction between officers and communities. Requires that the Attorney General give preference to applicants that provide contributions that exceed the 25% match, and authorizes a waiver. Federal share decreases from year to year. Roughly 50% of funds may be provided directly to cities of 150,000 population or more.

Authorizes total of \$1 billion for Byrne program for FY1995-2000, \$25 million for family support grants for law enforcement officers, funds to assure the quality of DNA analyses, a total of \$180 million for training and technical improvement grants, a total of \$150 million for court system improvements,



CRS-2

\$200 million for Police Corps training and law enforcement scholarships, and a total of \$150 million to implement the Brady Handgun Violence Prevention and the National Child Protection Acts; prohibits law enforcement conduct regarding deprivation of civil rights of juveniles.

Federal: Authorizes the following amounts for Federal law enforcement purposes: \$200 million for the Federal judiciary for FY1996-2000; \$199 million for the Department of Justice for FY1996-2000; \$245 million for the FBI for FY1996-2000; \$50 million for U.S. Attorneys for FY1996-2000; and, \$550 million for the Department of the Treasury for FY1996-2000.

PRISONS

Authorizes, through new grant authorities, funds for additional correctional facilities, the expansion of alternative sanctions for non-violent young offenders, and the costs incurred by States incarcerating criminal aliens as follows:

- \$7.895 billion from FY1996-2000 for new State prisons, prison boot camps, and other facilities, with a 25% matching requirement and assurances concerning victim rights and the incarceration of violent offenders, among others. Distributes:

- 50% of the money appropriated each year (based on violent crimes in each State) solely to States that meet specified "Truth in Sentencing" requirements

- 42.5% through a formula also based on crime incidents

- 7.5% by the Attorney General based on need.

- Almost \$1.54 billion for prisoner health and rehabilitation:

- \$1 billion from FY1996-2000 to tribes, and State and local governments and courts for supervision of nonviolent drug offenders and for drug testing and treatment, sentencing alternatives, and post release activities (25% match)

- \$370 million from FY1996-2000 to States for drug treatment of State and local prisoners (25% match)

- \$112.5 million from FY1996-2000 for similar treatment of Federal prisoners

- \$52 million from FY1996-2000 for tuberculosis prevention and treatment of Federal prisoners, those held by INS, and by State, local and tribal authorities (50% match)

- \$160 million from FY1996-2000 for alternative sanctions for young offenders including restitution programs, education and job training projects, community-based incarceration, and other such programs - allocated in part on the basis of the number of "young offenders," and distributed by States to localities based on State and local correctional program expenditures.

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- \$1.6 billion from FY1995-2000 to permit the Attorney General to compensate States for the incarceration of undocumented criminal aliens or to take custody of those inmates.

Gives the Bureau of Prisons additional discretion regarding good time credit to be given to inmates convicted of crimes of violence; restricts authority of Federal courts regarding prison overcrowding; urges consideration of the use of closed military facilities as prisons; prohibits higher education (Pell) grants to Federal or State prison inmates; and, requires the Bureau to provide notice to State and local law enforcement agencies when Federal offenders are released.

CRIME PREVENTION

Authorizes \$5.35 billion for crime prevention and violence against women programs, including:

- \$90 million for Ounce of Prevention Council discretionary grants to help youths avoid substance abuse and a criminal life,
- \$377 million for Local Crime Prevention Block Grants that may be used for thirteen individual grant programs, including but not limited to gang and juvenile delinquency prevention, establishing Boys and Girls Clubs in public housing, preventing crimes against the elderly (Triad programs), job training, and sports and recreation programs for at-risk youth, family outreach efforts, and police partnerships with children,
- \$625.5 million for Model Intensive Grant Programs for not more than 15 localities with chronic high crime rates,
- \$810 million for community schools discretionary grant programs to assist local educational and other community efforts for at-risk youth,
- \$36 million for discretionary grants in assistance for delinquent and at-risk youth,
- \$24 million for discretionary grants for police recruitment,
- \$1.62 billion for Local Partnership grants to be used for crime prevention initiatives involving education, substance abuse treatment, and jobs programs,
- \$270 million for Community Economic Partnership Investment grants to increase private investment in distressed local communities,
- \$4.5 million for grants for urban recreation and at-risk youth,
- \$50 million for community-based justice grants for prosecutors,
- \$19.8 million in grants for family unity demonstration projects,
- \$45 million in grants for gang resistance education and training projects,
- \$800 million for Violence Against Women discretionary grants to combat violent crimes against women,
- \$205 million in education and prevention grants to reduce sexual assaults against women,
- \$2 million in training programs to assist probation and parole officers and others who work with released sex offenders,
- \$30 million in grants for prevention of sexual abuse and exploitation of runaway, homeless, and street youth,

CBS-4

- \$50.8 million in grants for victims of child abuse programs,
- \$3 million for national domestic hotline grants,
- \$825 million in grants for battered women's shelters,
- \$120 million in grants to encourage arrest policies regarding domestic violence,
- \$40.6 million in grants for other domestic violence law enforcement, education or prevention programs, with most of the funding for rural areas,
- \$1.3 million in grants for education and training of court personnel on crimes against women,
- \$6 million in grants for improving data resources on stalking and domestic violence.

FIREARMS

Assault weapons Prohibits the manufacture, for 10 years after enactment, of semiautomatic assault weapons and the possession or transfer of such firearms if they were not lawfully possessed on date of enactment. Exempts an estimated 650 models listed in Appendix A of the legislation, firearms operated by bolt, pump, lever or slide action, antique and inoperable firearms, and allows the manufacture, transfer and possession of assault weapons for law enforcement and other limited purposes.

Defines semiautomatic assault weapons as copies or duplicates of the following makes or models: Avtomat Kalashnikov types; UZI and Galil; Beretta Ar-70 (EC-70); Colt AR-15; Fabrique Nationale FN/FAL, FN/LAR and FNC; SWD (Mac) M-10, 11, 11/9, 12; Steyr AUG; TEC-9, DC9 and 22; and revolving cylinder shotguns. Includes semiautomatic rifles, pistols and shotguns with specified characteristics and semiautomatic versions of automation. Does not include registration requirement for those lawfully held. Prohibits possession or transfer of ammunition devices of over 10 rounds.

Other features Prohibits transfer of handguns or related ammunition to juveniles (those below age 18), with specified exceptions, and to others under domestic relations restraining orders. Requires photograph and fingerprints of applicants, compliance with State and local laws, report of thefts or losses, notification to State and local police of names and addresses of licensees, among other additional requirements. Enhances penalties for use of semiautomatics in crimes of violence or drug trafficking, for smuggling of firearms associated with drug trafficking, revocation of supervised release or probation for possession of a firearm, possession of stolen firearms moved in interstate commerce, and others.

ALIENS AND TERRORISM

- Includes murders by international terrorists among Federal crimes punishable by death and increases the penalties for other terrorist crimes

CRS-5

- Outlaws providing financial support to international terrorists
- Permits the Attorney General to ease immigration restrictions for alien informants in exchange for information concerning criminal activities (up to 100 aliens per year) or terrorism (up to 25 aliens per year)
- Enacts implementing criminal legislation effective upon U.S. ratification of various international agreements concerning airport security, weapons of mass destruction, torture, violence against ocean platforms and navigation
- Increases the penalties for smuggling of aliens and various other immigration offenses
- Provides expedited procedures for the removal of criminal aliens
- Authorizes
 - \$1.6 billion (FY1995-2000) to cover State costs related to incarcerated aliens (see Prisons)
 - \$338 million (FY1995-1998) for speedy removal after asylum denials
 - \$160 million (FY1995-1998) for speedy removal of criminal aliens
 - \$675 million (FY1995-1998) (but only \$484 million from the Trust Fund) for tightened border security
 - \$18.4 million (FY1996-2000) for an alien tracking center

SENTENCING

Three strikes/safety valve: Eases mandatory minimum sentencing for future low level drug offenders and elderly longterm prisoners, but commission of a violent Federal felony by anyone with two separate prior State or Federal violent felony convictions, or with a earlier violent felony conviction and a separate prior conviction for a serious drug offense, carries a penalty of mandatory life imprisonment.

Capital punishment: Revives the death penalty as a sentencing option for Federal crimes, such as murder of the President or of a Federal law enforcement officer, for which it was previously a constitutionally unenforceable statutory penalty due to procedural defects. Establishes a number of new Federal capital offenses, like drive-by shooting murders, and elevates several existing Federal crimes, including some which do not involving a killing such as a major drug kingpin violation, to capital offenses. Drops racial justice provisions found in some earlier versions of the bill, but the Administration is reported to have promised to issue directions to ensure that the death penalty in Federal cases will be sought and imposed in a racially neutral manner.

Crimes involving women or children: Increases the penalties for repeat Federal sex offenders, assaults against children within Federal enclaves, and creates a program for the registration of sexual predators with community notice. Outlaws international child pornography and domestic violence

CRS-6

associated with interstate travel. Juvenile offenders 18 years of age and older who commit Federal crimes of violence or Federal crimes involving a firearm may be prosecuted as adults. Provides mandatory restitution for victims of Federal sexual violations and a Federal civil cause of action for victims of crimes motivated by sexual animus.

Other penalties: Expands Federal prohibitions against insurance, computer, telemarketing and credit card frauds. Adds new prescriptions against attempts to commit various existing Federal crimes, e.g., some of those concerning robbery, kidnapping, smuggling and property damage. Enlarges the penalties for drug trafficking in truck stops and public housing projects, arson, civil rights violations. Supplements the sanctions for drug trafficking and Federal crimes of violence with an additional prison term of up to 10 years when committed by street gangs.

FUNDING

Funds the various appropriations authorized in H.R. 8855 by establishing the Violent Crime Reduction Trust Fund with monies expected from savings made eliminating over 250,000 Federal jobs as required by the Federal Workforce Restructuring Act (P.L. 108-228). Ensures that spending from the Trust Fund does not add to the Federal deficit by requiring a reduction in discretionary spending limits for fiscal years 1995 through 1998 in conformity with the amounts listed below.

The following sums are to be transferred into the Trust Fund, at the beginning of the fiscal year:

FY1995: \$2.423 billion with an estimated outlay of \$730 million,
FY1996: \$4.287 billion with an estimated outlay of \$2.334 billion,
FY1997: \$5 billion with an estimated outlay of \$3.936 billion,
FY1998: \$5.5 billion with an estimated outlay of \$4.904 billion,

FY1999: \$6.5 billion with an estimated outlay of \$5.689 billion, and
FY2000: \$6.5 billion with an estimated outlay of \$6.225 billion.

Requires across-the-board sequestration of spending from Trust Fund, if appropriations or outlays exceed the spending limits set for the Trust Fund. Spending must be approved through the annual appropriations bills, but declares that authorized funds not appropriated may not be used for other programs and may only be used for deficit reduction.

Summary of CJS Appropriation Action

Major Bureaus

(BA \$ in Millions)

	1994 Estimated	1995 Pres. Request	1995 Conference
<u>Department of Justice</u>			
Violent Crime Reduction Trust Fund (VCRTF)			
Community Policing	N/A	1,720	1,300✓
Criminal Records Upgrade	N/A	100	100✓
Border Security Initiative	N/A	300	284✓
Byrne Formula Grants	N/A	(75) *	450
State Criminal Alien Assistance Program	N/A	(350) *	130✓
Violence Against Women	N/A	0	26✓
Drug Courts	N/A	0	29
Correctional Option Grants (Boot Camps)	N/A	0	25
Ounce of Prevention	N/A	0	2
Unallocated	N/A	303	78 **
Total VCRTF ----->		2,423	2,423
Other Department of Justice			
US Attorneys	818	830	845
FBI	2,042	2,139	2,206
DEA	737	724	757
INS (Salaries and Expenses & Construction)	1,057	1,146	1,151
Prisons, Construction	270	191	281
Prisons, Salaries and Expenses	1,950	2,407	2,386
Immigration Emergency Fund	0	0	75
<u>Department of Commerce</u>			
NOAA	1,925	1,902	1,960
NIST	520	935	855
ATP Component	199	451	431
MEP Component	30	61	91
EDA	351	412	440
Def. Conversion Component	80	140	120
NTIA	70	134	116
Info. Infrastructure Component	26	100	64
<u>Independent Agencies</u>			
Legal Services Corporation	400	500	415

* Requested outside of Trust Fund.

** Tentative allocation for Crime bill programs not under CJS jurisdiction (\$40M for Treasury Law Enforcement, \$38M for Community Schools Program).

SUMMARY OF KEY PROVISIONS OF THE CRIME BILL

TITLE I -- PUBLIC SAFETY AND POLICING

Cops on the Beat Program:

This major grant program will provide \$8.8 billion over six years to put 100,000 police on the streets of America. This represents nearly a 20% increase in the nation's police force levels. The money will be equally divided between large and small cities: half to cities with populations above 150,000, and the other half to cities and towns under 150,000. About 5% of total funds, or approximately \$450 million, will be available for technical assistance and evaluation.

At least 85% of the grant funds must go to hire, rehire, and train new police officers. These funds may be used for grants to recruit and hire former members of the Armed Forces to serve as community policing officers, particularly in communities where a military base has closed. At the Attorney General's discretion, the remainder -- upto 15% -- can be used to promote community policing in other ways: redeploying existing officers (i.e., through overtime, new equipment, etc.), developing new technologies, offering specialized training to officers, supporting related community group efforts, and coordinating other Federal anti-crime initiatives with local policing plans.

For the first three years of the program cities can use some of the money from the 85% hiring pot for innovative strategies to redeploy existing officers, so long as they can demonstrate that doing so will put more police on the street.

Jurisdictions must file an application with the Department of Justice. Each application must include a long-term strategy and implementation plan. Policing grants will be awarded on a competitive basis for 3 to 5 years, with a declining federal match that will average between 50% and 75%, depending on a city's size and salary levels. The federal share is limited to a total of \$75,000 per officer over the life of the grant. Cities with higher costs or limited resources may apply for a waiver of the federal match.

TITLE II -- PRISONS

Prison Construction For Violent Offenders:

\$7.895 billion has been authorized for construction of new State prisons, and the expansion or modification of correctional

facilities. This grant program has been divided between "Truth in Sentencing Grants" and "Violent Offenders Incarceration Grants" in order to encourage states to adopt tougher sentencing laws and to give priority to the incarceration of truly dangerous felons.

The general eligibility requirements ask individual states or states organized as multi-state compacts to make several assurances in their applications such as swift adoption of truth in sentencing laws, policies that provide for the recognition of victims' rights, and designation of grant funds to be used to house violent offenders. Furthermore the Department of Justice will weigh whether an applicant has shown a comprehensive correctional plan that focuses not only on incarceration but on drug treatment, job training, rehabilitation efforts, and post-release assistance. The grant applications must also make assurances that the funds will be non-supplanting.

Section 20102 Truth in Sentencing grants: Half of the monies appropriated will be available to States that have sentencing laws that require a convicted violent felon to serve at least 85% of the sentence imposed. In the alternative, states must make a showing that since 1993 the percentage of convicted violent felons sent to prison has gone up, as well as the average prison time to be served. Furthermore, the state must have a law requiring that violent or drug felons who commit a subsequent violent offense must serve 85% of the sentence imposed.

These funds are allocated based on a ratio that compares a category of violent crimes reported to the FBI by one state to a the same category for all states. On September 30 of each fiscal year, the Attorney General has the authority to transfer those funds that were allocated but not used in the Truth in Sentencing Account to the Violent Offenders Incarceration Account.

Section 20103, the Violent Offender Incarceration Grant: The other half of monies allocated and whatever is transferred are designated for the general grant program. 85% of those monies are divided by formula (a minimum .25% to each eligible state and the rest divided by the same ratio formula described above). The remaining 15% will be allocated to states at the Attorney General's discretion.

Grants are awarded on a competitive basis with a minimum state match of 25%. The Attorney General may give special consideration to those states which incarcerate a substantial number of illegal aliens.

Certain Punishment for Young Offenders:

In order to guarantee certain and effective punishment of youthful offenders, \$150 million has been authorized over five

years to develop alternative methods of punishment such as boot camps, community based incarceration, and other programs that will lead to lower rates of recidivism.

States may apply on a competitive basis to the Department of Justice and must match the Federal grant by 25%. A minimum .4% of the funds appropriated may be made available to each participating state. Any remaining money is distributed based on a ratio of young offenders in that state to the number of young offenders in all participating states.

States are required to distribute at least 2/3 of their grant to localities. Local governments may request funds by sending an application to the proper state authority charged with administering the grant. An eligible locality may receive funds that reflect the same ratio of total funds expended by all localities for correctional facilities in a prior fiscal year to the total amount of funds expended by the state and localities for correctional facilities in a prior fiscal year.

Incarceration of Undocumented Criminal Aliens:

In recognition of the difficulty faced by several states in regard to the costs of imprisoning an escalating number of illegal aliens, the Crime Bill authorizes \$1.903 billion over five years for the purpose of compensation. A State must submit a written request for compensation to the Department of Justice. Compensation is equal to the average cost of incarceration of a prisoner in the relevant state, as determined by the Attorney General.

TITLE III -- PREVENTION

The Ounce of Prevention Council and Grant Program:

The Council is to be comprised of several Cabinet Secretaries as well as other members of the executive branch asked by the President to sit on the Council.

The Council is designed to be a "clearing house" for community prevention programs. Development of a crime prevention program catalogue, assistance to communities and community-based organizations seeking information on crime prevention, and development of strategies for program integration and grant simplification are among its priorities. The Council also has authority to audit the expenditures of funds received by grantees, and may issue regulations and guidelines to carry out the above responsibilities.

In general, **grants** are available for school based educational and recreational programs, programs that involve

participation of role models, employment and job placement programs, and prevention and treatment programs. The Congress has authorized \$90 million over a five year period.

Applicants must show that they engaged in wide-spread community dialogue during their planning process. Furthermore, applicants must show a defined geographic area that they serve and demonstrate how programs will substantially serve children and youth in that defined area.

The Council will give preference to those proposals that demonstrate the broadest-based coalitions and who present a coordinated team approach to reducing gang membership and the effects of substance abuse, and providing alternatives to at-risk youths.

The Federal share will be no greater than 75% of the total cost of the project. The Council may waive the 25% matching requirement if the applicant's financial situation warrants it. The 25% match can be cash-in-kind. Furthermore, the Federal funds may not supplant State or local funds.

Local Crime Prevention Block Grant Program:

Over the course of five years, \$377 million will be available to states and localities to be used for thirteen different grant programs. Those programs include, but are not limited to gang and juvenile delinquency prevention, establishing Boys and Girls Clubs in public housing, preventing crimes against the elderly (Triad program), job training, sports and recreation programs for at-risk youth, family outreach efforts and police partnership with children.

A participating local government is required to deposit the non-supplanting monies into a trust fund and use the funds in a reasonable period of time. Any amount of money that is not expended within 15 months after receipt must be repaid to the Department of Justice.

Each state is to receive a minimum .25 percent, with the remainder to be divided, based on that State's number of violent crimes in comparison to the amount of violent crimes for all states. The Department of Justice is then authorized to allocate that State's share to the local governments who have applied for grant monies. They will be eligible for an amount that reflects their number of violent crimes as is compared to the number of such crimes for the relevant state, and in light of all states and localities with similar populations.

Localities may contract with private, non-profit entities to carry out the programs outlined above. Furthermore, the local

government will be required to hold at least one public hearing to discuss how it intends to use the grant monies.

Model Intensive Grant Program:

The Model Intensive Grant program will fund comprehensive crime prevention programs in 15 chronic, high intensity crime areas. \$625.5 million has been authorized over five years, to be distributed equitably to rural and urban areas of varying population and geographic size.

Grants will be awarded on a competitive basis by the Department of Justice. Applicants must demonstrate those factors that account for its status as a chronic, high crime area. They must also spell out a comprehensive, community-based plan to attack those symptoms. The plan must detail how local nonprofit organizations, government agencies, private businesses, citizens groups, volunteer organizations, and interested citizens will cooperate to carry out the purpose of the grant.

The Attorney General will consult the Ounce of Prevention Council in regard to priority given in the awarding of grants, in light of the innovation of the grant proposal and coordination of other prevention programs.

Family and Community Endeavor Schools Grant Program (FACES):

This grant program is dedicated to assisting local educational and other community efforts to help provide kids with safe and constructive places to go and stay out of trouble. \$810 million has been authorized over six years.

Section 30401 Community Schools Youth Services and Supervision: This program awards grant money for the purpose of keeping facilities open after school and on weekends. Seventy percent of the total authorization (\$567 million) shall be designated to carry out this program.

In those fiscal years in which there is a minimum appropriation of \$20 million, to guarantee that each state benefits from this program, grant money is divided by state according to the number of children in that state that come from families below the poverty line as compared to children from all states that come from families below the poverty line. Once each state allotment is determined, the Secretary of Health and Human Services is authorized to award that fund on a competitive basis to community-based organizations.

If less than \$20 million is appropriated, the Secretary of HHS then simply awards grants on a competitive basis directly to eligible community based organizations. All money awarded is

based on a declining match: 25% in year one, 30% in year two, and 40% for the remaining four years.

Monies are to be used to keep schools, churches, recreation centers and other facilities open after hours and on weekends. Such facilities are to offer supervised sports, extra-curricular and academic programs. Applications should illustrate the need for such a program, a detailed plan of how the monies would be spent, as well as a number of assurances in regard to oversight and to the quality and quantity of supervision, among others .

Children who participate in the program should generally reside in the community where the activities are offered and they must have written permission from a parent or guardian.

Section 30402 Family and Community Endeavor Schools: This portion of the grant program seeks to better train and coordinate teachers, administrators, guidance counselors and others who are charged with providing expanded after-school activities for at-risk youth. Monies may also be used to devise other forms of assistance to students such as networks to provide help with homework, nutrition services, mentoring programs, and more.

Thirty percent of the grant or \$243 million is available for this portion of the program. Local entities must submit applications to HHS, and grants will be awarded on a competitive basis with a 30% matching requirement. Each eligible locality will receive a minimum of \$250,000 in a fiscal year. Preference will be given to those applications that demonstrate the greatest effort in generating local support for their proposal.

Local Partnership Act:

This Act will provide grants to thousands of American cities to fund health and educational crime prevention programs. \$1.62 billion has been authorized over five years to be awarded to eligible local governments to go toward education, substance abuse treatment and job programs.

Monies are divided among the states based on an intricate formula. Once the state allotment is determined, HHS may then distribute that portion to the eligible localities.

Funds may be used to bolster existing programs under other grants (ie. the Drug Abuse Resistance Education Program or programs under Head Start, to name just a couple). Localities must provide notice to the appropriate agency if that is how they intend to use the grant. In the alternative, monies can be used to develop other activities that are consistent with existing programs. Localities will be required to hold at least one public hearing to discuss the budget and use of funds.

Gang Resistance Education and Training:

G.R.E.A.T. seeks to help kids fight the allure of gangs. The Treasury Department is authorized to establish no fewer than 50 G.R.E.A.T. projects in communities across the country. \$45 million has been authorized over six years to accomplish this task.

Treasury will determine the eligibility based on level of gang-related activity in each community. Those eligible will receive a minimum of \$800,000 per project. Of that amount, half goes to the affected state and law enforcement and prevention organizations participating in such projects. The other half goes to ATF for the expenses associated with operating and overseeing such a project.

TITLE IV -- VIOLENCE AGAINST WOMEN

Congress has authorized \$800 million dollars in discretionary grants to combat violent crimes against women. In addition, this Act also creates tougher penalties for crimes involving women and children. Some of the provisions are:

Subtitle A -- Safe Streets for Women

Chapter 1 -- Federal Penalties For Sex Crimes: This chapter directs that repeat sex offenders be subject to up to twice the imprisonment otherwise authorized. It further requests, where appropriate, that an examination and amendment of the Federal Sentencing guidelines take place to enhance penalties or resolve disparities in existing sex offense penalties. This chapter also addresses matters of restitution to sex crime victims and authorizes grants for the appointment of victim/witness counselors.

Chapter 2 -- Law Enforcement and Prosecution Grants: These grants are designed to assist states and local governments in developing and strengthening law enforcement to combat violent crimes against women.

Chapter 3 -- Safety for Women in Public Transit and Public Parks: These grants will go toward capital improvements in public transportation, national parks and public parks. Such improvements could include increased lighting, camera surveillance, emergency phones and more.

Chapter 4 -- New Evidentiary Rules: These rules address and bolster existing rape shield laws (protecting the victim from unwarranted examination of her prior sexual history).

Chapter 5 -- Assistance to Victims of Sexual Assault: This portion of the act authorizes grants for education and prevention; develops model legislation to ensure confidentiality of communications between victims and their counselors; and reauthorizes the Victims of Child Abuse Act of 1990.

Subtitle B -- Safe Homes for Women

Chapter 1 -- National Domestic Hotline Grant: Grants may be awarded to private, non-profit entities to establish the operation of a national, toll free telephone hotline to provide information and assistance to victims of domestic violence.

Chapter 3 -- Arrest Policies in Domestic Violence Cases: This chapter authorizes grants to encourage states and localities to treat domestic violence as a serious violation of criminal law.

Chapter 4 -- Shelter Grants: \$324.5 million have been authorized over six years to construct shelters for battered women across the country.

TITLE V -- DRUG COURTS

\$1 billion has been authorized over six years to fund innovative programs to get drug users out of our overcrowded courts and into drug treatment or appropriate punishments. State and local courts, in conjunction with other public and private entities may use the grants to develop programs that provide continuing judicial supervision over substance abuse offenders, mandatory periodic drug testing, substance abuse treatment, alternative forms of punishment and management and aftercare services.

The Chief Executive or Chief Justice of a state must submit an application to the Department of Justice. Grants will be awarded on a competitive basis, with a 25% match requirement. The Attorney General has the discretion to waive the matching requirement. As best as possible, grants will be awarded equitably to all geographic regions of the country.

TITLE VI -- DEATH PENALTY

The death penalty is revived as a sentencing option for Federal crimes, such as murder of the President or of a Federal law enforcement officer, for which it was previously a constitutionally unenforceable statutory penalty due to procedural defects. A number of new Federal capital offenses are established, like drive-by shooting murders. Several existing

Federal crimes are now elevated to a capital offense, including some that do not involve a killing, such as a major drug kingpin violation.

TITLE VII -- "THREE STRIKES YOU'RE OUT"

Anyone who commits a violent Federal felony and has prior convictions for two or more State or Federal violent felony convictions (or one violent prior felony conviction and one serious drug offense) faces life imprisonment.

TITLE XI -- FIREARMS

Assault Weapons: Prohibits the manufacture, for 10 years after enactment, of semiautomatic assault weapons and the possession or transfer of such firearms if they were not lawfully possessed on the date of enactment. The Bill exempts an estimated 650 models listed in Appendix A of the legislation, firearms operated by bolt, pump, lever or slide action, antique and inoperable firearms, and allows the manufacture, transfer and possession of assault weapons for law enforcement and other limited purposes.

A semiautomatic assault weapon is defined as copies or duplicates of the following makes or models: Automat Kalashnikov types; UZI and Galili; Beretta Ar70(SC-70); Colt AR-15; Fabrique Nationals FN/FAL, FN/LAR and FNC; SWD (Mac) M-10, 11, 11/8, 12; Steyr AUG; TDC-9; DC9 and 22; and revolving cylinder shotguns. The definition includes semiautomatic rifles, pistols and shotguns with specified characteristics and semiautomatic versions of automatics. Does not include registration requirement for those lawfully held. Prohibits possession or transfer of ammunition devices over 10 rounds.

Other Features: The Bill prohibits the transfer of handguns ore related ammunition to juveniles (those below age 18), with specified exceptions, and to others under domestic relations restraining orders. It requires photographs and fingerprints of applicants, compliance with State and local laws, report of thefts or loss, notofication to State and local police of names and addresses of licenses, among other additional requirements. It also enhances penalties for use of semiautomatics in crimes of violence or drug trafficking, for smuggling of firearms associated with drug trafficking, revocation of supervised release or probation for possession of a firearm, possession of stolen firearms moved in interstate commerce, and others

TITLE XII & XIII -- ALIENS AND TERRORISM

- ♦ Includes murders by international terrorists among Federal crimes punishable by death and increases penalties for other terrorist crimes
- ♦ Outlaws providing financial support to international terrorists.
- ♦ Permits the Attorney General to ease immigration restrictions for alien informants in exchange for information concerning criminal activity (up to 100 aliens per year) or terrorism (up to 98 per year).
- ♦ Enacts implementing criminal legislation effective upon U.S. ratification of various international agreements concerning airport security, weapons of mass destruction, torture, violence against ocean platforms and navigation.
- ♦ Increases penalties for smuggling of aliens and various other immigration offenses.
- ♦ Provides expedited procedures for the removal of criminal aliens
- ♦ Authorizes:
 - * \$1.8 billion to cover state costs related to incarcerated aliens (see prisons).
 - * \$888 million for speedy removal after asylum denials.
 - * \$100 million for speedy removal of criminal aliens.
 - * \$675 million for tightened border security (only \$484 million from the Trust Fund).
 - * \$18.4 million for an alien tracking center.

TITLE XXI -- VIOLENT CRIME REDUCTION TRUST FUND

Funds the various appropriations authorized in H.R. 3355 by establishing the Violent Crime Reduction Trust Fund with monies expected from savings made by eliminating over 250,000 Federal jobs as required by the Federal Workforce Restructuring Act. Ensures that spending from this Trust Fund does not add to the Federal deficit by requiring a reduction in discretionary spending limits for fiscal years 1995 through 1998 in conformity with the amounts listed below.

The following sums are to be transferred into the Trust Fund at the beginning of the fiscal year:

FY1995: \$2.423 billion with an estimated outlay of \$703 million.

FY1996: \$4.287 billion with an estimated outlay of \$2.334 billion

FY1997: \$5 billion with an estimated outlay of \$3.936 billion

FY1998: \$5.5 billion with an estimated outlay of \$4.904 billion

FY1999: \$6.5 billion with an estimated outlay of \$5.639 billion

FY2000: \$6.5 million with an estimated outlay of \$6.225 billion.

Requires across-the-board sequestration of spending from Trust fund if appropriation or outlays exceed the spending limits set for the trust fund. Spending must be approved through the annual appropriations bills, but declares that authorized funds not appropriated may not be used for other programs and may only be used for deficit reduction.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

The Violent Crime Control and Law Enforcement Act of 1994 represents the bi-partisan product of six years of hard work. It is the largest crime bill in the history of the country and will provide for 100,000 new police officers, \$9.7 billion in funding for prisons and \$6.1 billion in funding for prevention programs which were designed with significant input from experienced police officers. The Act also significantly expands the government's ability to deal with problems caused by criminal aliens. The Crime Bill provides \$2.6 billion in additional funding for the FBI, DEA, INS, United States Attorneys, Treasury Department and other Justice Department components, as well as the Federal courts. Some of the most significant provisions of the bill are summarized below:

I. Substantive Criminal Provisions

- o Assault Weapons -- Bans the manufacture of 19 military-style assault weapons, assault weapons with specific combat features, "copy-cat" models, and certain high-capacity ammunition magazines of more than ten rounds.
- o Death Penalty -- Expands the Federal death penalty to cover about 60 offenses, including terrorist homicides, murder of a Federal law enforcement officer, large-scale drug trafficking, drive-by-shootings resulting in death and carjackings resulting in death.
- o Domestic Abusers and Firearms -- Prohibits firearms sales to and possession by persons subject to family violence restraining orders.
- o Firearms Licensing -- Strengthens Federal licensing standards for firearms dealers.
- o Fraud -- Creates new insurance and telemarketing fraud categories. Expands Federal jurisdiction to cases that do not involve the use of the mail or telephone wire to commit a fraud. Provides special sentencing enhancements for fraud crimes committed against the elderly.
- o Gang Crimes -- Provides new and stiffer penalties for violent and drug trafficking crimes committed by gang members.
- o Immigration -- Provides for enhanced penalties for alien smuggling, illegal reentry after deportation and other immigration-related crimes. (See Part II).
- o Juveniles -- Authorizes adult prosecution of those 13 and older charged with certain serious violent crimes. Prohibits the sale or transfer of a firearm to or possession of certain firearms by juveniles. Triples the maximum penalties for using children to distribute drugs in or near a protected zone, i.e., schools, playgrounds, video arcades and youth centers.
- o Registration of Sexually Violent Offenders -- Requires states to enact statutes or regulations which require those determined to be sexually violent predators or who are convicted of sexually violent offenses to register with appropriate state law enforcement agencies for ten years after release from prison. Requires state prison officials to notify appropriate agencies of the release of such individuals. Requires states to criminally punish those who fail to register. States which fail to establish registration systems may have Federal grant money reduced.

- o **Repeat Sex Offenders** -- Doubles the maximum term of imprisonment for repeat sex offenders convicted of Federal sex crimes.
- o **Three Strikes** -- Mandatory life imprisonment without possibility of parole for Federal offenders with three or more convictions for serious violent felonies or drug trafficking crimes.
- o **Victims of Crime** -- Allows victims of Federal violent and sex crimes to speak at the sentencing of their assailants. Strengthens requirements for sex offenders and child molesters to pay restitution to their victims. Improves the Federal Crime Victims' Fund and the victim-related programs it supports.
- o **Other** -- Creates new crimes or enhances penalties for: drive-by-shootings, use of semi-automatic weapons, sex offenses, crimes against the elderly, interstate firearms trafficking, firearms theft and smuggling, arson, hate crimes and interstate domestic violence.

II. **Immigration Initiatives**

The Crime Bill contains specialized enforcement provisions respecting immigration and criminal aliens. Those programs are highlighted here:

- o \$1.2 billion for border control, criminal alien deportations, asylum reform and a criminal alien tracking center.
- o \$1.8 billion to reimburse states for incarceration of illegal criminal aliens. (See State Criminal Alien Assistance Program (SCAAP) Grants in Section III).
- o Enhanced penalties for failure to depart the United States after a deportation order or reentry after deportation.
- o Expedited deportation for aliens who are not lawful permanent residents and who are convicted of aggravated felonies.
- o Statutory authority for abused spouses and spouses with abused children to petition for permanent residency or suspension of deportation.

III. **Grant Programs For 1995**

Most of these programs are authorized for six years beginning October 1, 1994. Some are formula grants, awarded to states or localities based on population, crime rate or some other combination of factors. Many are competitive grants. All grants will require an application process and are administered by the Department of Justice unless otherwise noted. As always, all funds for the years 1996-2000 are subject to appropriation by the Congress.

- o **Brady Implementation** -- Competitive grant program for states to upgrade criminal history records keeping so as to permit compliance with the Brady Act. \$100 million available in 1995. \$100 million authorized in 1996-2000.

- o **Byrne Grants** -- Formula grant program for states for use in more than 20 law enforcement purposes, including state and local drug task force efforts. \$450 million available for the formula grant program in 1995. \$550 million authorized in 1996-2000.
- o **Community Policing** -- Competitive grant program (COPS Program) to put 100,000 police officers on the streets in community policing programs. \$1.3 billion available in 1995. \$7.5 billion authorized in 1996-2000.
- o **Community Schools** -- Formula grant program administered by the Department of Health and Human Services for supervised after-school, weekend, and summer programs for at-risk youth. Funds expected to be available in 1995. \$567 million authorized in 1995-2000.
- o **Correctional Facilities/Boot Camps** -- Formula and competitive grant program for state corrections agencies to build and operate correctional facilities, including boot camps and other alternatives to incarceration, to insure that additional space will be available to put - and keep - violent offenders incarcerated. Fifty percent of money to be set aside for those states which adopt truth-in-sentencing laws (violent offenders must serve at least 85% of their sentence) or which meet other conditions. \$24.5 million in competitive funds available for boot camps in 1995. \$7.9 billion authorized in 1996-2000.
- o **Drug Courts** -- Competitive grant program to support state and local drug courts which provide supervision and specialized services to offenders with rehabilitation potential. \$29 million available in 1995. \$971 million authorized in 1996-2000.
- o **Hotline** - Competitive grant program administered by the Department of Health and Human Services to establish a National Domestic Violence Hotline. \$1 million authorized in 1995. An additional \$2 million authorized in 1996-2000.
- o **Prevention Council** -- Provides funding for the President's Prevention Council to coordinate new and existing crime prevention programs. \$1.5 million available in 1995. \$88.5 million authorized for competitive grants in 1996-2000.
- o **SCAAP Grants** -- Formula grant program to reimburse states for the cost of incarcerating criminal aliens. \$130 million available in 1995. \$1.67 billion authorized in 1996-2000.
- o **Violence Against Women** -- Formula grant program to support police and prosecutor efforts and victims services in cases involving sexual violence or domestic abuse, and for other programs which strengthen enforcement and provide services to victims in such cases. \$26 million available in 1995. \$774 million for formula grants and over \$200 million for related competitive grants authorized in 1996-2000.

IV. Grant Programs For 1996-2000

All programs available in 1995 are continued. All programs are administered by the Department of Justice unless otherwise noted. Funding for 1996-2000 is, as always, subject to appropriation by the Congress.

- o Battered Women's Shelters -- Competitive grant program administered by the Department of Health and Human Services for battered women's shelters and other domestic violence prevention activities. \$325 million authorized.
- o Capital Improvements to Prevent Crime in Public Parks -- Competitive grant program administered by the Department of Interior for states and localities for crime prevention programs in national and public parks. \$15 million authorized.
- o Community Economic Partnership -- Competitive program administered by the Department of Health and Human Services for lines of credit to community development corporations to stimulate business and employment opportunities for low-income, unemployed and underemployed individuals. \$270 million authorized.
- o Crime Prevention Block Grants -- \$377 million authorized for a new Local Crime Prevention Block Grant program to be distributed to local governments to be used as local needs dictates. Authorized programs include: anti-gang programs, sports leagues, boys and girls clubs, partnerships (triads) between the elderly and law enforcement, police partnerships for children and youth skills programs.
- o Delinquent and At-Risk-Youth -- Competitive grant program for public or private non-profit organizations to support the development and operation of projects to provide residential services to youth, aged 11 to 19, who have dropped out of school, have come into contact with the juvenile justice system or are at risk of either. \$36 million authorized.
- o DNA Analysis -- Competitive grant program for states and localities to develop or improve DNA identification capabilities. \$40 million authorized. An additional \$25 million is authorized to the FBI for DNA identification programs.
- o Drug Treatment -- \$383 million for prison drug treatment programs, including \$270 million in formula grants for states.
- o Education and Prevention to Reduce Sexual Assaults Against Women -- Competitive grant program administered by the Department of Health and Human Services to fund rape prevention and education programs in the form of educational seminars, hotlines, training programs for professionals and the preparation of informational materials. \$205 million authorized.
- o Family and Community Endeavor Schools -- Competitive grants program administered by the Department of Education for localities and community organizations to help improve the overall development of at-risk youth living in poor and high-crime communities. This program is for both in-school and after-school activities. \$243 million authorized.

- o **Local Partnership Act** -- Formula grant program administered by the Department of Housing and Urban Development for localities to enhance education, provide substance abuse treatment and fund job programs to prevent crimes. \$1.6 billion authorized.
- o **Model Intensive Grants** -- Competitive grant program for model crime prevention programs targeted at high-crime neighborhoods. Up to 15 cities will be selected. \$625 million authorized.
- o **Police Corps** -- Competitive funding for the Police Corps (college scholarships for students who agree to serve as police officers), and formula grants to states for scholarships to in-service law enforcement officers. \$100 million authorized for Police Corps, and \$100 million authorized for in-service law enforcement scholarships.
- o **Prosecutors** -- Competitive grant program for state and local courts, prosecutors and public defenders. \$150 million authorized.
- o **Rural Law Enforcement** -- Competitive grant program for rural anti-crime and drug efforts. \$240 million authorized.
- o **Technical Automation** -- Competitive grant program to support technological improvements for law enforcement agencies and other activities to improve law enforcement training and information systems. \$130 million authorized.
- o **Urban Recreation For At-Risk-Youth** -- Competitive grant program administered by the Department of Interior for localities to provide recreation facilities and services in areas with high crime rates and to provide such services in other areas to at-risk-youth. \$4.5 million authorized.