

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	POTUS to the Attorney General re: Directive on Fairness in the Implementation of the Federal Death Penalty (2 pages)	08/94	P5

### COLLECTION:

Clinton Presidential records  
Domestic Policy Council  
Bruce Reed (Crime)  
OA/Box Number: 21553

### FOLDER TITLE:

1994 Crime Bill-Conference

rs28

### RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- 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]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise 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]

**CRIME INSERT**  
**AUGUST 24, 1994**

This past weekend, Democrats and Republicans in the House joined in an unprecedented effort to set aside the petty concerns of partisan politics, and act quickly to address the real concerns of real people. Not only did they pass a Crime Bill that the American people desperately want, but they showed the bipartisan spirit and good faith we desperately need here to make Washington work again.

Now the Senate has a chance to pass the toughest, smartest, most bipartisan Crime Bill in our nation's history -- a bill that is built on the bipartisan roots of the Crime Bill that Republicans and Democrats in the Senate passed late last year by a vote of 95 to 4.

This bill is centrist and bipartisan to its bones: 100,000 new police; billions for more prisons; three-strikes-and-you're-out; prohibiting juveniles from owning handguns; a ban on deadly assault weapons; crime prevention programs; a massive cut in the federal bureaucracy to pay for all these crime-fighting efforts . . . These aren't Democratic ideas or Republican ideas -- they're common-sense ideas that the American people support because they can make a difference against crime now.

The American people have waited six years for a Crime Bill, even as they have watched the average violent criminal go free in four years. For six years, Americans' fear of crime and frustration with the political system have been going up at the same time.

So this isn't just about passing a Crime Bill. It is about keeping faith with the millions of American families who work hard, pay the taxes, obey the laws, and don't ask much from government but just want to raise their children in a country that is safe. We will never win back the confidence of the American people until we pass this Crime Bill and do our best to make them feel safe again.

 The American people will not tolerate a criminal justice system that makes excuses for criminals or a political system that makes excuses for politicians. It's time to put the excuses, the blame, and the politics aside, and join forces to pass this Crime Bill now.

## ANALYSIS OF PROPOSED REPUBLICAN AMENDMENTS

Under ordinary circumstances, most of these amendments (except the assault ban) would pass or have already passed the Senate, and would never get out of conference with the House. The prevention cuts would be hard to defeat in the current atmosphere, and would dismay our coalition in the House. The new penalties might be somewhat easier for us to swallow, but are for the most part really bad ideas.

### **1. Strike Local Partnership Act (\$1.62b). Add \$1b to Byrne Grants.**

This amendment would infuriate Conyers, the CBC, and mayors, although it would please law enforcement and governors. It's something the appropriators will try to do next year anyway, because Byrne drops from \$580m to \$130m in FY96 while the LPA jumps from zero to \$240m. But for us to support it now would be seen as bad faith and another cut in prevention. We could agree to a 1996 GAO study specifically on the Local Partnership Act to determine whether to invest any money beyond FY96.

### **2. Strike National Community Economic Partnership (\$270m).**

This is Kennedy's program, which passed the Senate at \$40m the first time. Compared to other prevention programs, it has little support.

### **3. Strike Model Intensive Grants (\$625m). Add \$300m to Byrne Grants.**

Same problem as #1 -- Schumer and mayors.

### **4. Strike Family and Endeavor Schools (\$243m).**

This is a Gephardt program, which goes for in-school prevention programs. It has relatively little support or opposition.

### **5. Tighten prison language.**

We'll never be able to give all them what they want on truth-in-sentencing.

### **6. Add Simpson amendment (Criminal Alien deportation).**

Prompt deportation of criminal aliens.

### **7. Add Nickles amendment (Restitution).**

Probably an amendment to make restitution mandatory in all cases.

**8. Gramm/D'Amato mandatory minimums for gun crimes and drug sales to minors.**

Bad idea to federalize gun crimes. Mandatory minimum of 10 years for 1st conviction of possession of firearm during crime of violence, 20 years for discharge of firearm. 10 years for sale of drugs to minor, life sentence for 2nd offense.

**9. Add Dole-Hatch (Gang Penalties).**

Another bad idea. Massive expansion of federal jurisdiction over street gang crimes.

**10. Add Moseley-Braun (Treating juvenile offenders as adults).**

Bad but popular idea. Requires 13-year-olds to be prosecuted as an adult if they commit murder, attempted murder, armed robbery, armed assault, and aggravated sexual assault. Conference report allows them to be prosecuted as adults, but does not require it.

**11. Mandatory Minimum Reform.**

Amends the safety valve provision to strengthen the cooperation requirement.

**12. Strike Assault Weapons Ban.**

Unacceptable.

**13. Gorton Amendment (Sexual Predator).**

Conference report already dealt with registration and community notification. Gorton may also want Sentencing Commission to establish guidelines that allow judges to imprison sex offenders until they are no longer considered a sexual predator.

PROPOSED REPUBLICAN AMENDMENTS--draft (3:55 p.m.)

1. Strike Local Partnership Act (\$1.62 billion) Add \$1 billion to Edward Byrne Memorial Law Enforcement program.
2. Strike National Community-Economic Partnership (\$270 million).
3. Strike Model Cities Intensive Grants (\$625.5 million). Add \$300 million to Edward Byrne Memorial Law Enforcement program.
4. Strike Family and Endeavor Schools (\$243 million).
5. Tighten prison language (reverter clause, correctional plan, authorizing language, truth-in-sentencing).
6. Add Simpson Amendment (Criminal Alien Deportation).
7. Add Nickles Amendment (Restitution).
8. Gramm/D'Amato mandatory minimums for gun crimes/selling drugs to minors.
9. Add Dole-Hatch Amendment (Gang Penalties).
10. Add Moseley-Braun Amendment (Treating Violent Juveniles as Adults).
11. Mandatory Minimum "Reform" (U.S. Attorney language).
12. Strike Assault-Weapons Ban.
13. Gorton-Sexual Predator

## THE CRIME BILL CONFERENCE REPORT

Congress has moved one important step closer to passing comprehensive legislation that will help make our neighborhoods, our homes and our families safer from crime. The Crime Bill contains the central elements of President Clinton's balanced anti-crime strategy -- more policing, more punishment, and more prevention. As the President said, it is "the toughest, largest, smartest Federal attack on crime in the history of our country."

### MORE POLICE

#### **100,000 More Police**

The legislation will put 100,000 new police officers on the streets, walking the beat, working with citizens to prevent and solve crimes. Through "community policing" we can combine an increased police presence with the development of partnerships with communities -- to create safer neighborhoods.

The plan to put 100,000 police officers onto America's streets represents an almost 20% increase in the number of police officers nationwide. Half of the 100,000 new police will go to large cities and counties (over 150,000 persons); the balance will go to smaller cities and rural areas.

#### **Law Enforcement Scholarships**

The Crime Bill will improve the training of current and future police officers, and help recruit more officers to work with their communities. The Police Corps, similar to the ROTC program, will provide funds to individuals who are committed to joining police departments after graduation; another program provides scholarships to men and women already serving as police officers.

#### **Assault Weapons**

The Bill makes our police officers safer on the street by banning 19 listed weapons, copycats, and other clearly-defined semi-automatic guns, that are weapons of choice of drug dealers, gang members, and mass murderers. The Bill expressly protects over 600 other weapons from being regulated.

#### **Kids and Guns**

This provision makes it illegal for kids to carry handguns, except with parental authority.

#### **Federal Agents**

The bill funds hundreds of additional Federal law enforcement agents, at the FBI, DEA, and BATF.

#### **Border Patrol**

While strengthening immigration laws, the Crime Bill will also provide the resources necessary to enforce them. These measures include funding for an additional 1,000 Border Patrol agents, and funding for reforms to speed alien deportation.

## MORE PUNISHMENT

### **Three Strikes and You're Out**

The President's "Three Strikes and You're Out" life imprisonment provision will keep off the streets those career violent offenders who do the most harm to society.

### **Death Penalty**

The Crime Bill will reinstate the Federal death penalty for the most heinous of crimes, such as killing a Federal law enforcement officer.

### **Prisons**

States will receive \$9 billion to help keep violent criminals and criminal aliens behind bars. Measures include a prison grant program which will help states lock up violent offenders quickly and efficiently as well as encourage them to improve their criminal justice systems by adopting "truth in sentencing" provisions. \$1.8 billion of this funding will reimburse states that incarcerate criminal aliens.

### **Truth in Sentencing**

A total of \$6.5 billion in prison funding has some "truth in sentencing" requirements, with 40% of the funds set aside for the states that meet the most rigorous standards for jailing violent offenders for their full sentences (such as insuring that second offenders serve 85% of the time sentenced).

### **Drug Courts**

Drug Court programs will support intensive court supervision of drug dependent defendants to provide the carrot-and-stick approach that can help them beat their addiction.

### **Youth Crime and Violent Young Offenders**

The Crime Bill includes smart incarceration programs and tough alternative approaches, such as boot camps that provide the discipline and training necessary to deter young people from embarking on a life of crime, and discretionary authority to prosecute hardened young criminals, 13-years-old and above, as adults for serious violent offenses. The Bill also funds secure detention facilities for violent juvenile offenders.

### **Rural Crime**

Special provisions will combat rural crime, by putting more police officers in rural areas, and by specifically targeting funds to reduce drug trafficking, gang and domestic violence in rural communities.

### **Safety Valve**

While insuring that violent offenders serve longer terms, the Bill also sensibly insures that non-violent drug offenders do not tie up prison cells that could be used for more dangerous criminals.

## MORE PREVENTION

### **Ounce of Prevention**

Prevention programs in the Crime Bill will help steer young people away from crime and drugs and, as the President often says, "give them something to say 'yes'" to. The Ounce of Prevention Council and programs will help effectively coordinate and integrate the delivery of the Federal Government's new youth development and youth oriented crime prevention initiatives.

### **Y.E.S.**

The President's Youth Employment Skills program, "Y.E.S.," will provide young people with job training and work opportunities in hard-hit, high-crime areas.

### **Community Schools**

The Community Schools Program will give grants to community groups to keep schools open after hours and on weekends, so kids will have a place to go and stay out of trouble.

### **Violence Against Women**

The Violence Against Women Act will increase Federal resources available to combat sexual and domestic violence, through education programs, law enforcement training and a national domestic violence hotline. The bill will also mandate higher penalties for perpetrators of gender-motivated crimes and strengthen victims' rights.

### **Local Partnership Act**

The Local Partnership Act will provide grants to thousands of American cities to fund health and educational crime prevention programs.

### **Model Intensive Grants**

The Model Intensive Grant Program will fund comprehensive crime prevention programs in chronic, high-intensity crime areas.

### **Gangs Prevention**

The Gang Resistance Education and Training program ("G.R.E.A.T."), already a proven success, will help kids fight the allure of gang membership. Also, a Midnight Sports Program will prevent youth violence by getting kids off the streets and teaching them sportsmanship, teamwork and conflict resolution.

### **Police Partnerships**

The Police Partnerships for Children program will encourage police officers to make a difference in young lives by becoming involved with children and family services agencies that deal with at-risk children.

## PAYING FOR THE CRIME BILL ... AND THE NEED FOR ACTION

By reinventing government and focusing our priorities, we will make the money necessary to achieve these goals -- without increasing the deficit or raising new taxes. With the savings realized by the elimination of more than 250,000 Federal Government jobs, the Crime Bill will set up a \$30 billion Violent Crime Reduction Trust Fund to pay for the comprehensive police, punishment and prevention programs authorized in the anti-crime legislation.

- On Thursday, President Clinton, Attorney General Reno, Secretary Bentsen, Drug Director Brown -- and hundreds of police officers from around the country -- held a rally at the Department of Justice to celebrate the completion of the Crime Bill Conference Report and to urge the House and Senate to swiftly pass the comprehensive anti-crime legislation.

- The President said:

"Let's not forget that the bill is not a law. It has been voted out of a conference committee. The House must vote a rule to permit it to come to the vote. Then the House and Senate must pass it.

"It is urgent that we send the message out of this meeting that not only the law enforcement community, but the American people want a 20 percent increase in the police forces in this country, 100,000 police, that you want the tougher punishment, that you want the capacity for imprisonment, that you want the prevention funds, that you want the assault weapons ban, that you want the ban on teenagers owning guns, that you want the protection for women against violence, that you want the schools to be safer -- that you believe the Crime Bill makes sense because it deals with the problem in a human, intelligent, and firm way. And it gives us a chance to come together again as a people.

"Let's go pass the bill!"

**Daily Talking Points on Anti-Crime Legislation  
Friday, August 19, 1994**

**THEY SHOULD KNOW BETTER:  
THE TRUTH BEHIND THE NRA LIES**

More than 70 percent of Americans support the crime bill's ban on assault weapons, and the National Rifle Association is desperate. In a last-minute bid for crime bill gridlock, the NRA is buying up television time and turning to Hollywood for a rewrite of the truth.

NRA abandoned the facts long ago. Here's a guide to the "false witness" the NRA is bearing against the American people:

***NRA Lie 1: The crime bill spends vast amounts on social programs -- more than on police.***

**The Facts:** Wrong. More than \$7 of out every \$10 in the bill (72%) is for police, federal and state law enforcement, prisons and detention facilities.

Almost half of the remaining spending (13 percent of the total) is devoted to combatting violence against women, drug courts, and crime prevention programs originally sponsored by Republican Senators Danforth, Stevens and Domenici.

That means that 85% of the bill's funding is for law enforcement, prisons, drug courts, violence against women, and bipartisan prevention programs.

***NRA Lie 2: "The Crime Bill will put two social workers on the street for every cop."***

**The Facts:** Wrong again. As the July 16 Los Angeles Times said about this attack: "An examination of the facts shows that [this] calculation rests on a pyramid of questionable or flatly improbable assumptions." The crime bill earmarks no funds for the hiring of social workers -- none at all. On the other hand, the bill does provide almost \$9 billion to put 100,000 cops on the street and increase community policing programs across America.

So where does the 2-1 figure come from? A Heritage Foundation study ludicrously estimates the crime bill will hire 40,000 social workers by applying every dollar for crime prevention to the hiring of a social worker -- even though such a use of these funds would be illegal under most of the bill's prevention programs. The prevention programs do not mandate the hiring of any social workers -- not one.

***NRA Lie 4: The crime bill's prevention programs provide recreation and other soft activities for would be criminals.***

**The Facts:** Than why are they supported by every major law enforcement organization, including the Fraternal Order of Police and the National District Attorneys Association -- as well as Republicans like former President Bush and Senators Dole and Hatch?

Crime prevention programs have had bipartisan support for years -- until politics took hold:

The Republican conference proposal includes substantial sums for "sporting and recreational equipment...nutrition guidance...supervised sports programs...workforce preparation...entrepreneurship...tutorial and mentoring programs...parenting classes...nonviolent dispute resolution...sports mentoring...Boys and Girls Clubs in Public Housing."

President Bush gave a Point of Light to a midnight basketball league in 1990.

Senators Hatch and Dole support the Violence Against Women Act.

Senators Danforth and Domenici support the Community Schools program.

Senators Dole and Hatch support the anti-gang grants.

Senator Gramm and Former Drug Czar Bennett supports Drug Treatment in Prisons.

Senators Stevens and Domenici support the Olympic Youth program.

Senators Dole and Hatch support the Boys and Girls club grants.

Senator Durenburger supports the Family Unity provisions.

Prevention programs are vital to fighting crime, but they don't magically turn into pork just because another party also supports them.

***NRA Lie 5: The crime bill would release 10,000 drug dealers from prison.***

**The Facts:** Wrong again. Rather than set violent offenders free because of prison overcrowding, the crime bill would allow an emergency "safety valve" for a few minor drug offenders -- but only if they are not violent, their offense was low-level, and they had not used a weapon. Most would need to have served four or more years already. If applied retroactively, only 100 to 400 prisoners -- not 10,000 -- could be eligible for release.

Just ask tough-on-crime Republican representatives Henry Hyde and Bill McCollum -- they support including the safety valve retroactively.

***NRA Lie 7: The NRA ads are motivated by anything other than their desperation over the ban on assault weapons.***

Instead, they fund sex crime and domestic violence prosecutors, special agents to track down gang gun-running, judges, police officers, DNA labs, improved criminal history records, domestic violence shelters, evening hours for schools and teachers, and dozens of other crime prevention functions having nothing to do with social work or social workers.

The NRA and the Heritage Foundation also say that just 20,000 cops will be hired under this bill -- an error debunked below.

***NRA Lie 3: The crime bill will only hire 20,000 new cops.***

**The Facts:** More Heritage Foundation fiction. The Crime Bill earmarks almost \$9 billion to put 100,000 new police on the streets -- an increase of almost 20 percent over the nation's current 504,000 local law enforcement officers. Indeed, last year's supplemental police hiring program awarded \$150 million in grants to hire more than 2000 new officers. At that rate 20,000 officers could be hired for only \$1.5 billion.

Last year, entry-level police officers in cities over 10,000 earned an average of less than 24,000 a year<sup>1</sup> (and two-thirds of the jurisdictions eligible for police money have fewer than 10,000 people.) Even if you add fringe benefits and allow for inflation, the average salary and benefits per police officer is no higher than \$42,000.

Maybe the Heritage Foundation was thinking of the Republicans' alternative proposal offered by Republican Senator Hatch -- it would have cut \$1.6 billion from police hiring money.

Take it from the *Los Angeles Times*: "Critics appear to underestimate the number of police the bill could produce."

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<sup>1</sup> Survey conducted by the International City/County Management Association.

## PROPOSED CHANGES

### Penalty Provisions

1. Sexual offenders: Extend registration to lifetime. Reinstate original language on community notification
2. Rape provisions: Biden and Molinari to negotiate solution.

### Crime Prevention

1. 9.5% (\$3.2 billion) across-the-board-cut in authorization levels, with the remaining \$30.2 billion fully funded from the Trust Fund
2. Consolidation of youth programs: See attached draft list.
3. Eliminate special earmarks.

### Assault Weapons

1. Congressional review of future ATF decisions: Assault weapons banned while under review. Congress must pass joint resolution to overrule ATF decision, or ban becomes permanent after 180 days.
2. Clips provision: Grandfather clips for current owners

**PROPOSED CONSOLIDATION OF PREVENTION PROGRAMS**  
(Consolidates 27 Line Items into 16)

**A. AFTER-SCHOOL**

Community Schools Youth Services Grants (HHS)  
Hope in Youth (HHS)

**B. AT-RISK YOUTH**

Midnight Sports League (HUD)  
Boys and Girls Clubs (HUD)  
Police Partnerships for Children (HUD)  
Olympic Youth Development Centers (HUD)

**C. YOUTH VIOLENCE PREVENTION**

Juvenile Drug Trafficking Gang Prevention (DOJ)  
Community Youth Academies (DOJ)  
Gang Prevention Services (DOJ)  
Youth Violence Prevention Block Grants (DOJ)  
Anticrime Youth Councils (DOJ)  
[Fold in Urban Recreation and At-Risk Youth (Interior) with no funding]

**D. SENIORS**

Triads (DOJ)  
Safe Corridors (DOJ)  
Missing Alzheimers (DOJ)

**STAND-ALONE PROGRAMS**

**E. Youth Employment and Skills (DOL)**

**F. Local Partnership Act**

**G. Model Intensive Grants**

**H. GREAT (Treasury)**

**I. National Community Economic Partnership**

**J. Violence Against Women Act**

**K. Prison Drug Treatment (state)**

**L. Prison Drug Treatment (federal)**

**M. Family Unity (DOJ)**

**N. Child Visitation Centers (DOJ)**

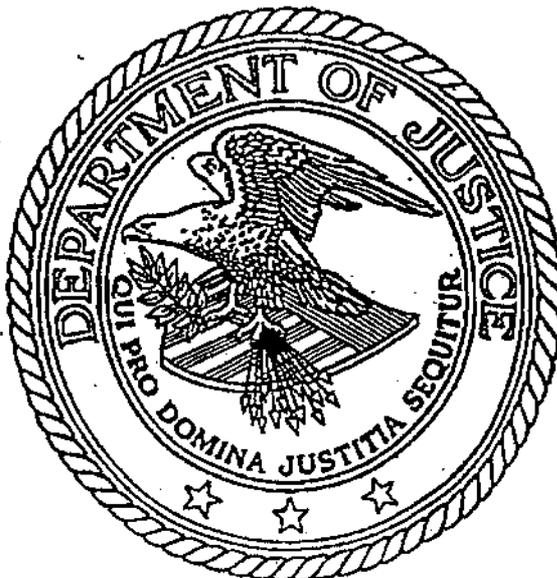
**O. Ounce of Prevention Grants**

**P. Family & Community Endeavor Schools Grants (ED)**

PREVIOUS TALKING POINTS ARE FOR INTERNAL USE ONLY!!!

KEEP VERY CLOSE HOLD!!!

THANKS!



# OFFICE OF THE ATTORNEY GENERAL

## FACSIMILE TRANSMITTAL COVER SHEET

DATE:

5/19/94

TO:

Bruce Reed, Rahm Emanuel,  
Pat Griffin, Karen Hancox, Martha Foley

FACSIMILE NO.

\_\_\_\_\_

TELEPHONE NO.

\_\_\_\_\_

FROM:

Bon Klain

FACSIMILE NO.

(202) 514-9077

TELEPHONE NO.

(202) 514-6909

NUMBER OF PAGES INCLUDING COVER SHEET

3

COMMENTS:

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- And for the prison grant program, trust fund spending rises from \$6.5 billion to \$7.6 billion -- meaning that the final bill will include significantly more in prison grants from the Trust Fund than did the Senate bill.
- Trust Fund dollars for Border Control also rise under this plan, from \$484 million to \$607 million -- putting more INS agents on the front lines.

Defense of "Do we still get 100,000 cops?"

- We will still get 100,000 cops, as Trust Fund funding for police hiring programs (i.e., Community Policing and the Police Corps combined) dips only from \$8.8 billion down to \$8.4 billion.
- We believe that we can still hire 100,000 more police at the \$8.4 billion level -- we will simply tighten up funds for support and technology grants, and use the Conference Report's flexibility features to attempt to put more police on the streets at less cost.

## IN DEFENSE OF A 9.6% ACROSS-THE-BOARD CUT

### Defense to the Left

- By cutting across the board, over 70% of the cuts come out of law enforcement and prisons. All other alternatives that have been advanced would make all of the cuts in prevention programs.
- Under this plan, the cuts that prevention programs are bearing are no different than the cuts that other programs endure. The essential balance of the bill -- roughly 40% for law enforcement, 30% for prisons, 30% for prevention -- remains the same; the bill as a whole just gets smaller.
- And while the Bill as a whole is being cut by almost 10%, the Bill's \$8.6 billion for prevention funding out of the Trust Fund will be cut by just 6.5%, or \$545 million.

### Defense to the Right

- The Bill's \$33.4 billion price tag would be cut to \$30.2 billion -- a \$3.2 billion reduction. And this makes the Bill at least \$5 billion cheaper than what the House-passed bill would have cost, accurately scored.
- With these cuts, "pure prevention"<sup>1</sup> funding will be down \$1.3 billion from the funding level for these programs in the House-passed bill (down from \$7.7 to \$6.4 billion).
- Once this cut is made, all of the programs in the Bill will be fully funded from the Trust Fund:
  - This has the biggest impact on prisons, where just 80% of the Conference Report's authorized funding was included in the Trust Fund (as compared to 97% of the prevention funding having been included in the Trust Fund in the Conference Report);
  - Thus, prisons will jump from 80% guaranteed funding to 100% guaranteed funding under this plan.
- Under this plan, prison funding out of the Trust Fund will actually increase by \$1 billion, from \$8.5 billion to \$9.5 billion. This means \$1 billion more in guaranteed funding for prisons than the original Conference Report contained.

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<sup>1</sup>In this context, "pure prevention" is the prevention programs and the drug courts combined, with violence against women excluded.

Any decision by the Secretary that a firearm is a copy or duplicate of any firearm enumerated in section 921(a)(30) shall be transmitted to Congress. Such decision shall be effective for a period of    days following notification of Congress. If, during such    day period, Congress does not enact legislation overturning the Secretary's decision, such decision shall become final on the    st day following notification of the Congress.

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Any decision by the Secretary that a firearm is a copy or duplicate of any firearm enumerated in section 921(a)(30) shall be transmitted to Congress. Such decision shall be effective unless, within    days following the notification, Congress enacts legislation overturning the Secretary's decision.



**ON THE LINE:** President Clinton gets on the horn in hopes of getting crucial votes for his crime package.

Daily News

180-day

ban

Congress - disprove

1. ATF <sup>ca ban for</sup> - 180 days

2. Congress shall vote w/in 180 days or ~~if~~ whether or not the ban shall go beyond 180 days



U.S. Department of Justice

Office of Policy Development

Deputy Assistant Attorney General

Washington, D.C. 20530

August 15, 1994

## MEMORANDUM

TO: Bruce Reed

FROM: Grace Mastalli

SUBJECT: Rep. Susan Molinari's Two Big Crime Bill Concerns

**I. Registration Systems for Sexually Violent Predators**

Title VIII of the Senate passed crime bill included two state registration systems—one for convicted child molesters (the "Jacob Wetterling" provision) and another for sexually violent predators (a new proposal supported by Dole and Molinari, among others).

The Administration in its views letter supported enactment of the "Jacob Wetterling" provision (Title XIII of the House Bill and Title VIII.C of the Senate Bill) but recommended deletion of provisions designating registration information as "private data" -- House Bill § 1301(b)(5) and Senate Bill § 822(e) -- since this might interfere with state discretion to use the data for other legitimate purposes, such as notifying school authorities or victims of earlier offenses that a child molester has moved nearby.

Subtitle F of Title VIII of the Senate Bill contained the second registration system (the Dole/Molinari proposal), for "sexually violent predators." The Administration also formally supported this with modifications, stating in the views letter sent to conferees:

We favor in concept encouraging the establishment of registration systems for violent sex offenders who prey on adult victims. However, more definite criteria are

desirable concerning the class of covered offenders and the duration of registration requirements, and it would make sense to combine this proposal with the Jacob Wetterling proposal for child molester registration. We would be glad to assist the Committee on questions of formulation if it includes some version of this proposal in the final Bill.

During the course of the conference the Administration's technical drafting assistance was accepted with regard to melding the sexually violent predators system into the Jacob Wetterling system and significantly expanding the provision's scope of coverage to a larger class of offenders. However, notwithstanding a House motion to instruct, the conferees also inserted a privacy protection provision that some believe may effectively prohibit notification to the community of the release of such an offender and limits the registration data's use to "law enforcement purposes".

However, it should be noted that Chairman Biden and National Center for Missing and Exploited Children among others believe the privacy of data and law enforcement purposes language is flexible enough not to restrict community notification provisions of existing state laws on sex offender registration. (At present some states consider sex offender information to be private while others have expanded use of the information. For example, both Washington and Oregon have systems that permit information to be shared with victims and the community in order to protect the public safety. Other states with unrestricted release policies now may have to institute privacy protections, such as requiring requests have a legitimate law enforcement purpose.)

## II. The Prior Crimes Evidence Rule for Sexual Assault and Child Molestation Cases

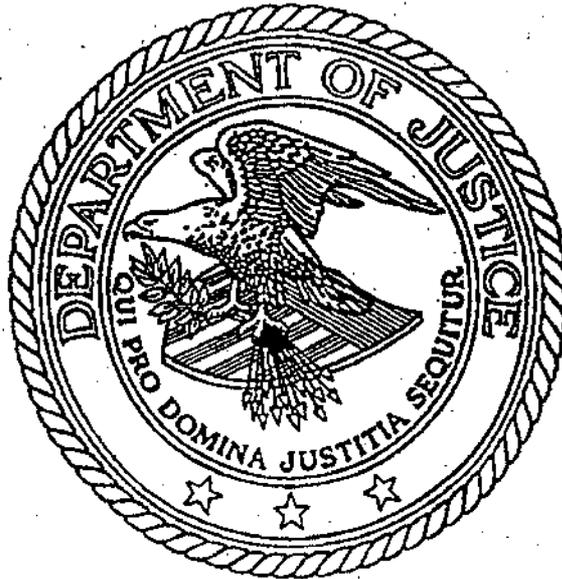
Section 831 of the Senate passed crime bill proposed general rules of admissibility in sexual assault and child molestation cases for evidence that the defendant has committed similar crimes on other occasions. The Senate adopted this Republican sponsored provision as a floor amendment by a vote of 75 to 19.

While the Department of Justice supports this highly controversial provision, the Administration's formal views letter to the conference committee was silent on the subject in deference to Senator Biden's extremely strong objections to the provision.

It was not included in the Democratic conference "mark" and when offered as an amendment by Senator Hatch was defeated with a party-line vote of the Senate conferees. (House Democratic members of the Judiciary Committee have been split on the issue, largely along gender lines. Women's and civil rights groups are

similarly split.)

Supporters such as Rep. Molinari believe that existing evidence rules are inadequate to reliably provide juries with the basis for an informed assessment of the charges against accused child molesters and rapists. Opponents believe the rule change is unfair to defendants and/or that amendment of the Rules of Evidence, should be adopted through the judicial rulemaking process or not at all. However, the Advisory Committee on Evidence and the Advisory Committee on Criminal Rules have considered the proposal in the past few years, and have declined to propose any change. Hence, it is clear that the judiciary is unlikely to act and the only remaining option is reform by legislation.



OFFICE OF THE ATTORNEY GENERAL  
FACSIMILE TRANSMITTAL COVER SHEET

DATE: 8/9

TO: Bruce Reed - URGENT

FACSIMILE NO. \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_

FROM: Ral KLAN

FACSIMILE NO. (202) 514-9077

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NUMBER OF PAGES INCLUDING COVER SHEET 3

COMMENTS: CLOSE HOLD. I am trying to withhold paper, but if we must, what do you think about this? Ral

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## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	POTUS to the Attorney General re: Directive on Fairness in the Implementation of the Federal Death Penalty (2 pages)	08/94	P5

**This marker identifies the original location of the withdrawn item listed above.  
For a complete list of items withdrawn from this folder, see the  
Withdrawal/Redaction Sheet at the front of the folder.**

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**COLLECTION:**

Clinton Presidential records  
Domestic Policy Council  
Bruce Reed (Crime)  
OA/Box Number: 21553

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**FOLDER TITLE:**

1994 Crime Bill-Conference

rs28

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**RESTRICTION CODES**

Presidential Records Act - [44 U.S.C. 2204(a)]

- 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]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise 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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EXECUTIVE OFFICE OF THE PRESIDE  
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CASTLE GERGEN  
WOODRUFF  
BENTSEN

08-Aug-1994 03:35pm

6 yrs.  
3 1/2 yrs.

TO: Bruce N. Reed  
FROM: Elizabeth A. Bernstein  
Office of Communications  
SUBJECT: whaddya think so far?

<u>D's</u>		
COSTELLO	TANNER	KLINK
CRAMER	UNSOELD	LANCASTER
DANNON?	BARCA/SYMAN	LEWIS
DEBAZIO	CHAPMAN	RAMALL
DELLUMS	COLLINS	WAS
FIELDS	COOPER	
ORTON	DIXON	
	Green/Tejeda/ortiz	

Daily Crime Statistics (most numbers are from 1992 data unless otherwise indicated)

Each day in the United States:

- \* 65 more people are murdered by violent crime
- \* 7 more children are murdered by violent crime (ages 0-17)
- \* 40 more people are killed by firearms (1991)
- \* 832 prisoners are paroled
- \* 38,630 individuals are arrested
- \* 2,300 juveniles are arrested
- \* Nearly 7,000 women over 12 were raped, robbed or assaulted or were the victim of a threat or an attempt to commit such a crime
- \* 10 people have been killed by drive-by shootings in Los Angeles
- \* 8 more gang-related criminal cases are brought in Orange County, CA
- \* 57 Texas prisoners are let out of jail on parole
- \* 122 more offenders are admitted to a Texas prison (# has doubled since 1985)

In Texas, from 1984 to 1990, the design capacity of state prisons rose 52% to 541,568 beds, but the actual number of inmates in state prisons increased 67% to 658,828, according to the Bureau of Justice Statistics. Under such pressure, states have had little choice but to grant parole more often.

Median time actually served by offenders in Texas decreased by 27 percent during the six-year period. In 1991, prison inmates served a median of 11.2 months in custody (or 13 percent of their sentences). For every year of sentence, violent offenders served a median of 95 days, property offenders served 44 days, and drug offenders spent 40 days in state custody.]

In Michigan: A Detroit News search of state records revealed that 80% of the second-degree murderers paroled in the first six months of this year had not even served their minimum sentences.

## THE CRIME BILL CONFERENCE REPORT

Congress has moved one important step closer to passing comprehensive legislation that will help make our neighborhoods, our homes and our families safer from crime. The Crime Bill contains the central elements of President Clinton's balanced anti-crime strategy -- more policing, more punishment, and more prevention. As the President said, it is "the toughest, largest, smartest Federal attack on crime in the history of our country."

### MORE POLICE

#### 100,000 More Police

The legislation will put 100,000 new police officers on the streets, walking the beat, working with citizens to prevent and solve crimes. Through "community policing" we can combine an increased police presence with the development of partnerships with communities -- to create safer neighborhoods.

The plan to put 100,000 police officers onto America's streets represents an almost 20% increase in the number of police officers nationwide. Half of the 100,000 new police will go to large cities and counties (over 150,000 persons); the balance will go to smaller cities and rural areas.

#### Law Enforcement Scholarships

The Crime Bill will improve the training of current and future police officers, and help recruit more officers to work with their communities. The Police Corps, similar to the ROTC program, will provide funds to individuals who are committed to joining police departments after graduation; another program provides scholarships to men and women already serving as police officers.

#### Assault Weapons

The Bill makes our police officers safer on the street by banning 19 listed weapons, copycats, and other clearly-defined semi-automatic guns, that are weapons of choice of drug dealers, gang members, and mass murderers. The Bill expressly protects over 600 other weapons from being regulated.

#### Kids and Guns

This provision makes it illegal for kids to carry handguns, except with parental authority.

#### Federal Agents

The bill funds hundreds of additional Federal law enforcement agents, at the FBI, DEA, and BATF.

#### Border Patrol

While strengthening immigration laws, the Crime Bill will also provide the resources necessary to enforce them. These measures include funding for an additional 1,000 Border Patrol agents, and funding for reforms to speed alien deportation.

## MORE PUNISHMENT

### **Three Strikes and You're Out**

The President's "Three Strikes and You're Out" life imprisonment provision will keep off the streets those career violent offenders who do the most harm to society.

### **Death Penalty**

The Crime Bill will reinstate the Federal death penalty for the most heinous of crimes, such as killing a Federal law enforcement officer.

### **Prisons**

States will receive \$9 billion to help keep violent criminals and criminal aliens behind bars. Measures include a prison grant program which will help states lock up violent offenders quickly and efficiently as well as encourage them to improve their criminal justice systems by adopting "truth in sentencing" provisions. \$1.8 billion of this funding will reimburse states that incarcerate criminal aliens.

### **Truth in Sentencing**

A total of \$6.5 billion in prison funding has some "truth in sentencing" requirements, with 40% of the funds set aside for the states that meet the most rigorous standards for jailing violent offenders for their full sentences (such as insuring that second offenders serve 85% of the time sentenced).

### **Drug Courts**

Drug Court programs will support intensive court supervision of drug dependent defendants to provide the carrot-and-stick approach that can help them beat their addiction.

### **Youth Crime and Violent Young Offenders**

The Crime Bill includes smart incarceration programs and tough alternative approaches, such as boot camps that provide the discipline and training necessary to deter young people from embarking on a life of crime, and discretionary authority to prosecute hardened young criminals, 13-years-old and above, as adults for serious violent offenses. The Bill also funds secure detention facilities for violent juvenile offenders.

### **Rural Crime**

Special provisions will combat rural crime, by putting more police officers in rural areas, and by specifically targeting funds to reduce drug trafficking, gang and domestic violence in rural communities.

### **Safety Valve**

While insuring that violent offenders serve longer terms, the Bill also sensibly insures that non-violent drug offenders do not tie up prison cells that could be used for more dangerous criminals.

## MORE PREVENTION

### **Ounce of Prevention**

Prevention programs in the Crime Bill will help steer young people away from crime and drugs and, as the President often says, "give them something to say 'yes'" to. The Ounce of Prevention Council and programs will help effectively coordinate and integrate the delivery of the Federal Government's new youth development and youth oriented crime prevention initiatives.

### **Y.E.S.**

The President's Youth Employment Skills program, "Y.E.S.," will provide young people with job training and work opportunities in hard-hit, high-crime areas.

### **Community Schools**

The Community Schools Program will give grants to community groups to keep schools open after hours and on weekends, so kids will have a place to go and stay out of trouble.

### **Violence Against Women**

The Violence Against Women Act will increase Federal resources available to combat sexual and domestic violence, through education programs, law enforcement training and a national domestic violence hotline. The bill will also mandate higher penalties for perpetrators of gender-motivated crimes and strengthen victims' rights.

### **Local Partnership Act**

The Local Partnership Act will provide grants to thousands of American cities to fund health and educational crime prevention programs.

### **Model Intensive Grants**

The Model Intensive Grant Program will fund comprehensive crime prevention programs in chronic, high-intensity crime areas.

### **Gangs Prevention**

The Gang Resistance Education and Training program ("G.R.E.A.T."), already a proven success, will help kids fight the allure of gang membership. Also, a Midnight Sports Program will prevent youth violence by getting kids off the streets and teaching them sportsmanship, teamwork and conflict resolution.

### **Police Partnerships**

The Police Partnerships for Children program will encourage police officers to make a difference in young lives by becoming involved with children and family services agencies that deal with at-risk children.

## **PAYING FOR THE CRIME BILL ... AND THE NEED FOR ACTION**

By reinventing government and focusing our priorities, we will make the money necessary to achieve these goals -- without increasing the deficit or raising new taxes. With the savings realized by the elimination of more than 250,000 Federal Government jobs, the Crime Bill will set up a \$30 billion Violent Crime Reduction Trust Fund to pay for the comprehensive police, punishment and prevention programs authorized in the anti-crime legislation.

- On Thursday, President Clinton, Attorney General Reno, Secretary Bentsen, Drug Director Brown -- and hundreds of police officers from around the country -- held a rally at the Department of Justice to celebrate the completion of the Crime Bill Conference Report and to urge the House and Senate to swiftly pass the comprehensive anti-crime legislation.
- The President said:

"Let's not forget that the bill is not a law. It has been voted out of a conference committee. The House must vote a rule to permit it to come to the vote. Then the House and Senate must pass it.

"It is urgent that we send the message out of this meeting that not only the law enforcement community, but the American people want a 20 percent increase in the police forces in this country, 100,000 police, that you want the tougher punishment, that you want the capacity for imprisonment, that you want the prevention funds, that you want the assault weapons ban, that you want the ban on teenagers owning guns, that you want the protection for women against violence, that you want the schools to be safer -- that you believe the Crime Bill makes sense because it deals with the problem in a human, intelligent, and firm way. And it gives us a chance to come together again as a people.

"Let's go pass the bill!"

**ISSUE BRIEFING: PUNISHMENT**  
**Punishment Provisions in the Crime Bill Conference Report**  
**Tuesday, August 2, 1994**

Today's issue briefing describes provisions in the Crime Bill under the second key element of the President's anti-crime strategy, punishment (Monday's briefing examined police provisions, and tomorrow's will cover prevention programs). All the good work done by the law enforcement community is lost if we don't punish those who devastate our neighborhoods. With strict sentences for violent criminals and prisons to put them in, all Americans will be safer.

**Criminal Sentencing**

- Americans are fed up with the fact that even when violent criminals are caught, they are all too often returned to the streets to victimize again. The Crime Bill includes tougher and smarter sentencing procedures to make sure that those who deserve to be in prison, don't get out before they should -- and that sentences are appropriate for the crime committed.
- A small number of violent, repeat offenders, commit a great deal of the crime in this country. We must end the revolving door and lock up those offenders for good. The Crime Bill's "Three Strikes and You're Out" measure sends a strong message that those who repeatedly commit serious violent crimes against others will be punished severely.
  - \* The provision will impose life imprisonment on a person who commits a serious violent felony under Federal law, after having been previously convicted of two or more serious violent felonies (under either Federal or state law). The measure is aimed at those offenders who fail to get the message and change their conduct even after repeated convictions for violent offenses. Individuals with such criminal histories should be put away for good.
  - \* The plan is both tough and smart: It targets those truly dangerous offenders in our society without sweeping so broadly as to include persons convicted of crimes that, although serious enough to warrant significant sentences, should not result in mandatory life imprisonment; the measure limits its coverage to "serious violent felonies," such as murder, rape, sexual abuse, kidnapping, and using a gun in drug crimes.
- The Crime Bill includes minimum sentences for violent and gun offenders, as they provide the certainty of punishment which society rightfully expects for those who commit serious crimes.

- \* We will use this important tool in a targeted, judicious manner to make sure that these sentences apply only to those who deserve such stiff sentences.
  
- \* It is also important that there be a "safety valve" which permits very limited sentencing flexibility in the case of non-violent, low-level, first time offenders. Such individuals must be punished, but the taxpayers should not be asked to house them for the long, mandatory minimum sentences reserved for the most serious threats to society.
  
- Through "truth in sentencing" provisions, the Federal Government will encourage states to make criminals serve the time to which they are sentenced. And clearly, states which get tough with violent predators and make them serve their real sentences are going to need to build more prisons. We will support states that meet the most rigorous standards for jailing violent offenders for their full sentences (such as insuring that second offenders serve 85% of the time sentenced) by favoring them when it comes time to give out Federal grant money for incarcerating violent offenders.
  
- Those who ruthlessly kill others must be treated as severely as they have treated their victims.
  - \* The Crime Bill will expand the death penalty to more than 60 crimes not currently covered by the Federal death penalty, like the killing of a state or local law enforcement official assisting in a Federal investigation.
  
  - \* The bill will also adopt procedures enabling Federal prosecutors to seek the death penalty for a wide range of crimes that have lacked death penalty eligibility because of missing procedural requirements -- and will insure that this penalty is used fairly, justly, and in appropriate cases only.

### Prisons

- We must work to lock up the largest number of violent offenders and criminal aliens, as quickly as possible, at the lowest possible cost.
  
- The Crime Bill will fulfill the Administration's commitment to helping states that are struggling to keep violent criminals and criminal aliens from being released prematurely because of overcrowding. While the Federal Government builds enough prisons and detention facilities to insure that Federal inmates are not released early for lack of space, many states are forced to release criminals routinely due to space limitations.

- States must also contend with drastically shrinking resources. There are currently over 15,000 state prison beds which cannot be filled because states lack the necessary operating capital. The safety of our citizens depends upon states being able to keep violent criminals behind bars to do their time.
- The Crime Bill will help lock up violent offenders quickly and efficiently, and make our streets safer, by providing \$9 billion in assistance to state correctional and detention systems. Such funding, when made available to the states on a discretionary basis, will allow states to build and operate appropriate facilities for housing serious drug and violent offenders -- including boot camps, prisons, jails, and community detention facilities. One such measure will allocate \$1.8 billion to reimburse states that incarcerate criminal aliens.

### **Punishment for Young Offenders**

- All too often, young offenders learn that the consequence for committing a crime is to be put on probation. That's it. In other circumstances, young non-violent offenders are thrown in with our most hardened criminals where they learn the "right way" to commit crimes.
- By providing alternative sanctions to probation or hard-core, long-term incarceration, we can teach young offenders that there is a certainty of punishment at the initial stages of a criminal career. That lesson learned might nip a new criminal career in the bud. Some alternative sanctions include: shock incarceration, electronic monitoring, weekend incarceration, home incarceration, restitution programs, vocational programs, community service, intensive supervised probation and other innovative and non-traditional options which ensure swift and certain punishment. Drug Courts are one such alternative, using the power of the criminal justice system to force offenders to kick their drug habits.
- "Boot Camps" provide penal authorities with a viable sentencing solution for young offenders. Frequently called "shock incarceration" programs, boot camps place young offenders in a program similar to a military basic training program that instills discipline, routine, and respect for authority. They also provide exposure to relevant educational and vocational training, drug treatment, and general counseling services to help youths develop more positive and law-abiding values and become better prepared to secure legitimate future employment.
- The Crime Bill will also lower the age at which violent offenders can be tried as adults in Federal court, so that young people who don't act like children won't necessarily be treated like children.

## YES OPTIONS

Between Conyer's Local Partnership Act and Schumer's Model Intensive Grant program, YES could be combined most easily into the MIG program. While LPA funds could be used for "job programs to prevent crime", the formula based system by which the funds would be distributed broadly across the nation differs sharply from the YES program

Background. YES and MIG do share several basic design features, most notably the concentration of resources in a few selected high-crime areas, to establish small laboratories that could be evaluated by the use of concrete measurements.

What distinguishes MIG from YES is that under MIG virtually any type of test could occur in the laboratories -- MIG is written very loosely -- while under YES only tests involving employment saturation would be funded. MIG includes virtually no reference to training or employment programs. The only allusion is that in asking the applicant to list the factors contributing to crime in their area, the long list of "such factors may include .... employment services offices." YES is also distinguished from MIG by its behavioral requirements.

Option. One possibility would be to merge YES into the Model Intensive Grants program. The "MIG program" could then distribute two types of grants. Type A "comprehensive grants" would be allocated according to current Schumer design of comprehensive creative plans to reduce crime. Type B "YES grants" would be allocated according to YES design.

Issues to consider: (1) YES was merged into Youth Fair Chance to allay concerns by Kennedy, Kassenbaum, and others. Potential side effects of pursuing a new approach would need to be considered. (2) Some of current MIG grants would likely have gone to employment projects in the absence of a merger. We don't want to end up with less preventing-crime-through employment by this approach.

## YES Funding Picture

The crime bill now authorizes YES at \$550 million inside the crime trust fund, and \$350 million outside the trust fund. It's the money in the trust fund that is real and new. YES has no trust fund money in fy '95, and only \$55 million a year for 1996 and 1997. The year-by-year figures are as follows.

	<u>Inside the Fund</u>	<u>Outside</u>
FY '95	\$0	\$0
FY '96	\$55 mill.	\$95 mill.
FY '97	\$55	\$90
FY '98	\$100	\$90
FY '99	\$145	\$55
FY 2000	\$185	\$20

The backloading of the inside-the-trust-fund money is problematic for several reasons. The YES design is not to start small in a site and end up large, but to provide a consistent level of "saturation" funding in a site for a period of years. The funding stream now in the bill would force YES to start with just a few sites and to not really gear up until fiscal 1998. Moreover, if the trust fund arrangement unravels a few years from now, the larger funding in the later years may dissipate.

YES should not be subject to further cuts. Indeed, if possible, more of the trust fund authorization should be moved up front. Specific arguments would be:

- \* YES has been cut from \$900 million in the trust fund (figure supported in the Democratic mark two weeks ago) to \$550 million already.
- \* Backloading of the funds in effect means that for fiscal years 1995-1998, YES is now funded at a lower level than it was when it passed in the House. (The House authorization, all in the trust fund, was \$75 M in '95, \$100 M in '96, \$110 M in '97, \$115 M in '98, and \$125 M in '99.)
- \* Shifting funding from inside the trust fund to outside is unacceptable. The apparent ploy of frontloading outside-the-trust-fund money to cover for the backloading of the inside-the-trust-fund money should not be allowed. The outside-the-trust-fund money may not occur, or if it does, may be taken out of other programs for disadvantaged youth.

TO: Bruce Reed  
FROM: Grace Mastalli

SUBJECT: Comments on latest sexually violent predators draft:

(1) The funding reduction for non-compliance (pp. 10-11) should be discretionary, not mandatory. States may have registration systems which are equivalent to or stronger than the particular approach set out here. The AG should have the discretion to approve such systems, even if they do not conform in all particulars to the highly prescriptive standards and procedures proposed in this legislation. This is important.

(2) The definition of "predatory" on page 4 is too narrow. It would not cover a person who has committed 100 rapes against acquaintances or 100 acts of molestation against children under his control, unless it could be shown that he formed the relationships primarily for criminal purposes. The easiest fix would be to delete the statutory definition of "predatory" and leave it to guidelines.

(3) The release of information provisions on pp. 9-10 will probably still be viewed as too restrictive because they do not clearly cover employment checks, and the "necessary to protect the public" language is subject to interpretation just as was "law enforcement purposes". If GOP accepts language fine, otherwise see suggested revision. I suspect Republican's will argue that people who are raising children have a legitimate interest in knowing that a convicted recidivist child molester has moved next door whether or not the authorities determine that he is likely to commit more crime.

(4) The prohibition of releasing victim identity information on p. 10 is also too restrictive. It could conceivably bar the release of information that is already in the public record, or even in cases where the victim consents to the release of such information.

A mark-up which addresses these points is attached.

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1 SEC. 170101. ESTABLISHMENT OF PROGRAM.

2 (a) IN GENERAL.—

3 (1) STATE GUIDELINES.—The Attorney General  
4 shall establish guidelines for State programs that  
5 require—

6 (A) a person who is convicted of a criminal  
7 offense against a victim who is a minor or who  
8 is convicted of a sexually violent offense to reg-  
9 ister a current address with a designated State  
10 law enforcement agency for the time period  
11 specified in subparagraph (A) of subsection  
12 (b)(6); and

13 (B) a person who is a sexually violent  
14 predator to register a current address with a  
15 designated State law enforcement agency unless  
16 such requirement is terminated under subpara-  
17 graph (B) of subsection (b)(6).

18 (2) COURT DETERMINATION.—A determination  
19 that a person is a sexually violent predator and a de-  
20 termination that a person is no longer a sexually vio-  
21 lent predator shall be made by the sentencing court  
22 after receiving a report by a State board composed  
23 of experts in the field of the behavior and treatment  
24 of sexual offenders.

25 (3) DEFINITIONS.—For purposes of this sec-  
26 tion:

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1 (A) The term "criminal offense against a  
2 victim who is a minor" means any criminal of-  
3 fense that consists of—

4 (i) kidnapping of a minor, except by a  
5 parent;

6 (ii) false imprisonment of a minor, ex-  
7 cept by a parent;

8 (iii) criminal sexual conduct toward a  
9 minor;

10 (iv) solicitation of a minor to engage  
11 in sexual conduct;

12 (v) use of a minor in a sexual per-  
13 formance;

14 (vi) solicitation of a minor to practice  
15 prostitution;

16 (vii) any conduct that by its nature is  
17 a sexual offense against a minor; or

18 (viii) an attempt to commit an offense  
19 described in any of clauses (i) through  
20 (vii), if the State—

21 (I) makes such an attempt a  
22 criminal offense; and

23 (II) chooses to include such an  
24 offense in those which are criminal of-

SENT BY: HouseSubC. Crim. Justice: 8-18-94 17:22  
TO: ST. MICHAEL'S CRIM. JUSTICE: 8-18-94 10:36

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LEGISLATIVE COUNSEL

202 514 8639: 4  
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1 offenses against a victim who is a minor  
2 for the purposes of this section.

3 For purposes of this subparagraph conduct  
4 which is criminal only because of the age of the  
5 victim shall not be considered a criminal offense  
6 if the perpetrator is 18 years of age or younger.

7 (B) The term "sexually violent offense"  
8 means any criminal offense that consists of ag-  
9 gravated sexual abuse or sexual abuse (as de-  
10 scribed in sections 2241 and 2242 of title 18,  
11 United States Code, or as described in the  
12 State criminal code) or an offense that has as  
13 its elements engaging in physical contact with  
14 another person with intent to commit aggra-  
15 vated sexual abuse or sexual abuse (as de-  
16 scribed in such sections of title 18, United  
17 States Code, or as described in the State crimi-  
18 nal code).

19 (C) The term "sexually violent predator"  
20 means a person who has been convicted of a  
21 sexually violent offense and who suffers from a  
22 mental abnormality or personality disorder that  
23 makes the person likely to engage in predatory  
24 sexually violent offenses.

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1 (D) The term "mental abnormality" means  
 2 a congenital or acquired condition of a person  
 3 that affects the emotional or volitional capacity  
 4 of the person in a manner that predisposes that  
 5 person to the commission of criminal sexual  
 6 acts to a degree that makes the person a men-  
 7 ace to the health and safety of other persons.

8 (E) The term "predatory" means an act  
 9 directed at a stranger, or a person with whom  
 10 a relationship has been established or promoted  
 11 for the primary purpose of victimization.

12 (b) REGISTRATION REQUIREMENT UPON RELEASE,  
 13 PAROLE, SUPERVISED RELEASE, OR PROBATION.—An  
 14 approved State registration program established under  
 15 this section shall contain the following elements:

16 (1) DUTY OF STATE PRISON OFFICIAL OR  
 17 COURT.—

18 (A) If a person who is required to register  
 19 under this section is released from prison, or  
 20 placed on parole, supervised release, or proba-  
 21 tion, a State prison officer, or in the case of  
 22 probation, the court, shall—

23 (i) inform the person of the duty to  
 24 register and obtain the information re-  
 25 quired for such registration;

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(ii) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing, within 10 days;

(iii) inform the person that if the person changes residence to another State, the person shall register the new address with the law enforcement agency with whom the person last registered, and the person is also required to register with a designated law enforcement agency in the new State not later than 10 days after establishing residence in the new State, if the new State has a registration requirement;

(iv) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(v) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(B) In addition to the requirements of subparagraph (A), for a person required to register

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1 under subparagraph (B) of subsection (a)(1),  
2 the State prison officer or the court, as the case  
3 may be, shall obtain the name of the person,  
4 identifying factors, anticipated future residence,  
5 offense history, and documentation of any  
6 treatment received for the mental abnormality  
7 or personality disorder of the person.

8 (2) TRANSFER OF INFORMATION TO STATE AND  
9 THE FBI.—The officer, or in the case of a person  
10 placed on probation, the court, shall, within 3 days  
11 after receipt of information described in paragraph  
12 (1), forward it to a designated State law enforce-  
13 ment agency. The State law enforcement agency  
14 shall immediately enter the information into the ap-  
15 propriate State law enforcement record system and  
16 notify the appropriate law enforcement agency hav-  
17 ing jurisdiction where the person expects to reside.  
18 The State law enforcement agency shall also imme-  
19 diately transmit the conviction data and fingerprints  
20 to the Federal Bureau of Investigation.

21 (3) VERIFICATION.—

22 (A) For a person required to register  
23 under subparagraph (A) of subsection (a)(1),  
24 on each anniversary of the person's initial reg-

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1 person is required to register under this section  
2 the following applies:

3 (i) The designated State law enforce-  
4 ment agency shall mail a nonforwardable  
5 verification form to the last reported ad-  
6 dress of the person.

7 (ii) The person shall mail the verifica-  
8 tion form to the designated State law en-  
9 forcement agency within 10 days after re-  
10 ceipt of the form.

11 (iii) The verification form shall be  
12 signed by the person, and state that the  
13 person still resides at the address last re-  
14 ported to the designated State law enforce-  
15 ment agency.

16 (iv) If the person fails to mail the ver-  
17 ification form to the designated State law  
18 enforcement agency within 10 days after  
19 receipt of the form, the person shall be in  
20 violation of this section unless the person  
21 proves that the person has not changed the  
22 residence address.

23 (B) The provisions of subparagraph (A)  
24 shall be applied to a person required to register  
25 under subparagraph (B) of subsection (a)(1).

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1           except that such person must verify the reg-  
2           istration every 90 days after the date of the ini-  
3           tial release or commencement of parole.

4           (4) NOTIFICATION OF LOCAL LAW ENFORCE-  
5           MENT AGENCIES OF CHANGES IN ADDRESS.—A  
6           change of address by a person required to register  
7           under this section reported to the designated State  
8           law enforcement agency shall be immediately re-  
9           ported to the appropriate law enforcement agency  
10          having jurisdiction where the person is residing. The  
11          designated law enforcement agency shall, if the per-  
12          son changes residence to another State, notify the  
13          law enforcement agency with which the person must  
14          register in the new State, if the new State has a reg-  
15          istration requirement.

16          (5) REGISTRATION FOR CHANGE OF ADDRESS  
17          TO ANOTHER STATE.—A person who has been con-  
18          victed of an offense which requires registration  
19          under this section shall register the new address  
20          with a designated law enforcement agency in another  
21          State to which the person moves not later than 10  
22          days after such person establishes residence in the  
23          new State, if the new State has a registration re-  
24          quirement.

SENT BY: HouseSupp. Crim. Justice: 8-18-94 : 17:25  
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1 (A) A person required to register under  
2 subparagraph (A) of subsection (a)(1) shall  
3 continue to comply with this section until 10  
4 years have elapsed since the person was re-  
5 leased from prison, placed on parole, supervised  
6 release, or probation.

7 (B) The requirement of a person to reg-  
8 ister under subparagraph (B) of subsection  
9 (a)(1) shall terminate upon a determination,  
10 made in accordance with paragraph (2) of sub-  
11 section (a), that the person no longer suffers  
12 from a mental abnormality or personality dis-  
13 order that would make the person likely to en-  
14 gage in a predatory sexually violent offense.

15 (c) PENALTY.—A person required to register under  
16 a State program established pursuant to this section who  
17 knowingly fails to so register and keep such registration  
18 current shall be subject to criminal penalties in any State  
19 in which the person has so failed.

20 (d) RELEASE OF INFORMATION.—The information  
21 collected under a State registration program shall be  
22 treated as private data except that—

23 (1) such information may be disclosed to law  
24 enforcement agencies for law enforcement purposes:

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employers and

1 (2) such information may be disclosed to gov-  
2 ernment agencies conducting confidential back-  
3 ground checks; and

4 (9) the designated State law enforcement agen-  
5 cy and any local law enforcement agency authorized  
6 by the State agency may release relevant informa-  
7 tion ~~that is necessary~~ to protect the public concern-  
8 ing a specific person required to register under this  
9 section, except that the identity of a victim of an of-  
10 fense that requires registration under this section,

if such identity  
has not already  
been made public.

without the consent  
of the victim or  
of a person legally  
authorized to  
give consent on  
behalf of a minor,  
incompetent, or  
deceased victim.

11 shall not be released.

12 (e) IMMUNITY FOR GOOD FAITH CONDUCT.—Law  
13 enforcement agencies, employees of law enforcement agen-  
14 cies, and State officials shall be immune from liability for  
15 good faith conduct under this section.

16 (f) COMPLIANCE.—

17 (1) COMPLIANCE DATE.—Each State shall have  
18 not more than 3 years from the date of enactment  
19 of this Act in which to implement this section.

20 (2) INELIGIBILITY FOR FUNDS.—

21 (A) <sup>If a</sup> State ~~that~~ fails to implement the  
22 program as described in this section, ~~shall not~~  
23 receive 10 percent of the funds that would oth-  
24 erwise be allocated to the State under section

the Attorney  
General may  
reduce by  
up to

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1 506 of the Omnibus Crime Control and Safe  
2 Streets Act of 1968 (42 U.S.C. 3765).

3 (B) REALLOCATION OF FUNDS.—Any  
4 funds that are not allocated for failure to com-  
5 ply with this section shall be reallocated to  
6 States that comply with this section.

August 22, 1994

Dear Senator:

This week, the Senate has an historic chance to move us beyond the old labels and partisan divisions by passing the toughest, smartest Crime Bill in our nation's history.

I want to congratulate members of Congress in both houses and both parties who have reached across party lines and worked in good faith to produce this Crime Bill. This isn't a Democratic Crime Bill or a Republican Crime Bill -- it's an American Crime Bill, and it will make a difference in every town, every city, and every state in our country.

The Crime Bill produced by House and Senate conferees and passed yesterday by Democrats and Republicans in the House achieves all the same objectives as the bipartisan Crime Bill which the Senate passed last November by a vote of 95 to 4.

Many of the central provisions of this Crime Bill were included in the Senate bill:

- \* Nearly \$9 billion to put 100,000 new police officers on our streets in community policing;
- \* An additional \$4.6 billion for federal, state and local law enforcement (a 25% increase above the Senate bill);
- \* \$9.9 billion for prisons (a 30% increase above the Senate bill), coupled with tough truth-in-sentencing requirements that will shut the revolving door on violent criminals;
- \* Life imprisonment for repeat violent offenders by making three-strikes-and-you're-out the law of the land;
- \* Federal death penalties for the most heinous of crimes, such as killing a law enforcement officer;
- \* A ban on handgun ownership for juveniles;
- \* Registration and community notification to warn unsuspecting families of sexual predators in their midst;
- \* A ban on 19 semiautomatic assault weapons, with specific protection for more than 650 other weapons; and
- \* Innovative crime prevention programs, such as the Community Schools program sponsored by Senators Danforth, Bradley, and Dodd, and the Violence Against Women Act sponsored by Senators Biden, Hatch, and Dole.

One of the most important elements of this Crime Bill is the creation of a Violent Crime Reduction Trust Fund, which ensures that every crime-fighting program in the bill will be paid for by reducing the federal bureaucracy by more than 270,000 positions over the next six years. The idea for the Trust Fund came from Senators Byrd, Mitchell, Biden, Gramm, Hatch, and Dole, and the Senate approved it by a vote of 94 to 4. The Trust Fund will ensure that the entire Crime Bill will be fully paid for, not with new taxes, but by reducing the federal bureaucracy to its lowest level in over 30 years.

The Senate led the way in passing these important anti-crime proposals last November, and I urge you to take up this Crime Bill in the same bipartisan spirit that marked that debate. The American people have waited six years for a comprehensive Crime Bill. It's time to put politics aside and finish the job. After all the hard work that has gone into this effort by members of both parties acting in good faith, we owe it to the law-abiding citizens of this country to pass this Crime Bill without delay.

Sincerely,

Bill Clinton

**THEY SAY IT'S TOUGHER, BUT HOW WILL YOU EXPLAIN YOUR VOTE?:  
WHAT THEY AREN'T TELLING YOU ABOUT THE MOTION TO RECOMMIT**

After six years of waiting, passage of the motion to recommit means more delay on the Crime Bill -- no Crime Bill now, maybe no Crime Bill this year. That is reason enough to vote against it.

But the substance of the Brewster-Hunter motion also make it a far weaker Crime Bill than the Conference Report. Before you vote for Brewster-Hunter, ask yourself how you are going to explain your vote for:

- No Death Penalty for Cop Killers: Brewster-Hunter deletes all of the federal death penalties in the Crime Bill, including death penalty for terrorist murders, drug kingpins, and killing a law enforcement officer.
- No "Three Strikes and You're Out": Brewster-Hunter keeps the revolving door spinning, by stripping from the Crime Bill the "three strikes and you're out" law.
- No Prison Funding for YOUR State: Unless you are from Arizona, the Brewster-Hunter prison formula means that your state will get no prison grant funds -- until it meets the Bill's complicated and burdensome sentencing standards.
- No Federal Law Enforcement Officers: Brewster-Hunter strips from the Crime Bill funds for putting FBI agents, DEA agents, and ATF agents on the streets.
- No Funds for Prosecutors and DAs: The motion to recommit strips from the Bill all of its funds for federal, state, and local prosecutors. Explain that to your local DA!
- No Byrne Grant Increase: Brewster-Hunter strips from the Crime Bill \$1 billion in additional funds for the local law enforcement Byrne Grants. Remember how your sheriffs felt when a \$300 million cut in this program was considered this year -- don't vote for a cut three times as large!
- No Violence Against Women Funding: The motion cuts almost \$1 billion for local cops and prosecutors to crack down on sex offenders and spouse abusers -- and cuts almost \$300 million for battered womens' shelters.

A vote for Brewster-Hunter is a vote to strip the death penalty and "three strikes;" to deny your state its share of prison funds; to slash funds for FBI, DEA, prosecutors and DAs; to eliminate money for Byrne grants and the crack down on sex crimes and domestic violence. How are you going to explain that?

**A vote for Brewster-Hunter is a vote for a weaker Crime Bill -- or no Crime Bill at all.**