

Crime - Republicans

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Subject: GOP Plans Discussion on Youth

GOP Plans Discussion on Youth

By DAVID ESPO Associated Press Writer

WASHINGTON (AP) -- Republican congressional leaders hope to announce plans Tuesday for a "national dialogue on youth and culture" as a response to last week's shootings in a Colorado high school.

These officials, who spoke Monday on condition of anonymity, said Senate Majority Leader Trent Lott and House Speaker Dennis Hastert hope to announce that one or more nationally recognized figures would be involved in the effort envisioned as a series of events outside Washington.

✓ | One GOP aide said Republicans hoped to make the point that gun control isn't automatically the answer to the shootings that stunned the nation.

President Clinton has already proposed legislation to keep guns away from juveniles, and gun-control advocates in Congress have renewed their call for mandatory safety devices on firearms.

Republicans and their political allies in the National Rifle Association historically have opposed such proposals.

Details of the emerging GOP proposal were extremely sketchy, including its financing.

One official said Lott and Hastert envision a series of public events where leaders of religious institutions, teachers, parents, community leaders, the media, Hollywood could "inform the nation" about modern culture and its impact on youth.

The announcement is expected to be made at a ceremony Republicans are holding at a middle school in Alexandria, Va., to publicize passage of legislation designed to loosen restrictions on education aid to the states.

Several governors also are expected to attend.

The GOP approach first began emerging over the weekend, when Colorado Gov. Bill Owens delivered the party's response to Clinton's regular Saturday radio address.

``Events like this one warn us there is a virus loose within our culture," Owens said. ``Too many of our young people are susceptible to it."

Owens urged parents to play more active roles in their children's lives, particularly to pay more attention to what their children may be watching on television, what video games they play, what World Wide Web sites they log onto.

``Do you know if your child has a home page?" Owens asked. ``Do you know what is on your child's home page, or whom they talk with on the Internet?

``If not, please find out."

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— MARCH 19, 1999

THE WHITE HOUSE
WASHINGTON

BRUCE / ELENA :

SUMMARY OF HATCH'S
CRIME BILL FOR YOUR
REVIEW.

cc: MICHAEL DEICH
CYNTHIA FREDRICKSON
LEANNE SHIMABUKURO

—



News Release JUDICIARY COMMITTEE

United States Senate • Senator Orrin Hatch, Chairman

March 19, 1999

Contact: Jeanne Lopatto, 202/224-5225

Statement of Sen. Orrin G. Hatch

Press Conference on the

“Twenty-First Century Justice Act”

*Crime -
Republicans*

Today, we are gathered to unveil a major anti-crime initiative, the “Twenty-First Century Justice Act.” Our bill embodies the elements of what we believe is a balanced, comprehensive, and focused plan to fight crime. It is based on what we know reduces crime. Be it the increase in methamphetamine abuse in Utah and other Western states, the looming spike in juvenile crime, or the threat of international crime, we know that our plan will make a significant difference.

Our plan maintains and strengthens the current federal assistance to States that has proven invaluable in reducing crime nationally, and it adds new initiatives that will further reduce crime at the federal, state, and local level. I am proud of our plan and look forward to working with the Administration and my Senate colleagues to see to it that this gets enacted.

20th Century America witnessed an unprecedented growth in crime. Our legislative plan insures that we will begin the 21st Century with decreasing crime rates. Our plan contains four central elements:

- (I) Continuing and Improving Federal Assistance to State and Local Law Enforcement;**
- (II) A Commitment to Winning the War on Drugs;**
- (III) Holding Violent Offenders Accountable by Vigorously Prosecuting Gun Crims; and**
- (IV) Judicial-Procedural Reforms and Victims’ Rights.**

Notwithstanding the leadership we have seen here in Congress and by so many of our nation’s governors, crime in America is still unacceptably high by historical standards. For example, for 1997 -the most recent year for which national crime rate statistics are available - the murder rate in 33 percent higher than it was in 1960, and the rape rate was 413 percent

higher than in 1960. In 1997, the aggravated assault rate was 526 percent higher than it was in 1960. Even with the modest declines in recent years, America still has more violent crime than any industrialized nation in the world. The first obligation of government is to protect its citizens from crime. Obviously, despite the recent declines, we have a long way to go in reducing crime in America.

Despite the recent progress which we have accomplished -much of it in partnership with Governors like Mike Leavitt of Utah, Jim Gilmore of Virginia, and George W. Bush of Texas -we cannot become complacent. The most troubling aspect of the Clinton Justice Department's budget is its elimination of block grants that have proven so successful in helping state and local authorities reduce crime. We simply cannot become indifferent. Remember the war on drugs? During the Reagan and Bush Administration, our nation began a national, long-term commitment to fight the problem of drug abuse. Due to these efforts, drug use began to decline. However, drug use, especially among teenagers, has exploded since 1992. Unless we remain vigilant, the same will happen with violent crime.

Permit me to review each of the four main parts to our legislative crime plan in greater detail.

(I) Continuing and Improving Federal Assistance to State and Local Law Enforcement

Combined with our ongoing commitment to prevention and treatment, our bill extends the authorization for the highly successful partnership we have created with local law enforcement -the Local Law Enforcement Block Grant Program, which the Republican Congress created in the Contract with America. Since FY 1996, this program has provided more than \$2 billion in funding for equipment and technology, such as radios and scanners, directly to state and local law enforcement. The authorization for this program will be between \$600-700 million per year. Although the block grant has been extremely effective in assisting state and local law enforcement, **the Clinton Administration budget eliminates funding for this program.** Please notice the chart to my side to see the severity of these proposed cuts.

Our bill also reauthorizes the truth-in-sentencing prison grants at approximately \$700 million per year. These truth-in-sentencing grants, which provide funds to States to build prisons, have been instrumental in lowering crime by encouraging States to incarcerate violent and repeat offenders for at least 85 percent of their sentence. In January, the Justice Department reported that 70 percent of prison admissions in 1997 were in States requiring criminals to serve at least 85 percent of their sentence. More significantly, the average time served by violent criminals nationally has increased 12.2 percent since 1993. Perhaps the biggest reason for recent declines in violent crime is due to these truth-in-sentencing prison grants. Simply put, violent criminals cannot commit crimes against innocent victims while in prison. Our bill continues this successful program and makes the program more flexible by allowing States to use the funds for jails and juvenile facilities, in addition to prison

construction.

Despite this success, the Clinton Administration *eliminates* funding for the Truth-in-Sentencing program —even though many States have changed their laws due to this federal commitment to assist in prison construction. Nothing deters and prevents violent crime as well as incarcerating violent and repeat offenders.

Our bill also includes the Juvenile Accountability Incentive Block Grant to help States build juvenile detention centers, drug test juvenile offenders, establish graduated sentencing sanctions for repeat juvenile offenders, and improve juvenile record keeping. This provision authorizes \$450 million for the Juvenile Accountability Incentive Block Grant. It also includes \$435 million for prevention programs and reauthorizes the Office of Juvenile Justice and Delinquency Prevention within the Justice Department. **The Administration's budget *eliminates* funding for the Juvenile Accountability Incentive Block Grant**, even though these are the **only** federal funds dedicated to juvenile law enforcement purposes.

II) A Commitment to Winning the War on Drugs

The second major part of our legislative plan focuses on drugs. This section focuses attention where only the federal government has the ability to make a difference - on drug interdiction. It also increases the penalties for methamphetamine and powder cocaine trafficking. Our bill also includes a faith-based drug treatment bill designed by Senator Abraham. I would especially like to thank and acknowledge the leadership that Sens. Ashcroft and DeWine have shown in fighting drugs, particularly methamphetamine. Their leadership has been invaluable on this issue.

(III) Holding Violent Offenders Accountable Through Firearms Prosecutions

I'm not a supporter of gun control, but I do believe in crime control. Central to any crime plan is informing the public, coordinating all levels of law enforcement, and prosecuting those who use firearms to commit a crime. In addition to remaining true to truth-in-sentencing and prison construction, our bill builds on and expands a successful Richmond, Virginia program in which the U.S. Attorney's office prosecutes as many local gun-related crimes in federal court as possible to take advantage of federal mandatory minimum sentences and stiff bond rules. This provision does not create additional federal crimes, but instead utilizes existing federal statutes. This program builds on the Project Triggerlock program which was implemented by the Bush Administration.

This program emphasizes cooperation between state and federal prosecutors, as well as the BATF and the local police departments. The last major component of this program is an extensive media campaign to promote the message to potential criminals that "[a]n illegal gun will get you five years in federal prison." The media campaign also encourages citizens to

report gun crimes to authorities. This program has been a huge success. Homicides have decreased 50 percent in Richmond after this program was implemented. Our bill provides funds to implement this program in major cities across the nation.

The Clinton Administration's record on gun prosecutions is troubling. Between 1992 and 1997, Triggerlock gun prosecutions dropped nearly 50 percent, from 7,045 to 3,765. Again, these are prosecutions of defendants who use a firearm in the commission of a felony.

(IV) Judicial-Procedural Reforms and Victims' Rights

The last major element of our legislative crime plan is that it enacts procedural and judicial reforms that improve the administration of justice. Our bill reforms the Miranda rule to allow *voluntary* statements in evidence. It codifies common-sense procedural issues, including the "good-faith" exception to exclusionary rule, and further reforms habeas corpus appeals.

Our bill also recognizes that the administration of justice requires government to safeguard the interests of victims. How can there be justice if crime victims continue to feel victimized by the criminal justice system? The bill calls for ratification of a crime victim's rights constitutional amendment, steers necessary funds toward combating violence against women and children, and makes needed improvements to mandatory restitution laws.

In the coming days and weeks, Americans will hear and learn more about what we plan to do to fight crime and drugs. We plan to introduce our bill next week and, starting on Monday -when we will hold a Judiciary Committee hearing on firearms prosecutions -we will begin our work to advance this plan. Over the coming months, we look forward to working with the Administration -should they choose to put a crime plan on the table -and our Democratic colleagues.

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**"THE 21st CENTURY JUSTICE ACT OF 1999"
A COMPREHENSIVE PLAN TO REDUCE CRIME**

Title I New Millennium Law Enforcement Assistance Act

Subtitle A: Local Law Enforcement Block Grants:

This subtitle authorizes the Local Law Enforcement Block Grant Program (LLEBG), which the Republican Congress created in the Contract with America. Since FY 1996, this program has provided more than \$2 billion in funding for equipment and technology, such as radios and scanners, directly to state and local law enforcement. These grants can also be used for school security measures, drugs courts, and law enforcement crime prevention programs. The authorization for the LLEBG will be approximately \$700 million per year. The Clinton budget eliminates funding for this program.

Subtitle B: New Millennium Public Safety Grants:

This subtitle revises and reauthorizes the COPS program, which has provided more than \$5 billion in hiring grants to police departments around the country. Our plan builds on these efforts by providing flexibility to state and local authorities to purchase capital equipment in addition to hiring personnel. These grants will emphasize computer tracking systems like the COMPSAT system used successfully in New York City. The authorization for these grants will be \$400 million per year.

Subtitle C: Criminal and Public Safety Information and Forensics Enhancements:

This subtitle enhances and expands federal efforts to assist state and local governments in upgrading and sharing criminal identification, forensic, and public safety information.

Subtitle D: Protection of State and Local Police and Corrections Officers:

This subtitle closes gaps in the federal statute prohibiting the murder of state and local law enforcement officers. This subtitle also extends the protection of this statute to the murder of a state corrections officer by a federal detainee in pre-trial or post-trial detention.

This subtitle also includes the James Guelff Body Armor Act, which helps protect police officers by directing the United States Sentencing Commission to provide a minimum two level sentencing enhancement for any defendant committing a Federal crime while wearing body armor.

Title II Fighting Drugs and Crime

Subtitle A: New Millennium Drug Free Act:

This subtitle includes many of the initiatives included in S. 5, the Senate Republican Drug Free Century Act. It includes provisions to increase punishment for crimes committed on the nation's borders, addresses the erosion of our southern border by drug cartels, strengthens maritime enforcement in coastal waters, and toughens penalties for smuggling and customs violations. This subtitle also improves extradition provisions to deny safe havens to international criminals.

This subtitle includes measures to enhance cooperation with foreign countries to support and assist in counter-narcotic activities in source countries and transit zones, and provides new funding for U.S. Customs, Coast Guard, and law enforcement activities in source and transit zone countries.

This subtitle also enhances penalties for drug offenses committed in the presence of children, raises penalties for powder cocaine offenses to reduce the disparity between penalties for crack and powder offenses, increases penalties for methamphetamine offenses, and addresses the costs of methamphetamine cleanup by making criminals liable for such costs.

Finally, this subtitle strengthens prevention, domestic demand reduction, and treatment. It focuses on enhancing school and family-based drug prevention efforts, as well as strengthening and encouraging the use of faith-based drug treatment programs.

Subtitle B: Drug Treatment:

This initiative provides grants to state and local juvenile justice agencies to coordinate substance abuse and mental health treatment to young people who have contact with the juvenile justice system. This provision authorizes \$50 million a year over 5 years.

This subtitle also expands Residential Substance Abuse Treatment (RSAT) grants for drug and alcohol treatment and aftercare to juveniles. In addition, this broadens the grant eligibility criteria so more local facilities may be apply.

This subtitle continues the promotion of drug courts to foster judicial supervision over certain juvenile offenders with substance abuse problems. It also coordinates sanctions and services, and includes treatment and aftercare services. Drug courts have been successful for adults, and juvenile substance abuse courts show great promise for youth. This provision provides \$50 million a year to State and local juvenile courts.

Subtitle C: Gangs and Domestic Terrorism:

This subtitle addresses interstate gangs and domestic terrorism by adding criminal penalties for recruiting minors into a criminal street gang, enhancing penalties for witness intimidation,

amending the Travel Act to include common gang offenses as predicates, adding penalties for teaching bomb-making on the Internet, and providing \$100 million per year for 5 years to federal-state task forces in areas with high levels of interstate gang activity.

Subtitle D: High Intensity Drug Trafficking Area:

This subtitle creates a High Intensity Drug Trafficking Area (HIDTA) for hard-hit northern border areas and provides additional resources to existing HIDTAs.

Title III Project CUFF

Project CUFF (Criminal Use of Firearms by Felons) expands a successful Richmond, Virginia program in which the U.S. Attorney's office prosecutes as many local gun-related crimes in federal court as possible to take advantage of federal mandatory minimum sentences and stiff bond rules. The program does not create additional federal crimes, but instead utilizes the numerous existing federal firearm offenses. Homicides dropped by 50 percent in Richmond after this program was implemented.

Title IV Juvenile Crime Control and Delinquency Prevention

Subtitle A: Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act: This includes the Juvenile Accountability Block Grant from S. 254 to help States build juvenile detention centers, drug test juvenile offenders, establish graduated sentencing sanctions for repeat juvenile offenders, and improve juvenile felony record keeping. It authorizes \$450 million per year. State receipt of the incentive grants are conditioned on adoption of three core accountability policies: the establishment of graduated sanctions to ensure appropriate punishment of juvenile offenders, drug testing juvenile offenders upon arrest in appropriate cases, and recognition of victims rights in the juvenile justice system.

This subtitle also reforms and strengthens the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the Department of Justice. It consolidates numerous JJDP programs into an enhanced \$200 million per year prevention challenge block grant to the States. The bill also reauthorizes the JJDP Title II Part B State formula grants for \$200 million per year.

This subtitle reauthorizes the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Act. Gang prevention programs are reauthorized as well, as are successful programs to provide mentoring for at-risk youth. This subtitle includes a ground-breaking and highly successful program that mentors to entire families by pairing college age mentors with at-risk juveniles and pairing senior citizen couples with the juvenile's parents and siblings.

This subtitle encourages States to upgrade juvenile felony records and make these records available for law enforcement purposes. This provision provides \$75 million per year for five years for this purpose. This subtitle also extends the ban in current law on firearm ownership by certain felons to include violent juvenile offenders. Juveniles who are adjudicated delinquent for an offense which would be a serious violent felony if committed by an adult will no longer be able to legally own firearms.

Subtitle B: Protecting Juveniles from Alcohol Abuse:

This provision enhances the protection against underage access to alcohol through the Internet by allowing the chief law enforcement officer of a State to seek injunctive relief in federal court to stop the interstate shipment of alcohol in violation of the State law.

Title V Protecting Victims of Crime

Subtitle A: Victims Rights Act of 1999:

This includes statutory changes to improve victim participation in federal criminal proceedings and to improve procedures for collecting victim restitution awards.

Subtitle B: Combating Violence Against Women and Children:

This subtitle reauthorizes important programs enacted as part of the 1994 Violence Against Women Act. This provision provides shelter, support, and law enforcement services for victims of domestic violence. Our plan also includes new proposals regarding campus violence, battered immigrant women, and victims of domestic violence on military bases.

Subtitle C: Victims Rights Amendment Sense of the Senate:

This provision states that Congress should send a Victims Rights Constitutional Amendment to the States for ratification.

Subtitle D: Recognition of Victims in Sentencing:

This provision recognizes the rights of victims by including a proposal that victims of crime be represented in the deliberations of the United States Sentencing Commission.

Title VI Prisons and Jails

Subtitle A: Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants:

This provision reauthorizes the truth-in-sentencing prison grants at approximately \$700 million per year. It also includes more funding for jails and secure juvenile facilities, and it permits States to use part of the funds for operating costs in certain circumstances. Truth-in-sentencing grants were strengthened by the Republican Congress in 1996. These grants have been instrumental in lowering crime by encouraging States to incarcerate violent and repeat

offenders for longer terms. The Justice Department budget eliminates this grant program.

Subtitle B: Criminal Alien Incarceration:

This subtitle reauthorizes funding to reimburse States for incarcerating criminal aliens. It also requires certification that foreign countries accept the return of criminal aliens convicted in the United States and ensure that such aliens are detained for the length of their U.S. sentence.

Subtitle C: Drug Free Prisons and Jails:

This subtitle reauthorizes residential (i.e., in prison) substance abuse grants to States, extends these grants to jails in certain circumstances, and establishes bonus funds under the truth-in-sentencing grants to States for providing drug treatment in prison. It also encourages the utilization of hair testing for drug use on intake and during incarceration.

Subtitle D: Prison Work Act of 1999:

This subtitle requires federal prisoners to work and supports the expansion of prison work initiatives, while addressing the undue impact of prison industries on private sector industries. This subtitle also reverses a Supreme Court decision that ruled that private prison guards do not enjoy the same immunity from suit as public prison guards.

Subtitle E: Federal Incarceration Improvement Act:

This subtitle authorizes funds for the construction of new federal prisons. It also revises the earned release/good time credit procedure by allowing it to be revoked for disciplinary reasons. It also requires federal prisoners to pay a token fee to receive medical care in order to reduce frivolous medical complaints.

Subtitle F: United States Marshals Service (USMS): This subtitle includes miscellaneous improvements to the Marshals Service, including enhanced authority to use administrative subpoenas in the apprehension of fugitives from justice, improvements to regulations addressing the transportation of prisoners by air, and the authority to protect judges at home. This also includes provisions to enhance the ability of state and local law enforcement to use aircraft for law enforcement and public safety purposes.

Subtitle G: Prison Litigation Reform Act Improvements: These provisions outline procedures that courts must follow if a prison system makes a motion to end a longstanding judicial order regulating prison systems on the ground that the prison system is not currently in violation of federal law. The procedures are designed to prevent judges and lawyers from delaying the decision on a motion to end such a decree indefinitely if a prison is not in violation of federal law. The provisions also impose clearer limits on attorneys' fees and tightly restricts the federal courts' authority to order prisoners released as a remedy in prison condition cases.

Subtitle H: Federal Prisoner and Criminal Alien Detention:

This subtitle includes funds to alleviate the extreme shortage of USMS and INS detention space. This subtitle also includes a clarification of the federal bail statute to provide that bail bondsmen are responsible only for return and not the defendant's compliance with all conditions of bail.

Title VII Federal Criminal Law and Procedure Improvements

Subtitle A: Equal Justice for Victims Act:

This includes reforms to peremptory challenges in jury selection and permits juries of 6 jurors instead of 12 in federal court if both parties agree. This also permits admission of evidence for rebuttal of attacks on a victim's character and broadens the permissible uses of notifications of the release of certain inmates.

Subtitle B: Reform of Judicially Created Exclusionary Rules:

This provision directs federal prosecutors to use 18 U.S.C. § 3501. This is the federal statute that allows voluntary statements made by criminal defendants to be admitted in evidence, treating whether the defendant received Miranda warnings as one of the factors in determining voluntariness. The statute modifies Miranda's rigid exclusionary rule while retaining incentives to give the warnings. This subtitle also provides that law enforcement officials cannot be liable under 18 U.S.C. § 1983 for obtaining voluntary confessions.

This subtitle also mandates that federal judges lack the authority to bar state authorities from retrying a convicted criminal released pursuant to a habeas petition. Federal judges would continue to have the authority to release prisoners in situations such as a valid Double Jeopardy claim. Finally, this provision codifies the "good-faith exception" to the exclusionary rule adopted by the Supreme Court in United States v. Leon.

Subtitle C: Federal Law Enforcement Improvements:

This includes S. 250, the Federal Prosecutor Ethics Act, which supplants the McDade Amendment. This also includes numerous minor and technical amendments to federal criminal statutes.

Title VIII 21st Century Justice Department Act

This includes reauthorization of the Department of Justice, which has not been reauthorized since 1979. The reauthorization strengthens federal law enforcement agencies and extends the Violent Crime Reduction Trust Fund, ensuring that Congress will pay for the provisions in this bill.

Title IX Emerging Crime Threats

This title ensures that federal, state, and local law enforcement have resources and authority to address emerging high-tech and international crime. Among other things, the title expands federal jurisdiction to investigate certain crimes abroad, improves the commitment to

domestic counter-intelligence, and enables authorities to address Internet-related crimes, such as underage alcohol sales, gambling, and bomb-making.

Title X Miscellaneous

This includes a concealed carry provision for law enforcement officials.