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Violent Crime Control and Law Enforcement Act of 1994

Briefing Book

VIOLENT CRIME CONTROL ACT BRIEFING

Violent Crime Control Act Summary

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U.S. Department of Justice Fact Sheet

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:

Substantive Criminal Provisions

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.

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.

Domestic Abusers and Firearms
Prohibits firearms sales to and possession by persons subject to family violence restraining orders.

Firearms Licensing
Strengthens Federal licensing standards for firearms dealers.

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.

Gang Crimes
Provides new and stiffer penalties for violent and drug trafficking crimes committed by gang members.

Immigration
Provides for enhanced penalties for alien smuggling, illegal reentry after deportation and other immigration-related crimes. (See Part II).

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.

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.

Repeat Sex Offenders

Doubles the maximum term of imprisonment for repeat sex offenders convicted of Federal sex crimes.

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.

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.

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.

Immigration Initiatives

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

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

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.

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. $50 million authorized in 1996-97.

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.

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.

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.

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.

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.

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. $2 million authorized in 1996-2000.

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.

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.

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 competitive grants authorized in 1996-2000.

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.

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.

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.

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.

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.

Delinquent and At-Risk-Youth
Competitive grant program for public or private nonprofit 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.

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.

Drug Treatment
$383 million for prison drug treatment programs, including $270 million in formula grants for states.

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.

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.

Local Partnership Act

ormula 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.

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.

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.

Prosecutors

Competitive grant program for state and local courts, prosecutors and public defenders. $150 million authorized.

Rural Law Enforcement

Formula grant program for rural anti-crime and drug enforcement efforts, including task forces. $240 million authorized.

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.

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.

For More Information

For further information about the Violent Crime and law Enforcement Act of 1994, contact the:

Department of Justice
Response Center
1–800–421–6770

In the Washington, DC metropolitan area:
202–307–1480

September 26, 1994
NCJ FS000067

ASSAULT WEAPONS BAN

- The Violent Crime Control Act prohibits the manufacture, transfer, or possession of semiautomatic assault weapons not lawfully possessed under federal law on the date of enactment.

- The ban covers 19 military-style assault weapons, assault weapons with specific combat features, and "copy-cat" models. The Act specifically exempts over 600 firearm models used for hunting and sporting purposes.

- The Act also prohibits the transfer or possession of large capacity ammunition feeding devices not lawfully possessed on the date of enactment. Such devices are defined to include a magazine, feed strip, or similar device that can accept more than 10 rounds of ammunition or be readily restored or converted to accept more than 10 rounds.

- The ban on both semiautomatic assault weapons and large capacity ammunition feeding devices is subject to a sunset provision that will cause its repeal in ten years. In addition, semiautomatic assault weapons and large capacity ammunition feeding devices lawfully possessed on the date of enactment may be lawfully transferred to another individual.

- Questions regarding the applicability of the Violent Crime Control Act to specific situations should be referred to an attorney.

DEATH PENALTY

- The Violent Crime Control Act establishes constitutional procedures for the imposition of the death penalty for federal crimes. It applies to federal statutes that previously carried the death penalty and creates many new capital offenses. As a result of the Act, the death penalty may now be imposed for nearly 60 federal criminal crimes.

- The new procedures include a special sentencing hearing to consider the imposition of the death penalty based upon findings of aggravating and mitigating circumstances.

- Among the new capital offenses are:

  - o murder by a federal prisoner serving a life sentence;
  - o murder of a federal law enforcement official;
  - o drive-by shooting in the course of certain drug offenses;
  - o carjacking resulting in death;
  - o foreign murder of United States nationals; and
  - o murder by escaped federal prisoners.

- The new provisions also permit imposition of the death penalty for certain large-scale, continuing drug enterprise offenses, even if no death has resulted.

- The Act allows judges in capital cases the discretion to impanel anonymous juries and to protect witnesses, if the judge finds that identifying and providing addresses would jeopardize the life or safety of any person.

- The death penalty provisions do not apply to an offense committed by Indians in Indian country if federal jurisdiction is based solely upon its occurrence within Indian country, unless the governing body of the tribe has elected to subject the tribe to the new provision.

- Questions regarding the applicability of the Violent Crime Control Act to specific situations should be referred to an attorney.

Response Center 1-800-421-6770
202-307-1480

September 24, 1994 1:30 p.m.

DOMESTIC ABUSERS AND FIREARMS

- The Violent Crime Control Act makes the prohibitions of the federal firearms laws applicable to domestic abusers.

- Under the Act, these domestic abusers are prohibited from possessing a firearm. The Act also makes it unlawful to transfer a firearm to any such person.

- The prohibitions apply to any person subject to a court order restraining him or her from harassing, stalking, or threatening his or her "intimate partner," including a spouse or former spouse, or a child of his or her "intimate partner." It also applies to any person subject to a court order restraining him or her from engaging in conduct that would place his or her "intimate partner" in reasonable fear of bodily injury.

- For the new prohibitions to apply, the anti-stalking court order must have been issued under certain procedural protections. For example, there must have been a hearing with actual notice to the person restrained.

- Questions regarding the applicability of the Violent Crime Control Act to specific situations should be referred to an attorney.

FIREARMS LICENSING

- The Violent Crime Control Act strengthens the requirements for obtaining a federal firearms dealer license and imposes additional obligations on licensees.

- Under the Act, applicants for a federal firearms dealer license must certify that their firearms business is not prohibited under state or local law. Applicants for a firearms license must also certify that the chief law enforcement officer for the locality has been notified of the application.

- The Act requires applicants for a federal firearms dealer license to provide a photograph and fingerprints with their application.

- The Act also requires federal firearms dealer licensees to report the theft or loss of any firearm to federal and local authorities within 48 hours after discovery.

- The Act requires federal firearms dealer licensees to respond to a gun trace request in the course of a bona fide criminal investigation within 24 hours.

- Questions regarding the applicability of the Violent Crime Control Act to specific situations should be referred to an attorney.

FRAUD

Telemarketing Fraud

- The Act increases the maximum prison term for telemarketing fraud by five years, and by ten years if the offense victimized 10 or more people over 55 years of age or if it targeted such persons.

- Telemarketing fraud is fraud in connection with a plan to use interstate telephone calls to induce the purchase of goods or services or the participation in a contest or sweepstakes.

- The Act also requires a court to order a defendant convicted of telemarketing fraud to make restitution to victims of the full amount of their losses.

Increased Penalties for Fraud Against Older Victims

- The Act directs the United States Sentencing Commission to review the sentencing guidelines and, if necessary, to amend them to ensure adequate sentences for criminals who defraud victims over 55 years of age.

Expanded Jurisdiction for Fraud Offenses

- The Act expands federal jurisdiction in fraud cases and fills a gap in the mail fraud statute by covering schemes in which material is sent by private or commercial interstate carrier, such as Federal Express.

New Credit Card Fraud Offenses

- The Act creates several new credit card fraud offenses. For example, the Act makes it unlawful to engage in transactions with one or more "access devices" (such as credit cards) issued to another person, in order to fraudulently receive money, goods or services totalling more than $1,000 in a year.

New Offenses Relating to Persons Engaged in the Insurance Business

- The new Act creates a series of fraud offenses relating to insurance companies. Among the offenses included are: (a) making a false statement or report with intent to deceive in connection with a financial report presented to an insurance regulatory official, and (b) theft or embezzlement from an insurance company.

- Questions regarding the applicability of the Violent Crime Control Act to specific situations should be referred to an attorney.

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GANG CRIMES

- The Violent Crime Control Act creates new provisions aimed at criminal street gangs, by increasing the maximum prison sentence by up to 10 years, under certain circumstances, for gang-related federal drug or violent offenses committed by members of a criminal street gang.

- The Act defines a "criminal street gang" as an "ongoing" group or association of five or more persons that has as one of its primary purposes either: (a) the commission of a federal drug offense punishable by at least five years in jail, or (b) the commission of a federal violent offense.

- In addition, the members must have engaged within the past five years in a "continuing series" of such offenses, and the gang's activities must affect interstate or foreign commerce.

- Questions regarding the applicability of the Violent Crime Control Act to specific situations should be referred to an attorney.

JUVENILES

Youth Handgun Safety

- The Violent Crime Control Act makes it a federal offense for a juvenile under 18 years of age knowingly to possess a handgun or handgun ammunition.

- The Act also makes it unlawful to transfer a handgun or handgun ammunition to a person the transferor knows or has reasonable cause to believe is under 18 years of age.

- The new provision is subject to a number of exceptions, such as for the armed forces, ranching, farming, hunting, and other specified uses. Some exceptions require the juvenile to be in possession of the prior written consent of his or her parent or guardian.

- The penalty for possession of a handgun or handgun ammunition by a juvenile is probation if the juvenile has never been convicted of an offense or adjudicated a juvenile delinquent for an offense. Otherwise, the maximum penalty for a juvenile is one year of imprisonment.

- The penalty for an adult who transfers a handgun or handgun ammunition to a juvenile is ordinarily a maximum of one year of imprisonment. However, if the violator knew or had reasonable cause to know that the juvenile intended to possess or use the handgun or ammunition in a crime of violence, the maximum penalty is 10 years of imprisonment. (Under existing law a licensed firearms dealer who transfers any firearm to a person under 18 years of age, or any firearm other than a rifle or shotgun to a person under 21 years of age, is subject to a maximum penalty of five years of imprisonment.)

Adult Prosecution Of Juveniles

- The Violent Crime Control Act amends current law to permit adult prosecution of 13- and 14-year-olds charged with certain crimes of violence, including robbery or aggravated sexual abuse committed with a firearm.

- This provision does not apply to offenses committed by Indian juveniles in Indian country if the jurisdiction for the offense is predicated solely upon its occurrence within Indian country, unless the governing body of the tribe has elected to subject the tribe to the new provision.

- The Act also adds several serious firearms offenses to those for which a juvenile can be prosecuted as an adult.

- Another provision of the Act requires the court to consider, in determining whether a juvenile should be tried as an adult, the extent to which the juvenile played a leadership role in an organization, or otherwise influenced others to take part in criminal activities, involving the use or distribution of drugs or firearms.

Using Minors to Distribute Drugs In or Near a Protected Zone

- The Act triples the maximum penalty for using a minor to distribute drugs at or within 1,000 feet of a protected location -- such as a school, college, playground, or public swimming pool -- or for using a minor to assist in avoiding detection or apprehension for drug dealing at or near a protected location.

- Questions regarding the applicability of the Violent Crime Control Act to specific situations should be referred to an attorney.

"SAFETY VALVE" EXEMPTION FROM MANDATORY MINIMUM DRUG SENTENCES

- The Violent Crime Control Act exempts certain offenders from the operation of mandatory minimum drug sentences applicable to drug trafficking, possession, and attempt or conspiracy offenses.

- To qualify for the exemption, the offender:

  (1) may have no more than a minor criminal record;

  (2) could not have used violence or threats of violence or have possessed a firearm or other dangerous weapon in connection with the offense;

  (3) could not have been an organizer or leader of others in the offense;

  (4) must have truthfully provided information he or she has to the government concerning the offense; and

  (5) the offense could not have resulted in death or serious bodily injury.

- The resulting sentence, while exempt from mandatory minimum sentencing provisions, is subject to the Sentencing Guidelines, which must provide a sentencing range of at least 24 months of imprisonment for covered offenders who would have otherwise been subject to a five-year mandatory minimum sentence.

- Questions regarding the applicability of the Violent Crime Control Act to specific situations should be referred to an attorney.

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SEX OFFENDERS AND CRIME AGAINST CHILDREN

Registration of Sexually Violent Offenders

- The Violent Crime Control Act directs the Attorney General to establish guidelines for state programs that require persons convicted of certain crimes against children, such as kidnapping and sexual misconduct, to register their addresses with an appropriate state law enforcement agency after their release from prison.

- The registration requirement also applies to persons convicted of a sexually violent offense against an adult or child.

- The required registration period ordinarily continues for 10 years after the offender is released from imprisonment or placed on probation. However, sexually violent predators must remain registered until a court determines that they no longer suffer from a mental abnormality that would make a predatory sexually violent offense likely.

- The state law enforcement agency must transmit a copy of the conviction data and fingerprints to the FBI.

- The failure of a state to implement the registration program subjects it to a 10% reduction of funds allocated to it under the Byrne Grant program.

Repeat Sex Offenders

- The Violent Crime Control Act doubles the maximum term of imprisonment applicable to an offender who commits a sexual abuse or sexual contact offense under federal law after one or more prior convictions for a federal or state sexual abuse or sexual contact offense.

Child Sex Tourism

- The Violent Crime Control Act creates a new "child sex tourism" offense, making it illegal for a U.S. citizen or permanent resident to travel in interstate or foreign commerce with the intent to engage in sexual acts with a minor that are prohibited under federal law in the United States, even if those acts are legal in the destination country.

- Questions regarding the applicability of the Violent Crime Control Act to specific situations should be referred to an attorney.

"THREE STRIKES" AND MANDATORY LIFE IMPRISONMENT

- The Violent Crime Control Act requires life imprisonment (without possibility of parole) for federal offenders convicted of a serious violent felony after two more federal or State convictions for a serious violent felony or for a serious violent felony and a serious drug offense.

- To count toward "three strikes," the convictions must have occurred on separate occasions from each other, and each countable offense (other than the first) must have been committed after the defendant's conviction of the preceding one.

- Convictions prior to the date of enactment, September 13, 1994, count as strikes. The third strike must occur after the date of enactment.

- The statute defines "serious violent felony" to include such offenses as murder, rape, and kidnapping.

- It defines "serious drug offense" to include large-scale drug transactions and continuing criminal enterprises.

- Questions regarding the applicability of the Violent Crime Control Act to specific situations should be referred to an attorney.

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VICTIMS OF CRIME

Victim's Right of Allocution

- The Violent Crime Control Act gives victims of violent crime or sexual abuse the right to speak to the court before the imposition of sentence.

- The right to address the court extends to the victim's parent or legal guardian if the victim is less than 18 years old or is incompetent. It also extends to family members if the victim is deceased or incapacitated.

Mandatory Restitution

- The Violent Crime Control Act mandates that defendants be ordered to pay restitution to victims of sexual abuse and related federal crimes, and to victims of federal child pornography offenses.

- Under the Act the defendant must pay the full amount of the victim's losses, including costs incurred for medical services relating to physical, psychiatric, or psychological care; lost income; and attorneys' fees.

- A court may not decline to order restitution for a sexual abuse or child sexual exploitation offense on the basis of a defendant's economic circumstances, unless the defendant will be unable to pay any portion of the restitution order in the foreseeable future under a reasonable payment schedule.

- Questions regarding the applicability of the Violent Crime Control Act to specific situations should be referred to an attorney.

STRENGTHENED BORDER CONTROL

- The Violent Crime Control Act authorizes $675 million (FY1995-1998) for increased resources for the Border Patrol, the Inspection Program and the Deportation Branch to apprehend illegal aliens who attempt clandestine entry into the Unites States, who attempt entry with fraudulent documents, or who remain in the country after their visas expire. $236 million has been appropriated for FY1995.

- The INS will use these resources to gain control of the San Diego and El Paso border areas and to continue the same strategy of prevention through deterrence in remaining Southwest border areas.

- In 1995, the INS will add 700 new Border Patrol agents and redeploy 240 trained agents from desk duties and paperwork processing to the front lines. The redeployment will be accomplished through substantial improvements to INS automation and technology capabilities that free more agents for on-the-line duties.

- By the end of FY 1995, Border Patrol enforcement hours dedicated to on-the-line activities will be increased by 45% nationwide.

- The new resources will also permit the INS to fully equip Border Patrol agents and other INS officials with state-of-the-art tools, including encrypted radios, sensors, vehicles, telecommunications, automated booking and fingerprinting technology, and automated databases that help INS officers identify repeat crossers and smugglers.

- INS will also strengthen its capability at Ports-of Entry and overseas to prevent entry of illegal aliens and to reduce organized smuggling efforts.

EXPEDITED CRIMINAL ALIEN DEPORTATION

- The Violent Crime Control Act authorizes $160 million (FY1995-1998) for the expedited deportation of criminal aliens. $54 million has been appropriated for FY1995.

- INS and the Executive Office for Immigration Review (EOIR) will use these resources to expand the Institutional Hearing Program (IHP) in the federal prison system and in the five states with the highest concentrations of incarcerated aliens (CA, TX, NY, FL, & IL).

- Through the enhanced IHPs, the Department will complete deportation proceedings against criminal aliens <u>before</u> they finish serving their sentences. This will ensure that criminal aliens found deportable are immediately deported upon their release from incarceration.

- In addition, INS and EOIR will increase investigative personnel, immigration judges, trial attorneys, deportation officers, and detention enforcement officers assigned to the IHPs.

- INS will also establish an Automated Fingerprint Identification System (AFIS), which will be compatible with other law enforcement agencies. This system will permit the rapid and accurate identification of aliens apprehended by state and local law enforcement officers.

- With these new efforts, the Department expects to double the level of criminal aliens deported from this country each year, from a current level of 20,000 to 40,000.

LAW ENFORCEMENT SUPPORT CENTER

- The Violent Crime Control Act authorizes $18.4 million (FY1996-2000) to operate a criminal alien tracking center.

- The authorization will support INS' Law Enforcement Support Center (LESC), which began as a pilot project with local law enforcement agencies in Phoenix, Arizona in July 1994. The pilot project gives local law enforcement agents much-needed access to timely and accurate immigration information.

- Ultimately, the LESC will allow state and local law enforcement authorities nationwide to determine the immigration status of individuals at the time they are arrested.

ASYLUM REFORM

- The Violent Crime Control Act authorizes $338 million (FY1995-1998) to reform the often-abused asylum process, a large enforcement vulnerability in the immigration system. $49 million has been appropriated for these efforts in FY1995.

- The Immigration and Naturalization Service will focus its reform efforts on a streamlined asylum application process, expedited adjudication of asylum claims, and prompt deportation of applicants not qualifying for asylum.

- With these new resources, INS and the Executive Office for Immigration Review will nearly double the current Asylum Officer Corps and increase the number of Immigration Judges and attorneys. These officials are responsible for reviewing and adjudicating asylum claims.

- Proposed regulations to reform the asylum process were published in March 1994, and final regulations are expected to be published shortly.

OTHER IMMIGRATION PROVISIONS

Enhanced Penalties For Alien Smuggling

- Penalties for various alien smuggling offenses and related activities will be increased to up to ten years in prison (and/or fines), per smuggled alien, for persons who knowingly bring illegal aliens into the United States. Where bodily injury or threat to life occurs, maximum penalties will be increased to twenty years per alien. Where death results, the death penalty or life imprisonment is permitted.

Expedited Deportation For Certain Criminal Aliens Who Are Not Permanent Residents

- The Act eliminates an administrative hearing for aliens who are not lawful permanent residents and who have been convicted of an aggravated felony. The Attorney General may enter an order of deportation for such aliens, subject to certain due process limitations.

- Judicial review is limited to whether the alien has been finally convicted of an aggravated felony; whether the alien falls into the category of aliens specified in this provision; whether the individual is the alien identified in the order of deportation; and whether the alien has been afforded the due process procedures required in this provision.

- The Department expects to publish regulations to implement this initiative in December 1994, contingent on approval by the Office of Management and Budget.

Enhanced Penalties For Failing To Depart After Final Order Of Deportation

- The Act makes failure to depart after a final order of deportation punishable by imprisonment of not more than four years, or punishment of not more than ten years if the alien is deportable for alien smuggling, has committed certain other criminal offenses, has failed to register or has falsified documents, or is engaged in security related espionage or terrorism.

Enhanced Penalties For Passport And Visa Offenses

- The Act increases penalties for passport and visa fraud to up to ten years imprisonment in most cases. A maximum of fifteen years imprisonment may be imposed if an offense is committed to facilitate drug trafficking, or to facilitate terrorism.

Alien Witness Cooperation And Counterterrorism Information

- The Act establishes a new, numerically-limited nonimmigrant category (maximum 125 visas per year) for aliens who possess critical and essential information concerning criminal organizations or enterprises and who are willing to supply this information to Federal law enforcement authorities.

- The Department is drafting regulations to implement this section, in consultation with the Department of State. The Department anticipates publishing the proposed regulations in early 1995, contingent on approval by the Office of Management and Budget.

Authority To Accept Certain Assistance From State And Local Governments

- The Act permits the Attorney General to accept, hold, administer, and utilize gifts of property and services (but not cash assistance) from State and local governments to assist the INS in transporting deportable aliens who are arrested for misdemeanor or felony crimes and who are unlawfully in the United States or who are willing to submit to voluntary departure under safeguards.

- The Department is drafting regulations to implement this section. The Department anticipates publishing the proposed regulations in December 1994, contingent on approval by the Office of Management and Budget.

Self-Petitioning Rights For Battered Spouses Or Spouses With Abused Children

- The Act permits a battered alien spouse of a United States citizen or lawful permanent resident, or an alien spouse whose child is abused, to self-petition to obtain lawful permanent residence status or suspension of deportation, provided certain specified conditions are met.

- The Department is drafting regulations to implement this section. The Department anticipates publishing the propose regulations in December 1994, contingent on approval by the Office of Management and Budget.

COPS GRANTS

Program Information

- The COPS Program (Community Oriented Policing Services) will provide competitive grants to states and localities to help put 100,000 new community police officers on the street.

- Grants may be used to help hire and train new officers or rehire officers that have been laid off due to budgetary reductions. In addition, some grants will be available to help procure equipment, technology or support systems, or to pay overtime, so long as the applicant can demonstrate that expenditures for such purposes will result in an increase in the number of officers deployed in community-oriented policing. Funds will also be available for other related community policing grants.

Administering Agency

- Department of Justice

Type of Grants

- This is a competitive grant program.

Eligible Grantees

- States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia may apply for funding.

Funding Provisions

- \$1.3 billion has been appropriated for FY 1995. \$7.5 billion is authorized for FY 1996-2000. The length of the hiring and rehiring grants will be 3 years.

- One half of the funds must be awarded to jurisdictions with populations of less than 150,000; one-half to those jurisdictions with populations above 150,000. In addition, each state must receive at least 0.5% of the total amount appropriated for each year, unless all qualified grant applications from the State have been fulfilled.

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202-307-1480

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- At least 85% of the total program funds must be used for hiring and rehiring law enforcement officers, paying overtime, and for the procurement of equipment, technology or support systems that has a demonstrable result of increasing the number of officers deployed in community policing.

- Federal funds cannot exceed 75% of the total costs of the program or activity funded. In addition, the federal share for hiring or rehiring officers may not exceed $75,000. The Attorney General has the authority to waive these requirements in whole or in part.

- The Attorney General may give preferential consideration to applications that include a non-Federal matching contribution exceeding the 25% minimum.

- Through the Troops-to-Cops provision, funds may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community policing, particularly in those communities that are adversely affected by a recent military base closing.

<u>Guidelines/Regulations</u>

- Guidelines and applications for police hiring grants will be ready available in October.

BRADY ACT IMPLEMENTATION

Program Information

- The Brady Act Implementation Program authorizes additional funding to help states upgrade their criminal history record keeping systems to permit compliance with the Brady Act.

- By upgrading their criminal history record keeping systems, states will be able to prevent the sale of firearms to ineligible purchasers. They will also be able to conduct background checks on individuals who work with children.

Administering Agency

- Department of Justice (Bureau of Justice Statistics)

Type of Grants

- This is a discretionary grant program.

Eligible Grantees

- States may apply for funding.

Funding Provisions

- $100 million has been appropriated for FY 1995. (In addition, the Brady Act authorizes $100 million for FY 1996. $50 million of this amount is authorized to be expended from the Violent Crime Control Act Trust Fund.)

- The Brady Act requires that preference be given to states with the lowest levels of automated complete records. State applications must demonstrate coordination of all criminal history improvements.

Guidelines/Regulations

- A program announcement will be ready for distribution in October.

BYRNE FORMULA GRANT PROGRAM

Program Information

- The Byrne Formula Grant Program provides funds to states to help state and local criminal justice agencies improve a wide range of law enforcement and crime prevention programs, including state and local drug task force efforts.

- Funds can be used for 21 previously authorized purposes, and four new purposes authorized by the Violent Crime Control Act. The new purposes include:

  - Law enforcement and prevention programs relating to gangs, or to youth who are involved or at risk of involvement in gangs;

  - Programs for developing or improving forensic lab capabilities to analyze DNA;

  - Programs for the prosecution of individuals charged with driving while intoxicated, and for the enforcement of other laws relating to alcohol use and operation of motor vehicles; and

  - Programs that address the need for effective bindover systems for the prosecution of juveniles who commit certain violent crimes.

Administering Agency

- Department of Justice (Bureau of Justice Assistance)

Type of Grants

- This is a formula grant program. All states will receive funding.

Eligible Grantees

- States may apply for funding.

Funding Provisions

- $450 million has been appropriated for the formula grant program for FY 1995. $550 million is authorized for formula and discretionary grants for FY 1996-2000.

- The formula for the distribution of funds to the states has not changed.

  - Each state will receive a minimum of $500,000 or 0.25% of the appropriated funds, whichever is greater; and

  - Of the total remaining amount, each state will receive a percentage of the funds based on its population as compared to the population of the nation as a whole. (For example, if the population of a state is 5% of the population of the United States, that state will receive 5% of the remaining funds.)

- States are required to distribute the funds among units of local government through a formula that reflects the localities expenditures for criminal justice initiatives during the preceding fiscal year.

- To receive funding, states must submit applications within 60 days of the date of enactment of the Department of Justice Appropriations Act (August 21, 1994). Accordingly, applications are due by October 20, 1994.

Guidelines/Regulations

- The Department sent letters to each state in mid-September, notifying them of the new authorized funding areas and the deadline for submission of applications.

- Regulations for the Byrne Grant program can be found at 28 CFR Part 33. Guidelines are available from the Bureau of Justice Assistance. Amended regulations and guidelines will be issued in October.

- Byrne formula grant awards will be made as early as December.

CORRECTIONAL FACILITIES/BOOT CAMPS

Program Information

- The Correctional Facilities/Boot Camp Program will provide funds for state and local governments to construct, develop, expand, modify, operate or improve correctional facilities, including boot camps and other alternative correctional facilities that free traditional prison and jail space for confinement of violent offenders.

Administering Agency

- Department of Justice (Office of Justice Programs)

Type of Grants

- This is a formula and discretionary grant program.

Eligible Grantees

- States or multi-state compacts may apply for funding.

Funding Provisions

- $24.5 million has been appropriated for FY 1995 for discretionary grants solely for boot camp planning, development and construction-related costs. $7.9 billion is authorized for FY 1996-2000.

- In FY 1996-2000, fifty percent of the funds appropriated each year must be allocated for Truth in Sentencing Formula Grants for states which adopt truth-in-sentencing laws (e.g., assuring that violent offenders serve at least 85% of their sentences) or which meet other conditions.

Regulations/Guidelines

- The Department will publish regulations regarding the use of grant funds by December 1, 1994.

- It is anticipated that guidelines and grant application kits will be ready for distribution in December 1994.

- Applications should be submitted to the Correctional Facilities Program Office which will be established within the Office of Justice Programs.

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DRUG COURTS

Program Information

- The Drug Court Program will provide funds to state and local drug courts which provide specialized service, treatment, and continuing judicial supervision for non-violent offenders with rehabilitation potential.

- Programs funded under the Act are intended to provide continuing supervision of non-violent offenders and integrated administration of other sanctions and services, including:

  - Mandatory periodic testing for the use of controlled and other addictive substances during any period of supervised release or probation for each participant;

  - Diversion, probation, or other supervised release involving the escalation of sanctions including prosecution, confinement and/or incarceration for noncompliance with program requirements or failure to show satisfactory progress; and

  - Programmatic offender management and aftercare services.

Administering Agency

- Department of Justice (Office of Justice Programs)

Type of Grants

- This is a discretionary grant program.

Eligible Grantees

- States, state courts, units of local government, local courts, and Indian tribal governments may apply for funding.

Funding Provisions

- $29 million has been appropriated for FY 1995. $971 million is authorized for FY 1996-2000.

- Violent offenders, as defined by the statute, are prohibited from participating in the program.

Guidelines/Regulations

- Regulations will be published in early November. These regulations are required to ensure violent offenders, as defined by the Act, do not participate in drug court programs.

- Program guidelines and grant application kits will be available for distribution in December 1994.

- A Drug Courts Program Office will be established within the Office of Justice Programs. Applications should be submitted to that Office.

PRESIDENT'S PREVENTION COUNCIL

Program Information

- The President's Prevention Council will help coordinate the administration of crime prevention programs authorized by the Violent Crime Control Act. In addition, the Council will develop a comprehensive catalog of prevention programs, coordinate planning, and provide training and technical assistance to communities and community organizations.

- The Council is also authorized to make grants for programs which provide: (1) summer and afterschool care; (2) mentoring and tutoring; (3) job training and placement; and (4) prevention and treatment targeting substance abuse, child abuse, and adolescent pregnancy.

- The Council is chaired by Vice President Gore. Its members include the Attorney General, the Secretaries of Education, Health and Human Services, Housing and Urban Development, Labor, Agriculture, Treasury, and Interior, the Director of the Office of National Drug Control Policy and any other official of the Executive Branch selected by the President.

Administering Agency

- Not applicable.

Type of Grants

- The Council may make discretionary grants.

Eligible Grantees

- Units of local government, Indian tribal governments, school boards, colleges and universities, private non-profit organizations or a consortia of such entities may apply for funding.

Funding Provisions

- $1.5 million has been appropriated for FY 1995 to establish the Council. $88.5 million is authorized for grant programs for FY 1996-2000.

Guidelines/Regulations

- Guidelines for grant programs will be developed during FY 1995.

STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

Program Information

- The State Criminal Alien Assistance Program (SCAAP) will provide funds to reimburse states for the cost of incarcerating criminal aliens.

Administering Agency

- Department of Justice (Bureau of Justice Assistance)

Type of Grants

- This is a formula grant program.

Eligible Grantees

- Seven states (Arizona, California, Florida, Illinois, New Jersey, New York and Texas) may apply for the first one-third of the funds. All fifty states may apply for the remaining two-thirds of the money.

Funding Provisions

- $130 million has been appropriated for FY 1995. $1.67 billion is authorized for FY 1996-2000.

- The Department is required by law to distribute one-third of the $130 million by December 18, 1994. It is anticipated that awards will be made in early November.

- The initial distribution of funds will be based on findings presented in an Urban Institute study entitled, "Fiscal Impacts of Undocumented Aliens: Selected Estimates for Seven States." This study was commissioned by the Bureau of Justice Assistance.

- States must submit applications providing information on the number of incarcerated criminal aliens, the average costs incurred per bed space per year, and alien specific identification information, among other information.

Regulations/Guidelines

- Regulations will be published in the Federal Register in early October.

VIOLENCE AGAINST WOMEN ACT GRANTS
Law Enforcement and Prosecution Grants

Program Information

- The Violence Against Women Act authorizes a number of grant programs for prosecution, education, outreach and prevention programs, to be administered primarily by the Department of Justice and the Department of Health and Human Services. Only one Department of Justice program, the Law Enforcement and Prosecution Grant Program, was authorized for FY 1995.

- The Law Enforcement and Prosecution Grant Program will provide funds to develop and strengthen law enforcement and prosecutorial strategies to combat violent crimes against women, and develop and strengthen victims services in cases involving violent crimes against women.

Administering Agency

- Department of Justice (Office of Justice Programs)

Type of Grants

- The Law Enforcement and Prosecution Grant Program is a formula grant program.

Eligible Grantees

- States, units of local government, non-profit non-governmental victim services programs, and Indian tribal governments may apply for funding.

Funding Provisions

- $26 million has been appropriated for the Law Enforcement and Prosecution Grant Program for FY 1995. $974 million is authorized for all Violence Against Women Act grant programs for FY 1996-2000.

- The distribution of the Law Enforcement and Prosecution Grant Program funds is based on the following formula:

  - o 4% of the funds are for grants to Indian tribal governments;

- $500,000 will be available for applicants in each state; and

- Of the total remaining amount, each state will receive a percentage of the funds based on its population as compared to the population of the nation as a whole. (For example, if the population of a state is 5% of the population of the United States, that state will receive 5% of the remaining funds.)

Guidelines/Regulations

- Regulations to ensure that states effectively distribute the grant monies by taking into account need, geographic area and population are required.

- The Department of Justice will publish regulations in November 1994.

- Grant application kits will be available in December 1994.

- A Violence Against Women Program Office will be established within the Office of Justice Programs to administer this program. Applications should be submitted to that Office.

CRIME PREVENTION BLOCK GRANTS

Program Information

- The Local Crime Prevention Block Grant Program will provide funds to units of local government for crime prevention, intervention, and treatment initiatives. Authorized programs include boys and girls clubs in public housing, afterschool and recreation programs, youth anti-crime councils, and police partnerships. Programs designed to combat youth unemployment and violence, juvenile gangs and drug trafficking, child abuse and neglect, and crimes against the elderly are also authorized.

Administering Agency

- Department of Justice (Office of Juvenile Justice and Delinquency Prevention)

Type of Grants

- This is a formula block grant program.

Eligible Grantees

- Units of local government may apply for funding.

Funding Provisions

- $377 million is authorized for FY 1996-2000. There are no funds available for FY 1995.

- Funds will be distributed to each jurisdiction in a state based on the jurisdiction's population and violent crime rate. Jurisdictions designated to receive less than $5000 under this formula shall have their funding transferred to the Governor of the State, who shall reallocate it equitably.

- Units of local government must hold at least one public hearing on the use of grant funds, establish a trust fund for the funds, and spend the funds within one year of receipt.

- Units of local government may not use the grants to supplant state or local funds.

Regulations/Guidelines

- Regulations will be developed during FY 1995.

DELINQUENT AND AT-RISK YOUTH

Program Information

- The Assistance for Delinquent and At-Risk Youth Program will provide funds to public and private non-profit organizations to support the development and operation of projects that provide residential services to youth between the ages of 11 and 19 who have dropped out of school, had contact with the juvenile justice system, or are at risk of doing either or both.

Administering Agency

- Department of Justice (Office of Juvenile Justice and Delinquency Prevention)

Type of Grants

- This is a discretionary grant program.

Eligible Grantees

- Public and private non-profit agencies providing residential services to at-risk youth may apply for funding.

Funding Provisions

- $36 million is authorized for FY 1996-2000. No funds are available for FY 1995.
- To qualify for funding, residential programs must be designed to improve the academic performance, vocational skills, self-esteem and responsible decision-making abilities of the youth they serve.
- Applicants must delineate how their programs will meet applicable state and local safety requirements for facilities and provide academic instruction in accordance with State, Indian tribal government, or local educational standards.
- Applicants must also delineate specific measurable outcomes for the youth to be served and an analysis of how the program will prevent delinquency.

Guidelines/Regulations

- Preliminary work on program guidelines will begin in FY 1995. Final guidelines will be developed when appropriation are secured.

DNA ANALYSIS

Program Information

- The DNA Analysis Program will help states and localities develop or improve DNA identification capabilities in forensic laboratories.

Administering Agency

- Department of Justice (Bureau of Justice Assistance)

Type of Grants

- This is a discretionary grant program.

Eligible Grantees

- States and units of local government may apply for grants.

Funding Provisions

- $40 million is authorized for FY 1996-2000. No funds are available for FY 1995.

- To receive funding, the applicant must certify: (1) DNA analyses will meet or surpass quality assurance standards issued by the Director of the FBI; (2) DNA samples and analyses will be made available only to appropriate personnel; and (3) the laboratory and each analyst will undergo external proficiency testing at regular intervals.

Guidelines/Regulations

- Guidelines and regulations will be developed when appropriations are secured.

FEDERAL ASSISTANCE TO EASE BURDENS ON STATE COURT SYSTEMS

Program Information

- The Violent Crime Control Act authorizes the Attorney General to make grants to states and units of local government to pay the costs of providing increased resources to courts, prosecutors, and public defenders and other criminal justice participants, as necessary, to meet the increased demands for judicial activities resulting from the provisions of the Act.

Administering Agency

- Department of Justice (Bureau of Justice Assistance)

Type of Grants

- This is a discretionary grant program

Eligible Grantees

- Public or private agencies, institutions, organizations or individuals may apply for funding.

Funding Provisions

- $150 million is authorized for FY 1996-2000. No funds are available for FY 1995.

Guideline/Regulations

- Guidelines and regulations will be developed when appropriations are secured.

MODEL INTENSIVE GRANT PROGRAM

Program Information

- The Model Intensive Grant Program authorizes the Attorney General to establish model crime prevention programs in no more than 15 chronic high-crime areas.

- The model programs must be comprehensive, collaborative, and community-based, addressing, among other factors, the lack of: (1) youth programs; (2) public facilities; (3) services such as transportation, street lighting, substance abuse treatment and employment; and (4) police or public safety services and facilities.

Administering Agency

- Department of Justice (Office of Justice Programs)

Type of Grants

- This is a discretionary grant program.

Eligible Grantees

- Units of local government may apply for funding.

Funding Provisions

- \$625.5 million is authorized for FY 1996-2000. There are no funds available for FY 1995.

- Proposals which are innovative in approach, compare different prevention models, and coordinate these grants with existing Federal programs will be given priority for funding.

Guidelines/Regulations

- Guidelines describing the purposes for grant awards are required. These guidelines will be developed during FY 1995.

- Regulations defining the "chief local elected official" are required to ensure administrative efficiency and accountability. They will be developed in FY 1995.

RESIDENTIAL SUBSTANCE ABUSE TREATMENT

Program Summary

- The Residential Substance Abuse Treatment Program will provide funds to states to develop and implement residential substance abuse treatment programs in state and local correctional and detention facilities.

Administering Agency

- Department of Justice (Office of Justice Programs)

Type of Grants

- This is a formula grant program.

Eligible Grantees

- States may apply for funding.

Funding Provisions

- $270 million is authorized for FY 1996-2000. No funds are available in FY 1995.
- The distribution of funds is based on the following formula:
  - Each participating state will receive 0.4% of the funds;
  - Of the total remaining amount, each participating state will receive a percentage of the funds based on its prison population, as compared to the prison population of all participating states.
- To receive funding, states must agree to require drug testing of individuals enrolled in the treatment program and provide aftercare services when the individuals leave the correctional facility.

Guidelines/Regulations

- Guidelines will be published when appropriations are secured.