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Crime - Youth Violence Bills [2]

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Crime - Youth Violence Bills [2]

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- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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Update on Juvenile Justice Bill

H.R. 3, the Juvenile Crime Act of 1997 is scheduled for House floor consideration on Wednesday evening and Thursday morning. The version of H.R. 3 currently scheduled for consideration is a narrowly-crafted measure that would amend federal procedures for prosecuting juveniles and provide incentive grants to states, counties and localities for juvenile detention facilities, juvenile prosecutors and juvenile courts. The measure does not include any funding for the prevention of juvenile crime, nor does it include any Administration-proposed firearms measures such as a requirement that child safety locks be sold with every firearm and a provision that establishes a gun purchase disability for juveniles who have committed serious drug or violent offenses. Consequently, the Administration is likely to oppose House passage of H.R. 3 unless it is amended significantly.

The Administration has been negotiating with the House Republican leadership in an attempt to insert several key provisions, including authorizing significant amounts of funding for juvenile crime prevention programs, into a Manager's Amendment that will be offered when the bill is considered on the floor. If the negotiations are successfully concluded, every major component of the Administration's original proposal - prevention, intervention and tough enforcement - would be well-represented in the bill. Chances for a satisfactory settlement, however, as is often the case with crime legislation, are uncertain at best. It is expected that negotiations will conclude, one way or the other, later today.

STATEMENT BY THE PRESIDENT

Today, the House of Representatives is missing an important opportunity to fight and prevent the scourge of juvenile crime. I oppose passage of H.R. 3, the Juvenile Crime Control Act, because it fails to provide a comprehensive plan to crack down on youth and gang violence.

As I began my second term as President, I made juvenile crime and gangs my top law enforcement priority over the next four years. I called on every police officer, prosecutor, and citizen in America to work together to keep our young people safe and to keep young criminals off our streets.

America's Anti-Gang and Youth Violence Strategy must declare war on gangs; target funding for additional local prosecutors to pursue, prosecute, and punish gang members; extend the Brady Law so violent teen criminals will never have the right to purchase a gun; require federal dealers to sell a child safety lock with every gun, to protect our kids from using guns to hurt each other or themselves; and target resources to keep schools open late, on weekends, and in the summer, to keep young people off the street and out of trouble.

H.R. 3 fails to provide any of these necessary measures to give law enforcement, prosecutors, and parents the tools they need to combat gangs and youth violence in their communities.

Four years ago, we made a commitment to take our streets back from crime and violence. We had a comprehensive plan of 100,000 new community police officers on the street, tough new penalties on the books, and steps to keep guns out of the hands of criminals with the assault weapons ban and the Brady Bill.

Our plan is working. Last year, violent crime came down for the fifth year in a row. And for the first time in seven years, the rate of young people arrested for violent crime and murder has gone down. But we cannot waste this opportunity to bring down violent juvenile crime even further. I will continue to work with Congress to ensure passage of legislation that will give our children the safest and most secure future possible.

Crime - youth vid kills

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Crime-Youth violence
Kills

draft 5/8 4pm

PRESIDENT WILLIAM J. CLINTON
RADIO ADDRESS ON JUVENILE JUSTICE LEGISLATION
Saturday, May 10, 1997

This morning, I want to talk about the responsibility we share to protect our children from the scourge of violent crime -- especially crime that is committed by other young people.

Because of our hard work over the past four and a half years, we know that America's children face a brighter future. Economic growth is the highest it has been in a decade -- and unemployment is at its lowest level in 30 years. Last Friday, we reached an historic agreement to finish the job of balancing the budget -- to keep our economy thriving, while opening the doors to education wider than ever, and providing health care for five million uninsured children. Together, we are proving that we can meet our toughest challenges, and prepare our people for the promise of a new century.

But our children cannot live out their dreams if they are living in fear of gangs and guns. That is why I have worked so hard to reverse the tide of crime. We passed a tough crime bill that is putting 100,000 police on our streets. We passed the Brady Bill, which has stopped over 186,000 felons, fugitives, and stalkers from buying handguns. We banned deadly assault weapons. We passed the biggest anti-drug budget ever. We're making our schools safe, drug-free, and gun-free.

Our strategy is working. Serious crime has dropped five years in a row. But at the same time, crime among young people is on the rise. Experts predict that unless we act now, the number of people arrested for violent crimes will double by the year 2010. That means we must launch a full-scale assault on juvenile crime. We need smart prevention to stop juvenile crime before it starts. And young people must know that if they commit a violent crime, they will face tough punishment, and build a criminal record that could follow them throughout their lives.

This February, I sent legislation to Congress that would declare war on gangs, with new prosecutors and tougher penalties. It would extend the Brady Bill so that someone who commits a violent crime as a juvenile can never buy a gun. It would require child safety locks to be sold with guns -- to keep children from hurting each other or themselves. It would help keep schools open after hours, on weekends, and in the summer, keeping children off the streets and out of trouble. This tough, balanced approach has shown dramatic results at the local level; in Boston, where many of these efforts are in place, youth murders have dropped 80% in five years, and not one child has been killed with a gun in over a year and a half.

Unfortunately, this Thursday, the House of Representatives passed a juvenile justice bill that falls far short of that promise. The House bill is weak on guns, weak on gangs, and weak on probation -- and it walks away from the prevention programs that can remake children's lives.

The House bill does not guarantee the new anti-gang prosecutors we desperately need to pursue, prosecute, and punish violent juveniles. It does not guarantee efforts such as Operation Night Light, where police and probation officers make nightly visits to the homes of young probationers, to make sure they live up to the strict rules of their probation.

The House bill does not fund anti-crime initiatives to keep our schools open later and on weekends, so young people can stay under the watchful eye of parents, educators, religious and community leaders -- instead of on streetcorners, where the most common influences are bad influences. We know violent crime peaks right after the school day ends. We've got to engage our children during that time, to steer them out of harm's way.

Most troubling of all, the House bill rejects my call to cut-off young people's access to guns. The need for child safety locks is obvious. If we can have them on bottles of aspirin, we should certainly have them on guns. According to a new survey, 185 children died in 1994 because of accidental shootings. For many more juveniles, stolen or borrowed guns become instruments of deliberate violence and destruction. Firing a gun should not be as easy for a child as squeezing the trigger. Extending the Brady Bill is just as important. If you commit a violent crime as a juvenile, you should forfeit your right to buy a gun forever.

The House-passed juvenile justice bill is unacceptable. To me, a juvenile justice bill that does not limit children's access to guns is a bill that walks away from the problem. Not a single hunter would lose their guns because of child safety locks; not a single law-abiding adult would be denied a gun if we extend the Brady Bill to those who committed violent juvenile crimes. But countless young lives would be saved when stolen guns become useless guns, and when lawless juveniles become gunless adults. If Congress really wants to get tough on juvenile crime, then it's time to get tough on guns, and take them out of the hands of violent juveniles.

To keep crime going down, Congress must pass a tough, balanced juvenile justice bill. That's the only way we can reach the day when we are no longer numb to acts of violence by and against our children -- when their appearance on the evening news is both shocking and rare. And it is the only way our children can learn and play without risk of harm -- so they can make the most of their future, and of the world they will inherit.

Crime-youth violence bills

DRAFT

No DealMay 7, 1997
(House)H.R. 3 - Juvenile Crime Control Act of 1997
(McCollum (R) Florida and five cosponsors)

Enactment of comprehensive legislation to address youth and gang violence and drug use is a top Administration priority. Accordingly, on February 25, 1997, the Department of Justice transmitted to Congress the Anti-gang and Youth Violence Act of 1997, which was introduced as H.R. 810 by Representative Schumer. The Administration's proposal was designed in conjunction with the Nation's law enforcement officials who believe that legislation to address youth and gang violence must be balanced and comprehensive. Such an approach must combine elements of enforcement and prosecution with targeted and selective prevention and intervention efforts. Unfortunately, H.R. 3 fails to embody such an approach and, consequently, misses an important opportunity to fight and prevent juvenile crime. Therefore, the Administration opposes House passage of H.R. 3.

H.R. 3 is neither comprehensive nor balanced because it fails to include:

- a requirement that every Federally-licensed firearms dealer provide a child safety lock with each firearm sold;
- a prohibition on firearm possession by juveniles adjudicated delinquent of offenses that would have been felonies if committed by an adult (and thus barring the offender from gun possession);
- targeted funding to ensure that local prosecutors can hire additional prosecutors for gang-related crimes;
- targeted funding, beginning in FY 1998, to ensure that localities can establish court-based programs specifically to address issues of juvenile and youth violence;
- greater flexibility for prosecutors in prosecuting juveniles as adults;
- provisions to protect witnesses who help prosecute gangs and other violent offenders;
- tough drug enforcement provisions to increase penalties for selling drugs to kids, using kids to sell drugs, and selling drugs in schools;
- provisions requiring drug testing of violent offenders and authorizing use of prison

- grant funds for drug testing, treatment, and supervision of incarcerated offenders;
- tough penalties for possessing firearms while committing violent or drug crimes;
and
- targeted funding, beginning in FY 1998, for effective prevention programs that target at-risk youth and keep schools open to provide young people with alternatives to criminal activity.

The Administration believes that none of these elements can be omitted if a successful, comprehensive effort to curb youth violence is to be achieved. The Administration will work with Congress throughout the legislative process to ensure passage of legislation that will have a meaningful impact on juvenile crime.

Proposed Administration Amendments to McCollum's Youth Violence Bill

1. **Funding** -- provide substantial funds directly to state and local governments for:
 - a) prevention and intervention programs;
 - b) prosecutors; and
 - c) courts.
2. **Brady extension** -- establish a gun purchase disability for juveniles who have committed serious drug or violent offenses.
3. **Gun safety** -- require child safety locks to be sold with every firearm to reduce both unauthorized use of guns and accidents.
4. **Federal prosecutions of juvenile crime** -- streamline federal prosecution of the most violent juveniles by giving prosecutors discretion in charging decisions and by providing judicial oversight in appropriate cases.
5. **Fundamental protections** -- maintain basic protections for juvenile delinquents in custody by tying core requirements to all grant funding.
6. **Research** -- commit significant funds to research and assessment of community-based prevention and intervention programs so that the government funds what works and only what works.

Popular and Effective Initiatives That Can't Be Funded Under McCollum's Bill

- Anti-truancy initiatives
- Juvenile curfew enforcement
- School safety initiatives
- Mentoring
- Boys and Girls Clubs & Big Brothers/Big Sisters
- School conflict resolution
- Drug prevention initiatives
- Teen pregnancy initiatives

Crime - Youth Violence Bills

Rahm
 Andy
 April 23

RE: Youth Violence bill

cc: Dennis, Peter

McCullum's efforts to get Schumer on a joint McC-Schumer bill failed. Was almost doomed to failure because McC cannot guarantee all Schumer and we want in terms of guns and real funding and McC is pretty dug into his block grant approach at least for now. Similarly, there was no reason for us (DOJ and Adm) to buy into a "deal" this early - and lots of reasons not to. But a cooperative tone has been set that I think is good for the Adm and that we should continue.

Es, McC is falling back to plan B for him which is a streamlined bill of just Federal jj system reforms and his big block grant authorization. This is his way of avoiding interminable Committee markup on guns and everything else. When they go to the floor - maybe end of next week - they will add much of the enforcement provisions from our bill, including Brady extension and maybe some version of child safety locks if we want to deal with them. If not, McC supports floor vote though Minority Leader says no run at the rule if such a vote is not allowed.

So, McC bill has Fedl jj reform based largely on ours with one provision regarding how to prosecute kids as adults that goes further than we do and makes our left mad. Then there is the block grant which does not provide ensured funding for prosecutors or courts. The prevention pieces that are in our bill ARE NOT IN JUDICIARY JURISDICTION. So we cant shout too loud about their absence from this bill - we did not propose any prevention funding that winds up in Judiciary (its all in the Riggs-Scott Education subcommittee and in two appropriations subcommittees.) But we can talk about prevention generally and how those programs could have been revamped to fit in Judiciary jurisdiction.

So the attached draft letter sets a cooperative but firm tone (McC and his staff have been very good with us and tell me privately that they think we will like the final House product when all the pieces come together. I do not want to be too tough on them). The letter lists the elements of our "package" that we will be looking for in a final bill and points out what is missing from their bill emphasizing the two gun things, the prosecutor and courts funding and prevention. Two things in there I have to emphasize for internal purposes if nothing else: prosecuting as adults provision and directive of resources provision. Strategy I am pushing for tomorrow is amendments to highlight what they have missing from ours esp prosecutors money - let them go on record against that. They will fend off the guns amendments on germaneness grounds but we should do anyway.

The Honorable Henry Hyde
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20510

DRAFT

Dear Mr. Chairman:

As the Committee prepares to mark up H.R. 3, the Juvenile Crime Control Act of 1997, I write to convey the views of the Administration on this bill.

Enactment of comprehensive legislation to address youth and gang violence and drug use is a top priority of this Administration. Accordingly, on February 25, 1997, we transmitted to Congress the Anti-Gang and Youth Violence Act of 1997, which has been introduced as H.R. 810 by Congressman Charles Schumer. We commend you, Chairman McCollum and other Members of the Committee for taking up the issue and hope that we can work together to enact the best possible legislation to both fight and prevent juvenile and youth crime. We understand that the Committee will consider a substitute amendment to H.R. 3 which will modify this legislation in several respects. We believe, however, that this bill can still be greatly improved to reflect the comprehensive enforcement and prevention approach represented by the Administration's legislation.

We agree with law enforcement officials all over this nation who believe that legislation to address youth and gang violence in a comprehensive and effective manner must adopt a balanced approach that combines elements of enforcement and prosecution with targeted and selective prevention efforts. Specifically, we believe that any bill that emerges from the Congress should include the following elements:

-- meaningful reform of the federal juvenile justice system that, inter alia, allows prosecutors greater flexibility in prosecuting juveniles as adults;

-- a provision that firearm safety locks be required to be purchased with each firearm sold by a federally licensed dealer;

-- a prohibition on firearm possession by juveniles adjudicated delinquent of offenses that would have been felonies (and thus barred the offender from gun possession) if committed by an adult;

-- targeted funding to ensure that local prosecutors can hire additional gang prosecutors;

-- targeted funding, beginning in FY 1998, to ensure localities can establish youth violence courts to specifically address issues of juvenile and youth violence;

-- tough enforcement provisions to protect witnesses who help prosecute gangs and other violent offenders;

-- tough drug enforcement provisions to increase penalties for selling drugs to kids, using kids to sell drugs and selling drugs in schools;

-- tough enforcement provisions for possessing firearms while committing violent or drug crimes and

-- targeted funding, beginning in FY 1998, for effective prevention programs that target at risk youth and keep schools open to provide young people with alternatives to criminal activity.

These and other provisions included in the Administration's proposal are essential elements of an effective, comprehensive approach to preventing and fighting youth and gang violence and drug related crime. We look forward to working with the Committee and other Members of the Congress to ensure that these elements are included in the final bill.

We now turn specifically to the provisions of the bill to be marked up tomorrow. We are pleased that Title I of H.R. 3, as it would be amended by the substitute, recognizes the need to revise the statutes governing prosecution of juveniles as adults. We support the bulk of this title, many of the provisions of which are the same or substantially similar to our proposal. Both H.R. 3 and H.R. 810, for example, would transfer from the court to the prosecutor the discretion to charge juveniles as adults. We believe, however, that our proposed formulation better achieves the goals of simplifying this process and holding juveniles accountable for serious crimes.

The bill under consideration by the Committee would require that juveniles alleged to have committed certain violent or drug trafficking crimes after having reached 14 years of age be prosecuted as adults unless the prosecutor certifies to the court that the interests of public safety are best served by a juvenile proceeding. We believe that this requirement unwisely and unnecessarily restricts prosecutorial discretion in this sensitive charging decision. Also, our proposal would allow certain juveniles to file a motion with the court for an expedited consideration of a request to be proceeded against in a delinquency proceeding. Thus, H.R. 810's approach recognizes the need to streamline this process, while ensuring that juveniles are held accountable for serious crimes.

Title II of H.R. 3, as it would be amended by the substitute, contains an "armed violent youth apprehension directive" that requires that each U.S. Attorney take certain steps to establish armed violent youth task forces and that the Department of Justice periodically submit statistical information concerning prosecutions brought by the task forces to Congress.

We believe this level of management of the Department by the Congress is unnecessary and would have the unintended effect of reducing the flexibility that our U.S. Attorney's offices must have in order to have the maximum impact against the predominant crime problems in their respective districts.

Title III of H.R. 3, as it would be amended by the substitute, would establish a block grant program whose stated goal is to assist state and local law enforcement agencies implement accountability-based, graduated sanctions for juvenile offenders. We applaud the goals of this program and agree that there is a need for intervention and accountability in the juvenile justice system early in the process. We have certain concerns about how the program is structured and intended to operate as well as the conditions for receipt of the funds that we believe unnecessarily limits the pool of prospective recipients. We would be happy to work with the Committee to address these issues.

More fundamentally, however, the block grant program will not ensure that needed funds for additional gang prosecutors will actually be available to state and local prosecutors for that purpose and that funds to establish youth violence courts will also not be ensured. The Administration's proposal includes programs to provide assistance to prosecutors' offices to fight gangs and assistance to courts to expedite and more effectively handle violent juveniles in the court system, in addition to important programs providing funding for prevention and intervention initiatives.

Although we are cognizant of the jurisdictional issues with which the Committee is dealing, we believe that it is essential that Congress authorize and appropriate in the coming fiscal year adequate funds to be distributed to state and local prevention and intervention programs to help juveniles at risk stay on or get back on the right track. We can leave no stone unturned in this legislative effort to fight juvenile crime and we cannot afford to have future generations ask why we did not do more to stem the tide of youth violence.

Notably absent from H.R. 3 are provisions such as those in H.R. 810 to promote firearms safety and target illegal firearms possession and distribution. Our proposed requirement that safety locks be sold with every gun is essential to protect our children. This provision is intended to provide added safety to gun owners and to prevent accidental discharges that can result when children gain access to firearms. I hope that the Committee will join the Administration in supporting this important safety measure as well as our provision to keep firearms out of the hands of those who have committed serious offenses as juveniles.

H.R. 3 omits certain other critical elements. We would urge the Committee, at some point in the legislative process, to adopt from H.R. 810 provisions providing new laws and stiffer penalties

to fight gangs, disrupt their illegal gun and drug markets and protect the witnesses who want to testify against them.

We all look forward to working with you to improve H.R. 3 so that we can enact the best possible youth crime legislation.

Sincerely,

Andrew Fois
Assistant Attorney General

cc: The Honorable John Conyers, Jr.
Ranking Minority Member

The Honorable Bill McCollum
Chairman
Subcommittee on Crime

The Honorable Charles E. Schumer
Ranking Minority Member
Subcommittee on Crime

**COMPARISON OF ADULT PROSECUTION:
CURRENT LAW, ADMINISTRATION and McCOLLUM BILL**

Provision	Current Law	Administration Bill (H.R. 810)	McCollum Bill (Draft)
<p>What juveniles can be tried in adult court? (§5032)</p>	<p>Ages: 13-17 years old</p> <p>Offenses (15-17) year olds: (1) "crimes of violence" and (2) limited number of serious drug crimes</p> <p>Offenses (13-14 year olds): only murder, serious assaults, armed robbery, armed rape</p>	<p>Ages: 13-17 year olds</p> <p>Offenses (13-17): All crimes for which juveniles can be prosecuted under current law <u>and</u> adds a broader range of gun and serious drug crimes.</p>	<p>Ages: 13-17 years old</p> <p>Offenses: <u>Any</u> federal felony.</p>
<p>Who decides if a juvenile is tried as an adult? (§5032)</p>	<p>All cases: judge (only after motion by prosecutor)</p>	<p>16-17 year olds charged with extremely serious/violent crimes: prosecutor (no judicial review)</p> <p>16-17 year olds charged with relatively serious/violent crimes: prosecutor (with up front judicial review)</p> <p>13-15 year olds: prosecutor (with up front judicial review)</p>	<p>14-17 year olds charged with serious violent or drug crime: must be charged as an adult (unless prosecutor certifies juvenile trial is in interests of justice)</p> <p>13 year olds (all) and 14-17 charged with less serious crimes: prosecutor (no judicial review)</p>

<p>Who can appeal the decision to try a juvenile as an adult? (§5032)</p>	<p>Both (appeal is interlocutory)</p>	<p>16-17 year olds charged with extremely serious/violent crimes: no appeal</p> <p>16-17 year olds charged with relatively serious/violent crimes: prosecutor before trial; juvenile after trial</p> <p>13-15 year olds: prosecutor before trial; juvenile after trial</p>	<p>No appeals</p>
<p>What prevents improper prosecution of juveniles in adult court? (§5032)</p>	<p>(1) Transfer decision is left with judge</p> <p>(2) only for most serious crimes</p> <p>(3) interlocutory appeal by either side</p>	<p>(1) Only for serious crimes (as compared to all felonies in McCollum bill)</p> <p>(2) AG approval for 13-15 year olds</p> <p>(3) Judicial review for all 13-15 year olds and 16-17 year olds charged with relatively serious/violent crimes</p> <p>(4) Relief from mandatory minimum penalties for 13-15 year olds charged with relatively serious/violent crimes and with no record</p>	<p>(1) AG approval in limited circumstances</p> <p>(2) Relief from mandatory minimum penalties for 13-15 year olds charged with no previous serious convictions</p>

When can a juvenile be incarcerated in adult facility? (§5039)	<p>Juvenile tried as juvenile: not until 21st birthday</p> <p>Juvenile tried as adult: not until 18th birthday</p>	<p>Juvenile tried as juvenile: not until 18th birthday</p> <p>Juvenile tried as adult: not until 16th birthday</p>	Same as current law
When is a juvenile subject to mandatory minimum penalties?	When tried as an adult (although list of crimes with mandatory penalties is limited)	Provides relief from mandatory penalties for 13-15 year olds charged with relatively serious/violent crimes who have no prior conviction for extremely serious/violent crimes	Provides relief from mandatory penalties for 13-15 year olds who have no prior conviction for extremely serious/violent crimes
How long can juveniles tried as juveniles be incarcerated?	Until 21st birthday	Until 26th birthday	Until 26th birthday
Public/victim access to courtrooms	Limited access	Courtroom proceedings are presumptively upon; can be closed only upon judicial order for cause	Courtroom proceedings are presumptively upon; can be closed only upon judicial order for cause but victim can not be excluded

**KEY JUVENILE JUSTICE LEGISLATION
105TH CONGRESS**

PROVISION	H.R. 3 (MCCOLLUM) <i>JUVENILE CRIME CONTROL ACT OF 1997</i>	H.R. 810/S. 362 (ADMINISTRATION) <i>ANTI-GANG AND YOUTH VIOLENCE ACT OF 1997</i>	S.10 (HATCH) <i>VIOLENT AND REPEAT JUVENILE OFFENDER ACT OF 1997</i>	S.15 (DASCHLE, BIDEN, LEAHY) <i>THE YOUTH VIOLENCE, CRIME AND DRUG ABUSE CONTROL ACT OF 1997</i>
Sentencing of Juveniles who Commit Serious Federal Violent Crimes or Major Drug Trafficking Offenses	<ul style="list-style-type: none"> • Lowers age to 14 years of age or older for prosecution as adult for serious violent crimes; • may be surrendered to state authorities for prosecution if no significant federal interest, jurisdiction. 	<ul style="list-style-type: none"> • Retains minimum age in existing law but expands list of offenses (similar to a number of states); gives federal prosecutors discretion to charge juvenile as an adult or juvenile; requires AG approval for prosecution of juveniles 13-15 years of age; • divides up juvenile defendants by: 1) age, 2) severity of offense (extremely serious or moderately serious); • lowers federal death penalty to age 16; • eliminates statutes of limitation for murder or where the maximum penalty is life imprisonment. 	<ul style="list-style-type: none"> • Lowers age to 14 years; • lowers federal death penalty to age 16. 	<ul style="list-style-type: none"> • Raises mandatory release age from 21 years to 26 years of age.
Funding, including Block Grants to States	<ul style="list-style-type: none"> • Establishes new Juvenile Accountability Block Grant to states and local governments for expanding, building or operating juvenile facilities, or for developing alternative sanctions for youth offenders.. Such grants are only available if the states have: 1) authorized the prosecution of 14 year olds as adults for serious violent crimes, 2) established graduated sanctions programs for juvenile offenders, 3) permitted juvenile records for conduct that would be a felony if committed by any adult to be released for "official purposes" and to the public to the same extent as adult criminal court records; • authorizes \$1.5 billion over 3 years. 	<ul style="list-style-type: none"> • Adds requirements to conditions for states to receive VOI/TIS grants (requires plan for drug testing, monitoring, and treatment for violent offenders, with sanctions for those testing positive, and permits states to use VOI/TIS' funds for drug testing); • calls for grants of \$200 million for two years for prosecutor's Offices to target gang crime and violent juveniles; • creates \$50 million in new grant authority for FY98 to establish juvenile gun courts, drug courts, focusing on community-based initiatives to deal with juvenile offenders and their reintegration into the community; • Formula grant assistance: allocates 10% set aside of all grant programs for research activities, 2% for training and technical assistance of initiative/programs that have demonstrated high success rate. All states receive 50% of their allocation, the remaining for following established practices and procedures for protecting juveniles according to DOJ regulations, 28CFR Part 31; • calls for At-Risk Children Grants Program awards grants to states for distribution for a wide variety of efforts for assisting high risk juveniles. President's request for FY98 is \$75 million; • calls for \$50 million for after school programs to be administered through the Dept. of Health and Human Services(DHHS) 	<ul style="list-style-type: none"> • Creates new Juvenile Crime Control and Juvenile Offender Accountability Incentive Block Grants and allocates \$500 million for a new block grant program planned and coordinated by the Office of Juvenile Crime Control and Juvenile Offender Accountability (OJCCA). The funding is to be used for: <ul style="list-style-type: none"> • development of more effective investigation, prosecution, and punishment; • improving administration of justice for and ensuring accountability of juvenile offenders; • programs to reduce the factors that place youth at risk of delinquent and criminal behavior. The \$500 million allocation would require the same stipulations for states as H.R. 3, but would add that juvenile court systems provide uniformity in treatment of offenders; • authorizes \$20 million to hire additional U.S. Attorneys to prosecute juvenile criminal street gangs. 	<ul style="list-style-type: none"> • Extends Violent Offender Incarceration and Truth-in-Sentencing Grant Program (VOI/TIS) for two years; • extends Violence Against Women Grant Program for two years; • provides \$1 billion to assist states in building prisons for violent juveniles; • extends Violent Crime Reduction Trust Fund for two years; • gives AG authorization to make grants to states Indian tribes.

PROVISION	H.R. 3 (McCOLLUM) JUVENILE CRIME CONTROL ACT OF 1997	H.R. 810/S. 362 (ADMINISTRATION) ANTI-GANG AND YOUTH VIOLENCE ACT OF 1997	S.10 (HATCH) VIOLENT AND REPEAT JUVENILE OFFENDER ACT OF 1997	S.15 (DASCHLE) THE YOUTH VIOLENCE, CRIME AND DRUG ABUSE CONTROL ACT OF 1997
Criminal Records (Federal)	<ul style="list-style-type: none"> Requires court-kept record of arrest and adjudication; makes records available for official purposes (i.e. school officials, victims, with guidelines for fingerprinting and photographing. 	<ul style="list-style-type: none"> Gives greater access to juvenile records. 	<ul style="list-style-type: none"> Gives complete access to prior federal juvenile records and to state juvenile records if state law permits. Records may be released to government authorities, school officials. Calls for fingerprinting and photos of juveniles tried as adults. 	<ul style="list-style-type: none"> Give greater access to records.
Targeting Gangs		<ul style="list-style-type: none"> facilitates prosecution under federal car-jacking statute by eliminating need to prove that the defendant intended to cause death or serious bodily injury; facilitates prosecution of certain RICO cases by providing that prosecutors need only to prove that the defended participated in the racketeering enterprise; authorizes \$200 million for two years to establish Prosecutorial Initiatives Targeting Gang Crime and Violent Juveniles program. Grants would go to prosecutors offices for at least 1000 new initiatives to pursue, prosecute and punish gang members for their crimes. 	<ul style="list-style-type: none"> increases penalties for gang participation; interstate travel and spread of gangs, gang solicitation and recruitment, use of body armor; creates mandatory minimum penalties for "engaging in patterns of criminal activity"; adds gang recruitment to RICO predicates. 	<ul style="list-style-type: none"> Increases penalties for use of protective body armor and "laser sighting" devices, victim/witness intimidation, crimes to further gang activity; creates new federal crimes against interstate expansion of gangs; extends statute of limitations on drug and violent crimes; eliminates statute of limitation for all murders.
Victims Rights		<ul style="list-style-type: none"> Includes two new provisions that expand the rights and protections of victims, particularly for crimes committed by juvenile offenders and crimes committed against children. 	<ul style="list-style-type: none"> Requires restitution to victims. 	<ul style="list-style-type: none"> Increases penalties for witness intimidation.
Programs Created or Extended	<ul style="list-style-type: none"> Creates new "Juvenile Accountability Block Grants" for the purposes of expanding, building or operating juvenile facilities, or for developing alternative sanctions for youth offenders. States would be eligible if they have laws that: 1) authorize adult prosecution of 14 year-olds charged with serious violent crimes, 2) establish graduated sanctions; 3) permit the opening of juvenile records for violent youth; creates an Armed Violent Youth Apprehension Directive in each U.S. Attorney's office. 	<ul style="list-style-type: none"> Replaces OJJDP with the Office of Juvenile Crime Control and Prevention (OJCCP), along with a Formula Grant Program, the Indian Tribal Grant Programs, the At-Risk Children Grants Program, the Developing, testing and Demonstrating Promising Programs Program, the Incentive Grant Programs, the Research, Statistics, and Evaluation Grants, the training and Technical Assistance grants (all under the Office of Justice Programs. Administration's bill also builds in authority for the Director of the OJCCP to provide waivers to states seeking to comply with the JJDA mandates with unique situations or those trying innovative techniques who want to demonstrate flexibility in operations while protecting incarcerated youth. 	<ul style="list-style-type: none"> Replaces OJJDP with the Office of Juvenile Crime Control and Juvenile Offender Accountability (OJCCA) for: development of more effective investigation, prosecution, and punishment; improving administration of justice for and ensuring accountability of juvenile offenders; programs to reduce the factors that place youth at risk of delinquent and criminal behavior. 	<ul style="list-style-type: none"> Extends Violent Offender Incarceration and Truth-in-Sentencing Grant Program (VOI/TIS) for two years; extends Violence Against Women Grant Program for two years; extends Violent Crime Reduction Trust Fund for two years; extends Cops on the Beat Program (adds 25,000 police) for two years; creates juvenile gun courts on expedited basis; calls for study of federal prevention effort; reauthorizes the Office of the National Drug Control Policy (ONDCP) and the Safe and Drug Free Schools Program.

PROVISION	H.R. 3 (McCOLLUM) JUVENILE CRIME CONTROL ACT OF 1997	H.R. 810/S. 362 (ADMINISTRATION) ANTI-GANG AND YOUTH VIOLENCE ACT OF 1997	S.10 (HATCH) VIOLENT AND REPEAT JUVENILE OFFENDER ACT OF 1997	S.15 (DASCHLE) THE YOUTH VIOLENCE, CRIME AND DRUG ABUSE CONTROL ACT OF 1997
Guns		<ul style="list-style-type: none"> • Makes it unlawful for serious violent juvenile offenders to receive or posses firearms; • requires locking devices for firearms sold; • "Bailey Fix": possession equals use. 		
Drugs		<ul style="list-style-type: none"> • Increases minimum penalties for using minors to traffick drugs, distributing drugs to minors, drug trafficking near a school, using federal property to grow drugs; • adds serious juvenile drug offenses to the list of predicates under the Armed Career Criminal statutes; • allows the Attorney General to reschedule certain substances on an emergency basis under the Controlled Substances Act in an effort to respond to public health crises (i.e. Rohypnol); • allows use of VOI/TIS grants for drug testing and treatment in adult facilities. 		<ul style="list-style-type: none"> • Reschedules "date rape" and "club" drug ketamine to a schedule III drug under the Controlled Substances Act; • enhances penalties for using federal property to grow or manufacture controlled substances; • reschedules "date rape" and "club" drug ketamine to a schedule III drug under the Controlled Substances Act; • enhances penalties for using federal property to grow or manufacture controlled substances; • encourages private sector development of drugs to treat the addiction to cocaine and heroin; • reauthorizes the Office of the National Drug Control Policy (ONDCP) and the Safe and Drug Free Schools Program; • calls for a study on the effects of the AZ and CA medicinal marijuana initiatives; • allocates \$100 million to establish juvenile drug courts in the states to provide drug testing, treatment and aftercare programs; • allocates \$600 million for drug treatment for youth in secure facilities; • commissions a study by the National Academy of Science to study all existing crime and drug prevention programs.

**DOJ SYMPOSIUM
ON
JUVENILE VIOLENCE AND CRIME**

Purposes: To highlight WHAT WORKS in reducing juvenile violence;
To underscore Administration leadership in enforcement, intervention, and prevention; and
To influence the debate on pending youth violence legislation.

When: Wednesday, June 11, 1997 (all day)

Where: Great Hall, Department of Justice

Panelists: Federal, state, and local law enforcement (incl. prosecutors, police, judges)
Youth workers, advocates, prevention specialists
Exemplary youth, Parents
Educators
Researchers
Members of Congress (Biden and Sessions ... Riggs?)
Other players in the juvenile justice field
(We might draw on targeted Members' suggestions)

- Each panel would highlight provisions and strategies in the Administration's Anti-Gang and Youth Violence Bill.

- Panel moderators would include DOJ officials (Kent, Andy, Laurie, Shay) who would keep discussion focused on problems and solutions addressed in our legislation.

- Ideally, each panel will have a federal-state presence and a kid/parent to talk about how it really is.

Audience: Key Congressional constituents (TBD by targeted Members)

Proposed Format:

I. Opening Statement by AG or VP

what is this?

II. Juvenile Justice Violence Study Group Report (if it's consistent with our legislation Might just be part of AG's remarks)

III. Panel Presentations (each followed by Q & A)

A. Targeting Gang Violence

1. US Attorney - success stories, partnerships (Pittsburgh?)
2. DA - why we need JJ Bill (witness intim., resources ...)
3. Police Chief (Salinas, CA?) - How we beat the gangs
4. Youth worker, teenager - How to keep kids out of gangs

B. Targeting Guns and Drugs

1. Boston Gun Project representative
2. Mark Rosenberg, CDC (injuries, trigger locks)
3. Expert on value of drug treatment while in prison
4. Kid/parent on value of anti-gun or -drug program

IV. Lunch: Speaker ... HRC, Gen. McCaffrey?

V. Panel Presentations (with Q & A)

C. Enforcement: What Works

1. DA, Juvenile Judge: Graduated Sanctions
2. Expert on Continuity in juvenile prosecutions- facilities, treatment, aftercare
3. Federal Judge, AUSA: why prosecutors must decide transfer

D. Prevention and Intervention: What Works

1. Shorestein - Success in Jacksonville
2. Cop - Successful Prevention Measures
3. Prevention Expert
4. Kid/Teacher/minister/youth worker (hopeful note)

VI. Closing Statement by AG, Holder(?)

VII. Courtyard Reception

Other issues:

Press strategy, Funding

Crime-youth violence
LTPS

 Dennis K. Burke

04/27/97 10:15:53 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Leanne A. Shimabukuro/OPD/EOP
Subject: Re: juv justice mark-up 

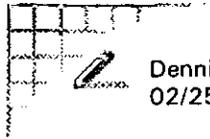
On Thursday, House Jud. Committee spent all day on the gang bill but did not finish. They will reconvene on Tuesday.

No significant amendments were adopted.

Schumer offered our child safety lock amendment - - it was ruled non-germane. Ruling was upheld on a close vote, 11-10, due to low attendance.

Schumer also offered our prosecutor grants amendment -- we lost 20-6. All Republicans and 3 Democrats voted against us.

Floor action is possible next week but very unlikely.



Dennis K. Burke
02/25/97 01:59:20 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Paul J. Weinstein Jr./OPD/EOP
cc:
Subject: Juvenile Justice Qs&As from Peter Jacoby

Attached are the q and a on the Youth Violence Bill. They are basically the ones I wrote for the last press conference and WH Leg Affairs tinkered w/ them and sent them in through Hilley.
----- Forwarded by Dennis K. Burke/OPD/EOP on 02/25/97 01:56 PM -----



Elisa Millsap
02/25/97 01:08:57 PM



Record Type: Record

To: Dennis K. Burke/OPD/EOP
cc:
Subject: Juvenile Justice Qs&As from Peter Jacoby

Juvenile Justice

Q: *What does the Administration's juvenile justice proposal do?*

A: The legislation that President Clinton announced last Wednesday is part of his overall Anti-Gang and Youth Violence Strategy. The strategy seeks to break the back of violent gangs, reduce youth violence, and provide our kids with positive alternatives to steer them away from gangs, guns, and drugs.

Among many other measures, the strategy provides critical resources for state and local prosecutors to target, prosecute and convict violent youth gangs. It permits Federal prosecutors to prosecute juveniles in adult court when they commit violent crimes.

It also creafter schoolchool initiatives to keep kids off the streets and give them positive alternatives. It will give communities the resources and support to establish comprehensive curfews, anti-truancy efforts, create youth violence courts, and effective prevention initiatives.

It requires safety locks for handguns to prevent accidents and thefts and extends the Brady Law check so that violent juveniles can never own a handgun.

Q: *Can the Federal government actually have any impact on crime?*

A: Yes. Police chiefs, sheriffs, and rank-and-file officers from across the country will tell you that the Clinton anti-crime agenda has made a difference in their efforts --- putting more cops on the streets, longer sentences for violent offenders, and taking guns out of the hands of criminals.

Local prosecutors also know we can help them. That is why the nation's primary and largest organization of prosecutors, the National District Attorneys Association, has enthusiastically endorsed President Clinton's proposal to launch a massive attack on gangs and violent crimes by juveniles.

Q: *During the campaign, you were able to neutralize the Republicans on the issue of crime -- an issue that they had traditionally dominated. Do you expect to continue to focus on this issue in this Administration and if so, in what respect?*

I am very proud of our anti-crime record. We are almost at the midway point of funding 100,000 new police officers, the Brady Bill has prevented over 60,000 felons, fugitives and stalkers from buying handguns. For the first time since 1960, the violent crime has fallen four years in a row. We are moving in the right direction but we have a long way to go. That is why we are going to continue to put more police officers on our streets and take guns, drugs, gangs off the streets. We are also going to continue our focus on youth violence. My Anti-Gang and Youth Violence legislation, which I announced last week will fulfill that mandate. That legislation is designed to keep kids drug-free, keep them away from guns and make the juvenile justice system tougher and smarter.

Additionally, I will continue to fight to expand the Safe-and-Drug-Free Schools program which puts anti-drug counselors in our nation's schools. Finally, the Department of Justice, working with Members of Congress and criminal justice experts will be examining and developing additional proposals to address juvenile crime during the coming months.

Q: *What are the bipartisan Congressional task force's chances for successfully enacting consensus juvenile justice reform legislation?*

I believe the chances are good. While there are some areas of initial disagreement, there are many more areas where the

Congressional Democrats, the Congressional Republicans and our Administration are in agreement. I look forward to working closely with Congress to develop a package that will make real progress in combating juvenile crime.



Office of the Attorney General
Washington, D. C. 20530

January 21, 1997

MEMORANDUM

TO: DISTRIBUTION LIST

FROM: Kent Markus
Erik Reid *ER*

SUBJECT: Anti-Gang and Youth Violence Legislation

During a meeting at the White House on Friday, we were told that the Administration will transmit its anti-gang and youth violence legislation to Congress within a few days after the State of the Union address, which is scheduled for February 5. Given this very short deadline, we need to come to closure quickly on those provisions which should be included in the Administration's bill. We also need to begin drafting and circulating legislative language for these items as soon as possible. Proposals that are not cleared by this deadline will not be included in the Administration's bill.

Last week, we circulated a "one-pager" which listed the Administration's anti-gang and youth violence objectives. (See attachment 1.) This document is based on the 100+ legislative proposals discussed during meetings on January 8 and January 10. Following the meetings, we reviewed our notes of the discussions and sorted the proposals into one of five categories under the appropriate objective. (See attachment 2.) The five categories are:

Category 1 – Cleared: These proposals have been cleared by the Department and should be included in the legislation.

Category 2 – Support and include: These proposals were supported by components at the meeting, but they have not been formally cleared by the Department. They should be included in the legislation.

Category 3 – Support; possible inclusion: These proposals were supported by components at the meeting, but there are questions about whether they should be included in the legislation. (For example, we may push these proposals as part of a different legislative initiative.)

Category 4 – Possible support; if supported, include: These proposals need to be developed further to determine if they should be supported by the Department. If the proposals are supported, they should be included in the legislation.

Category 5 – Possible support; if supported, possible inclusion: These proposals need to be developed further to determine if they should be supported by the Department. If they are supported, there are questions about whether they should be included in the legislation.

These categories are designed to establish a framework for making decisions about which items should be included in the legislation. The following is our proposed timetable:

On Thursday: Review and clear proposals in Category 1 and Category 2; make assignments for drafting legislative language.

On Friday: Review proposals in Category 3, Category 4, and Category 5; determine if any of these proposals should be included in the legislation; discuss whether there is a significant "lost opportunity" for not including the proposal in this legislative initiative.

We have scheduled a meeting at noon on Thursday and Friday (and Monday, if necessary) in the Solicitor General's Conference Room (Room 5348) to work through the categories. Please let us know if you will not be able to make it to the meetings. Finally, please let us know as soon as possible if any of the proposals are in the incorrect category.

We know this is a very tight schedule, but given the deadline we're working under, it's the only one that works. Please feel free to call us if you have any questions. Thanks.

attachments

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001. list	FBI (Partial) (1 page)	01/27/1997	P6/b(6), b(7)(C)

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- P1 National Security Classified Information [(a)(1) of the PRA]
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- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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DRAFT

January 15, 1997 11:07AM

The Administration's Anti-Gang and Youth Violence Objectives

The federal government, through enforcement and funding initiatives, plays an important role in combating gang violence and juvenile crime and drug use. The Administration's proposals in this area seek to build upon and create new, stronger, and more effective alliances with states, tribes, cities, counties, and the community to respond to, reduce and prevent juvenile crime and drug use. The Administration proposes, through legislation, funding, and other means, to help make America's communities safer by:

- **Strengthening our ability prosecute the most serious, violent juvenile offenders as adults in federal court;**
- **Targeting gangs, gang violence and other violent youth for aggressive investigation and prosecution; stemming juvenile drug use and the sale of drugs to young people; and disrupting illegal gun markets;**
- **Better protecting witnesses of gang- and drug-related crime from intimidation, thereby strengthening the prosecution of such cases;**
- **Protecting the rights of victims of juvenile crime;**
- **Holding juveniles offenders accountable for their actions by ensuring that there is an appropriate sanction for each and every violation of the law;**
- **Forging a redesigned and refocused federal effort to provide resources and other support for state, tribal, and local juvenile crime enforcement, intervention, sanction and prevention initiatives;**
- **Supporting improvements in federal, state, tribal and local practices designed to respond to and prevent juvenile crime, including protecting juveniles from abuse while in custody;**
- **Testing promising programs and strategies, and providing training, technical assistance, and "seed funding" to replicate such initiatives when they are found to be effective;**
- **Strengthening research, evaluation and data collection activities to identify and disseminate information on programs and strategies that are effective in combating juvenile crime; and**
- **Supporting programs that focus on missing and exploited children and the prevention of child abuse and neglect.**

DRAFT
January 21, 1997
2:01PM

The Administration's Anti-Gang and Youth Violence Objectives

The federal government, through enforcement and funding initiatives, plays an important role in combating gang violence and juvenile crime and drug use. The Administration's proposals in this area seek to build upon and create new, stronger, and more effective alliances with states, tribes, cities, counties, and the community to respond to, reduce and prevent juvenile crime and drug use. The Administration proposes, through legislation, funding, and other means, to help make America's communities safer by:

Strengthening our ability prosecute the most serious, violent juvenile offenders as adults in federal court;

1. Cleared:

- Give federal prosecutors, rather than judges, the discretion to transfer juvenile offenders to adult criminal court
- Expand the list of serious felonies for which a juvenile can be prosecuted as an adult to include certain firearms and drug offenses, crimes of violence, and conspiracy
- Permit the use of an adjudication of juvenile delinquency for a serious drug trafficking offense as a predicate offense under the Armed Career Criminal Act

Targeting gangs, gang violence and other violent youth for aggressive investigation and prosecution; stemming juvenile drug use and the sale of drugs to young people; and disrupting illegal gun markets;

1. Cleared:

Gang Provisions:

- Facilitate prosecution under the federal car-jacking statute by eliminating the need to prove that a defendant intended to cause death or serious bodily injury to the victim of a car jacking
- Eliminate the statute of limitations for offenses involving murder or where the maximum penalty is life imprisonment
- Increase the penalty for certain RICO violations and facilitate the prosecution of certain RICO cases by providing that prosecutors need not prove that a defendant personally agreed to commit any acts of racketeering

Gun Provisions:

- **Bailey fix**
- Establish gun purchase disability for certain adjudicated delinquents
- Authorize the criminal forfeiture of firearms used in the commission of any federal crime, including authorization to destroy such firearms upon forfeiture

- Amend the federal code to provide that a conspiracy to commit a firearms offense shall be punishable by the same maximum term as for the underlying substantive offense
- Amend 18 U.S.C. 924(h) (making it unlawful to transfer a firearm "knowing" that it will be used to commit a crime of violence or drug trafficking crime) to authorize prosecution where the person has "reasonable cause to believe" that the gun will be so used
- Increase the penalty for knowingly receiving a firearm with an obliterated or altered serial number from five to ten years
- Establish that federal law controls the restoration of rights for purposes of the gun purchase disability

Drug Provisions:

- Increase penalties for using minors to distribute drugs, distributing drugs to minors, trafficking in or near a school or other protected location, and using federal property to grow or manufacture drugs
- Increase the mandatory minimum penalty under 21 U.S.C. Secs. 859-61 from one to three years for persons who sell drugs to kids or use kids to sell drugs
- Add serious juvenile drug offenses to the list of predicates under the Armed Career Criminal statute, 18 U.S.C. 924(e)
- Give the Attorney General emergency re-scheduling authority for controlled substances

2. Support and include:

Gang Provisions:

- Create a new federal offense (or provide for a sentence enhancement) for inducing or soliciting a minor to commit a federal crime
- Amend the RICO statute to authorize the death penalty in cases where, if the underlying predicate were prosecuted separately, the death penalty would be available (Get example or language linking this to gangs.)

Gun Provisions:

- Require FFLs to sell a gun lock or similar device each time a firearm is sold

Drug Provisions:

- Amend the drug-free school zone statute, 21 U.S.C. Sec. 860, to expand the list of protected areas to include pre-schools, nursery schools, and day care centers

3. Support: possible inclusion:

Gang Provisions:

- Penalty for conspiracy to commit any violation of Federal criminal law is the same as penalty for underlying substantive offense (currently 18 U.S.C. 371 has 5-year maximum penalty, but most newer conspiracy offenses such as narcotics and money laundering have same penalty for conspiracy and substantive)

Gun Provisions:

- Prohibit persons from purchasing more than one handgun in any 30-day period
- Increase the penalty under 18 U.S.C. 924 from a misdemeanor to a felony for gun dealers charged with aiding and abetting straw purchasers and other false statements

- Amend the RICO statute to add certain federal offenses involving the illegal transfer of firearms to the list of RICO predicates
- Require more FFL cooperation for firearms traces by law enforcement
- Authorize ATF to computerize firearms records to assist law enforcement in targeting persons who illegally transfer firearms to juveniles
- Require FFLs to report the theft or loss of firearms to law enforcement
- Require multiple and/or internal serial numbers on all firearms; firearms parts sold separately should be subject to the same requirements
- Establish consumer safety standards for firearms (e.g., material construction, trigger resistance, standards for domestic and imported firearms)
- Prohibit the manufacture of "cop-killer" ammunition
- Require owners of firearms "arsenals" to provide notice to law enforcement
- Establish firearms disability for misdemeanor crimes of violence
- Require background checks for gun store employees
- Repeal assault weapons ban sunset provision
- Same presumption of detention for any offense committed by a person using or carrying a firearm as exists for narcotics crimes
- Require gun stores to lock and secure firearms at closing to prevent theft
- Increase FFL fees to apply to firearms safety, injury or other firearms related societal cost

4. Possible support, if supported, include:

- Create new penalty or penalty enhancement for persons who commit a crime of domestic violence in the presence of a child witness (Note: Proposal targets cycle of violence; children who witness violence at home are at higher risk of engaging in violent behavior.)

5. Possible support, if supported, possible inclusion:

Gang Provisions:

- Create a new federal offense (or provide for a sentence enhancement) for threatening or coercing a person to participate in, or remain a member of, a criminal organization
- Create a workable sentence enhancement where a crime is committed in furtherance of a criminal street gang
- Authorize U.S. District Court to issue civil injunctions against the activities of certain criminal organizations, including gangs
- Extend federal jurisdiction to all murders committed with a firearm

Gun Provisions:

- Require gun owners to record the make, model and serial number of their firearms as a condition of obtaining gun insurance, and require gun owners to provide such information to law enforcement in the event of theft claims
- Establish explicit private cause of action for persons injured by firearms which were not stored safely
- Establish per se civil liability for persons who sell guns illegally

- Sentencing enhancement for any person convicted of using or carrying a firearm during and in connection with any Federal crime while released pending trial or sentencing as to whom there has been a probable cause determination by a neutral judicial official
- Require gun owners to obtain personal injury insurance to cover death or injury cause by their firearms

Better protecting witnesses of gang- and drug-related crime from intimidation, thereby strengthening the prosecution of such cases;

1. Cleared:

- Expand the circumstances under which persons accused of gang and other violent crime may be detained pending trial
- Create a new offense of conspiracy to intimidate or retaliate against a witness or informant
- Amend federal law to provide stiff penalties against those who travel in interstate commerce with the intent to intimidate or retaliate against a witness or informant, in a federal or state criminal prosecution (either through amending the Travel Act or through a separate statute)

2. Support and include:

- Amend Title 28 to provide authorization for the Emergency Witness Assistance Program

4. Possible support, if supported, include:

- Amend the federal Crime Victims Fund statute, 42 U.S.C. Sec. 10601, to authorize states to use a portion of their victim assistance grants to protect witnesses

Protecting the rights of victims of juvenile crime;

1. Cleared last year:

- Expand victims rights to treat victims of juvenile offenders the same as victims of adult offenders
- Expand public access to juvenile proceedings (i.e., proceedings presumptively open, but may be closed in the interests of justice or for good cause shown)

5. Possible support, if supported, possible inclusion:

- Note: There are a wide range of victims' proposal which are not yet finalized, and which might be included in the legislation if appropriate

Holding juveniles offenders accountable for their actions by ensuring that there is an appropriate sanction for each and every violation of the law;

1. Cleared last year:

- Authorize federal courts to make available fines and supervised release, which are not presently sentencing options, for juveniles adjudicated delinquent
- Authorize BOP to incarcerate juveniles prosecuted as adults in adult facilities

Forging a redesigned and refocused federal effort to provide resources and other support for state, tribal, and local juvenile crime enforcement, intervention, sanction and prevention initiatives;

1. Cleared:

- Provide \$100 million for the "Prosecutorial Initiatives Targeting Gang Crime and Violent Juveniles" to prosecutorial offices for at least 1000 new initiatives, including hiring new gang prosecutors, to target gangs, gang violence, and other violent juvenile crime
- Provide \$75 million for the "Anti-Truancy, School Violence, and Crime Intervention Program" to support local juvenile crime intervention programs, such as anti-truancy, school violence, and curfew initiatives
- Provide \$50 million for the "Violent Youth Court Program" for the development of initiatives by courts or court-related entities, such as probation offices and victim/witness centers, to enhance and expedite the handling of matters involving violent juveniles, including the development of juvenile drug and/or gun courts
- Expand the authorized use of prison grant funds for drug testing, and for post-incarceration transition, supervision, monitoring

2. Support and include:

- \$_____ should be allocated for formula assistance for state and local governments (Approx. 48% of total funds for the administration and support of youth violence initiatives.)
- \$_____ should be allocated for formula assistance for Native American tribal governments (Approx. 2% of total funds for the administration and support of youth violence initiatives.)
- Replace the Native American pass-through with direct federal funding to Native American tribal governments
- Expand the authorized use of prison grant funds for construction of a full range of juvenile facilities, including non-secure facilities (Note: Allowed under current law, but we may want eliminate small, existing hurdle.)

4. Possible support; if supported include:

- Enact government-wide "gift authority" provision for crime prevention programs

Supporting improvements in federal, state, tribal and local practices designed to respond to and prevent juvenile crime, including protecting juveniles from abuse while in custody;

1. Cleared:

- Expand the use of federal juvenile records for law enforcement purposes

2. Support and include:

- \$ _____ should be allocated for incentives to encourage certain policies, e.g., development of graduated sanctions (Approximately 10% (?) of total funds for the administration and support of youth violence initiative. Note: This amount assumes that 5% will be used to cover expected earmarks.)
- Funds allocated for incentives can be used for the following purposes: development of graduated sanctions; information-sharing systems; comprehensive facilities; unified family/juvenile courts; juvenile assessment programs; and encouraging interviews of juveniles who illegally possess firearms to determine the source of the weapon
- Within constitutional limits, give U.S. Magistrate Judges jurisdiction over all federal juvenile delinquency proceedings

3. Support, possible inclusion:

- Develop program to ensure that state judges provide notification of federal gun disability to persons subject to domestic violence restraining orders

4. Possible support, if supported, include:

- Require state courts to notify law enforcement agencies of the outcome of juvenile proceedings
- Provide greater flexibility to detain certain status offenders, e.g., serious truants

5. Possible support, if supported, possible inclusion:

- Develop model guidelines regarding the destruction of seized firearms by state and local authorities
- Establish policy encouraging states to check FBI criminal history records for all persons arrested for misdemeanor and felony firearms offenses
- Provide support for enhanced use of Terry-stops to get firearms off the streets
- Require states to make available bed space in juvenile facilities built with federal funds for use by the federal government if such bed space is currently not in use

Testing promising programs and strategies, and providing training, technical assistance, and "seed funding" to replicate such initiatives when they are found to be effective;

2. Support and include:

- \$ _____ should be allocated for testing promising programs and strategies (Approximately 10% (?) of total funds for the administration and support of youth violence initiatives.)
- \$ _____ should be allocated for replication of effective programs and strategies (Approximately 10% (?) of total funds for the administration and support of youth violence initiatives.)
- \$ _____ should be allocated for training and (Approximately 3% (?) of total funds for the administration and support of youth violence initiatives)
- \$ _____ should be allocated for technical assistance (Approximately 2% (?) of total funds for the administration and support of youth violence initiatives)

Strengthening research, evaluation and data collection activities to identify and disseminate information on programs and strategies that are effective in combating juvenile crime; and

2. Support and include:

- \$ _____ should be allocated for research, e.g., studies, reports, data collection and analysis (Approximately 2% (?) of total funds for the administration and support of youth violence initiatives)
- \$ _____ should be allocated for programmatic evaluations (Approximately 3% (?) of total funds for the administration and support of youth violence initiatives.)
- Require grantees to participate in and collect data for rigorous evaluations when needed, and to conduct such evaluations when appropriate

Supporting programs that focus on missing and exploited children and the prevention of child abuse and neglect.

2. Support and include:

- \$ _____ should be allocated for programs that focus on missing and exploited children and the prevention of child abuse and neglect (Approximately 5% of total funds for the administration and support of youth violence initiatives.)

HIGHLIGHTS OF YOUTH VIOLENCE BILLS IN 105TH CONGRESS

Clinton "Anti-Gang Youth Violence Bill"

- \$200 Million Gang Prosecutor Grant Program.
- \$50 Million After School Programs. Funding for 1,000 new after school programs.
- 1996 Youth Crime Bill Initiatives. Prosecute more juveniles as adults for drug and firearms offenses and grant new rights for victims of juvenile crimes.
- Require Safety Devices for Handguns.

Also:

- Gang Witness Intimidation Provisions.
- Reform Juvenile Justice Office.
- Truancy/Curfew Grants.
- Brady for Juveniles.
- Youth Violence Courts.
- Drug Testing Teens for Drivers Licenses. State demonstration program.

Leahy-Biden-Daschle "Youth Violence, Crime and Drug Abuse Bill"

- Extension of Clinton Crime Bill Programs from FY 2000 through FY 2002; e.g., add 25,000 new cops to the Clinton 100,000 cops program.
- After School "Safe Havens". Similar to Administration bill.
- Prosecutors for Juvenile Courts. \$500 million program.
- Juvenile Gun and Drug Courts. Similar to 1996 Administration bill.
- \$550 Million for Violent Juvenile Prisons.
- Stiffen Penalties for Gang and Drug-Related Crimes.

McCollum "Juvenile Crime Control Act of 1997"

- Prosecution of Juveniles as Adults. Allows in Federal court for Federal felonies at age 13. Requires at age 14 for serious violent felonies and drug crimes.
- Victims' Rights for Victims of Juvenile Crimes. Similar to Administration bill.
- Criminal Records and Fingerprints of Juveniles. Expanded availability.
- Armed Violent Youth Apprehension Directive. Establishes youth violence task forces in U.S. Attorneys' offices.
- \$1.5 Billion Juvenile Detention Facility Program.