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Divider Title: Anti-Gang Control Act of 96

ANTI-GANG & YOUTH VIOLENCE CONTROL ACT OF 1996

"President Clinton sent this act to Congress to strengthen laws that will help stop the rise of youth violence and drug use, including expanded use of drug and gun courts."

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

218
LRM NO: 4499

FILE NO: 2292

5/20/96

LEGISLATIVE REFERRAL MEMORANDUM

Total Page(s): 47

TO: Legislative Liaison Officer - See Distribution below:

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(for) Assistant Director for Legislative Reference

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SUBJECT: JUSTICE Proposed Draft Bill: Anti-Gang and Youth Violence Control Act

DEADLINE: Wednesday, May 22, 1996

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President.

Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: The attached package is the statutory language to implement the juvenile-related crime proposals the President announced on Monday, May 13.

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**U.S. Department of Justice****Office of Public Affairs**

Washington, D.C. 20530**FACT SHEET:****CLINTON ADMINISTRATION YOUTH CRIME INITIATIVE**

President Clinton's new youth crime legislation would help keep kids drug-free, keep them away from guns, and make the juvenile justice system tougher and smarter.

KEEPING KIDS DRUG FREE**Ending The Exploitation of Children by Drug Dealers**

- Drug dealers prey on young children by selling drugs to kids and employing kids to sell drugs to their friends.
- The Clinton proposal boosts the mandatory penalties for drug dealers who either sell drugs to children, or use children to sell drugs.

Fighting the Scourge of "Roofies"

- Rohypnol, or "Roofies," the "date-rape drug" has been growing in popularity among young people. The penalties for possession of rohypnol are minor compared to the danger the drug poses.
- The President's proposal would give the Attorney General the emergency power to reclassify certain drugs on the list of controlled substances, thereby increasing the penalties for their use.

Fighting Methamphetamine

- Methamphetamine, or "meth," is a destructive and addictive synthetic drug and is a growing national problem among young people. The President's proposal increases penalties for meth trafficking and expands the Attorney General's ability to control the chemicals used to make meth.

Keeping Drugs Off Federal Land

- The President's proposal carries tougher penalties for using federal public lands for growing marijuana or manufacturing drugs.

Juvenile Drug Courts

- The President's plan creates a discretionary grant program for State and local courts to establish juvenile drug courts that provide drug treatment exclusively for nonviolent juvenile offenders.

KEEPING KIDS GUN-FREE**Keeping Guns Out of School**

- Guns don't belong on the playground, but the Supreme Court overruled part of the Gun Free School Zones Act, a law to keep guns out of schools and away from kids. The President has proposed a solution to address the Court's concern.

Getting Tougher on People Who Use Guns to Commit Crimes

- The President's proposal will create a mandatory minimum penalty for possession of a firearm in the commission of a drug felony or violent crime, and increase the penalty if the firearm is used to inflict serious bodily injury.

Juvenile Gun Courts

- The President's plan creates a discretionary grant program for State and local courts to establish gun courts to prosecute juvenile gun offenders. These courts may use accelerated calendars to handle gun-related cases, as well as provide individualized sentencing for gun offenses.

IMPROVING THE JUVENILE DELINQUENCY SYSTEM**Giving Prosecutors Greater Discretion to try Juveniles as Adults**

- Under the President's proposal, Federal prosecutors would have the discretion to prosecute serious juvenile offenders as adults for drug conspiracies, firearms offenses and violent crimes.

New Rights for Victims of Juvenile Offenders

- The President's proposal would expand the permitted use of juvenile records to provide more information to victims and law enforcement.

Flexibility in Sentencing of Juveniles

- Make the punishment fit the crime. The President's plan increases the maximum period of official detention to 10 years to give judges increased sentencing flexibility and makes fines, supervised release and mandatory restitution would apply to juvenile delinquents.

Flexibility in Prison Grant Programs

- The President's proposal would allow prison grant funds to be used for building facilities for juveniles who commit chronic serious violent offenses, and to fund post-incarceration monitoring and community re-integration programs.

REAUTHORIZATION OF THE JUVENILE DELINQUENCY PREVENTION ACT

- In addition to the legislative initiative, the Administration seeks the reauthorization of the Juvenile Justice and Delinquency Prevention Act which would provide \$160 million to State and local agencies to prevent and combat juvenile crime and gang violence.

May 13, 1996

LRM NO: 4499
FILE NO: 2292

Please include the LRM number shown above, and the subject shown below.

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

DRAFT

A BILL

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

SECTION. 1. SHORT TITLE; TABLE OF CONTENTS

(a) **SHORT TITLE.** -- This Act may be cited as the "Anti-Gang and Youth Violence Control Act of 1996".

(b) **TABLE OF CONTENTS**

TITLE I-ENHANCED PROSECUTION OF DANGEROUS JUVENILE OFFENDERS

- Sec. 101. Short title.
- Sec. 102. Delinquency proceedings or criminal prosecutions in district courts.
- Sec. 103. Custody prior to appearance before judicial officer.
- Sec. 104. Technical and conforming amendments to section 5034.
- Sec. 105. Detention prior to disposition or sentencing.
- Sec. 106. Speedy trial.
- Sec. 107. Disposition; availability of increased detention, fines and supervised release for juvenile offenders.
- Sec. 108. Records of crimes committed by juvenile delinquents.
- Sec. 109. Restriction on commitment
- Sec. 110. Technical amendments of sections 5031 and 5034.
- Sec. 111. Serious juvenile delinquency drug trafficking adjudications as armed career criminals act predicates.
- Sec. 112. Clerical amendments to table of sections for chapter.

TITLE II -- THE STATE AND LOCAL COURT ASSISTANCE PROGRAM ACT

- Sec. 201. Short title.
- Sec. 202. Definitions.

Subtitle A - Juvenile Gun Courts

- Sec. 211. Grant authorization.
- Sec. 212. Uses of funds.
- Sec. 213. Applications.
- Sec. 214. Grant awards.
- Sec. 215. Limitations on grants; renewal of grants.
- Sec. 216. Federal share
- Sec. 217. Report and evaluation.
- Sec. 218. Definition
- Sec. 219. Authorization of appropriations.

Subtitle B - Juvenile Drug Courts

- Sec. 220. Juvenile drug courts.

Subtitle C Flexibility in Prison Grants

Sec. 231. Flexible Prison Grants for Post-Incarceration Services

TITLE III -- THE GUN-FREE CHILDREN AMENDMENTS ACT

Sec. 301. Short Title

Subtitle A -- Gun Free School Zones Amendment Act

Sec. 311. Interstate Nexus

Subtitle B - Enhanced Prosecution and Punishment
of Armed Dangerous Felons

Sec. 321. Enhanced penalties for discharging or possessing a
firearm during a crime of violence or drug trafficking
crime.

TITLE IV -- THE KEEPING KIDS DRUG FREE ACT

Subtitle A -- Penalty Enhancements

- Sec. 411. Increased Penalties for Using Minors to Distribute
Drugs
- Sec. 412. Increased Penalties for Distributing Drugs to Minors
- Sec. 413. Increased Penalty for Drug Trafficking in or Near a
School or Other Protected Location
- Sec. 414. Temporary Authority to Reschedule Controlled Substances
to Prevent Imminent Danger to Public Safety
- Sec. 415. Increased Penalties for Using Federal Property to Grow
or Manufacture Controlled Substances
- Sec. 416. Clarification of Length of Supervised Release Terms in
Controlled Substance Cases
- Sec. 417. Technical Correction to Assure Compliance of Sentencing
Guidelines with Provisions of All Federal Statutes

Subtitle B -- Methamphetamine Control Act of 1996

- Sec. 421. Short title
- Sec. 422. Methamphetamine Penalty Increases
- Sec. 423. Penalty Increases for Trafficking in Regulated
Chemicals
- Sec. 424. Penalties for Manufacture of Listed Chemicals Outside
the United States with Intent to Import Them into the
United States
- Sec. 425. Penalties for Dangerous Handling of Listed Chemicals
- Sec. 426. Injunctions
- Sec. 427. Suspension of Suspicious Transactions Involving Listed
Chemicals
- Sec. 428. Diversion of Certain Combination Drug Products
- Sec. 429. Seizure and Forfeiture of Regulated Chemicals

Sec. 130. Penalties for Additional Unlawful Act

**TITLE I -- ENHANCED PROSECUTION OF
DANGEROUS JUVENILE OFFENDERS ACT**

SEC. 101. SHORT TITLE

This title may be cited as the "Enhanced Prosecution of Dangerous Juvenile Offenders Act of 1996".

SEC. 102. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.

(a) In Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Delinquency proceedings or criminal prosecutions in district courts

"(a) (1) A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be surrendered to State authorities or proceeded against as a juvenile under this subsection, or tried as an adult in the circumstances described in subsections (b) and (c).

"(2) Such juvenile may be proceeded against as a juvenile in a court of the United States under this subsection if the Attorney General, after investigation certifies to the appropriate United States district court that--

"(A) (i) the juvenile court or other appropriate court of a State does not have jurisdiction or declines to assume jurisdiction over the juvenile with respect to such act of alleged juvenile delinquency, or

"(ii) the offense charged is described in subsection (b) (2), and

"(B) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

"(3) If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

"(4) If a juvenile alleged to have committed an act of juvenile delinquency is not surrendered to the authorities of a state pursuant to this section, any proceedings against the juvenile shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall

proceed by information or as authorized by section 3401(g) of this title, and no criminal prosecution shall be instituted except as provided in this chapter.

"(b) A juvenile may be prosecuted as an adult

"(1) if the juvenile has requested in writing upon advice of counsel to be prosecuted as an adult; or

"(2) if the juvenile is alleged to have committed an act after the juvenile attains the age of 15 years which if committed by an adult would be--

"(A) a crime of violence (as defined in section 3156(a)(4) that is a felony;

"(B) an offense described in section 844(d), (k), or (l), 922(x), or subsection (b), (g), (h), (j), (k), or (l), of section 924;

"(C) a violation of section 922(o) that is an offense under section 924(a)(2)k;

"(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of such Code (26 U.S.C. 5871);

"(E) a conspiracy to violate an offense described in any of subparagraphs (A) through (E); or

"(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), or an offense described in section 1002(a), 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, or 959).

"(c) (1) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act after the juvenile has attained the age of 13 years but before the juvenile has attained the age of 15 years, which if committed by an adult would be an offense described in any of subparagraphs (A) through (F) of subsection (b) (2), upon approval of the Attorney General or the Attorney General's designee.

"(2) Any such designee shall be at a level not lower than a Deputy Assistant Attorney General.

"(3) Such approval shall not be granted, with respect to such a juvenile who is subject to the criminal jurisdiction of an Indian tribal government and who is alleged to have committed an act over which, if committed by an adult, there would be Federal jurisdiction based solely on its commission in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place in which the alleged act was committed has before such act notified the Attorney General in writing of its election that prosecution may take place under this subsection.

"(d) A determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (b) or (c) shall not be reviewable in any court.

"(e) In a prosecution under subsection (b) or (c), the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted of a lesser included offense."

"(b) CONFORMING AMENDMENT TO DEFINITIONS SECTION. -- Section 5031 of title 18, United States Code, is amended by adding at the end the following: "As used in this chapter, the term "State" includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized tribe."

SEC 103. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

Section 5033 of title 18, United States Code, is amended to read as follows:

"§5033. Custody prior to appearance before judicial officer

"(a) Whenever a juvenile is taken into custody, the arresting officer shall immediately advise such juvenile of the juvenile's rights, in language comprehensible to a juvenile. The arresting officer shall promptly take reasonable steps to notify the juvenile's parents, guardian, or custodian of such custody, of the rights of the juvenile, and of the nature of the alleged offense.

"(b) The juvenile shall be taken before a judicial officer without unreasonable delay."

SEC. 104 TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

Section 5034 of title 18, United States Code, is amended--

(1) by striking "The" each place it appears at the beginning of a paragraph and inserting "the";

(2) by striking "If" at the beginning of the 3rd paragraph and inserting "if";

(3) by designating the 3 paragraphs as paragraphs (1), (2), and (3), respectively; and

(4) by inserting at the beginning of such section before those paragraphs that following: "In a proceeding under section 5032(a) --".

SEC. 105. DETENTION PRIOR TO DISPOSITION OR SENTENCING.

Section 5035 of title 18, United States Code, is amended to read as follows:

"§ 5035. Detention prior to disposition or sentencing

"(a) (1) A juvenile 15 years of age or older prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in such suitably place as the Attorney General may designate. Preference shall be given to place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

"(2) A juvenile less than 15 years of age prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in a suitably juvenile facility located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted. If such a facility is not available, such a juvenile may be detained in any other suitable facility located within, or within a reasonable distance of, such district. If no such facility is available, such a juvenile may be detained in any other suitable place as the Attorney General may designate.

"(3) To the maximum extent feasible, a juvenile less than 15 years of age prosecuted pursuant to section subsection (b) or (c) of 5032 shall not be detained prior to sentencing in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

"(b) A juvenile proceeded against under section 5032(a) shall not be detained prior to disposition in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

"(c) Every juvenile who is detained prior to disposition or sentencing shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment."

SEC. 106. SPEEDY TRIAL.

Section 5036 of title 18 United States Code, is amended by--

(1) striking "if an alleged delinquent" and inserting "If a juvenile proceeded against under section 5032(1)";

(2) striking "thirty" and inserting "45"; and

(3) striking "the court," and all that follows through the end of the section and inserting "the court. The periods of exclusion under section 3161(h) of this title shall apply to this section.".

SEC. 107. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

Section 5037 of title 18, United States Code, is amended to read as follows:

"§ 5037. Disposition

"(a) In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile no later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e). A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the report, and victims, or in appropriate cases their official representatives, shall be provided that opportunity to make a statement to the court in person or present any information in relation to the disposition. After the dispositional hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to section 994 of title 28, the court shall enter an order of restitution pursuant to section 3556 of this title, and may suspend the findings of juvenile delinquency, place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

"(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of--

"(1) the maximum term of imprisonment that would be authorized if the juvenile has been tried and convicted as an adult;

"(2) ten years; or

"(3) the date when the juvenile becomes twenty-six years old.

Section 3624 is applicable to an order placing a juvenile in detention.

"(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of sections 3583 apply to an order placing a juvenile on supervised release.

"(e) If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile's attorney. The agency or entity shall make a complete study of the alleged or adjudicated delinquent to ascertain the juvenile's personal traits, capabilities, background, previous delinquency or criminal experience, mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court the attorneys for the juvenile and the Government the results of the study within 30 days after the commitment of the juvenile, unless the court grants additional time. Time spent in custody under this subsection shall be excluded for purposes of section 5036.

"(f) With respect to any juvenile prosecuted and convicted as adult under section 5032(c), the court may pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28, determine to treat the conviction as an adjudication of delinquency and impose any disposition authorized under this section. The United States Sentencing Commission shall promulgate such guidelines as soon as practicable and not later than one year from the date of enactment of the Enhanced Prosecution of Dangerous Juvenile Offenders Act of 1996."

SEC. 108. RECORDS OF CRIMES COMMITTED BY JUVENILE DELINQUENTS

Section 5038 of title 18, United States Code, is amended--

(1) in subsection (a) , by striking "Throughout and" and all that follows through the colon and inserting the following: "Throughout and upon completion of the juvenile delinquency proceeding, the court records of the original proceeding shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:";

(2) in subsection (a) (3), by inserting before the semicolon "or analysis requested by the Attorney General";

(3) in subsection (a), so that paragraph (6) reads as follows:

"(6) communications with any victim of such juvenile delinquency, or in appropriate cases with the official representative of the victim, in order to apprise such victim or representative of the status or disposition of the proceeding or in order to effectuate any other provision of law or to assist in a victim's, or the victim's official representative's, allocution at disposition."; and

(4) by striking subsections (d) and (f), by redesignating subsection (e) as subsection (d) , by inserting "pursuant to section 5032(b) or (c) after "adult" in subsection (d) as so redesignated, and by adding at the end new subsections (e) through (f) as follows:

"(e) Whenever a juvenile has been adjudicated delinquent for an act that if committed by an adult would be a felony or for a violation of section 922(x), the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation. The court shall also transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication. The Fingerprints, photograph, and other records and information relating to a juvenile described in this subsection, or to a juvenile who is prosecuted as an adult pursuant to section 5032(b) or (c), shall be made available in the manner applicable to adult defendants.

"(f) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting,

retention, disclosure, or availability is permitted under this section whenever the same circumstances exist."

SEC. 109. RESTRICTION ON COMMITMENT

Section 5039 of title 18, United States Code, is amended to read as follows:

"§ 5039. Commitment

"(a) The Attorney General shall not cause any juvenile less than 21 years of age adjudicated delinquent under section 5032(a) to be placed or retained in an adult jail or correctional facility in which the juvenile has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges, except for placement in a community-based facility.

"(b) Every juvenile adjudicated delinquent who has been committed shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment."

SEC. 110. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND 5034.

(a) Section 5031. --Sections 5031 and 5034 of title 18, United States Code, are each amended by striking "his" each place it appears and inserting "the juvenile's".

(b) Section 5034. --Section 5034 of title 18, United States Code, is amended by striking "magistrate" each place it appears and inserting "judicial officer".

SEC. 111. SERIOUS JUVENILE DELINQUENCY DRUG TRAFFICKING ADJUDICATIONS AS ARMED CAREER CRIMINAL ACT PREDICATES.

Section 924(e)(2)(A) of title 18, United States Code, is amended--

- (1) by striking "or" at the end of clause (i);
- (2) by inserting "or" at the end of clause (ii);
- and
- (3) by adding at the end the following:

"(iii) any act of juvenile delinquency that if committed by an adult would be a serious drug offense described in this paragraph;".

TITLE II -- THE STATE AND LOCAL COURT

ASSISTANCE PROGRAM ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "State and Local Courts Assistance Program Act of 1996."

SEC. 202. DEFINITIONS.

Unless otherwise provided, for purposes of this title--

(1) the term "juvenile" has the meaning given such term under State law; and

(2) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

Subtitle A - Juvenile Gun Courts

SEC. 211. GRANT AUTHORIZATION

The Attorney General may provide grants to States, State courts, local courts, units of local government, and Indian tribes, and Alaskan Native Villages for court-based juvenile justice programs that target young firearm offenders through the establishment of juvenile gun courts.

SEC. 212. USES OF FUNDS.

Grants made by the Attorney General under this section shall be used to fund programs that--

(1) establish juvenile gun courts for adjudication and prosecution of juvenile firearm offenders;

(2) grant prosecutorial discretion to try, in a gun court, cases involving the illegal possession, use, transfer, or threatened use of a firearm by a juvenile;

(3) require prosecutors to transfer such cases to the gun court calendar no later than 30 days after arraignment;

(4) require that gun court trials commence not later than 60 days after transfer to the gun court;

(5) allow prosecution of appropriately aged offenders as adults or juveniles in accordance with State law;

(6) facilitate innovative and individualized sentencing (such as incarceration, house arrest, victim impact classes, electronic monitoring, restitution, and gang prevention programs);

(4) a description of the applicant's plan for evaluating the performance of the gun court.

SEC. 214. GRANT AWARDS.

(a) GRANT-MAKING CONSIDERATIONS. --The Attorney General shall consider the following in awarding grants under this subtitle:

(1) Demonstrated need and evidence of the ability to provide the services described in the plan required under section 213.

(2) To the extent practicable, achievement of an equitable geographic distribution of grant awards.

(3) An allotment of .5 percent of the total amount appropriated each fiscal year for each State that meets the requirements under this subtitle.

SEC. 215. LIMITATIONS ON GRANTS; RENEWAL OF GRANTS.

(a) ADMINISTRATIVE COST LIMITATION. -- The Attorney General and any grant recipient may each use not more than 5 percent of the funds available under this subtitle for administrative purposes, technical assistance, research and evaluation.

(b) RENEWAL OF GRANTS.-- A grant under this subtitle may be renewed for not more than 2 additional years after the first fiscal year during which the recipient receives its initial grant under this subtitle, subject to the availability of funds, if --

(1) the Attorney General determines that the funds made available to the recipient during the previous years were used in a manner required under an approved, application; and

(2) the Attorney General determines that an additional grant is necessary to implement the comprehensive plan required by section 213.

SEC. 216. FEDERAL SHARE.

(a) IN GENERAL. -- The Federal share of a grant made under this subtitle may not exceed 90 percent the total costs of the program described in the application submitted under section 213 for the fiscal year for which the program receives assistance under this subtitle.

(b) **WAIVER.** --- The Attorney General may waive, in whole or in part, the requirement of a matching contribution under subsection (a).

(c) IN KIND CONTRIBUTIONS. -- In-kind contributions may constitute any portion of the non-Federal share of a grant under this subtitle.

SEC. 217. REPORT AND EVALUATION.

(a) REPORT TO THE ATTORNEY GENERAL. -- States, State courts, local courts, Indian tribes, or units of local government that receive funds under this subtitle during a fiscal year shall submit to the Attorney General not later than March 1 of each year beginning in 1998, a report that describes progress achieved in carrying out the plan described under section 213.

(b) EVALUATION AND REPORT TO CONGRESS. -- The Attorney General shall submit to the Congress an evaluation and report by October 1 of each year beginning in 1998, that contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs established under this subtitle.

(c) DOCUMENTS AND INFORMATION. -- Grant recipients shall provide the Attorney General with all relevant documents and information that the Attorney General deems necessary to conduct an evaluation of the effectiveness of programs funded under this subtitle.

(d) CRITERIA. -- In assessing the effectiveness of the programs established and operated pursuant to this subtitle, the Attorney General shall consider, at a minimum ---

- (1) the number of youths tried in gun court sessions;
- (2) recidivism rates of offenders tried in gun court sessions;
- (3) changes in the amount of gun and gang related crime in the jurisdiction of the grantee;
- (4) the quantity of firearms and ammunition recovered in gun court cases, and
- (5) the costs of the program to the criminal justice system.

SEC. 218. DEFINITION.

For purposes of this subtitle the term "firearm offender" means any individual charged with an offense involving the illegal possession, use, transfer, or threatened use of a firearm.

SEC. 219. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, from the Violent Crime Reduction Trust Fund, to carry out this subtitle --

- (1) \$5 million for fiscal year 1997;
- (2) \$10 million for fiscal year 1998;
- (3) \$10 million for fiscal year 1999.

Subtitle B -- Juvenile Drug Courts

SEC. 220. JUVENILE DRUG COURTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended --

- (1) by redesignating part Y as part Z;
- (2) by redesignating section 2501 as 2601; and
- (3) by inserting after part X the following new part:

"PART Y -- JUVENILE DRUG COURTS

"SEC. 2501. GRANT AUTHORITY

"(a) APPROPRIATE DRUG COURT PROGRAMS. -- The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribes to establish programs that --

"(1) involve continuous early judicial supervision over juvenile offenders, other than violent juvenile offenders as defined in section 227 of the Youth Development and Juvenile Crime Prevention Act of 1996, with substance abuse, or substance abuse-related, problems; and

"(2) integrate administration of other sanctions and services, which include --

"(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

"(B) substance abuse treatment for each participant;

"(C) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress;

"(D) programmatic, offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and

child care or other family support service for each participant who requires such services;

"(E) payment by the offender of treatment costs, to the extent practicable, such as costs for urinalysis or counseling; and

"(F) payment by the offender of restitution, to the extent practicable, to either a victim of the offender's offense or to a restitution or similar victim support fund.

"(b) USE OF FUNDS FOR NECESSARY SUPPORT PROGRAMS. -- Grant recipients may use Federal grant funds received under this subtitle to pay treatment, counseling, and other related and necessary expenses not covered by other Federal, State, Indian tribal, and local sources of funding that would otherwise be available.

"(c) CONTINUED AVAILABILITY OF GRANT FUNDS. -- Amounts made available under this part shall remain available until expended.

"SEC. 2502. PROHIBITION OF PARTICIPATION BY VIOLENT OFFENDERS.

"The Attorney General shall issue regulations and guidelines to ensure that the programs authorized in this part do not permit participation by violent offenders.

"SEC. 2503. DEFINITION.

"For purposes of this part, the term 'violent offense' means an offense during the course of which --

"(1) the individual carried, possessed, or used a firearm or dangerous weapon;

"(2) the death of or serious bodily injury of another person occurred as a direct result of the commission of such offense; or

"(3) the individual used force against the person of another.

"SEC. 2504. ADMINISTRATION.

"(a) REGULATORY AUTHORITY. -- The Attorney General shall issue any regulations and guidelines necessary to carry out this part.

"(b) APPLICATIONS. -- In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall --

"(1) include a long-term strategy and detailed implementation plan;

"(2) explain the applicant's inability to fund the program adequately without Federal assistance;

"(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;

"(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

"(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

"(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the drug court program;

"(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

"(8) describe the methodology that will be used in evaluating the program.

"SEC. 2505. APPLICATIONS.

"To request funds under this part, the chief executive or the chief justice of a State, or the chief executive or chief judge of a unit of local government or Indian tribe shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

"SEC. 2506. FEDERAL SHARE.

"(a) IN GENERAL.--The Federal share of a grant made under this part may not exceed 90 percent of the total costs of the program described in the application submitted under section 2505 for the fiscal year for which the program receives assistance under this part.

"(b) WAIVER -- The Attorney General may waive, in whole or in part, the requirement of a matching contribution under subsection (a).

"(c) IN-KIND CONTRIBUTIONS.-- In-kind contributions may constitute a portion of the non-Federal share of a grant under this part.

"SEC. 2507. GEOGRAPHIC DISTRIBUTION.

This section proposes to amend the relevant drug statutes (21 U.S.C. §§ 841(d) and 960(d)) to allow for the imposition of a penalty for offenses involving the illegal possession or distribution of list I chemicals that is equal to the penalty applicable to the quantity of the controlled substance that the government shows could reasonably have been produced from such chemicals in a clandestine laboratory setting. While prosecutors today have the option of charging and trying to prove beyond a reasonable doubt that chemical trafficking in a given case is an attempt to manufacture a controlled substance, such proof is sometimes difficult. This provision of the bill would strengthen the alternative proof and charging options under the more chemical-specific provisions of the drug statutes.

**Section 424 Penalties for Manufacture of Listed Chemicals
Outside the United States with Intent to Import
Them into the United States.**

This would extend the so-called "long arm" provisions of 21 U.S.C. § 959(a) to the manufacture of illegal precursor chemicals. Section 959(a) presently imposes a maximum ten-year penalty on the manufacture outside the United States of a schedule I or II controlled substance with intent to import it into this country. The much lower current penalties applicable to the illegal importation of precursor chemicals than to finished methamphetamine have, to some degree, caused Mexican polydrug organizations operating in the United States to minimize their risk by importing precursor chemicals from Mexico for processing into methamphetamine in this country. Accordingly, this section of the bill proposes to increase the penalties for illegal manufacture and importation of such chemicals by adding them to section 959(a). This may lead the source organizations to produce more methamphetamine in Mexico, smuggling it into the United States. A collateral effect would be to lessen the serious dangers to this country of explosions and environmental degradation from clandestine methamphetamine laboratories.

**Section 425 Penalties for Dangerous Handling of Listed
Chemicals**

This provision would separately punish lab operators who flaunt environmental laws and create unsafe conditions, thus posing a great danger to the environment and the health and safety of law enforcement officers. Clandestine methamphetamine "cooks" use little care in storing, using or disposing of the ignitable, corrosive, reactive and toxic chemicals they use to manufacture methamphetamine. Fires and explosions at clandestine laboratory sites often lead to their discovery.

Section 426 Injunctions

This provision would permit the Attorney General to enjoin the illegal sale of listed chemicals, and related violations under 21 U.S.C. §§ 842 and 843. Presently, the injunction provisions of the

Controlled Substances Act require a conviction before an injunction may be issued. The greater flexibility and lower proof standard in a civil injunction proceeding make it a useful tool to prevent imminent suspicious transactions involving listed chemicals, as opposed to pursuing relatively technical criminal violations of the Controlled Substances Act. Injunction statutes in other contexts (e.g., 18 U.S.C. § 1345, relating to fraud) have proven effective.

Section 427 Suspension of Suspicious Transactions Involving Listed Chemicals

This provision would permit the Attorney General to exercise graduated, shipment-specific controls on domestic shipments of listed chemicals. First, it permits the Attorney General to require regulated persons to provide pre-shipment notification to persons identified as suspicious. This could be for the purpose of monitoring shipments to that person or firm, effecting a controlled delivery or stopping the shipment. Second, subject to appropriate due process safeguards, it permits the Attorney General to instruct a person or firm not to engage in a particular chemical transaction with another person or firm. This would give the Attorney General the power to suspend a sale of chemicals domestically parallel to its authority to interdict an import or export under 21 U.S.C. § 971(c). With this amendment, the Department of Justice could take more effective action when it develops information on suspicious domestic sales, (e.g., to pharmacies that divert chemicals out the "back door").

Section 428 Diversion of Certain Combination Drug Products

This provision would partially reverse the current legislative presumption that lawfully manufactured drug products are exempt from regulation unless the Attorney General finds a need to control them because of their diversion. Section 8 would presume that drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine are subject to regulation unless specifically exempted. There is ample evidence that ephedrine and pseudoephedrine products are being diverted; newer evidence points up a trend by clandestine manufacturers to use phenylpropanolamine products to make amphetamine.

Section 429 Seizure and Forfeiture of Regulated Chemicals

This section would clarify the Attorney General's authority to seize and forfeit illegal precursor chemicals, in certain circumstances. Currently, such chemicals may be forfeited only in the context of a felony violation of the Controlled substances Act, see 21 U.S.C. § 881(a)(9), such as in the context of a trafficking offense. However, there is no clear legal authority for the Attorney General to seize and forfeit list I chemicals when they are being disposed of by a non-registrant, or by a registrant whose registration has expired or been revoked or suspended. This section of the proposed bill would amend various provisions of the

Controlled Substances Act and the Tariff Act of 1930 to permit seizure and forfeiture in these circumstances.

Section 430 Penalties for Additional Unlawful Act

This section would establish a new unlawful act under 21 U.S.C. § 842(a) pertaining to the sale or distribution of laboratory supplies to a person who uses or attempts to use the supplies to manufacture a controlled substance or listed chemical in violation of the Controlled Substances Act.

The proposal also permits a civil action to be brought for a violation of the criminal statute established by this section. In particular, civil penalties would be able to be imposed on persons and firms which, with actual knowledge or after being put on notice by the Attorney General within the previous two years, continue to supply chemicals and other materials to clandestine drug and chemical laboratories without exercising reasonable care to assure that the chemicals are not diverted to illicit channels.

The proposed language broadly creates a "civil three strikes" provision. "Strike 1" (warning) is implicit as one prerequisite for the violation, but alternatively the government could attempt to show that the person or firm actually knew that chemicals it supplied were going to clandestine labs. "Strike 2" would be the significant fines available of \$100,000 per violation for individuals and \$250,000 for firms (higher than the \$25,000 civil penalty for other violations of this section). "Strike 3" (shutdown of the business) would be achieved through the injunction process provided for in legislation proposed elsewhere in the Act.

"The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made.

"SEC. 2508. REPORT.

"A State, Indian tribe, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General, in March of the year following receipt of a grant under this part, a report regarding the effectiveness of programs established pursuant to this part.

"SEC. 2509. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

"(a) TECHNICAL ASSISTANCE AND TRAINING -- The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

"(b) EVALUATIONS. -- In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

"(c) ADMINISTRATION. -- The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.

"SEC. 2510. UNAWARDED FUNDS.

"The Attorney General may reallocate any grant funds that are not awarded for juvenile drug courts under this part for use for other juvenile delinquency and crime prevention initiatives.

"SEC. 2511. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated, from the Violent Crime Reduction Trust Fund, to carry out this part --

- (1) \$5 million for fiscal year 1997;
- (2) \$15 million for fiscal year 1998;
- (3) \$30 million for fiscal year 1999.

Subtitle C -- Flexibility in Prison Grants

SEC. 231. FLEXIBLE PRISON GRANTS FOR POST-INCARCERATION SERVICES

Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended as follows:

(1) in section 20102(a) --

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period in paragraph (3) and inserting "; and";
and

(C) by adding at the end a new paragraph as follows:

"(4) to provide and support post-release transition, supervision, and monitoring, including drug testing.";

(2) in section 20108(b)(3)(E), by striking "and sentencing reforms" and inserting ", sentencing reforms, and other reforms"; and

(3) in section 20109, by amending subsection (b) to read as follows:

"(b) GRANTS TO INDIAN TRIBES. -- From the amounts reserved under subsection (a), the Attorney General may make grants to Indian tribes for the purposes of --

(1) constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction; and

"(2) providing and supporting post-release transition, supervision, and monitoring, including drug testing.".

TITLE III -- THE GUN-FREE CHILDREN AMENDMENTS ACT

SEC. 301. SHORT TITLE

This Act may be cited as the "Gun-Free Children Amendments Act of 1996".

Subtitle A -- Gun-Free School Zones Amendment

SEC. 311. INTERSTATE NEXUS

Section 922(g)(2)(A) of title 18, United States Code, is amended by inserting the word "zone" and the following: ", if that firearm otherwise affects interstate or foreign commerce".

Subtitle B -- Enhanced Prosecution and Punishment of Armed Dangerous Felons

SEC. 321. ENHANCED PENALTIES FOR DISCHARGING OR POSSESSING A FIREARM DURING A CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.

(a) Sections 924(c)(1) and 929(a)(1) of title 18, United States Code, are each amended by striking "uses or carries a firearm" and inserting "possesses a firearm."

(b) Section 924(c)(1) of title 18, United States Code, is further amended by inserting "or if the firearm is discharged or is used to cause serious bodily injury (as defined in section 1365 of this title)," before "to imprisonment for ten years".

TITLE IV -- THE KEEPING KIDS DRUG FREE ACT

Subtitle A -- Enhanced Penalties

SEC. 411. INCREASED PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended --

(1) in subsection (b) by striking "one year" and inserting "three years";

(2) in subsection (c) by striking "one year" and inserting "five years"; and

(3) by amending subsection (e) to read as follows:

"(e) Probation prohibited

"In the case of any sentence imposed under this section, probation shall not be granted."

SEC. 412. INCREASED PENALTIES FOR DISTRIBUTING DRUGS TO MINORS

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended --

(1) in subsection (a) by striking "one year" and inserting "three years"; and

(2) in subsection (b) by striking "one year" and inserting "five years".

SEC. 413. INCREASED PENALTY FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended --

(1) in subsection (a) by striking "one year" and inserting "three years"; and

(2) in subsection (b) by striking "three years" each time it appears and inserting "five years".

SEC. 414. TEMPORARY AUTHORITY TO RESCHEDULE CONTROLLED SUBSTANCES TO PREVENT IMMINENT DANGER TO PUBLIC SAFETY

Section 201(h) of the Controlled Substances Act (21 U.S.C. 811) (h)) is amended --

(1) in paragraph (1) by inserting "or II" after "schedule I" each time it appears and by inserting "or the rescheduling of a previously scheduled substance" after "the scheduling of a substance"; and

(2) in paragraph (2) by inserting "or rescheduling" after "scheduling" each time it appears.

SEC. 415. INCREASED PENALTIES FOR USING FEDERAL PROPERTY TO GROW OR MANUFACTURE CONTROLLED SUBSTANCES

(a) Section 401(b)(5) of the Controlled Substances Act (21 U.S.C. 841(b)(5)) is amended to read as follows:

"(5) Any person who violates subsection (a) of this section by cultivating or manufacturing a controlled substance on any property in whole or in part owned by or leased to the United States or any department or agency thereof shall be subject to twice the maximum punishment otherwise authorized for the offense."

(b) The United States Sentencing Commission shall amend the sentencing guidelines pursuant to 28 U.S.C. 994 to insure that violations of section 401(b)(5) of the Controlled Substances Act are punished substantially more severely than if the violation had not occurred on federal property.

SEC. 416. CLARIFICATION OF LENGTH OF SUPERVISED RELEASE TERMS IN CONTROLLED SUBSTANCE CASES.

Sections 401(b)(1)(A), (B), (C), and (D) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), (B), (C), and (D)) are each amended by striking "Any sentence" and inserting "Notwithstanding section 3583 of title 18, any sentence".

SEC. 417. TECHNICAL CORRECTION TO ASSURE COMPLIANCE OF SENTENCING GUIDELINES WITH PROVISIONS OF ALL FEDERAL STATUTES.

Section 994(a) of title 18, United States Code, is amended by striking "consistent with all pertinent provisions of this title and title 18, United States Code," and inserting "consistent with all pertinent provisions of any federal statute".

Subtitle B -- Methamphetamine Control Act of 1996

SEC. 421. SHORT TITLE.

This Act may be cited as the "Methamphetamine Control Act of 1996".

SEC. 422. METHAMPHETAMINE PENALTY INCREASES.

(a) Section 401(b)(1)(A)(viii) of the Controlled Substances Act (21 U.S.C. § 841(b)(1)(A)(viii)) is amended by striking "100 grams or more of methamphetamine," and inserting "50 grams or more of methamphetamine," and by striking "1 kilogram or more of a substance containing a detectable amount of methamphetamine" and inserting "500 grams or more of a mixture or substance containing a detectable amount of methamphetamine".

(b) Section 401(b)(1)(B)(viii) of the Controlled Substances Act (21 U.S.C. § 841(b)(1)(B)(viii)) is amended by striking "10 grams or more of methamphetamine," and inserting "5 grams or more of methamphetamine," and by striking "100 grams or more of a substance containing a detectable amount of methamphetamine" and inserting "50 grams or more of a mixture or substance containing a detectable amount of methamphetamine".

(c) Section 1010(b)(1)(H) of the Controlled Substances Import and Export Act (21 U.S.C. § 960(b)(1)(H)) is amended by striking "100 grams or more of methamphetamine," and inserting "50 grams or more of methamphetamine," and by striking "1 kilogram or more of a mixture or substance containing a detectable amount of methamphetamine" and inserting "500 grams or more of a mixture or substance containing a detectable amount of methamphetamine".

(d) Section 1010(b)(2)(H) of the Controlled Substances Import and Export Act (21 U.S.C. § 960(b)(2)(H)) is amended by striking "10 grams or more of methamphetamine," and inserting "5 grams or more of methamphetamine," and by striking "100 grams or more of a mixture or substance containing a detectable amount of methamphetamine" and inserting "50 grams or more of a mixture or substance containing a detectable amount of methamphetamine".

SEC. 423. PENALTY INCREASES FOR TRAFFICKING IN REGULATED CHEMICALS.

(a) Section 401(d) of the Controlled Substances Act (21 U.S.C. § 841(d)) is amended by striking the period and inserting the following: "or, with respect to a violation of paragraph (1) or (2) of this subsection involving a list I chemical, where the government proves the quantity of controlled substance that could reasonably have been manufactured in a clandestine setting using the quantity of list I chemicals possessed or distributed, the penalty corresponding to the quantity of controlled substance that could have been produced under section 401(b) of the Controlled Substances Act (21 U.S.C. § 841(b)).".

(b) Section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. § 960(d)) is amended by striking the period and inserting the following:

" , or, with respect to an importation violation of paragraph (1) or (3) of this subsection involving a list I chemical, where the government proves the quantity of controlled substance that could reasonably have been manufactured in a clandestine setting using

the quantity of list I chemicals imported, the penalty corresponding to the quantity of controlled substance that could have been produced under subchapter I of this chapter."

SEC. 424. PENALTIES FOR MANUFACTURE OF LISTED CHEMICALS OUTSIDE THE UNITED STATES WITH INTENT TO IMPORT THEM INTO THE UNITED STATES.

(a) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. § 959(a)) is amended --

- (1) by inserting "or listed chemical" after "schedule I or II"; and
- (2) by inserting "or chemical" after "substance" in subparagraphs (1) and (2).

(b) Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. § 960(d)) is amended --

- (1) by deleting "or" at the end of paragraph (5);
- (2) by inserting "or" at the end of paragraph (6); and
- (3) by adding a new paragraph (7) as follows:

"(7) manufactures, possesses with intent to distribute, or distributes a listed chemical in violation of section 959 of this title;"

SEC. 425. PENALTIES FOR DANGEROUS HANDLING OF LISTED CHEMICALS.

(a) The Controlled Substances Act is amended by adding at the end of Part D the following new section:

"§ 864. Dangerous Handling of Listed Chemicals

"(a) Offense. It is unlawful for a person to generate, transport, treat, store, dispose of, use, possess, distribute, import or export a listed chemical, or the waste from the use of such chemical, in the manufacture or attempted manufacture of a controlled substance, or with the knowledge or intent that such listed chemical will be used in the illegal manufacture of a controlled substance, including but not limited to the clandestine laboratory setting --

"(1) in violation of --

"(A) section 3008(d) or (e) of the Solid Waste Disposal Act (42 U.S.C. § 6928(d) or (e) (relating to handling hazardous waste in a manner inconsistent with federal or applicable state law);

"(B) section 103(b) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. § 9603(b))

(relating to failure to notify as to the release of a reportable quantity of a hazardous substance);

"(C) Sections 301(a), 307(d), 309(c)(2) or (3), or 311(b)(3) of the Federal Water Pollution Act (33 U.S.C. §§ 1311(a), 1317(d), 1319(c)(2) or (3), or 1321(b)(3) (relating to the unlawful discharge of pollutants or hazardous substances; operation of a source in violation of a pretreatment standard); or

"(D) 49 U.S.C. § 5124 (violations of laws and regulations enforced by the Department of Transportation with respect to the transportation of hazardous material); or

"(2) in any manner posing an imminent danger to the health and safety of another person, including any federal, state or local law enforcement official lawfully present at the site.

"(b) Penalties. (1) A person who violates this section shall be fined under title 18, United States Code, and shall be sentenced to the greater of:

"(A) imprisonment for not less than two nor more than four years;

"(B) imprisonment for not less than five nor more than fifteen years, and up to twice the fine that could be imposed under subparagraph (A), if the offense involves a violation of section 3008(e) of the Solid Waste Disposal Act (42 U.S.C. § 6928(e) or section 309 (c)(2) of the Federal Water Pollution Act (33 U.S.C. § 1319 (c)(3));

"(C) imprisonment for not less than ten nor more than fifteen years, and up to twice the fine that could be imposed under subparagraph (A), if serious bodily injury or death results from the offense; or

"(D) twice the penalty otherwise applicable under subparagraph (A), (B), or (C), if the defendant committed the offense after a prior conviction for an offense under this section or for a felony drug offense.

"(2) Notwithstanding any other provision of law, a term of imprisonment imposed under this section shall not run concurrently with any other term of imprisonment, including that imposed for the manufacture or attempted manufacture of controlled substances for which listed chemicals were used in violation of this section.

"(3) This section is not intended to preclude prosecution under the provisions of law cited herein, or under any other law."

(b) The table of sections for Part D of the Controlled Substances Act is amended by adding at the end the following:

"864. Dangerous handling of listed chemicals.

"(a) Offense.

"(b) Penalties."

SEC. 426. INJUNCTIONS.

Section 403 of the Controlled Substances Act (21 U.S.C. § 843) is amended by adding at the end a new subsection (f), as follows:

"(f) Injunctions

"(1) In addition to any penalty provided in this section, the Attorney General is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, where there is a reasonable basis to believe that a violation of this section or section 842 of this subtitle is occurring or will occur. Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation.

"(2) The court shall proceed as soon as practicable to the hearing and determination of such an action. An action under this subsection is governed by the Federal Rules of Civil Procedure except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure."

SEC. 427. SUSPENSION OF SUSPICIOUS TRANSACTIONS INVOLVING LISTED CHEMICALS.

Section 310 of the Controlled Substances Act (21 U.S.C. § 830) is amended --

(1) by striking the penultimate sentence of paragraph (b) (1);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting a new subsection (c), as follows:

"(c) suspension of suspicious transactions

"(1) If the Attorney General furnishes to a regulated person the name or other identifying characteristic of a person suspected of handling listed chemicals in an unlawful manner, then before completing a transaction with the identified person the regulated person shall notify the

Attorney General of the transaction in the time and manner directed by the Attorney General.

"(2) The Attorney General may order the suspension of any transaction involving a listed chemical, where there is a reasonable basis to believe that the transaction will facilitate the unlawful manufacture of a listed chemical or controlled substance. From and after the time when the Attorney General provides written notice of the order to the regulated person (including the legal and factual basis for the order), the regulated person shall not carry out the transaction.

"(3) Upon written request to the Attorney General, a regulated person to whom an order applies under paragraph (2) is entitled to an agency hearing, on the record, in accordance with subchapter II of chapter 5 of title 5, United States Code. The hearing shall be held on an expedited basis and not later than 45 days after the request is made, except that the hearing may be held at a later time, if so requested by the regulated person."

SEC. 428. DIVERSION OF CERTAIN COMBINATION DRUG PRODUCTS.

(a) Section 102(39)(A) of the Controlled Substances Act (21 U.S.C. § 802(39)(A)) is amended in subclause (iv)(I)(aa) by --

- (1) striking from "as" through the semicolon at the end; and
- (2) inserting ", pseudoephedrine or its salts, optical isomers, or salts of optical isomers, or phenylpropanolamine or its salts, optical isomers, or salts of optical isomers unless otherwise provided by regulation of the Attorney General issued pursuant to section 204(e) of this title;".

(b) Section 204 of the Controlled Substances Act (21 U.S.C. § 814) is amended by adding at the end the following new subsection:

"(e) The Attorney General may by regulation reinstate the exemption with respect to a particular ephedrine, pseudoephedrine or phenylpropanolamine drug product if the Attorney General determines that the drug product is manufactured and distributed in a manner that prevents diversion. In making this determination the Attorney General shall consider the factors listed in subsection (d)(2) of this section. Any regulation issued pursuant to this subsection may be amended or revoked based on the factors listed in subsection (d)(4) of this section.

SEC. 429. SEIZURE AND FORFEITURE OF REGULATED CHEMICALS.

(a) Section 404 of the Controlled Substances Act (21 U.S.C. § 844) is amended --

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or"; and (2) in paragraph (10) by striking the period and inserting ";

(3) adding a new paragraph (11), as follows:

"(11) to sell or otherwise distribute a laboratory supply to a person who uses or attempts to use the laboratory supply to manufacture a controlled substance or listed chemical in violation of this subchapter or subchapter II of this chapter, without exercising reasonable care to assure that the laboratory supply will not be used for an illicit purpose; provided, that the person or firm has been notified by the Attorney General, or otherwise had actual knowledge, that within the previous two years, a laboratory supply sold or otherwise distributed by the person has been found at a clandestine laboratory for the unlawful production of a controlled substance or listed chemical, or has been found in the possession of a person who intends to use or furnish the laboratory supply to such a clandestine laboratory. As used in this paragraph, the term 'laboratory supply' means a listed chemical or substance on a special surveillance list published by the Attorney General, which list contains chemicals, products, materials, or equipment used in the manufacture of controlled substances and listed chemicals."

(b) Section 402(c) of the Controlled Substances Act (21 U.S.C. § 842(c)) is amended by adding a new subparagraph (2)(C), as follows:

"(C) In addition to the penalties set forth elsewhere in this subchapter or subchapter II of this chapter, any person who violates paragraph (11) of subsection (a) of this section shall, with respect to any such violation, be subject to a civil penalty of not more than \$100,000 if the violator is an individual, and not more than \$250,000 if the violator is other than an individual, but shall not be subject to criminal penalties for such act under this section."

THE ANTI-GANG AND YOUTH VIOLENCE CONTROL
ACT OF 1996

SECTION-BY-SECTION ANALYSIS

TITLE I -- Enhanced Prosecution of Dangerous Juvenile Offenders Act

The Enhanced Prosecution of Dangerous Juvenile Offenders Act of 1996 contains significant reforms of the juvenile justice system to address a national crisis involving juvenile violent crime. In recent years, arrests of juveniles for serious violent crime have increased by more than 50 percent. Youth gangs as well as juveniles acting alone are increasingly involved in crimes such as homicide, rape, personal robbery and assault. Many juveniles use firearms to commit these crimes, resulting in serious injury or death to innocent victims; many of the persons victimized by juvenile crime are other juveniles.

The proposed statute would amend the federal juvenile delinquency statutes, 18 U.S.C. § 5031 et. seq., to greatly strengthen and simplify the process for prosecuting juveniles in federal court. The legislation would bring federal law into conformity with that of many states by giving prosecutors, rather than the courts, the discretion to charge a juvenile alleged to have committed certain serious felonies as an adult or as a juvenile.

The new statute is designed to provide protection for the community and hold juveniles accountable for their actions. It would ensure that prosecution of serious juvenile offenders will be swift and certain, and that punishment will be commensurate with the seriousness of the crimes committed.

Trial of Serious Juvenile Offenders as Adults

Under current law, the decision to charge a juvenile as an adult for specified crimes is made by the United States district court as a result of a motion by the United States to transfer the juvenile for criminal prosecution. The offenses subject to this transfer authority are limited. In no event can a juvenile under 15 years of age be transferred except for a handful of violent offenses added by the Violent Crime Control and Law Enforcement Act of 1994, Pub.L. 103-322, § 140001.

The proposed statute would retain the minimum age in existing law for prosecution of a juvenile as an adult. Thus only a juvenile 13 years of age or older could be prosecuted as an adult if the offense is of the requisite type (i.e., a serious violent, gun or drug felony). A number of states have similar statutes. The legislation would, however, create a distinction between juveniles 15 years of age and older and those who are younger. Prosecution of juveniles 13 or 14 years of age at the time of the offense would require approval of the Attorney General or his or

her designee at a level not lower than Deputy Assistant Attorney General. This internal Justice Department approval requirement (which would not be litigable) has been used in other types of particularly sensitive cases and would ensure that careful scrutiny and uniform standards are used in determining whether to bring criminal charges against very young juveniles. Prosecutors would retain the discretion to proceed against anyone under age 18 as a juvenile delinquent. In those cases, the current requirements for prosecutorial certification would apply, thus assuring that most such cases are handled at the state or local level.

Existing law contains a list of offenses which permit adult prosecution. The proposed bill would amend section 5032 of title 18, United States Code, to expand generally the list of serious felonies for which a juvenile can be prosecuted as an adult to add certain firearms and drug offenses. Under the amended statute, a juvenile could be prosecuted as an adult for the following offenses:

(i) a crime of violence (as defined in section 3156(a)(4) of title 18) that is a felony;

(ii) an offense described in section 844(d), (k), or (l), 922(x), 924(b), (g), (h), (j), (k), or (l) of title 18;

(iii) a violation of section 922(o) that is an offense under section 924(a)(2) of title 18;

(iv) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of such Code (26 U.S.C. 5871);

(v) a conspiracy to violate an offense described in subsections (i), (ii), (iii) or (iv); or

(vi) an offense (or a conspiracy or attempt to commit an offense) described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 846, 848), or an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), or an offense described in section 1002(a), 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, or 959).

To ensure the prosecution in one trial of all offenses charged, a juvenile tried as an adult for one of the designated offenses could also be prosecuted as an adult for any other offenses properly joined under the Federal Rules of Criminal Procedure. With these amendments, juveniles convicted as adults could receive substantially higher sentences than under current law, commensurate with their crimes and criminal histories.

The existing statute excludes 13- and 14-year old juveniles in Indian country charged with certain crimes from prosecution unless the tribal government opts to have the provision apply. The proposal would continue this provision.

Delinquency Proceedings and Disposition Hearings

The proposed statute would change the requirements in sections 5033 and 5036 of title 18, United States Code, governing juveniles in custody. A juvenile delinquency proceeding would begin for a juvenile in custody within 45 days, rather than the current 30 days. Exclusions in the Speedy Trial Act (18 U.S.C. § 3161(h)) would also be made applicable for the first time in juvenile delinquency proceedings. This additional time is necessary, particularly in cases involving both adult and juvenile defendants such as in the prosecution of gangs, to protect witnesses and critical evidence by ensuring that the trial of a juvenile does not proceed before the case against the adults. The time within which a disposition hearing must be held after an adjudication of delinquency would also be increased from 20 to 40 days. Within the 40 days, the probation office would prepare a predisposition report which would include victim impact information. Forty days is consistent with federal court practice generally and will provide the time necessary to prepare a comprehensive report.

Disposition Hearing for Adjudicated Delinquents; Sentencing of Younger Juveniles Convicted as Adults

The legislation would amend section 5037 of title 18, United States Code, to make fines and supervised release -- not presently sentencing options -- available for adjudicated delinquents in addition to probation and detention. The maximum period of official confinement for an adjudicated delinquent would be increased to ten years or through age 25 to give judges increased sentencing flexibility for juveniles who are adjudicated delinquent. The maximum period for probation would be increased to the same period applicable to an adult. To strengthen the accountability of juveniles to victims, mandatory restitution would also apply to adjudicated delinquents.

The proposed bill contains a new section 5037(f) which provides that for the narrow class of 13- and 14-year old juveniles prosecuted as adults, the court at sentencing would have the option of treating the conviction as an adjudication of delinquency. This approach would allow the court to consider any mitigating circumstances in sentencing these younger juveniles who would otherwise have a criminal record as a convicted felon and might be subject to substantial mandatory sentences. In order to guard against wholly disparate rulings by district judges, such decisions would have to be made pursuant to guidelines promulgated by the United States Sentencing Commission.

Expanding Victims' Rights

The language proposed for inclusion in section 5038(a)(6) corrects an oversight in current law. It affirmatively provides for a victim's or a victim's official representative's allocution at the dispositional phase of the juvenile proceeding. In addition, the new statutory language clarifies that communication is allowable with the victim about "the status or disposition of the [juvenile] proceeding in order to effectuate any other provision of [state or federal] law". Thus, under this new language, victims of juvenile offenders would be treated like victims of adult offenders. For example, victims would be able: to know about the status of the proceedings and the release status of the offender; to consult intelligently with the prosecutor; and to make a knowledgeable victim impact statement at the time of the disposition. In addition, if state law allows victim compensation or grants any other rights, this provision allows communication about the federal delinquency proceeding in order to effectuate those provisions.

Detention and Commitment of Juveniles - Standards for Juvenile Delinquents

The requirement in current sections 5035 and 5039 of title 18, United States Code, that a juvenile less than 21 years of age charged with juvenile delinquency or adjudicated delinquent may not be detained in any institution in which the juvenile has regular contact with adult prisoners would generally be retained in the proposed legislation. However, the proposed bill would permit juveniles adjudicated delinquent to be placed with adults in community-based facilities in order to provide transition services for juveniles moving from incarceration to the community and to allow juveniles to be housed in their home communities.

The current requirement that every juvenile under 21 years of age alleged or adjudicated delinquent who is in custody be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment would be expanded to provide for reasonable safety and security as well.

Standards for Juveniles Prosecuted as Adults

The bill would amend section 5035 of title 18, United States Code, to provide that juvenile offenders less than 15 years of age being prosecuted as adults but not yet convicted must be placed in an available, suitable juvenile facility located within, or a reasonable distance from, the district in which the juvenile is being prosecuted. If such a suitable juvenile facility is not available, the juvenile could be placed in any other suitable facility located within, or a reasonable distance from, the

juvenile; (3) require transfer to the gun court calendar within 30 days of arraignment; (4) require that gun court trials commence within 60 days after transfer to the gun court; (5) allow prosecution of juveniles as adults in accordance with State law; (6) facilitate individualized sentencing; (7) provide services to support individualized sentencing; (8) limit the frequency and duration of continuances; and (9) permit agreeing parties to transfer a case or offender out of a gun court session, subject to court approval.

Section 213. Applications.

Establishes that to be eligible for a grant, the chief executive officer or chief justice of a State, local government unit, or Indian tribe must submit an application conforming to content and form requirements of the Attorney General.

Requires that each application contain: (1) a request for funds for purposes described in section 212; (2) a description of the communities to be served including the nature of their problems involving juvenile crime, violence, and firearm use and possession; (3) assurances that grant funds will not be used to supplant non-Federal funds that would otherwise be available; and (4) any statistical or other information the Attorney General may reasonably require.

Requires each applicant to submit a comprehensive implementation plan containing a description of the juvenile crime problem, a plan describing how the applicant will achieve the purposes described in section 212, and a description of resources available in the community.

Section 214. Grant Awards.

Requires the Attorney General to consider an applicant's demonstrated need and ability to provide services described in the plan submitted under section 213. Also requires the Attorney General to consider an equitable geographic distribution of grant awards, and an allotment of .5 percent of the total authorized amount to each State.

Establishes that funds made available for juvenile gun courts shall remain available until expended.

Section 215. Limitations on Grants; Renewal of Grants.

Limits the amount of money the Attorney General and grant recipients may use for administrative expenses to 5 percent of the available funds. Allows renewal of a grant, for up to 2 years, if the Attorney General approves the grantee's previous use of grant funds and determines that an additional grant is needed to implement the grantee's prevention plan.

Section 216. Federal Share.

Limits the Federal share of any grant to 90 percent of the cost of the applicant's juvenile gun court program. Allows the Attorney General to waive part or all of the 10 percent matching requirement. Establishes that in-kind contributions may constitute a portion of the matching funds.

Section 217. Report and Evaluation.

Requires grant recipients to submit an annual report by March 1 of each year (beginning in 1998) describing the progress achieved. Requires the Attorney General to report to Congress by October 1 (beginning in 1998) of each year detailing grant awards, recipient activities, and statistical information, and, evaluating programs funded with juvenile gun court grants.

Requires grant recipients to provide the Attorney General with all information deemed necessary by the Attorney General.

States that when assessing a program's effectiveness the Attorney General shall consider the number of youths tried in gun court sessions, their recidivism rates, changes in the amount of gun and gang related crime, the quantity of firearms recovered, and the cost of the program.

Section 218. Definition.

Defines "firearm offender" as any individual charged with an offense involving the illegal possession, use, transfer, or threatened use of a firearm.

Section 219. Authorization of Appropriations.

Authorizes \$25 million over three years (\$5 million for fiscal year 1997, followed by \$10 million in 1998, and \$10 million in 1999).

SUBTITLE B. JUVENILE DRUG COURTS

This subtitle provides grants to State and local governments and courts to create juvenile drug court programs that provide drug treatment exclusively for nonviolent juvenile offenders. Drug court participants are frequently tested for drug use and regularly appear before a monitoring judge. Participants who fail to make progress or comply with the program requirements face increasingly severe sanctions including incarceration. When possible, participants pay treatment costs and restitution.

Section 231. Juvenile Drug Courts.

Explains that this title will be inserted as "Part Y" of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

Section 2501. Grant Authority.

Authorizes the Attorney General to make grants to States, State courts, local courts, units of local government, and Indian tribes to establish juvenile drug courts that: (1) continue judicial supervision of non-violent juvenile offenders (as defined in section 227); (2) require mandatory drug testing of participants; (3) provide drug abuse treatment for each participant; (4) provide additional services such as relapse prevention, education, housing placement and vocational training; and (5) promote payment by the offender (participant) of restitution and treatment costs.

Allows grant recipients to use grant funds to pay treatment, counseling and other related expenses not paid for by other sources.

Establishes that funds awarded to a juvenile drug court grant applicant will remain available until expended.

Section 2502. Prohibition of Participation by Violent Offenders.

Requires the Attorney General to issue regulations ensuring that no violent offenders participate in programs funded through juvenile drug court grants.

Section 2503. Definition.

Defines "violent offense" as an offense during the course of which: (1) the offender carried, possessed or used a firearm or dangerous weapon; (2) the death or serious bodily injury of another person occurred as a direct result of the commission of the offense; or (3) the individual used force against the person of another.

Section 2504. Administration.

Requires the Attorney General to issue regulations and guidelines necessary to carry out this title.

Requires that in addition to requirements specified by the Attorney General, applications: (1) include a long-term strategy and implementation plan; (2) explain the applicant's inability to adequately fund the program without Federal assistance; (3) certify that Federal funds will not be used to supplant other available funding sources; (4) identify other governmental or community programs that will complement the applicant's proposal; (5) certify consultation with all affected agencies; (6) certify that one or more designated judges will supervise participants; (7) specify plans for obtaining support and continuing the program following the conclusion of Federal support; and (8) describe the methodology to be used to evaluate the program.

Section 2505. Applications.

Requires the chief executive or chief justice of a State, unit of local government or Indian tribe to submit to the Attorney

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Title III of the Anti-Gang and Youth Violence Control Act of 1996, can be cited as the "Gun-Free Children Amendments Act of 1996".

Section 302 Interstate Nexus

Section 302 amends the Gun Free School Zones Act, codified at 18 U.S.C. § 922(g), to provide an appropriate jurisdictional nexus for violations of the statute. This corrects a deficiency that the Supreme Court found in the statute in United States v. Lopez, ___ U.S. ___, 115 S. Ct. 1624 (1995). The Court ruled that Congress had exceeded its authority under the Commerce Clause in enacting the Gun Free School Zones Act.

Section 311 Enhanced Prosecution and Punishment of Armed Dangerous Felons

In Bailey v. United States, ___ U.S. ___, 116 S. Ct. 501, 133 L. Ed. 2d 472 (1995), the Supreme Court put a restrictive interpretation of the verb "use" in relation to a firearms violation under 18 U.S.C. § 924(c), finding that an offender only "uses" a firearm if the weapon is "actively employed" in connection with a criminal act. The legislative proposal makes it clear that the statute punishes possession of a firearm, as well as its "use." Under the proposal, possession of a firearm during the commission of a violent crime or drug felony will result in a 5-year mandatory minimum penalty. Offenders will receive a 10-year mandatory minimum penalty if during the commission of a drug felony or violent crime, the offender discharges the firearm or uses it to inflict bodily harm.

TITLE IV -- KEEPING KIDS OFF DRUGS ACT

Sec. 411. Increased penalties for using minors to distribute drugs.

This provision would amend Section 420 of the Controlled Substances Act (21 U.S.C. 861) to increase the current mandatory minimum penalty for using or employing minors to distribute drugs from one year to three years. Similarly, the provision would increase the mandatory minimum penalty for a second or subsequent violation of this statute from one year to five years. The proposed increases are necessary to punish persons who use or employ minors to distribute illegal drugs and to deter others from engaging in such reprehensible conduct.

Sec. 412. Increased penalties for distributing drugs to minors.

This provision would amend Section 418 of the Controlled Substances Act (21 U.S.C. 859) to increase the mandatory minimum penalty for distributing drugs to minors from one year to three years. The provision also would increase the mandatory minimum penalty for second and subsequent offenses from one year to five years. Again, the increased penalties are necessary to punish

place. The proposal will allow for the development of State systems of graduated sanctions by making it possible for the court to take into account a juvenile's criminal history when imposing sentence. The records could also be used for analysis by the Department of Justice if so requested by the Attorney General.

Delinquency Adjudications as Armed Career Criminal Predicates

The proposed bill would amend the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e)(2)(A), to permit the use of an adjudication of juvenile delinquency based on a serious drug trafficking offense as a predicate offense under that Act. The ACCA targets for a lengthy period of at least 15 years' imprisonment those felons found in unlawful possession of a firearm who have proven records of involvement in serious acts of misconduct involving drugs and violence.

TITLE II -- "State and Local Courts Assistance Program Act"

Section 201. Short title.

Section 202. Definitions.

Defines "juvenile" to have the meaning given the term under State law, and defines "State" as any of the 50 States, the District of Columbia, and Puerto Rico.

SUBTITLE A. JUVENILE GUN COURTS

This subtitle provides grants to State and local courts that establish an accelerated gun court calendar to prosecute juvenile gun offenders within 90 days of arraignment. Under the juvenile gun court program prosecutors have discretion to transfer to the gun court cases involving juveniles who illegally possess, transfer, use, or threaten to use a firearm. Gun court judges must limit the frequency and duration of continuances, and are encouraged to use innovative and individualized sentencing to benefit both the public and the offender.

Section 211. Grant Authorization.

Authorizes the Attorney General to make grants to States, State courts, local courts, units of local government, and Indian tribes for juvenile gun court programs.

Section 212. Uses of Funds.

Establishes that recipients may use grants to fund programs that: (1) establish juvenile gun courts; (2) grant prosecutorial discretion to try, in a gun court, cases involving illegal possession, use, transfer, or threatened use of a firearm by a

adequately those persons who distribute drugs to minors as well as to deter others from engaging in such conduct.

Sec. 413. Increased penalties for drug trafficking in or near a school or other protected location.

This provision would amend Section 419 of the Controlled Substances Act (21 U.S.C. 860) to increase the mandatory minimum penalty for distributing drugs in or near a school or other protected location. The provision also would increase the mandatory minimum penalty for second and subsequent offenses from one year to five years. The increased penalties for drug trafficking in or near schools or other protected locations are consistent with the other proposed penalty increases in this legislation and are aimed at protecting children from drug trafficking and abuse, punishing drug dealers who target children, and deterring others who might engage in such conduct.

Sec. 414. Temporary authority to reschedule controlled substances to prevent imminent danger to public safety.

Under existing law, the Attorney General is empowered to add temporarily a substance to Schedule I of the Controlled Substances Act when necessary to respond to an imminent danger to public safety. See 21 U.S.C. 811(h). However, the Attorney General is not authorized to reschedule a substance that already has been placed on one of the schedules of the Controlled Substances Act. Once a substance has been added to one of the schedules, any rescheduling of that substance must be done pursuant to the standard procedures for scheduling or rescheduling a substance. Under the standard procedures, the rescheduling of a substance can take several years.

As one illustration of the need for the proposed amendment, the use of rohypnol -- a Schedule IV substance for which there is not currently accepted medical use in the United States -- by young people has increased dramatically in recent years, alarming law enforcement and public health officials. However, since rohypnol already is a scheduled drug, the Attorney General may not reschedule rohypnol on an emergency basis, although DEA has begun the current time-consuming rescheduling process with respect to this drug. The Administration's proposal would extend the Attorney General's existing authority to schedule a substance on an emergency basis to including the rescheduling of an already scheduled drug to either Schedule I or II.

The proposal contains the same limitations and procedures as apply to the Attorney General's existing emergency scheduling authority. The Attorney General could temporarily reschedule a substance only for one year, with the possibility of a one-time six month extension under certain circumstances. In addition, the Secretary of Health and Human Services would continue to have a formal role in advising the Attorney General in any proposed rescheduling.

Sec. 415. Increased penalties for using federal property to grow or manufacture controlled substances.

This provision would increase the penalty for cultivating or manufacturing a controlled substance on federally owned or leased land. A significant amount of the domestic marijuana crop is grown on federal lands and a substantial number of methamphetamine laboratories also have been discovered on federal lands. Federal law enforcement agencies believe that the use of federal lands for cultivating and manufacturing controlled substances has increased because there is no possibility that the land will be forfeited as is the case if the cultivation or manufacture took place on private property.

Sec. 416. Clarification of length of supervised release terms in controlled substance cases.

This section resolves a conflict in the circuits as to the permissible length of supervised release terms in controlled substance cases. Under 18 U.S.C. 3583(b), "[e]xcept as otherwise provided," the maximum authorized terms of supervised release are 5 years for Class A and B felonies, 3 years for Class C and D felonies, and 1 year for Class E felonies and certain misdemeanors. The drug trafficking offenses in 21 U.S.C. 841 prescribe special supervised release terms, however, that are longer than those applicable generally under section 3583(b). Those longer terms, which may include lifetime supervised release, were enacted in 1986 in the same Act which inserted the introductory phrase "Except as otherwise provided" in section 3583(b). Because of this clear legislative history and intent, two courts of appeals have held that section 3583(b) does not limit the length of supervised release that may be imposed for a violation of 21 U.S.C. 841 when a greater term is there provided. United States v. LeMay, 952 F.2d 995, 998 (8th Cir. 1991); United States v. Eng, 14 F.3d 165, 172-3 (2d Cir. 1994). One court of appeals, however, has reached the opposite result, holding that the length of a supervised release term that can be imposed for controlled substance cases is limited by 18 U.S.C. 3583(b). United States v. Gracia, 983 F.2d 625, 630, (5th Cir. 1993); United States v. Kelly, 974 F.2d 22, 24-5 (5th Cir. 1992).

Although the issue has not arisen with frequency, the conflict is entrenched and should be dealt with definitively. Accordingly, the amendment would add the words "Notwithstanding section 3583 of title 18" to the title 21 controlled substance offenses in the parts of those statutes dealing with supervised release to make clear that the longer terms there prescribed control over the general provision in section 3583.

Sec. 417. Technical correction to assure compliance of sentencing guidelines with provisions of all federal statutes.

This section would amend 28 U.S.C. 994(a) to assure that sentencing guidelines promulgated by the United States Sentencing Commission are consistent with the provisions of all federal

statutes. Currently, section 994(a) contains a requirement of consistency only with statutes in titles 28 and 18 of the United States Code. No discussion of this somewhat peculiar limitation appears in the legislative history, see S.Rep. No. 98-225, 98th Cong., 1st Sess., p. 163 (1983). The limitation seems to have been based on the mistaken assumption that all provisions pertinent to the promulgation of sentencing guidelines were contained in those two titles. However, other provisions, such as mandatory minimum sentences in title 21, are relevant and clearly are meant to act as constraints on the guidelines. This amendment will insure that guidelines are not created that are inconsistent with the provisions of any relevant enactment of Congress.

SUBTITLE B -- The Methamphetamine Control Act

Section 421 Short Title

Section 422 Methamphetamine Penalty Increases

This provision increases the penalties for methamphetamine trafficking. Abuse of methamphetamine -- a potent, destructive and addictive drug -- is steadily increasing. While the greatest concentration of trafficking and abuse is still in the West and Southwest, methamphetamine is spreading eastward across the country to the Midwest and elsewhere. Methamphetamine use has been associated with neurotoxic effects, behavioral changes, and reported psychotic behavior and violence that may result in harm against others in the home, the immediate community and in law enforcement.

Since methamphetamine use patterns have some elements of similarity to those of crack, cocaine and much of the potent methamphetamine available today produces a severe reaction comparable to or greater than crack, threshold quantities for determining mandatory minimum penalties for trafficking methamphetamine should be set at least at the same levels established for crack to reflect the destructive effects of methamphetamine. Currently, quantity thresholds for methamphetamine penalties are significantly higher than those for crack, so penalties for methamphetamine are lower for equal amounts.

At present, ten grams of pure methamphetamine, as compared with five grams of crack, triggers a five-year mandatory minimum sentence. One hundred grams of pure methamphetamine, as compared with fifty grams of crack, triggers the ten-year mandatory minimum sentence. The sentencing scheme should be the same for these two drugs. Accordingly, section 2 of the proposed legislation would set the five-year mandatory term at five grams and the ten-year mandatory term at fifty grams of methamphetamine.

Section 423. Penalty Increases for Trafficking in Regulated Chemicals.

OUTLINE OF REPORT

EXECUTIVE SUMMARY

I. The Threat Of Gangs In The United States

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- * Trends In Gang Activity

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- * Coordination
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III. Tough, Targeted Action By Federal Law Enforcement

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APPENDIX:

The Strategy At Work: Prosecutions From Around The Country

EXECUTIVE SUMMARY

In the past three years, we have made progress in fighting violent crime, which fell 4 percent in 1994 and another 5 percent in the first half of 1995.

This report illustrates some of the successful prosecutions brought by U.S. Attorneys against gangs across the country. These efforts reflect hard work and far-sighted cooperation among state, federal and local law enforcement and prosecutors. Across America, we are making a difference.

But the challenge of gang violence is one of the toughest that we face. A generation ago, fewer than half of our cities reported gang activity. Now 95 percent of our largest cities and 88 percent of smaller cities suffer gang related crime. With the advent of hard drugs like crack and the proliferation of assault weapons on our streets, gangs have become violent street families for too many of our young people.

There are no "one-size fits all" solutions, since prosecutors face varying challenges from street gangs, prison gangs, motorcycle gangs, and neighborhood "crews."

But to be successful, our anti-gang efforts should focus on four principles:

Using every available federal tool, such as racketeering statutes, carjacking penalties, Title III wiretaps and money laundering laws;

Boosting cooperative efforts among state, local and federal law enforcement agencies;

Involving communities and community police in anti-gang efforts; and,

Supporting effective early intervention programs that help keep young people out of gangs in the first place.

This progress report illustrates some of our successes, and lays out the strategy that is making a difference.

I. THE THREAT OF GANGS IN THE UNITED STATES

Violence spawned by criminal gangs presents one of the most difficult challenges facing law enforcement in the United States today. While street gangs have been a part of the urban landscape for much of our country's history, in the past two decades gangs have become an increasingly powerful and deadly force. Violent gangs are now having a major impact on the quality of life of communities throughout the nation. From the highly structured prison and motorcycle gangs that have a national presence, to the less-organized, narcotics trafficking neighborhood "crews," gangs have brought a frightening level of violence to small towns and major metropolitan areas alike.

In December of 1995, the Department of Justice provided to the President and to Congress a report on our "National Strategy To Coordinate Gang Investigations." This is an update on our progress and a look ahead to the future of our anti-gang activity.

•95% OF THE LARGEST CITIES AND 88% OF SMALLER CITIES IN THE U.S. REPORT GANG CRIME —1992 National Institute of Justice Study

Americans consistently list violent crime as one of their most significant concerns. From the small business owner who is literally crippled because he refuses to pay "protection" money to the neighborhood gang, to the families who are hostages within their homes, living in neighborhoods ruled by predatory drug trafficking gangs, the harmful impact of gang violence on its victims individually, and on society collectively, is both physically and psychologically debilitating. The destabilizing effect of criminal gangs on our communities, while difficult to quantify, is enormous. One need only sample recent headlines to acquire a feel for this disturbing reality.

In Chicago, an 11 year old boy sought to impress members of his gang members by shooting at rival gang members. He missed, instead killing a 14 year old girl and wounding two other bystanders. Four days later, he was executed for his mistake with two bullets to the head — by his own gang members.

In Los Angeles, three year old Stephanie Kuhen, her two year old brother Joseph, and other family members were in a car which turned onto a graffiti-scarred, dead end street in gang territory. Ten to fifteen gang members surrounded the car and when the driver made a U-turn they opened fire, hitting both children, Stephanie fatally.

WHAT WE'RE UP AGAINST

Street gangs encompass a variety of criminal groups. These gangs often have no particular membership requirement other than living in a particular neighborhood, but street gangs in different neighborhoods or cities may be associated with each other. The most notable street gangs which have a national presence include the Bloods, Crips, Vice-Lords, Gangster Disciples, and the Latin Kings.

Ethnic gangs require that their members belong to a particular race or ethnic group. The most notable ethnic gangs are the Jamaican "posses," Asian organized crime syndicates, and Dominican and Nigerian gangs.

Prison gangs are those gangs which were actually formed in state and federal prisons. While other types of gangs may have a presence in prisons because members of that gang are incarcerated, prison gangs are unique because they originate and operate from within the prison.

Motorcycle gangs require membership in motorcycle organizations and include the Hell's Angels and the Outlaws.

And finally, *hate gangs* are groups that are bound by a racist ideology and direct their criminal activities against targets of other races.

EXAMPLES OF NOTORIOUS GANGS IN THE U.S.

STREET GANGS

Bloods, Crips, Vice-Lords, Gangster Disciples, Latin Kings

PRISON GANGS

Aryan Brotherhood, La Nuestra Familia, Texas Syndicate, Black Guerilla Family, Mexican Mafia

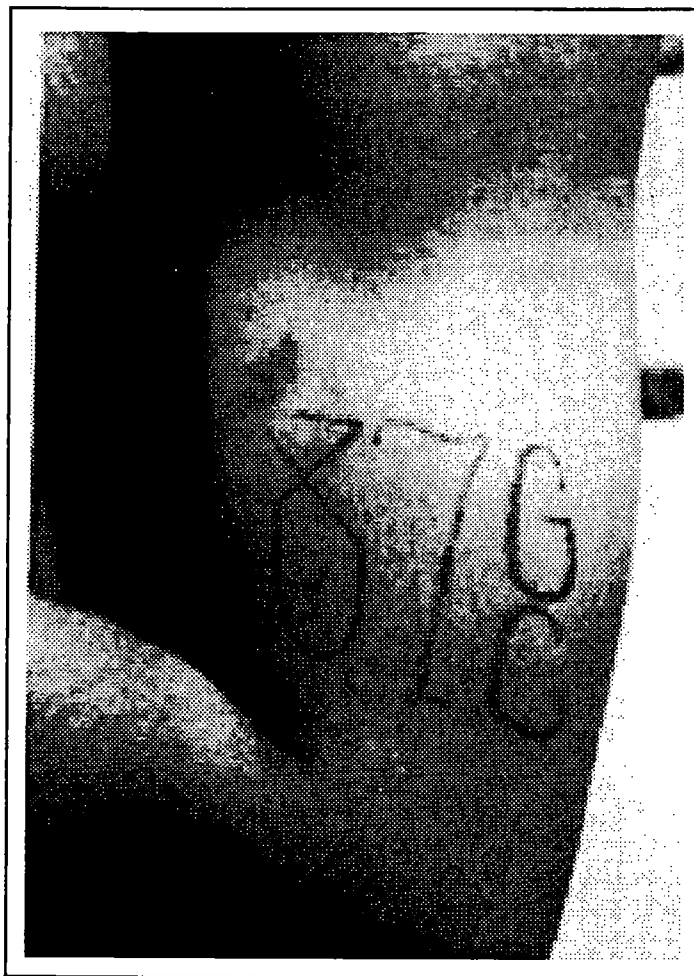
MOTORCYCLE GANGS

Outlaw Motorcycle Club, Hell's Angels, Bandidos, Pagans, Sons of Silence

TRENDS IN GANG ACTIVITY

Street gangs, which began as an inner-city problem, are spreading out from their home jurisdictions into other cities and states as well as into suburban and rural America. Drug trafficking, particularly in crack cocaine, has been the driving force behind this migration and the spread has been facilitated by an improved interstate highway system. By the mid-1980's, crack had appeared in most major cities across the nation. Also during this period and into the 1990's, hundreds of mid-sized and smaller cities and towns experienced gang problems for the first time.

Another disturbing trend has been the rise in criminal gang activity by juveniles. Arrests of juveniles for serious violent offenses increased 75 percent between 1985 and 1994. During this same period, arrests of juveniles for homicide jumped 150 percent, more than fourteen times the increase for adults, while arrests of juveniles for weapon possession increased 103 percent. Even more troubling, a significant portion appears to be gang related as groups fight for turf. These territorial battles are increasingly deadly as a result of the prevalence of firearms among juvenile gang members. In some instances, adult gang leaders are deliberately recruiting juveniles to store or distribute drugs and weapons with the expectation that if caught these youthful offenders will be treated lightly by the juvenile justice system.



II. THE ADMINISTRATION'S COORDINATED STRATEGY

There is no one law enforcement formula that can address the unique challenges of all communities. Law enforcement officials in Washington, who lack familiarity with the problems of a particular community and with the capabilities and resources of its police agencies, should not mandate a violent crime strategy for each community. But the federal government does have a major role to play in fighting gang violence in the United States, and this Administration has marshalled all its resources to help communities with their individual efforts.

The Administration's strategy to fight gang violence is four-pronged:

1. Coordination

On March 1, 1994, the Administration's Anti-Violent Crime Initiative (AVCI) was announced by the Vice President and the Attorney General. The overriding objective of the initiative is coordination and cooperation among federal, state, and local law enforcement entities.

"Here at last is a partnership that really works. We target the most dangerous offenders with the best law enforcement resources available and get results that make a real difference in our community." Steve White, Sacramento County D.A.

The Administration's goal for the Anti-Violent Crime Initiative is to coordinate investigative and prosecutive decision-making to do what is best for solving the crime problems of the particular community. The unique combination of federal, state, and local resources provides law enforcement personnel with a wide array of investigative and prosecutive tools to attack violent crime at all levels. In some instances, this may mean federal and local investigative resources are brought together resulting in a state prosecution. In other cases, the state and local law enforcement personnel may supply intelligence and other investigative assets to support a case that culminates in a federal prosecution. Regardless of which venue is chosen, the goal is the same—the effective maximization of federal, state, and local resources to strike at the most significant violent crime problem in the locality.

"As you know, violent crime is not a single jurisdiction or single agency problem. The [AVCI] is the only effort in our area combining state, local, and federal agencies to reduce violent crime." Donald L. Carter, Police Chief, Champaign, IL

2. Ensure That Prosecutors And Law Enforcement Have The Right Tools For The Job

A major priority for this Administration has been to ensure that our federal prosecutors have the tools they need to convict and lock-up the most dangerous criminals. We have recently taken action to help federal prosecutors get the job done.

The Department of Justice transmitted to Congress proposed changes to the Juvenile Delinquency Statutes that would give prosecutors the discretion to prosecute serious juvenile offenders as adults. Under this proposal, the list of offenses for which a juvenile may be tried as an adult would be expanded to include drug conspiracies and several additional firearms offenses. Among other things, the Department's proposal would also allow juvenile offenders convicted as adults to be confined with adults and would expand the permitted use of juvenile records for law enforcement purposes.

To further equip our prosecutors, the President will transmit to Congress proposed legislation which would make clear that, when a defendant has a firearm present or available during violent or drug-related criminal activity, he will be subject to enhanced penalties. This action is in response to the Supreme Court's decision in Bailey v. United States, in which the court interpreted current law to require that a sentencing enhancement for using a firearm in such crimes would apply only if the firearm was actively employed. The Administration is calling on Congress to adopt our language in order to encompass all those who possess firearms in these especially dangerous situations.

TOOLS AVAILABLE TO U.S. ATTORNEYS

Narcotics offenses
Firearms offenses
Explosive/Arson offenses
Racketeer Influenced and Corrupt Organizations (RICO)
Continuing Criminal Enterprise (CCE)
Money Laundering
Hobbs Act
Violent Crimes in Aid of Racketeering (VCAR)
Interstate Travel in Aid of Racketeering (ITAR)
Murder-For-Hire
Carjacking
Reentry of Aliens After Deportation

Open communicating is another critical instrument needed by law enforcement to get the job done. It is important that law enforcement at all levels know as much as possible about the violent criminals they face. This need has been made more acute in recent years by the growing migratory nature of gangs. To help law enforcement across the country know more about the violent criminals they are up against, the Department of Justice has made great advances in recent years with helping communities access criminal history and law enforcement intelligence information.

A new national gang database, which provides information relating to gang migration, began operating on October 1, 1995. The Violent Gang and Terrorist Organizations File (VGTOF) is designed to provide identifying information about violent gangs and gang members to law enforcement personnel. This initiative is operated by the FBI and is available to all law enforcement agencies.

Another program funded by the Department of Justice which targets gangs at a multi-state level is the Regional Information Sharing System (RISS). RISS is composed of six regional projects that support state, local, and federal law enforcement agencies. The regional offices share information through a criminal intelligence database, provide analytical services, and provide telecommunication services to facilitate the flow of information between the project and members.

3. Strengthen Communities

This Administration is committed to helping communities fight crime and solve problems through community policing. Working with state and local officials who know their cities crime challenges best, the Justice Department's Community Oriented Policing Services (COPS) Office has developed targeted initiatives that help communities address their unique crime problems.

In 1995, the Department of Justice launched its ***Youth Firearms Violence Initiative***, which funded community policing strategies targeted at the rise of youth gun violence in ten cities. This Initiative has already resulted in the successful seizure of hundreds of firearms and a reduction in drive-by shootings in the participating cities.

Following-up on the success of the Youth Firearms Violence Initiative, the new ***COPS Anti-Gang Initiative*** will bring the most effective community policing strategies to fifteen communities on the front lines of the battle against gangs. These one-year grants totalling approximately \$11 million, will be used for strategies to help communities target gang violence in public housing, patrol gang "hot spots," and prevent at-risk youths from joining gangs. Other approaches that may be used include civil enforcement remedies against gangs, environmental improvements designed to reduce gang activity, targeting witness protec-

tion and anti-intimidation efforts, and mobilizing neighborhoods, schools, churches, synagogues and community organizations to strengthen efforts to keep kids in school and out of trouble with the law.

CITIES INVITED TO PARTICIPATE IN THE COPS ANTI-GANG INITIATIVE

Austin, TX
Boston, MA
Chicago, IL
Dallas, TX
Detroit, MI
Indianapolis, IN
Jersey City, NJ
Kansas City, MO
Los Angeles, CA
Los Angeles County, CA
Miami, FL
Orange County, CA
Phoenix, AZ
Salt Lake City, UT
St. Louis, MO

4. Support Effective Early Intervention Programs

We know that most of the efforts to fight youth and gang violence will take place at the state and local level, but the federal government can and must be involved. The United States Attorneys and federal law enforcement agencies — working with local officials — have developed comprehensive strategies to combat youth violence and gang involvement as part of the Anti-Violent Crime Initiative.

Perhaps the most important role for the Federal government is to serve as a clearinghouse for information on what works, and technical assistance on how to make it work at the local level. One of the tools that the Department has made available to state and local governments is the National Juvenile Justice Action Plan published by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Action Plan is a blueprint for community action designed to address and reduce the impact of juvenile violence and delinquency.

The Department of Justice is already working as a partner with local communities in gang prevention efforts by financially supporting innovative model programs that make a difference. Through OJJDP, the Department has provided funding for a multi-site demonstration of compre-

hensive, community-wide approaches to gang prevention, intervention, and suppression. As part of this comprehensive approach, local communities have worked to provide social, academic, and vocational opportunities as alternatives to gang involvement.

OJJDP and the Bureau of Justice Assistance have jointly funded a program to prevent gang involvement by at-risk youth through Boys and Girls Clubs. This program works with youth to prevent them from joining gangs and to intervene with gang members in the early stages of gang involvement to divert them from gang activities and into more constructive pursuits.



III. TOUGH, TARGETED ACTION BY FEDERAL LAW ENFORCEMENT

Federal law enforcement agencies are actively involved in cooperative efforts with state and local law enforcement in our effort to combat criminal gangs. Each agency brings unique leadership and expertise which has proved indispensable to anti-gang task forces across the country.

Federal Bureau of Investigation (FBI)

The Federal Bureau of Investigation is one of the front-line players in combatting gang violence in America. In November, 1993, the FBI articulated its National Gang Strategy to its regional offices. The strategy calls for the FBI, in conjunction with other federal, state and local law enforcement agencies, to identify the major domestic violent street gang/drug enterprises which pose significant threats to the integrity of American society and pursue these gangs through sustained, proactive, multi-divisional, coordinated investigations that support successful prosecution.

To implement this strategy, the FBI has established "Safe Streets" task forces throughout the United States. These task forces team FBI special agents with other federal agents as well as state and local police officers. The primary mission of these FBI task forces is to achieve maximum coordination and cooperation among participating law enforcement agencies to investigate, locate and apprehend persons involved in serious federal or state crimes, such as bank robbery, armed robbery, homicide, kidnapping, extortion, drug trafficking, and gang-related violence. The Safe Streets initiative emphasizes the need for a highly reliable intelligence base to form the springboard for multi-agency task force action against violent gangs.

The FBI also provides assistance, through training, conferences, and exchange of personnel in joint investigative efforts with local, state, and federal investigative/prosecutive agencies, in an effort to marshall all available resources and target the most significant violent gangs.

Bureau of Alcohol, Tobacco and Firearms (ATF)

The Bureau of Alcohol, Tobacco and Firearms has jurisdiction to enforce the federal firearms, explosives, and arson statutes. Because one of the principal enterprises of many gangs is illegal gun possession, use, or trafficking, ATF plays a significant role in implementing any strategy designed to address gang violence.

To date, ATF has participated in numerous task forces throughout the United States which target violent gangs. ATF also operates Achilles task forces designed to target armed career criminals and armed drug traffickers, many of whom are members of violent gangs, through application of specific enhanced sentencing statutes. ATF is in the process of implementing the Violence Reduction Alliance which will enhance the Achilles task forces and target the illegal firearms dealers who supply firearms to violent criminals and gangs. In addition, ATF provides valuable support to investigative efforts through the Project LEAD illegal firearms trafficking database and its ability to trace firearms. ATF is very active in sponsoring regional conferences which facilitate networking, intelligence sharing, and training of federal, state, and local law enforcement agents in matters relating to gangs and gang violence.

Drug Enforcement Administration (DEA)

The Drug Enforcement Administration is the federal agency primarily responsible for enforcing federal narcotics laws. Like the ATF and FBI, DEA plays a featured role in a coordinated effort designed to address gang activity since drug trafficking is the principal enterprise of most gangs operating in the United States. DEA agents have been investigating gang-related cases for years and have developed expertise in this area. It is the federal agency that routinely deals with drug trafficking from both a supply and demand perspective.

The DEA currently participates in a number of task forces with federal, state and local law enforcement officials. It has created Mobile Enforcement Teams (MET) which support state and local agencies by targeting violent organizations which are involved in drug trafficking. The goal of these teams is to disrupt and dismantle the most violent gangs through complex drug investigations and vigorous drug enforcement operations. In addition to manpower and tactical support, DEA provides important forensic support to investigators through its DEA laboratories located throughout the United States. The DEA also operates the El Paso Information Center (EPIC) which collects and analyzes intelligence information concerning narcotics traffickers.

Immigration and Naturalization Service (INS)

The Immigration and Naturalization Service is the federal agency charged with administering the criminal and civil immigration laws of the United States. Recognizing that many street gangs active in this country are composed of criminal aliens over whom the INS has direct jurisdiction,

the INS has formed Violent Gang Task Forces in sixteen major cities. The purpose of these task forces is to engage in proactive, interagency, multi-jurisdictional law enforcement operations against alien gangs and gang-related activity and to bring the full weight of the immigration laws against serious violent offenders.

INS Violent Gang Task Forces operate in concert with other federal, state, and local law enforcement agencies and task forces to disrupt and dismantle criminal alien gangs through the identification and prosecution of their members and associates. After prosecution and conviction, INS can physically remove alien gang members from the United States through deportation. If the alien gang member thereafter returns to the United States, he can be criminally charged with re-entry after deportation and face additional penalties for that offense.

U.S. Department of Housing and Urban Development Office of the Inspector General (HUD/OIG)

Since the initiation of "Operation Safe Home" in February 1994, HUD/OIG has played an active role in efforts to reduce violent crime and thus enhance the quality of life for residents within publicly-funded housing. Public housing complexes often serve as both operational "turf" and "home" to the membership of a large number of gangs. HUD/OIG has become a partner with a number of federal, state and local enforcement agencies in approximately 100 task forces focused on reducing violence and drug-related crimes in publicly-funded residential communities.

One of the most effective tools that has been developed to assist task forces working in public housing is a "Witness Relocation Program" for those current residents of public housing who assist law enforcement efforts and identify perpetrators of violence. HUD/OIG works to relocate those residents who receive threats arising out of the assistance they provide. HUD/OIG also provides essential intelligence relating to the violent gang activity within public housing and valuable information relating to building and complex layouts, plans and physical description.

Federal Bureau of Prisons (BOP)

As a result of successful arrests and prosecutions in the community, many members of the leadership structure for these various gangs have been, are, or will be in BOP custody. Law enforcement officials are keenly aware that the criminal activities of many hardcore gang members continue even while incarcerated. The BOP has played a very active role in providing significant information and intelligence regarding violent gangs for use by law enforcement

task force operations in the community. Conversely, intelligence products received from law enforcement groups are processed by BOP Intelligence, reconciled with previously developed information, and then incorporated into additional intelligence products.

The BOP also hosts the Sacramento Intelligence Unit (SIU) which is jointly staffed by the BOP, U.S. Marshals Service, and U.S. Probation and Parole. The primary mission of SIU is to provide direct operational intelligence support to corrections and law enforcement agencies. SIU averages over 800 assists a month, with an emphasis on street and prison gangs. SIU has also played a major leadership role in facilitating the formation of the National Major Gangs Task Force (NMGTF) which is a consortium of gang experts from state correctional systems and numerous major metropolitan jails. A goal of the Task Force is to maximize gang information exchange between corrections and law enforcement agencies.

United States Marshals Service (USMS)

The U.S. Marshals Service historically has played a role in assisting state and local law enforcement efforts to combat violent crime committed by gang members. They primarily have responsibility for the apprehension and arrest of federal fugitives. In this capacity, the agency is often tasked with locating and arresting gang members and their associates who are being sought on federal arrest warrants. The USMS also has been very active in task forces which assist state and local authorities in the apprehension of their violent fugitives.

The USMS plays an important intelligence role via its Warrant Information Network, which is used to monitor and track all individuals being sought, to include categories which identify fugitives as gang members. The Threat Analysis Division of the USMS also tracks intelligence data on criminal gang members and their activities.

V. LOOKING AHEAD

Since the announcement of the Administration's Anti-Violent Crime Initiative in March 1994, the Departments of Justice and Treasury have formed unprecedented and lasting partnerships with local law enforcement agencies to stem the tide of gang violence. These partnerships provide a comprehensive and necessary framework for successful law enforcement strategies.

The Department of Justice will continue to provide leadership to federal and local law enforcement as we deal with the immediate problems posed by gang violence in America's communities. Under the guidance of the Anti-Violent Crime Initiative, gang investigations and prosecutions will continue to be a priority for the FBI, DEA, U.S. Attorneys and other federal law enforcement entities. We are also devoting more federal resources toward fighting violent crime. The Department has already significantly increased the number of federal law enforcement officers engaged in a front-line partnership in the struggle against gang violence, and we have sought to further support federal law enforcement by requesting an 18% increase in funding for DEA and a 12% increase in FBI funding for Fiscal Year 1997.

At the same time that we coordinate our anti-gang activity with communities, we must further address the factors that lead to gang activity in order to stop gangs before they emerge. Through the work of the Department's Office of Juvenile Justice and Delinquency Prevention, we will continue to guide and support communities in their efforts to keep young people out of gangs. Indeed, this is the most cost-effective law enforcement strategy of all, and it is surely the right thing to do for the youth of America.

Our nation will never reverse the trends we have seen in gang activity and youth violence unless the entire community gets involved. Federal law enforcement will continue to target those violent individuals who tear at the fabric of society, but the work to prevent young people from entering a life of crime and violence must come from communities, families, and individuals. The Department of Justice will provide leadership and support to communities as we continue to work together to end gang activity.



APPENDIX

THE STRATEGY AT WORK: PROSECUTIONS FROM AROUND THE COUNTRY

With these partnerships in place between federal, state, and local law enforcement agencies, we are seeing the results of our strategies make a positive difference in communities across the country.

ARIZONA

In June 1994, a Phoenix Safe Streets Violent Street Gang Task Force was formed to address increasing gang-related violence in the Phoenix area. So far, an investigation called Operation Gangbusters has resulted in the convictions of over 100 individuals on state felony drug sale charges. An Assistant U.S. Attorney was cross-designated as a Special Deputy Maricopa County Attorney and assisted in the prosecution of these state cases. Virtually all of the defendants have been convicted.

Operation Gangbusters has had a dramatic impact on the open-air curbside markets, with more than 70 distributors removed from the streets and incarcerated. Law enforcement officials view the enforcement effort as a significant success at minimal cost to the agencies involved in the investigation.

In Arizona, an investigation by an FBI-Phoenix Police Gang Response Unit led to the drug indictment of four leaders of the Eastside Garfield Gang, a major drug gang believed responsible for ten or more homicides in the last ten years. All four defendants have been convicted.

CALIFORNIA

On April 26, 1995, a federal grand jury in the Central District of California returned a 26-count indictment charging 22 members and associates of the Mexican Mafia prison gang with violations of the federal Racketeer Influenced and Corrupt Organizations Act (RICO). The RICO charges include crimes involving murders, conspiracies to murder, and attempted murder of 24 individuals. Other violent crimes, and various narcotics and firearms offenses are also charged in the indictment. The indictment alleges that the Mexican Mafia controlled narcotics trafficking in various neighborhoods throughout the greater Los Angeles area through a system of taxing narcotics traffickers and protecting the distribution areas of those who paid the taxes. Traffickers who refused to pay the tax were targeted for retaliation, including murder and assault.

The indictment further alleges that the defendants committed the various racketeering acts in the conduct of the affairs of a criminal enterprise, known as the "Mexican Mafia." The purposes of the enterprise included enriching its members, controlling illegal activities inside California's prisons, controlling the activities of street gangs, and expanding its own power.

This case is the result of an investigation by the United States Attorney's Office, the FBI, the Los Angeles Police Department, the Los Angeles Sheriff's Department and other state and local agencies including the California Department of Corrections Special Services Unit and Santa Ana Parole, the Los Angeles District Attorney's Office, and the California Youth Authority.

Another initiative, operation GANGLAND was initiated in 1994 in the Northern District of California to focus on violent repeat offenders and criminal aliens involved in street gangs. A significant GANGLAND success was the dismantling of the Sur Trece gang in San Francisco, an illegal Mexican alien drug gang in Dolores Park. San Francisco residents had feared to enter the park, even in daylight. Now, following the convictions of all the indicted gang members, residents are beginning to take back the park.

Similar results were observed in the Los Angeles area, following task force investigations of violent gangs. Fifteen leaders of the Schoolyard Crips, a gang operating on the city's West Side, were targeted by the FBI and Los Angeles Police because of their propensity for violence. They were indicted in a series of narcotics trafficking cases. Fourteen of the defendants were convicted.

The FBI, ATF, and Los Angeles Police targeted the Shoreline Crips, a gang that operates in the Venice area, because a particularly bloody war between the gang and nearby Hispanic street gangs had escalated already high levels of violence associated with the gang's drug trafficking. Fourteen of the gang's leaders were charged with narcotics trafficking. So far, at least six of the defendants have been convicted.

CONNECTICUT

December of 1995, members of the Los Solidos street gang are charged in a superseding indictment with the murders of four people, including a 7 year old girl killed while riding in a car. The superseding indictment adds additional charges and defendants to the violent crimes, racketeering, and drug trafficking offenses previously charged. Fifty-two alleged Los Solidos gang members have been charged since a crack down by a task force of federal, state, and local law enforcement officials, and more than 30 members have either plead guilty or have been convicted.

On September 29, 1995, a federal jury in Bridgeport, Connecticut, convicted nine leaders and soldiers of the Main Kings street gang of racketeering and drug dealing. Each of the defendants faces a maximum sentence of life imprisonment without the possibility of parole. The indictment alleged, and the jury found, that the defendants conspired with one another to sell drugs and commit acts of violence, including nine murders and several drive-by shootings, often in an effort to protect their drug trafficking operations in New Haven and Bridgeport.

The thirty-three members of this organization were charged in December 1994 in a thirty-eight count indictment alleging drug conspiracies and a variety of other crimes. Sixteen of the defendants, including the gang's top leaders convicted at the trial, were charged with violations of the Racketeer Influenced and Corrupt Organizations Act (RICO) along with nine murders and two murder conspiracies. Sixteen of the defendants indicted in this case pleaded guilty prior to the start of the trial.

FLORIDA

On March 1, 1996, Conghau Huu To and four other members of a local violent street gang were convicted of substantive violations of the RICO act, conspiracy to interfere with interstate commerce by robbery, robbery in violation of the Hobbs Act, and using firearms in connection with federal crimes. In connection with one attempted robbery, a manager of a local restaurant was shot and killed. Prior to trial, seven co-defendants pled guilty and some testified in trial.

Thirteen members of the Parson family crack organization were indicted for allegedly selling between 268-366 kilograms of cocaine and crack cocaine a week, netting weekly earnings of about \$200,000. Allegedly, members of the Parson family crack organization have been a ruthless force that has dominated the drug trade in West Palm Beach for over a decade. Witnesses have been murdered to prevent them from testifying.

In August of 1995, fourteen Outlaws Motorcycle club members and associates were convicted of racketeering and related offenses. Two former Outlaws members were found not guilty of all charges. The jury also ordered forfeited two Clubhouses and a property used as a Shop. Four Daytona Beach defendants were found guilty of participating in a racketeering enterprise through a pattern of violent criminal acts that included bombing a clubhouse of a rival motorcycle club in Orlando. The other defendants were found guilty of conspiracy to possess with intent to distribute controlled substances and distribution or and/or possession with intent to distribute controlled substances. Some of these defendants were also found guilty of being a felon in possession of a firearm.

ILLINOIS

On March 6, 1996, Keith McCain and seven other high-ranking members or affiliates of the Gangster Disciples street gang were found guilty of a 25-year narcotics distribution conspiracy and continuing criminal enterprise, as well as numerous other specific drugs and weapons violations. This was the first of three trials stemming from indictments of 39 gang leaders who allegedly ran one of the country's largest and most ruthless street gangs.

In the Central District of Illinois, an investigation known as Operation Crackshot, aimed at dismantling the Gangster Disciples drug trafficking organization in the Peoria area, has resulted in charges against 80 gang-connected defendants. Of these, 62 have been convicted and the remainder are pending trial. The Gangster Disciples organization in Peoria is believed responsible for approximately \$18 million a year in crack cocaine sales.

IOWA

In the Northern District of Iowa, an investigation known as Operation Tigers Eye resulted in the arrests of 53 members of a violent drug trafficking organization that operated in Fort Dodge, a community of 29,000 residents. So far, 40 of those defendants have been convicted of narcotics and weapons charges in federal court. An additional 10 defendants from the same investigation were prosecuted by state officials.

Following the arrests, 1994 became the first year in several years when no murders were reported in Fort Dodge. Reports of aggravated assaults dropped 33%, from 165 in 1993 to 111 in 1994. Even incidents of shoplifting, by which drug users who bought from the Tigers Eye defendants supported their habits, declined from 226 to 138, or 39 percent. During the first six months of 1995, Fort Dodge reported no murders, only 64 aggravated assaults, and 80 shoplifting cases.

KANSAS

A Wichita, Kansas task force has investigated the activities of the Buc Lao Killers (BLK), a gang that is comprised of Laotian and Vietnamese members. The gang is believed responsible for crimes including murder, rape, and drive-by shootings. Fifteen alleged members of BLK are currently charged in federal or state court, including five who are charged federally in connection with the robbery of a Chinese restaurant during which a murder occurred. Local officials report that the investigation has much improved the relationship between the Asian community in Wichita and law enforcement officials.

The strike force also targeted serial robbers that were believed responsible for the record number of homicides committed in the Wichita area in the early 1990's. In an effort to maximize the effectiveness of the strike force, the U.S. Attorney's Office assigned an attorney to work with both the strike force and local district attorney's office to ensure that each target is prosecuted in the venue which will allow for the greatest sentencing impact.

The strike force has enjoyed tremendous success in addressing the problem of serial robbery, solving 74% of the robbery cases they have investigated. Six of the defendants charged in federal court under the Hobbs Act have accounted for 111 separate robberies.

LOUISIANA

In the Western District of Louisiana, 49 federal and local warrants were issued against the "Bottoms Boys," a violent drug gang in the Ledbetter Heights neighborhood of Shreveport. A federal racketeering indictment charged 14 defendants with operating a continuing criminal enterprise and committing offenses that involved murder and drive-by shootings as well as drug distribution. Twelve gang leaders and organizers were convicted of virtually all counts and received prison sentences ranging from ten to thirty-five years. Of the thirty-five defendants charged in state court with narcotics offenses, all were convicted. According to Shreveport Police, a comparison of crime data for the five months preceding and following the September 1994 arrests reflects a 34% decrease in violent crime in the neighborhood that had been controlled by the Bottoms Boys.

MASSACHUSETTS

Stephen Tse, the leader of Boston's Chinatown Ping On Gang, and the last of his fifteen co-defendants, pled guilty in November of 1995, to charges contained in a racketeering indictment alleging criminal acts spanning a twelve-year period. Tse pled guilty to a count in the racketeering indictment which charged that he conspired to murder two alleged rival gang members. The indictment alleged that the Enterprise acted with the purpose of controlling, supervising, financing, and otherwise participating in and deriving income from illegal operations, including illegal gambling, loansharking, and extortion activities. The indictment also alleged that the Enterprise attempted to maintain its control by engaging in multiple acts of intimidation and extortion of both legal and illegal businesses.

MINNESOTA

In February of 1996, Alexander Faulkner, a "governor" of the Gangster Disciples, was sentenced to 25 years imprisonment for narcotics and money laundering offenses. A firearms charge was dropped after Bailey. Faulkner moved from Chicago to Rochester, Minnesota to establish a violent drug organization. The presence of the organization caused a significant increase in street violence. Ten of Faulkner's colleagues also pled or were convicted, one received a sentence of 16 years.

Also in Minneapolis, leaders of the local Shotgun Crips street gang were convicted of federal narcotics and firearm-related offenses. Based upon a wiretap investigation, agents linked the group's leaders to a 16 kilogram cocaine shipment which was intercepted. In addition, the agents thwarted a murder-for-hire attempt when the gang hired a professional hitman from Los Angeles to kill members of the rival Vice Lords. Of the eleven people indicted, nine have so far been convicted. Sentences ranged from five years to life.

NEBRASKA

Efforts of the Omaha, Nebraska, Metropolitan Gang Violence/Drug Task Force have resulted in the convictions of a significant number of violent street gang members in Omaha. As a result of the investigation by the Task Force, one person suspected in a drug-related double homicide has been charged with murder by the state and charged federally in a drug conspiracy. Over fifteen individuals connected with the Crips street gang in Omaha and Bakersfield, California, have been indicted on federal narcotics charges. A Task Force investigation also resulted in the conviction of a previously convicted California gang member. The new conviction carries a mandatory life sentence.

NEW YORK

In February of 1996, the top leadership and members of the Fukienese Flying Dragons were charged with running a powerful racketeering enterprise employing a wide range of violent crimes including murder, assault, extortion, robberies, kidnappings, and alien smuggling. Eight indictments were unsealed charging 64 defendants with various charges. The main indictment charging 41 defendants includes two murders, one attempted murder, eight kidnappings, robberies, and extortion. Furthermore, it is alleged that the defendants smuggled hundreds of illegal aliens into the U.S., and held them hostage until ransom money was paid by their families.

Also in New York, Francois Holloway was convicted on one count of conspiring to operate a chop shop, one count operating a chop shop, three counts of carjacking, and three counts of using a firearm in connection with the underlying carjacking counts. The verdict marks the culmination of an investigation into a series of carjackings in Queens by the United States Attorney's office and the New York City Police Department, with assistance from the Queens District Attorney's office. The investigation, which began in October 1994, led to a gang that engaged in carjacking for the purpose of obtaining automobiles and automobile parts for sale to body shops and salvage enterprises. The stolen cars were dismantled by gang members in Queens and transported to East Coast Auto Salvage or Drake's Auto Repair, among other locations. The investigation also resulted in guilty pleas by seven defendants.

For approximately eighteen months, a joint task force comprised of the FBI, New York State Police, DEA, INS, Rochester, Amherst, and Buffalo Police Departments, Erie County Sheriff's Department, Erie and Genesee County District Attorney's Offices and the United States Attorney's Office for the Western District of New York, focused on large-scale drug trafficking organizations and street gangs. Using wiretaps, undercover operations and other investigative techniques, the joint task force indicted 55 defendants, including the leader of the Goodyear Crew, a street gang operating in Buffalo. The Goodyear Crew wrecked havoc on Buffalo by engaging in shootings and other violent acts.

The complex investigation reached beyond Buffalo and included drug suppliers operating in New York City with connections to a drug cartel in Colombia. The joint task force worked closely with police agencies in Miami, New York City, Rochester, as well as Buffalo and its suburbs to follow up on investigative leads.

NEVADA

In Nevada, 24 alleged members of an L.A. street gang, the Southside Village Crips, were indicted on narcotics and weapons charges. The defendants came to Las Vegas to set up a base for their cocaine enterprise. A violent gang, the group is believed responsible for a drive-by shooting that left a 14-year-old paralyzed, and another shooting that resulted in the death of the 19-year-old victim. Twelve of the defendants have since pleaded guilty and received sentences ranging from ten to twenty years. The remaining defendants are scheduled to go to trial in March.

NEW MEXICO

When the federal, state, and local law enforcement agencies in Albuquerque, New Mexico met with prosecutors to evaluate the violent crime problems in their district, they

recognized that the Sureno 13 street gang posed one of the most serious violent crime threats to their community. In response, they created a task force to investigate the gang's activities. During the course of the investigation, they seized guns, drugs and illegal proceeds of the criminal activity.

On October 19, 1995, twenty-two members of the Sureno 13 gang were named in an indictment charging them with violations of racketeering, narcotics, and firearms laws. The federal indictment alleges that the gang engaged in racketeering acts that included crack cocaine trafficking and distribution of PCP, three murders, and five attempted murders. Individual defendants were indicted for the use of firearms during their crimes of violence or drug trafficking offenses as well as for being a felon in possession of a firearm.

NORTH CAROLINA

On January 9, 1995, in the Eastern District of North Carolina, a jury convicted five members of a violent street gang known as the Hollywood Heights Hustlers. Two of the defendants were convicted of committing murder in furtherance of a continuing criminal enterprise. Prior to trial, five other defendants pleaded guilty. Two of the defendants were sentenced to mandatory life sentences. The sentences of the other defendants ranged from 160-480 months.

In the course of the investigation, the task force solved two homicides, several home invasion shootings, and numerous drive-by shootings in the community, all believed to have been caused by disputes with rival gang dealers. Included in the task force were members of the ATF, Secret Service, North Carolina State Bureau of Investigation, Cumberland County Sheriff's Department and the Fayetteville Police Department.

The task force has pursued other successful investigations and prosecutions of gang members in the Fayetteville area. The biggest gang, the Grove View Terrace Court Boys, was dismantled by the task force and the investigation resulted in the conviction of 34 gang members so far. Overall, the task force is credited with obtaining 76 indictments and 61 convictions, with an average sentence of 230 months. Five of those defendants received life sentences. Local officials have noted a decline in the level of drug-related violent crime since the inception of the task force.

NORTH DAKOTA

In September 1995, a federal grand jury in North Dakota indicted eight members of the Chicago-based Villa Lobos gang on drug trafficking and firearms charges. The leader of the gang is also charged with using juveniles to distribute

drugs and with distributing drugs to a person under the age of 21. According to authorities, the gang picked the Fargo-Moorhead area of North Dakota as a place to do business because the area did not have other gangs to compete with and because there was an established heroin market in the area. The indictments were the result of a joint investigation by the U.S. Attorney's Office, DEA, ATF, state and local police and sheriff's departments, and the state and county attorney's offices. This investigation was initiated after law enforcement officials detected an increase in violent crime last summer which they suspected was gang-related.

OHIO

March 13, 1996, Chad "Boss Moss" Gibbs was sentenced to 33 years imprisonment for his role in a drug gang known as the Short North Posse. Gibbs, convicted of conspiracy to traffick drugs and drug dealing, was one of 46 indicted and seven convicted. Thirty-six defendants have pled guilty, one is awaiting trial, one is at-large, and one was acquitted. Five others have been sentenced to terms ranging from five to 29 years.

In the Northern District of Ohio, four alleged members of the Ready Rock Boys were convicted and eight others pleaded guilty to narcotics and weapons offenses related to the distribution of crack cocaine in Youngstown, Ohio. Some members of the gang came from Detroit specifically to supply crack cocaine to customers. In Youngstown, the group's activities included numerous drive-by shootings, including one in which an innocent bystander was killed. One of the defendants is facing life without parole.

Youngstown Police reported a dramatic decline in violent crime after the Ready Rock Boys were indicted and detained.

OKLAHOMA

In November of 1995, Peter Burkins was sentenced to life imprisonment plus five years for his convictions of drug trafficking, money laundering, and various firearm offenses. Burkins, a member of the Bloods Street Gang, was responsible for the distribution of multi-kilogram quantities of crack cocaine in the Oklahoma City area. He is considered to be one of the largest dealers in the region. He was acquiring the majority of his cocaine from members of a rap group based in Houston, Texas. The investigation was a result of federal, state, and local cooperation.

PUERTO RICO

On June 5, 1995, an FBI/Puerto Rico Police Safe Streets Task Force arrested Jorge Solano Moreta, the leader of the island's most violent gang, who had eluded capture for over a year. The following week, thirty-seven members of Moreta's gang were indicted on charges of conspiracy to distribute cocaine and heroin. Moreta and two other gang leaders are charged with operating a continuing criminal enterprise (CCE) including five predicate murders. The cases against Moreta and his gang members are currently pending trial. Moreta's gang operated in two public housing projects in the San Juan area, Las Gardenias and Virgillio Davila. Local officials in the public housing projects in San Juan, where the gang operated, have reported to the U.S. Attorney's Office that the level of violence has dropped precipitously since the indictment and arrests.

The Moreta case, which is currently pending trial, is typical of the major gang investigations spearheaded by the United States Attorney's Office in Puerto Rico. The Department of Justice has worked closely with federal and local officials in Puerto Rico in response to the staggering carjacking and homicide rates the island experienced in 1994. The large drug gangs are responsible for a substantial portion of these violent crimes. By 1995, significant results of this intensive federal effort were achieved. During the first six months of 1994, 410 murders and 1,538 carjackings were reported compared to 490 murders and 1,974 carjackings during the same period in 1994. The U.S. Attorney's Office is also coordinating efforts targeting violent fugitives, illegal aliens, and major drug importers.

RHODE ISLAND

In Rhode Island, Operation Checkmate, an investigation of the Providence Latin Kings, resulted in a September 1995 RICO indictment of eleven gang members. The predicate offenses include two murders, five murder conspiracies, witness intimidation, extortion, arson and narcotics trafficking. The gang members are accused of engaging in a campaign of murder and intimidation against suspected rivals and informants.

The Operation Checkmate Task Force, which was sponsored by ATF, included the FBI, INS, USMS, HUD, U.S. Secret Service, Providence Police, Rhode Island State Police, state corrections officers and the Rhode Island National Guard. It was remarkable for the level of cooperation at the operational level and for the utilization of unique talents and resources various agencies brought to the effort. To facilitate state-federal coordination, a state pros-

ecutor was cross-designated as a Special Assistant U.S. Attorney. Strategic arrests of targets on state charges were made during the course of the investigation to forestall additional violence.

SOUTH CAROLINA

In South Carolina, eight defendants, the self-styled "New York Boys," were charged with narcotics and weapons offenses in connection with the operation of a violent crack cocaine distribution ring. The group's activities allegedly included the murder of a rival drug dealer in an execution-style killing. Six of the defendants are from New York; the other two are from Columbia, South Carolina. Seven of the defendants have pled guilty.

TEXAS

On November 2, 1994, in Texarkana, Texas, two men were conversing in a parking lot when they were approached by a loosely-knit gang of nine juveniles. The gang members threatened the victims with two shotguns and two handguns and robbed them of a set of car keys.

One victim was then shot at point-blank range but was not seriously injured. The second victim was struck repeatedly by shotgun and handgun fire. He received almost thirty separate wounds, but miraculously survived. The Texarkana Police Department and FBI quickly recovered the stolen vehicle and all nine juveniles were arrested within a few days of the robbery.

At the request of local authorities, the case was referred to the U.S. Attorney's Office for prosecution since it was believed that state law would not punish the juveniles adequately. All nine gang members were subsequently prosecuted as adults in federal court. They entered guilty pleas to offenses ranging from carjacking and firearms violations to misprision of felony. The defendants received a total of 130 years imprisonment, ranging from 36-1/2 years for the most culpable offender to 27 months for the least involved juvenile.

In the Western District of Texas, two members of a gang called "Gang Theft Auto," one an adult and the other a juvenile, were sentenced to 25 years and 12 years imprisonment, respectively, following their conviction of two carjacking offenses. The victim of the second carjacking suffered multiple gunshot wounds and remains paralyzed. The case was investigated by the San Antonio violent crime gang task force formed under the AVCI.