

military personnel who raped and tortured her in 1989.

Spokesman Nicholas Burns made the statement as the department sent Congress more than 6,000 documents concerning human rights cases in Guatemala, including that of Sister Dianna Ortiz, of Grants, N.M.

Sister Ortiz, who was in Guatemala to teach Indian children, says she was abducted at gunpoint by military personnel, raped repeatedly and tortured. She said a man called Alejandro appeared to be in charge, spoke colloquial English and spoke of contacts at the American Embassy.

Referee refuses to release suspect, 6

MARTINEZ, Calif. - A 6-year-old boy charged with attempted murder in the near-fatal beating of an infant will remain in Juvenile Hall for his own safety, a court referee ruled Friday.

Juvenile referee Stephen Easton denied a defense request to let the boy return home, citing death threats against the youngster. He also denied requests to drop charges against the boy and the 8-year-old twins who are accused of helping him steal a Big Wheel tricycle.

Crime -  
Juvenile  
Crime

Prosecutors contend the three boys broke into a Richmond apartment April 22 to steal the tricycle. The 6-year-old boy is accused of beating and kicking a 4-week-old baby while the babysitter was in another room. The twins are charged only in the burglary.

BRIEFLY

-- More than 30,000 tons of chemical warfare agents stored in eight states are "reasonably stable," but leakages of nerve gas from M55 rockets in Alabama and Utah are a growing worry, the Pentagon said Friday in a report on the nation's chemical weapons.

-- The United States and North Korea will resume talks today on the more than 8,100 American servicemen unaccounted for from the Korean War.

-- Firefighters said Friday the 21-day-old fire near the Los Alamos nuclear research laboratory in New Mexico was completely contained and the one burning in desert land east of Phoenix was expected to be fully contained by tonight.

-- The FBI warned Jewish groups Friday of an anonymous threat to murder 1,200 Jewish executives and physicians in this country unless Israel withdraws its forces from Lebanon by Sunday.

GRAPHIC: Photo,

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The Washington Post

May 04, 1996, Saturday, Final Edition

SECTION: A SECTION; Pg. A16; AROUND THE NATION

LENGTH: 172 words

HEADLINE: 6-Year-Old to Remain in Custody

DATELINE: MARTINEZ, Calif.

BODY:

The 6-year-old boy charged with attempted murder in the near-fatal beating of a month-old infant will remain in Juvenile Hall for his own safety, a court referee ruled.

Juvenile referee Stephen Easton denied a defense request to let the boy return home, citing death threats against the youngster. He also denied requests to drop charges against the boy and the 8-year-old twins who are accused of helping him steal a tricycle.

The kindergartner is the youngest child in the nation ever charged with attempted murder.

His lawyer, John Burris, argues that the boy is too young to understand the consequences of his actions and that the case should be handled by social workers, not the criminal courts.

The boy's mother was upset by the referee's ruling. "I feel kind of angry. It's unfair," she said. "There's this talk that I'm an unfit mother. I'm a fit mother. I'm a hard-working mother. They're saying it was a lack of responsibility on my part. Well, he was very well cared for by his family and friends."

LANGUAGE: ENGLISH

LOAD-DATE: May 04, 1996May 04, 1996

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The Commercial Appeal (Memphis)

May 3, 1996, Friday, Final Edition

SECTION: NEWS, Pg. 2A

LENGTH: 962 words

HEADLINE: Baby hurt in beating likely to live - doctor

BYLINE: Compiled by Mary Jane Pardue from these news services: The Associated Press, Los Angeles Times- Washington Post, The New York Times, Reuters and Scripps Howard

DATELINE: OAKLAND, Calif.

BODY:

An infant who was severely beaten, allegedly by a kindergartner who broke into his apartment with two 8-year-olds, is likely to survive the ordeal but with permanent disabilities, a doctor said Thursday.

The baby, Ignacio Bermudez Jr., suffered two skull fractures and bleeding in his brain in the April 22 attack. He was taken off a ventilator Wednesday and was breathing on his own.

On Thursday, doctors at Children's Hospital in Oakland said the 5-week-old boy likely would survive with lifelong physical and mental problems. Permanent brain damage was likely, Dr. Timothy Yeh said.

A 6-year-old boy has been charged with attempted murder in the beating. He is suspected of dumping Bermudez out of a bassinet and punching, kicking and beating him with a stick before stealing a Big Wheel-style tricycle. The boy may be the youngest person in the nation to be charged with attempted murder.

'He's really a sweet child, and you should see his smile,' the 6-year-old's mother told NBC Nightly News. 'He has a perfect smile and no kind of angry, you know, like wanting to hurt anybody.'

Congress honors Billy Graham

WASHINGTON - Evangelist Rev. Billy Graham, globetrotting pastor to presidents and paupers, got Congress's highest service award on Thursday and



U. S. Department of Justice

Office of Legislative Affairs

*Crime -  
Juvenile Crime*

Office of the Assistant Attorney General

Washington, D.C. 20530

May 20, 1996

MEMORANDUM

TO: JOHN HILLEY  
RAHM EMANUEL  
BRUCE REED

FROM: ANDY FOIS *AF*

RE: JUVENILE VIOLENCE LEGISLATION

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We are coming off a good crime week in which we announced our juvenile violence legislation at the gangs event, did the COPS announcement at the Law Enforcement Officers Memorial and signed Megan's Law. Each action built upon the next. We need to keep the momentum going. I think the strategy of building on the Crime Bill record with terrorism and the remaining outstanding terrorism provisions and juvenile violence legislative package is the right way to go.

In light of what we learned from Senate Judiciary staff last week on the plans for some kind of Senate action on juvenile justice, and the knowledge we have that the House Crime Subcommittee plans to do a bill next month for floor action in July, we need to maintain a position of leadership on the issue and a role in the legislation. To that end, I would suggest that the President consider announcing as soon as possible that he is inviting the Congressional leadership, including Hyde and Hatch and McCollum and Biden and Schumer et al to the White House to discuss this serious national problem and try to work together to pass legislation this year based on his proposed package. Whether they accept or decline: we win. The President keeps the high road and the big picture and plays it just like terrorism - "these are the things I want in such a package" (our proposal) and most of them are doable. Then if it passes - its ours. If it doesnt - we're covered. If it looks awful - cop killers can blow it up.

## YOUTH VIOLENCE LEGISLATIVE INITIATIVES

*Crime -  
Juvenile Crime*

### I. Anti-Gang Youth Violence Control Act:

#### Title I: Enhanced Prosecution of Dangerous Juveniles

- Gives prosecutors, rather than judges, the discretion to transfer juvenile offenders to adult criminal court
- Expands 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
- Authorizes the courts to make fines and supervised release -- not presently sentencing options -- available for juvenile adjudicated delinquent
- Expands victims rights to treat victims of juvenile offenders the same as victims of adult offenders
- Authorizes BOP to incarcerate juveniles prosecuted as adults in adult facilities
- Expands the use of juvenile records for law enforcement purposes
- Permits the use of an adjudication of juvenile delinquency for a serious drug trafficking offense as a predicate offense under the Armed Career Criminal Act

#### Title II: State and Local Courts Assistance

- Authorizes the Attorney General to make grants to states and localities to establish juvenile gun court programs (Such sums as necessary from Trust Fund)
- Authorizes the Attorney General to make grants to states and localities to establish juvenile drug court programs (Such sums as necessary from Trust Fund)

#### Title III: Gun Amendments

- Lopez fix -- (Gun Free School Zones Act)
- Bailey fix -- ("Use" of a firearm)

#### Title IV: Keeping Kids Off Drugs

- Increased penalties for using minors to distribute drugs, distributing drugs to minors, trafficking in or near a school, and using federal property to grow or manufacture drugs
- Rescheduling authority for rohypnol
- Methamphetamine Control Act

## **II: Reauthorization of the Office of Juvenile Justice and Delinquency Prevention:**

- Provides national leadership on issues related to youth violence and delinquency prevention.
- \$100 million in direct formula assistance for state and local delinquency prevention initiatives
- \$22 million in discretionary grants for anti-gang programs, mentoring programs, and other priority initiatives
- \$16 million for research, training and technical assistance
- \$18 million for missing and exploited children

## **III Other Proposals Under Review By DOJ:**

- Expand the authorized uses of prison grant funds to include construction of a full range of juvenile facilities, including non-secure facilities
- Guarantee that a percentage of the juvenile detention space built with federal funds is available for contract by the federal government.
- Authorize BOP to put persons adjudicated as juveniles in adult facilities after they turn 18.
- Establish gun purchase disability for certain juvenile offenders adjudicated delinquent.
- Amend statute governing access to juvenile proceedings to create greater openness; amend juvenile records statute as appropriate

U.S. REPRESENTATIVE

Crime - Juvenile  
CrimeAudray - FBI  
Sean

# BILL McCOLLUM

## 8th District—Florida

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### For Immediate Release

Date: May 28, 1996  
Contact: Andi Dillin

## McCollum Introduces Violent Youth Predator Act

**WHO:** Bill McCollum (R-FL), Chairman, House Subcommittee on Crime

**WHAT:** Press Conference to Introduce the Violent Youth Predator Act of 1996

**WHEN:** Thursday, May 30, 11:30 a.m.

**WHERE:** House Triangle

**BACKGROUND:** Although recent statistics show a modest decrease in the overall crime rate, violent crimes committed by juveniles are dramatically on the rise. Offenders under the age of 21 commit more than one-fourth of all violent crime. Even more alarming is that the number of 15-19-year-old males will increase by 23 percent in the coming decade, generating an unprecedented rate of juvenile crime.

The Violent Youth Predator Act accomplishes four critical objectives. First, it strengthens current federal law so that chronic violent offenders can be prosecuted as adults. Second, it establishes enhanced mandatory minimum prison sentences for juveniles who use firearms in the course of a federal violent crime or drug trafficking offense.

Third, it establishes the Armed Violent Youth Predator Program in the Justice Department to ensure tough and aggressive prosecution of armed violent juveniles. And finally, it repeals the Office of Juvenile Justice and Delinquency Prevention, which paid states to implement anti-confinement policies, and replaces it with the Office of Juvenile Crime Control, which would provide juvenile crime prevention block grants to the states, and incentive grants for states that adopt laws that hold violent juveniles accountable.

At Thursday's press conference, Mr. McCollum will be joined by several victims of violent juvenile crime who will share their personal stories, demonstrating how the inadequacies of our current juvenile justice system caused them even greater suffering.

###

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## FACT SHEET

## "The Violent Youth Predator Act of 1996"

Introduced by

Bill McCollum, Chairman, Subcommittee on Crime

## Executive Summary

The Act accomplishes the following four critical objectives:

- \* It greatly strengthens the Federal juvenile justice system by mandating adult prosecution for juveniles who commit serious federal violent crimes and major drug trafficking offenses;
- \* It establishes enhanced mandatory minimum prison sentences for juveniles who use firearms in the course of a federal violent crime or drug trafficking offense;
- \* It directs the Attorney General to target enforcement resources at armed violent youth predators; and
- \* It repeals the antiquated Office of Juvenile Justice and Delinquency Prevention which for more than twenty years has required States to implement soft-on-crime "juvenile justice" policies and replaces it with the Office of Juvenile Crime Control, which would provide to the States \$500 million for juvenile crime reduction and prevention block grants and incentive grants for punishing violent juveniles and adopting accountability-based reforms.

## Background: The Coming Storm of Violent Juvenile Crime

No population poses a larger threat to public safety than young adult criminals. Teenagers account for the largest portion of all violent crime in America. Offenders under the age of 21 commit more than one-fourth of all violent crime. Older teenagers--ages 17-19--are the most violent of all age groups. More than one third of all murders are committed by offenders under the age of 21.

The rate of juvenile crime, particularly violent juvenile crime, has increased dramatically over the past ten years. The number of juveniles arrested for weapons offenses has more than doubled in the last ten years. Almost one-fourth of those arrested for weapons offenses in 1993 were under the age of 18. Between 1965 and 1992, the number of 12-year-olds arrested for violent crime rose 211 percent; the number of 13- and 14-year-olds rose 301 percent; and the number of 15-year-olds rose 297 percent.

Remarkably, this skyrocketing violent youth crime has occurred while the youth population has actually been shrinking. Over the next 15 years, however, the number of teenagers will soar to the highest level in American history. More of these youths will come from fatherless homes than ever before, at the same time that youth drug use is taking a sharp turn for the worse. Put these demographic facts together and brace yourself for the coming generation of "super-predators."

If national trends continue as they have over the past 10 years, juvenile arrests for violent crime will more than double by the year 2010. The number of juveniles arrested for murder is expected to increase 145 percent over the 1992 level, with forcible rape arrests up 66 percent and aggravated assault arrests up 129 percent.

The challenges faced by law enforcement will be unparalleled as we enter this next century. The American criminal justice system is simply not prepared to face tomorrow's wave of violent young people. Revolving door justice and the failure to hold criminals accountable for their crimes continues to plague the justice system, and particularly the juvenile justice system. Only by taking decisive action now, can America prevent this wave of young people from committing unprecedented numbers of violent crime. The "Violent Youth Predator Act of 1996" is that decisive step.

**Title I: Federal Prosecution of Serious Violent Juveniles**

Current Federal law contains procedural barriers to prosecuting dangerous juvenile criminals and many out-dated restrictions on juvenile delinquency proceedings. Public safety would significantly benefit from increased efforts by the Federal Government, particularly when the most dangerous juvenile criminals are targeted. The Federal juvenile justice system would be reformed and strengthened, both to enable more violent juveniles to be tried as adults in the Federal system, and to serve as a model for the States.

The bill provides for:

- \* **Automatic adult prosecution for juveniles 14 or older who commit serious federal violent crimes or major drug trafficking offenses;**
- \* **Optional adult prosecution for juveniles 13 or older who commit any other federal felony;**
- \* **Optional juvenile proceedings for youth accused of delinquency;**
- \* **Eased restrictions on where juvenile offenders are confined pre- and post-conviction;**
- \* **Preservation of and public access to juvenile criminal records;**
- \* **fingerprinting and photographing of juvenile criminals; and**
- \* **More punishment and longer periods of confinement for juveniles adjudicated delinquent.**

**Title II: Mandatory Minimum Sentences for Armed Violent Youth Offenders**

This section establishes enhanced mandatory minimum prison sentences for anyone--including a juvenile tried as an adult--who possesses, brandishes, or discharges a firearm in the course of a federal violent crime or drug trafficking offense. The increased penalties include 5 years for possession, 10 years for brandishing, and 20 years for discharging the firearm for first convictions -- in addition to penalties for the underlying crimes.

**Title III: The Armed Violent Youth Predator Apprehension Directive**

This section directs the Attorney General to establish within 6 months after enactment of the bill an "armed violent youth predator apprehension program." Elements of the program include -- 1) the designation of at least one federal prosecutor in every U.S.

attorney's office to prosecute federal laws pertaining to armed violent youth predators; 2) a requirement that every U.S. attorney establish a task force within his or her federal district to coordinate with State and local law enforcement the apprehension of armed violent youth predators; 3) monthly reports from U.S. attorneys concerning the number of armed violent youth predators arrested and prosecuted; and 4) semiannual reports from the Attorney General to the Congress summarizing the information received from the U.S. attorneys.

#### **Title IV: Establishment of the Office of Juvenile Crime Control**

This section would abolish the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the anti-confinement mandates enforced by this office and replace it with the Office of Juvenile Crime Control, and fund the Office at \$500 million for five years, more than three times the current funding level of OJJDP (OJJDP's FY'96 funding is \$150 million).

One-half of the new funds --\$250 million-- would be available as block grants for the States be used to address juvenile crime as they see fit. There would be no strings attached to this funding. Funds may be used for juvenile crime control or prevention programs. Certain functions currently performed by OJJDP--research, demonstration projects and training--would be performed by the Office of Juvenile Crime Control. The clearinghouse function of disseminating helpful information to the States would be expanded beyond that currently performed by OJJDP.

The second half of the funds --another \$250 million-- would be provided as incentive grants, available to States that implement accountability-based reforms within their juvenile justice systems.

Similar to the 1996 truth-in-sentencing legislation for the States (note: more than 20 States are now requiring violent criminals to serve at least 85 percent of their sentences), the incentive grants would encourage the States to punish as adults juveniles who commit serious violent crimes and to enact accountability-based juvenile crime reforms. These reforms include:

- \* **Establishing graduated sanctions for juvenile offenders, ensuring a sanction for every offense and escalating with each subsequent offense;**
- \* **Maintaining of juvenile arrest and disposition records and opening them up to the public;**
- \* **Establishing alternative schools or classrooms for juveniles suspended or expelled;**
- \* **Holding parents responsible for their children's serious delinquent acts when the court has released such juveniles to their parents' custody;**
- \* **Mandatory restitution;**

- \* **Curfew laws;**
- \* **Discontinuing the expungement of records;**
- \* **Mandatory sentences for firearms-related violent acts; and**
- \* **Fingerprinting and photographing juvenile criminals.**

The abolition of OJJDP is needed for two reasons. First, the goals of the Act have been accomplished. Almost all States are currently in compliance with the four grant mandates at the heart of the Act. In those few cases where States are not in compliance, it is because the States have not been given sufficient flexibility. Second, juvenile crime has changed dramatically over the 22 years since the Act was established. The Act was created to respond to a problem which has changed profoundly in recent years. With violent juvenile crime soaring to unprecedented levels, it is a mistake to continue sending money to the States conditioned on their implementing anti-confinement policies.