

DRAFT

	SENATE BILL	HOUSE BILLS
CROSS-CUTTING FUNDING PROVISIONS	Funding of bill through ceilings on federal employment based on National Performance Review. Additional funding for federal judiciary and DOJ, and grants supporting state courts, prosecution, and defense services, to meet new responsibilities under the bill. Indian tribes included as "states" for all grant programs, and allowed to use federally appropriated law enforcement money for matching funds.	Nothing.
I. COMMUNITY POLICING/POLICE HIRING	Major changes from the Administration version include: Minimum state allocation of 0.6% of total funding instead of 0.25%, increase of five-year authorization to about \$9 billion, waivable \$50,000 per annum cap for individual police hires in lieu of waivable overall \$75,000 cap, mandatory preference where feasible for applicants putting up matching funds exceeding 25% and former military hires, and direct applications to the Attorney General by Indian tribes.	Generally closer than Senate bill to Administration version, but some changes -- e.g., affirmative action requirement for applicants, reduction of "large municipalities" population threshold from 150,000 to 100,000, and 50-50 split rather than 40-60 split of funding between large municipalities and other grantees.
II. FEDERAL DEATH PENALTY	Generally similar to original death penalty provisions in S. 1607, but "drug kingpin" death penalty provisions restored through amendment.	Nothing.
III. HABEAS CORPUS REFORM (DELETED)	Nothing.	Nothing.
IV. FIREARMS	Brady bill enacted separately. Qualified ban on "assault weapons," and on large capacity clips and magazines (10 round cut-off). General ban on handguns for juveniles. Firearms disqualification for domestic violence perpetrators. Strengthening of firearms licensing provisions. Increase of mandatory minimum for use of firearm in federal crime to ten years, and to twenty years for discharge. Extension of federal jurisdiction over firearms use in state crimes with the same mandatory penalties, and extension of federal jurisdiction over murders committed with firearms, where the firearm has crossed a state line. New offenses covering theft and smuggling of firearms, and increased maximum penalty for false statements in firearms purchases. Broadened definition of "armor-piercing ammunition." Civil penalties and remedies for interference with lawful hunting on federal lands. Deletion of limitation of federal carjacking offense to cases involving firearms. Miscellaneous provisions, such as mandatory supervised release revocation for firearms possession in violation of release conditions.	Brady bill enacted.
V. OBSTRUCTION OF JUSTICE	Includes increased maximum penalties for violence against witnesses, jurors, and court officers.	Nothing.

Crime Bill - Side by Side

<p>VI. JUVENILES -- PREVENTION AND TREATMENT</p>	<p>Juvenile anti-gang and drug trafficking grant program. "Ounce of Prevention" grant program to support educational, recreational, etc., programs for juveniles. Attorney General to make grants to support partnerships of law enforcement agencies with child and family services. Attorney General to develop model for mental health treatment in juvenile justice systems. Treasury authorized to establish at least 50 Gang Resistance Education and Training Projects. Encourages use of Federal lands for juvenile programs.</p>	<p>Juvenile anti-gang and drug trafficking grant program.</p>
<p>VI. JUVENILES -- ENFORCEMENT</p>	<p>Sentencing Commission to enhance guidelines for using minors in federal crimes. Felonies involving use of minors added as RICO predicates, and serious juvenile drug offenses added as Armed Career Criminal predicates. Civil penalties for parents of juveniles committing federal crimes. New federal offenses covering criminal street gangs activities, with broad jurisdiction and severe penalties. Federal "adult prosecution" of certain seriously violent juveniles down to age 13, but with review of sentence and possible release at 16. Somewhat broadened authorization for regular federal adult prosecution of juveniles. Broadened retention and availability of records for certain federally prosecuted juveniles. Money to hire more AUSAs for youth gang prosecutions. Attorney General authorized to make grants for secure facilities for violent and chronic juvenile offenders.</p>	<p>Nothing.</p>
<p>VII. INTERNATIONAL -- TERRORISM</p>	<p>Implementing legislation for maritime, maritime platform, and airport terrorism conventions, and for convention against torture. Special judicial procedures for removal of alien terrorists from U.S. Various offense and enforcement provisions -- e.g., offense of using weapons of mass destruction, offense of providing material support to terrorists, increased penalties for certain travel document offenses, extended statute of limitation for certain terrorism offenses, and FBI access to telephone subscriber information in counterintelligence investigations. Does not implement DOJ recommendations for amendment or deletion of several provisions, including provisions on extraterritorial counterfeiting, cooperating alien admission, violations of airport security regulations, economic terrorism task force, and crimes on foreign cruise ships operating out of U.S.</p>	<p>Nothing.</p>
<p>VII. INTERNATIONAL -- ALIENS AND IMMIGRATION</p>	<p>Various procedural and substantive provisions to expand, facilitate, and effectuate the deportation of criminal aliens. Increased funding for INS, including criminal alien tracking, border patrol, and detention centers. Creates discretionary authority to extradite without treaty person committing crime of violence against U.S. national in foreign country. Prohibits federal benefits and unemployment benefits for illegal aliens. Encourages development of means to prevent asylum abuse. Makes ineligible for funding under the Act states and localities that refuse to provide INS with information about illegal aliens.</p>	<p>Nothing.</p>

<p>VIII. SEXUAL VIOLENCE/DOMESTIC VIOLENCE/CHILD ABUSE -- GENERAL</p>	<p>Extends national background check system for child care providers (separately enacted) to care providers for elderly and disabled. Provides for state registration systems for convicted child molesters ("Jacob Wetterling" proposal) and sexually violent predators (a new proposal). Authorizes HHS funding for supervised visitation centers, and for community anti-domestic violence programs. Establishes missing and exploited children task force. Reauthorizes Victims of Child Abuse Act. Provides access to Parent Locator Service to locate parentally abducted children. Repeals kidnaping statute exemption of parents whose parental rights have been terminated. Creates a general rule of admissibility in sexual-assault and child molestation cases for evidence that the defendant has committed offenses of the same type on other occasions. Increases maximum penalties for many sex crimes against victims below the age of 16. Includes other child pornography and child abuse provisions, including offense of making child pornography for importation into U.S.</p>	<p>National background check system for child care providers ("Oprah Winfrey" proposal) has been enacted. The House has also passed a version of the "Jacob Wetterling" proposal (registration systems for convicted child molesters).</p>
<p>VIII. SEXUAL VIOLENCE/DOMESTIC VIOLENCE/CHILD ABUSE -- VIOLENCE AGAINST WOMEN ACT</p>	<p>Numerous new grant programs, allocations, and authorizations, to be administered by various agencies, relating to sexual violence, domestic violence, or violence against women generally. Increased maximum penalties for recidivist sex offenders, mandatory restitution provisions for sex offense cases, and other provisions extending restitution. Creates federal civil action for gender-motivated violence. Extends victim shield law and makes miscellaneous amendments in evidence and procedure. Creates right of allocution in sentencing for victims in violent crime and sexual abuse cases. Adopts provisions concerning HIV testing for victims and defendants in sexual abuse cases. Includes federal interstate spouse abuse offenses and other interstate enforcement provisions. Establishes a National Commission on Violence Against Women. Research and reporting provisions including, e.g., reports by the Attorney General on campus sexual assaults, battered women's syndrome, and confidentiality of addresses for victims of domestic violence. Includes study and training provisions promoting equal treatment of women in federal and state judicial proceedings.</p>	<p>The House has passed its own version of the Violence Against Women Act. It addresses a similar range of topics, but is largely different in the specifics. The formulation of corresponding proposals differs in the House and Senate versions, and there are provisions in each that have no counterpart in the other. E.g., the House version does not include the civil action for gender-motivated violence.</p>
<p>IX. CRIME VICTIMS</p>	<p>Makes the award of full restitution mandatory across the board in federal cases. Includes amendments to provisions governing use of the crime victims fund. Requires NJ national assessment of crimes against the elderly, and BJA pilot programs relating to crimes against elderly using TRIAD model (cooperative programs of sheriffs, police, and seniors' organizations). A number of other provisions affecting victims are noted in the preceding category (sexual violence/domestic violence/child abuse).</p>	<p>Some provisions affecting victims included in the Violence Against Women Act (preceding category).</p>
<p>X. STATE AND LOCAL LAW ENFORCEMENT</p>	<p>Establishes a national quality control and assistance program for DNA identification. Authorizes grants to study racial and ethnic bias in state justice systems. Establishes a Department of Justice Community Substance Abuse Prevention Grant Program. Attorney General to make grants for computerized automation and technological improvements in law enforcement.</p>	<p>Nothing.</p>

<p>XI. PROVISIONS RELATING TO POLICE OFFICERS</p>	<p>Establishes a grant program to support "family-friendly" policies in law enforcement agencies. Authorizes pattern or practice suits by the Attorney General against law enforcement and juvenile justice officers, and requires collection of data on police use of excessive force through the National Crime Survey. Establishes a national Police Corps program involving scholarships for students committing to four years of police work, and grants to jurisdictions that hire them. Also establishes a scholarship program for in-service officers. Requires report by Attorney General on federal law enforcement recruitment of former Hong Kong police officers.</p>	<p>Nothing.</p>
<p>XII. DRUG COURT PROGRAMS</p>	<p>Funding programs for post-arrest drug testing, intermediate sanctions for young offenders, and residential substance abuse treatment for state prisoners. Includes provision for overall coordination of these programs by the Attorney General, but inconsistent provisions remain in the individual programs. Amendments adopted by the Senate limit the intermediate sanctions program to non-violent offenders and make the cut-off age 25 rather than 28.</p>	<p>The House has passed separate bills including the intermediate sanctions for young offenders grant program and the correctional substance abuse treatment grant program, in formulations that differ significantly from the Senate versions.</p>
<p>XIII. PRISONS AND CORRECTIONS -- FEDERAL OFFENDERS</p>	<p>Includes provisions that bar favoritism based on high economic or social status in federal prison assignments, require "prison impact statements" for federal legislation, provide for drug testing of federal offenders on post-conviction release, require notification to local authorities concerning release to their areas of federal violent and drug offenders, establish a schedule for getting all eligible federal prisoners into residential substance abuse treatment programs, and restrict the "good time" credit for violent offenders. Requires general review by the Attorney General of federal prison capacity and the characteristics of federal offenders (bearing on likelihood of criminality and violence if released under supervision), and report by the Attorney General on expanding work opportunities for federal prisoners.</p>	<p>The House has passed a bill establishing a schedule for getting all eligible federal prisoners into residential substance abuse treatment programs.</p>
<p>XIII. PRISONS AND CORRECTIONS -- STATE OFFENDERS</p>	<p>Requires the Attorney General to establish 10 regional prisons, each having space for at least 2,500 prisoners, mainly to house offenders from states that adopt "truth in sentencing" and other specified law reforms. Gives the Attorney General discretionary authority to transfer to federal facilities or pay for the incarceration of illegal aliens convicted of state offenses. Establishes a general grant program, to be administered by the Attorney General, to support construction and operation of prisons, boot camps, and other detention facilities. (Note also "drug court" grant programs in title XII above.) Directs the Attorney General to establish guidelines and make grants for tuberculosis programs in correctional facilities, to review general standards for prison construction and operation, and to establish in DOJ an Office of Correctional Job Training and Placement. Requires NIC to establish a federal-state-local task force on prison construction, and authorizes BOP grants for programs allowing offenders to live with their children in community correctional facilities. Requires study of correctional alcohol treatment and nationwide assessment of the role of alcohol in crime by NIJ. Authorizes panel whose functions include evaluation of correctional literacy programs. Prohibits Pell Grants (for higher education) for prisoners. Unclear provisions setting standards for prison caps and other crowding remedies. Requires prior Congressional approval for expansion of Lorton.</p>	<p>See "drug court" grant programs noted in title XII above.</p>

XIV. RURAL CRIME	Authorizes grant money for rural drug enforcement, requires the establishment of rural drug task forces in all districts with significant rural lands, and requires a special federal training program for rural drug enforcement. Authorizes grants by the Attorney General to rural states and entities in rural states to combat domestic violence and child abuse.	Nothing.
XV. DRUGS	"Precursor chemicals" provisions separately enacted. Extends ONDCP to September 30, 1994, and requires at least 75 employees (subject to appropriations). Waives drug law mandatory penalties for low-level participants who are non-violent and do not have serious records. Creates 10 year mandatory penalty for person over 21 who distributes to, or uses in trafficking, person under 18, with life imprisonment on second conviction. Extends drug-free zone mandatory and enhanced penalties to trafficking in or near public housing. Increases maximum penalties or sentencing guidelines for some other drug offenses. Creates an offense covering coaches, trainers, etc., who attempt to induce individuals in their charge to use steroids. Authorizes suits for civil penalties and equitable relief by the Attorney General relating to drug paraphernalia, and directs the Attorney General to develop a model anti-loitering statute (directed particularly at drug markets). Establishes a violent crime and drug emergency areas program to channel federal resources and assistance to certain areas. Miscellaneous provisions, such as prohibition of advertising to secure transactions in Schedule I controlled substances.	"Precursor chemicals" provisions enacted.
XVI. DRUNK DRIVING	Authorizes supplementary penalties for drunk driving that harms or endangers minors in areas under federal jurisdiction. Adds drunk driving enforcement as Byrne Grant funding objective. Declares sense of Congress that drunk driving should be considered in child custody decisions.	Nothing.
XVII. COMMISSIONS	Establishes four national commissions -- on crime and violence, on causes of demands for drugs, to support law enforcement, and on violence in schools -- with membership mostly chosen by Congressional leadership. Calls on President to convene national summit on violence (Biden floor statement asserts that White House is positive about this).	Nothing.
XVIII. BAIL POSTING REPORTING	Requires reporting to IRS and prosecutors by criminal court clerks concerning posting of large cash bail by defendants charged with drug or organized crime offenses.	Nothing.
XIX. MOTOR VEHICLE THEFT PREVENTION	Directs the establishment by the Attorney General of a decal program to prevent motor vehicle thefts.	Nothing.
XX. PROTECTIONS FOR THE ELDERLY	Directs the Attorney General to make a grant for the location of missing Alzheimer's disease patients, and directs the Sentencing Commission to ensure adequate penalties for certain violent crimes committed against elderly victims.	Nothing.

XXI. CONSUMER PROTECTION	Creates federal jurisdiction over insurance business crimes, broadens federal jurisdiction relating to credit card fraud, and extends the mail fraud statute to cover mail carried by private and commercial interstate carriers. Enacts telemarketing fraud provisions -- with particular emphasis on protection of potential elderly victims -- including enhanced penalties, mandatory restitution, forfeiture of proceeds, rewards for information, increased DOJ resources for enforcement and prevention, and a national telemarketing fraud hotline.	Nothing.
XXII. FINANCIAL INSTITUTIONS FRAUD PROSECUTIONS	Strengthens the disqualification of certain offenders from participating in banking. Encourages Attorney General to submit report concerning collapse of private insurance deposit corporations. Amendments concerning limitation period for tort actions by RTC and continuation by FDIC of suits commenced by RTC.	Nothing.
XXIII. SAVINGS AND LOAN PROSECUTION TASK FORCE	Contains directive to the Attorney General to establish a savings and loan prosecution task force.	Nothing.
XXIV. SENTENCING PROVISIONS	Miscellaneous amendments relating to revocation of release. Extends full-time status of Sentencing Commission for a year. Generally requires three level enhancement under sentencing guidelines for crimes in which the victim was selected because of race, religion, national origin, ethnicity, gender, or sexual orientation.	Nothing.
XXV. SENTENCING AND MAGISTRATES AMENDMENTS	Provisions concerning the concurrent imposition of imprisonment and probation for petty offenses, and trial of petty offenses by magistrates.	Nothing.
XXVI. COMPUTER CRIMES	Amendments to computer crimes provisions.	Nothing.
XXVII. INTERNATIONAL PARENTAL KIDNAPPING	Enacted. (Creates an international parental child kidnapping offense, and authorizes funding for the State Justice Institute for parental kidnapping programs.)	Enacted.
XXVIII. SAFE SCHOOLS	Establishes a safe schools grant program.	Nothing.
XXIX. MISCELLANEOUS -- INCREASES IN PENALTIES (SUBTITLE A)	Increases maximum penalties for various offenses, including assault, manslaughter, arson, and civil rights violations involving serious violence. Increases maximum prison terms but reduces maximum organizational fines for trafficking in counterfeit goods and services. Mandates life imprisonment on third conviction for violent crime punishable by more than 5 years imprisonment.	Nothing.

XXIX. MISCELLANEOUS -- EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES (SUBTITLE B)	Extends 18 U.S.C. 241-42 to cover all persons in the U.S., rather than just "inhabitants."	Nothing.
XXIX. MISCELLANEOUS -- AUDIT AND REPORT (SUBTITLE C)	Audit and reporting provisions relating to asset forfeiture funds.	Nothing.
XXIX. MISCELLANEOUS -- GAMBLING (SUBTITLE D)	Effectively repeals the Gambling Ships Act. Gives the New Jersey gaming agency access to the Interstate Identification Index for licensing purposes. Includes provision directed against interstate trafficking in lottery tickets through electronic transfers.	Nothing.
XXIX. MISCELLANEOUS -- WHITE COLLAR CRIME AMENDMENTS (SUBTITLE E)	The general public corruption proposal, including election fraud provisions, greater uniformity of federal jurisdiction, increased maximum penalties, whistleblower protection, and drug-related corruption provisions. New health care fraud offense and related provisions. New bankruptcy fraud offense and other revisions of bankruptcy offenses. Fills gaps in federal "receiving" offenses and makes miscellaneous amendments.	Nothing.
XXIX. MISCELLANEOUS -- SAFER STREETS AND NEIGHBORHOODS (SUBTITLE F)	Prohibits discretionary grants to other federal agencies by BJA under the Byrne Grant program.	Nothing.
XXIX. MISCELLANEOUS -- OTHER (SUBTITLE G)	E.g.: Generally requires confidentiality for driver's license and registration information. Requires payment of attorney fees for DOJ and federal defender employees who are investigated but not prosecuted or seriously disciplined. Allows AUSAs to reside within 50 miles of their districts. Payment from DOJ Asset Forfeiture Fund for state and local taxes on real property accrued between time of offense and time of forfeiture. Strengthens requirement of exhaustion of administrative remedies under the Civil Rights of Institutionalized Persons Act. Requires FBI report to Congress on accelerating fingerprint automation. Requires establishment in Hawaii of federal-state task force to facilitate prosecution of unlawful introduction of non-indigenous species. Provisions facilitating undercover investigations of offenses involving stolen or counterfeit property, and filling gaps in liability for criminal attempts under federal law. Sense of the Senate resolution concerning role of the United Nations in controlling international crime. Prohibits social security disability payments for confined insanity acquittees. HHS to make grants supporting community development corporations. Sense of the Senate that HHS should study causes and possible remedies for out-of-wedlock births.	Nothing.
XXX. TECHNICAL CORRECTIONS	Numerous corrections to existing laws.	Nothing.

House and Senate Crime Bills

Side by Side

DRAFT 4/20

SENATE TITLE	SENATE BILL (HR 3355)	HOUSE BILL (HR 4092)
CROSS-CUTTING ISSUES: FUNDING PROVISIONS	Funding of bill through ceilings on federal employment based on National Performance Review. Additional funding for federal judiciary and DOJ, and grants supporting state courts, prosecution, and defense services, to meet new responsibilities under the bill. Indian tribes included as "states" for all grant programs, and allowed to use federally appropriated law enforcement money for matching funds.	Nothing.
CROSS-CUTTING ISSUES: UNFUNDED MANDATES	Senate bill imposes many new responsibilities on DOJ -- e.g., extensive study and reporting requirements for OJP components -- without consistently authorizing necessary funding or conditioning the responsibilities on actual appropriations.	Some House bill provisions -- e.g., Violence Against Women Act provisions requiring studies -- impose certain responsibilities on DOJ without providing additional funding.

Crime Bill -
Side by Side

SENATE TITLE**SENATE BILL (HR 3355)****HOUSE BILL (HR 4092)****MANDATORY
MINIMUMS****§ 611 - Criminal Street Gang Offenses:**

- commit predicate gang crime or participate in criminal street gang after prior predicate gang crime conviction (10 years)
- get another to participate in criminal street gang or commit predicate gang crime (5 years, or 10 years if other person is under 18)
- commit predicate gang crime or participate in criminal street gang while a manager in such gang (15 years)
- Participate in gang attempt or conspiracy to commit murder. (20 years)
- Commit or cause murder as part of a gang (life)

§ 844 - Establishment of Program:

- AG to establish guidelines for state programs to require sexually violent predators to register address with state law enforcement agency after release from prison. Sense of Congress that penalties for failure to register should include imprisonment for not less than 180 days (ambiguous).

Nothing.

MANDATORY
MINIMUMS (continued)§ 2404 Flexibility in Application of Mandatory Minimums in Certain Circumstances:

- Exemption from mandatory minimums for certain low-level, nonviolent drug offenders.
- Applies to offenses under §§ 401 and 402 of Controlled Substances Act and § 1010 of Controlled Substances Import and Export Act.

§ 2405 Mandatory Prison Terms for Use, Possession, or Carrying of Firearm in Certain Circumstances:

- possession of a firearm during a state crime of violence or drug trafficking crime (10 years); (second offense - 20 years); (third offense - life)
- discharge of a firearm during the same (20 years); (second offense - 30 years); (third offense - life)
- possession of a machinegun or destructive device or one equipped with a silencer or muffler (30 years); (second offense with discharge of such weapon- life).

§ 2407 - Selling Drugs to Minors

- person over age 21 distributing drugs to a person under age 18 (10 years); (second offense - life)
- person over age 21 employing someone under age 18 to distribute drugs (10 years); (second offense - life)

Title II -- Limitation of Application of Mandatory Minimum Penalties in Certain Cases

- Exemption from mandatory minimums for certain low-level, nonviolent drug offenders.
- Applies to offenses under §§ 401, 404 and 406 of Controlled Substances Act and §§ 1010 and 1013 of Controlled Substances Import and Export Act.
- Several differences from Senate safety valve. For instance, House bill allows defendant to have 1 criminal history point (Senate 0) and requires that defendant provide all information re the offense to the government prior to sentencing hearing.

MANDATORY MINIMUMS (continued)

"Three Strikes, You're Out" - 2 Provisions:

§ 2408 - Life Imprisonment without Release for Drug Felons and Violent Criminals Convicted a Third Time:

- Crime of Violence Defined: an offense that is a felony punishable by a max term of imprisonment of 10 years or more and has as an element the use, attempted use or threatened use of physical force against the person or property of another or by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

§ 5111 - Mandatory Life for Persons Convicted of a Third Violent Felony:

- Violent felony definition: crime of violence (as defined under 18 USC § 16) that (1) involves the threatened use, use or risk of use of physical force against the person of another, (2) is punishable by a max term of 5 years or more, and (3) is not designated as a misdemeanor by the law that defines the crime.

Title V -- Mandatory Life Imprisonment for Persons Convicted of Certain Felonies

- Based on Administration's "three strikes" provision.
 - Modifies predicate offenses to allow serious drug offense to count as one prior strike and to exempt certain arson offense not dangerous to life
 - Person sentenced under this provision shall be resentenced if a conviction that was one of the strikes is found unconstitutional, is vitiated because of innocence or if person is pardoned on basis of innocence.
 - Allows court, upon motion by BOP, to modify term of imprisonment of convict who is at least 70 years old, who has served 30 years under three strikes conviction and who is not a danger to community.
 - Application to Indian country cases contingent on tribal elections.
- ...Solomon amendment: Adds "serious drug offenses" to the serious violent felonies that count as one or all of the three strikes.
- Volkmer amendment: Adds two more offenses to the "three strikes you're out" provision: (1) Bank robbery and incidental crimes; and (2) Robberies and burglaries involving controlled substances. Also, under non-qualifying felonies section, adds language to require proof that there was no threat of use of a firearm or other dangerous weapon during a robbery, or an attempt, conspiracy, or solicitation to commit robbery.

SENATE TITLE

SENATE BILL (HR 3355)

HOUSE BILL (HR 4092)

MANDATORY MINIMUMS (continued)

§ 2907 - Increased Penalties for Arson:

- arson of US property (5 years)
- use of fire or explosives to commit, or carrying of explosives during the commission of, a federal felony (10 years); (second offense - 20 years)
- maliciously damaging or destroying or attempting to damage or destroy, by means of fire or explosives, any building, vehicle or other personal or real property used in interstate or foreign commerce or in any activity affecting commerce (5 years)

§ 4502 - Assault Weapons Ban

- adds semiautomatic assault weapons to those that have related mandatory minimums under 18 U.S.C. §924(c) (10 years for use in crime of violence or drug trafficking crime).

Nothing.

I. COMMUNITY POLICING/POLICE HIRING

Major changes from the Administration version include: Minimum state allocation of 0.6% of total funding instead of 0.25%, increase of five-year authorization to about \$9 billion, waivable \$50,000 per annum cap for individual police hires in lieu of waivable overall \$75,000 cap, mandatory preference where feasible for applicants putting up matching funds exceeding 25% and former military hires, and direct applications to the Attorney General by Indian tribes.

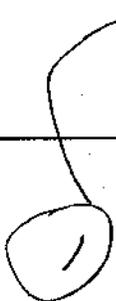
Generally closer than Senate bill to Administration version, but some changes -- e.g., affirmative action requirement for applicants, reduction of "large municipalities" population threshold from 150,000 to 100,000, and 50-50 split rather than 40-60 split of funding between large municipalities and other grantees. (Title XIV)

I(A). OUNCE OF PREVENTION FUND

"Ounce of Prevention" grant program to support programs for juveniles, including after school and summer academic and recreation programs in secure settings, mentoring and tutoring, activities facilitating employment, and substance abuse treatment and prevention. Grant program administered by Ounce of Prevention Council, chaired by AG and Secretaries of HHS and Education.

Ounce of Prevention program in different formulation, (Title X, Sub. B, Part I). Program administered by Secretary of Health and Human Services with advice and assistance of Council.

Add the Secretary of the Interior to the Ounce of Prevention Council. (Vento amendment)



SENATE TITLE

SENATE BILL (HR 3355)

HOUSE BILL (HR 4092)

<p>II. FEDERAL DEATH PENALTY</p>	<p>Provides death penalty procedures, extends death penalty to certain existing offenses and creates new capital offenses. Generally similar to original death penalty provisions in S. 1607, but "drug kingpin" death penalty provisions restored through amendment.</p> <p style="text-align: center;"><i>for "drug kingpin" death penalty</i></p>	<p>Provides death penalty procedures, extends death penalty to certain existing offenses and creates new capital offenses. (Title VII)</p> <p>Differences from Senate version include barring consideration of elements of capital offenses as aggravating factors, and jury discretion to refrain from imposing capital sentence regardless of findings concerning aggravation and mitigation.</p> <p><i>Key</i> amendment: Deletes provision that aggravating factors cannot be elements of the offense. Deletes provision in bill that requires a jury be instructed that it is never required to sentence an individual to death, even if warranted by evidence, because aggravating factors outweigh mitigating factors.</p> <p>Eight aggravating factors added. (McCollum amendment)</p> <p>Death penalty may be sought for federal kidnapping charges when the death of minor results. (Duncan amendment)</p>
<p>III. FIREARMS (MISCELLANEOUS)</p>	<p>Strengthens licensing and regulatory requirements for firearms dealers, e.g., applicants must submit photograph and fingerprints.</p>	<p>Nothing.</p>
<p>III(A). FIREARMS (YOUTH HANDGUN SAFETY)</p>	<p>Youth Handgun Safety Act banning possession of handguns by minors and transfer to minors. (Title VI, Subtitle F)</p>	<p>Youth Handgun Safety Act passed House and is included in House bill. (Title XIX).</p>
<p>III(B). FIREARMS (ASSAULT WEAPONS)</p>	<p>Qualified ban on "assault weapons," and on large capacity clips and magazines (10 round cut-off). (Title XLV)</p>	<p>Nothing.</p>
<p>III(C). FIREARMS (DOMESTIC FIREARM PREVENTION)</p>	<p>Prohibition on possession of firearm by person who is subject to a restraining order or a domestic violence perpetrator. (Two versions -- Title III, Subtitle A and Title XLII)</p>	<p>Firearms disqualification for persons subject to restraining orders relating to intimate partners (Title XVI, Subtitle C).</p>

SENATE TITLE**SENATE BILL (HR 3355)****HOUSE BILL (HR 4092)****IV. GUN CRIME PENALTIES**

Variety of enhanced or increased penalties -- for use of semiautomatic weapon during crime of violence, for second offense of using explosive to commit a felony, possession of firearms by violent felons and serious drug offenders, use of firearm in commission of counterfeiting or forgery, for interstate gun trafficking, for making false statements in firearms purchases, and for firearms conspiracies. New offenses covering theft and smuggling of firearms. New offenses extending federal jurisdiction over most murders committed with firearms and possession of firearms in state crime of violence or drug trafficking crime (§§ 2405-06). Miscellaneous provisions, such as mandatory supervised release revocation for firearms possession in violation of release conditions.

Nothing.

V. OBSTRUCTION OF JUSTICE

Includes increased maximum penalties for violence against witnesses, jurors, and court officers.

Same provisions as Senate bill included in death penalty title (703(i)-(i), 708-09, 715).

VI. JUVENILES -- PREVENTION AND TREATMENT

Juvenile anti-gang and drug trafficking formula grant program. Grants for youth violence prevention. Attorney General to develop model for mental health treatment in juvenile justice systems.

Juvenile anti-gang and drug trafficking discretionary grant program. (Title XXII) Grants may be used for programs that reduce graffiti, remove graffiti, and promote graffiti prevention programs. (Filner amendment)

Grants to support development and operation of projects to provide residential services (educational, self-esteem, vocational) to youth, aged 11 to 19, who have dropped out of school, have come into contact with juvenile justice system, or are at risk of either of these problems. (Title X, Sub. F.)

Community-based Justice grant program to create programs which help prosecutors, school officials, police, youth and social service professionals cooperate to identify and speed the prosecution of young violent offenders (\$100 million over 5 years). (Kennedy amendment)

See also separate entry for miscellaneous prevention programs.

SENATE TITLE

SENATE BILL (HR 3355)

HOUSE BILL (HR 4092)

<p>VI. JUVENILES -- ENFORCEMENT</p>	<p>Sentencing Commission to enhance guidelines for using minors in federal crimes. Felonies involving use of minors added as RICO predicates, and serious juvenile drug offenses added as Armed Career Criminal predicates. New federal offenses covering criminal street gangs activities, with broad jurisdiction and severe penalties. Federal "adult prosecution" of certain seriously violent juveniles down to age 13, but with review of sentence and possible release at 16. Somewhat broadened authorization for regular federal adult prosecution of juveniles. Broadened retention and availability of records for certain federally prosecuted juveniles. Money to hire more AUSAs for youth gang prosecutions.</p>	<p>For certain crimes of violence, government <u>may</u> seek to prosecute juveniles 13 or older as adults. (§ 1101)</p>
<p>VII. TERRORISM</p>	<p>Implementing legislation for maritime, maritime platform, and airport terrorism conventions, and for convention against torture. Various offense and enforcement provisions -- e.g., offense of using weapons of mass destruction, offense of providing material support to terrorists, increased penalties for certain travel document offenses, and extended statute of limitation for certain terrorism offenses.</p>	<p>Implementing legislation for maritime, maritime platform, and airport terrorism in conventions, and for convention against torture (711-13). Offense of using weapons of mass destruction (710).</p>
<p>VIII. SEXUAL VIOLENCE AND ABUSE OF CHILDREN, THE ELDERLY AND INDIVIDUALS W/ DISABILITIES</p>	<p>Extends national background check system for child care providers (separately enacted Oprah Winfrey law) to care providers for elderly and disabled. Provides for state registration systems for convicted child molesters ("Jacob Wetterling" proposal) and sexually violent predators (a new proposal). Creates a general rule of admissibility in sexual assault and child molestation cases for evidence that the defendant has committed offenses of the same type on other occasions. Includes other child pornography and child abuse provisions, including offense of making or trafficking in child pornography for importation into U.S., travel with intent to engage in sexually abusive act with a juvenile, and sense of Congress that states should enact legislation against child pornography. (Subtitle D)</p>	<p>National background check system for child care providers ("Oprah Winfrey proposal") has been enacted. Includes House-passed version of the "Jacob Wetterling" proposal (registration systems for convicted child molesters). (Title XIII) Child pornography and child abuse provisions, including offense of making or trafficking in child pornography for importation into U.S., travel with intent to engage in sexually abusive act with a juvenile, and sense of Congress that states should enact legislation against child pornography. (Title XII)</p>

SENATE TITLE	SENATE BILL (HR 3355)	HOUSE BILL (HR 4092)
IX. CRIME VICTIMS	<p>Makes the award of full restitution mandatory in cases under the federal criminal code. Includes provisions affecting use of the crime victims fund. Gives victims right of allocution in sentencing. Requires NIJ national assessment of crimes against the elderly, and BJA pilot programs relating to crimes against elderly using TRIAD model (cooperative programs of sheriffs, police, and seniors' organizations). Some additional provisions affecting victims included in the Violence Against Women Act (Senate bill titles XXXI-XXXVII).</p>	<p>Provides for victim's right of allocution in sentencing. (Title I, Sub. A) Includes provisions affecting use of crime victims fund and allocation of funds for grants (allocation different from Senate version). (Title I, Sub. B) Requires NIJ national assessment of crimes against the elderly, and BJA pilot programs relating to crimes against elderly using TRIAD model (cooperative programs of sheriffs, police, and seniors' organizations). (Title X, Sub. H)</p>
X. STATE AND LOCAL LAW ENFORCEMENT	<p>Establishes a national quality control and assistance program for DNA identification. Authorizes grants to study racial and ethnic bias in state justice systems. Establishes a Department of Justice Community Substance Abuse Prevention Grant Program. Attorney General to make grants for computerized automation and technological improvements in law enforcement.</p>	<p>Establishes a national quality control and assistance program for DNA identification. (Title XV) Grants to assist communities to recruit and train individuals from underrepresented neighborhoods and localities to apply to police department. (Title X, Sub. G)</p> <p>Permanently exempts State and local public safety agencies from the Age Discrimination in Employment Act in order to permit them to consider age in their hiring and retirement policies. Authorizes \$5 million to support research in the area of performance and ability tests as an alternative to age requirements. (Owens amendment)</p> <p>Designate chaplains of local police and fire departments as public safety officers, thereby making them eligible for Federal death and injury benefits. (Manzullo amendment)</p>
XI. PROVISIONS RELATING TO POLICE OFFICERS	<p>Establishes a grant program to support "family-friendly" policies in law enforcement agencies. Authorizes pattern or practice suits by the Attorney General against law enforcement and juvenile justice officers, and requires collection of data on police use of excessive force through the National Crime Victimization Survey. Establishes a national Police Corps program involving scholarships for students committing to four years of police work, and grants to jurisdictions that hire them. Also establishes a scholarship program for in-service officers.</p>	<p>Establishes (1) a Police Corps program to allow state and local law enforcement agencies to recruit young people to serve a term with the police in return for aid for a college education; and (2) a Law Enforcement Scholarship matching grant program for current law enforcement personnel and young people interested in a career in law enforcement. (McCurdy amendment)</p>

SENATE TITLE**SENATE BILL (HR 3355)****HOUSE BILL (HR 4092)****XII. DRUG COURT PROGRAMS**

Funding programs for post-arrest drug testing, intermediate sanctions for young nonviolent offenders (age 25 or younger), and residential substance abuse treatment (6-12 months) for state prisoners. Includes provision for overall coordination of these programs by the Attorney General, but inconsistent provisions remain in the individual programs.

Grants supporting drug court programs involving continuing judicial supervision over drug-abusing offenders and integrated administration of drug testing, drug treatment, potential prosecution or incarceration for noncompliance with program requirements, and programmatic and aftercare services such as relapse prevention, education and vocational training. (Title X, Sub. E)

Intermediate sanctions for young offenders (age 22 or younger). (Title XXI -- passed House independently)

Residential substance abuse treatment (9-12 months) for state prisoners. (Title XXIII -- passed House independently.)

XIII. PRISONS AND CORRECTIONS -- FEDERAL OFFENDERS

Includes provisions that bar favoritism based on high economic or social status in federal prison assignments, require "prison impact statements" for federal legislation, provide for drug testing of federal offenders on post-conviction release, establish a schedule for getting all eligible federal prisoners into residential substance abuse treatment programs, and authorize inclusion of correctional costs in federal criminal fines.

Establishes a schedule for getting all eligible federal prisoners into residential substance abuse treatment programs. (Title XX -- Has passed House independently.)

SENATE TITLE**SENATE BILL (HR 3355)****HOUSE BILL (HR 4092)****XIII. PRISONS AND
CORRECTIONS -- STATE
OFFENDERS**

Requires the Attorney General to establish 10 regional prisons, each having space for at least 2,500 prisoners, mainly to house offenders from states that adopt "truth in sentencing" and other specified law reforms (§1341). Establishes grant programs to be administered by the Attorney General, to support construction and operation of prisons, boot camps, and other facilities (§§ 1321, 1331). (Note also "drug court" grant programs in section XII above.) Title includes Violent Crime Reduction Trust Fund (subtitle E).

See also "drug court" grant programs noted in section XII above.

AG may make grants to states and compacts of states to ensure prison space is available for violent repeat offenders. (Title VI)

Assurances required from the States that truth-in-sentencing laws have been implemented. AG, in making grants, to give consideration to the number of illegal aliens incarcerated by States. (Hughes amendment)

States not required to provide alternatives to incarceration and alternative correctional facilities for persons convicted of certain crimes. (Schiff amendment to strike paragraph four of section 601)

Eliminate requirement of "multi-State compact agreement" as condition for qualifying for correctional facilities grants. (Smith amendment to Section 601(b)(7))

Requires states, when seeking grants under the violent repeat offenders program, to provide assurances that corrections officers are given appropriate professional training in dealing with violent repeat offenders. (Strickland/Horn amendment to title VI)

Amends Title VI to require States to determine the veteran status of inmates and take appropriate steps to ensure that incarcerated veterans receive the veteran benefits to which they are currently entitled. (Evans amendment)

Authorizes Attorney General to provide grants to States to increase prison bed capacity, sets State allocation formula for FY 1995 and another formula for FY 1996 - FY 1999, and provides incentive funds for States achieving "truth-in-sentencing" standards -- (1) increasing the percentage of violent-crime offenders being sentenced to prison (2) increasing the average time served by those prisoners, and (3) increasing the percentage of the sentence time actually being serviced. Authorizes \$2.5 billion for FY 1995 and \$2 billion for each of FY 1996 through FY 1999. (Chapman amendment)

SENATE TITLE

SENATE BILL (HR 3355)

HOUSE BILL (HR 4092)

XIII. PRISONS AND
CORRECTIONS -- STATE
OFFENDERS (continued)

New title on civil rights of institutionalized persons, including a requirement that state prison inmates exhaust the prison's administrative remedies prior to filing a section 1983 action in Federal court. (Canady amendment)

Federal court may not hold prison or jail crowding unconstitutional under the 8th amendment except to the extent that an individual plaintiff inmate proves that overcrowding causes the infliction of cruel and unusual punishment of that inmate. (Canady/Geren amendment)

XIV. RURAL CRIME

Authorizes grant money for rural drug enforcement, requires the establishment of rural drug task forces in all districts with significant rural lands, and requires a special federal training program for rural drug enforcement. Authorizes grants by the Attorney General to rural states and entities in rural states to combat domestic violence and child abuse.

Authorize \$355 million for rural anti-crime and anti-drug initiatives; provide additional manpower by providing more DEA agents and by authorizing the AG to cross-designate Federal law enforcement agents for use in rural areas. Creates rural anti-drug task forces in areas with significant rural population. Authorizes \$30 million for rural domestic violence and child abuse enforcement. Enhances penalties for drug distribution at or near truck stops and safety rest areas. (Long/Baesler/Ewing amendment)

XV. DRUGS

"Precursor chemicals" provisions separately enacted. Enhanced penalties for drug trafficking in prisons. Extends drug-free zone mandatory and enhanced penalties to trafficking in or near public housing. Increases maximum penalties or sentencing guidelines for some other drug offenses. Creates an offense covering coaches, trainers, etc., who attempt to induce individuals in their charge to use steroids. Authorizes suits for civil penalties and equitable relief by the Attorney General relating to drug paraphernalia. Miscellaneous provisions, such as prohibition of advertising to secure transactions in Schedule I controlled substances.

"Precursor chemicals" provisions enacted.

XVI. DRUNK DRIVING

Authorizes supplementary penalties for drunk driving that harms or endangers minors in areas under federal jurisdiction. Adds drunk driving enforcement as Byrne Grant funding objective (§ 5115). Declares sense of Congress that drunk driving should be considered in child custody decisions.

Adds drunk driving enforcement as Byrne Grant funding objective. (Title XVIII)

SENATE TITLE	SENATE BILL (HR 3355)	HOUSE BILL (HR 4092)
XVII. COMMISSIONS	Establishes four national commissions -- on crime and violence, on causes of demands for drugs, to support law enforcement, and on violence in schools -- with membership mostly chosen by Congressional leadership. Calls on President to convene national summit on violence.	Create a commission on crime and violence. (Wheat amendment) Appointment procedures for the Commission to support Law Enforcement. (Slaughter amendment)
XVIII. BAIL POSTING REPORTING	Requires reporting to IRS and prosecutors by criminal court clerks concerning posting of large cash bail by defendants charged with drug or organized crime offenses.	Nothing.
XIX. MOTOR VEHICLE THEFT PREVENTION	Directs the establishment by the Attorney General of a decal program to prevent motor vehicle thefts.	Nothing.
XX. PROTECTIONS FOR THE ELDERLY	Directs the Attorney General to make a grant for the location of missing Alzheimer's disease patients, and directs the Sentencing Commission to ensure adequate penalties for certain violent crimes committed against elderly victims.	Nothing.
XXI. CONSUMER PROTECTION	Creates federal jurisdiction over insurance business crimes, broadens federal jurisdiction relating to credit card fraud, and extends the mail fraud statute to cover mail carried by private and commercial interstate carriers.	Includes identical provisions concerning insurance business crimes. (Title IV)
XXII. FINANCIAL INSTITUTIONS FRAUD PROSECUTIONS	Strengthens the disqualification of certain offenders from participating in banking. Encourages Attorney General to submit report concerning collapse of private insurance deposit corporations. Amendments concerning limitation period for tort actions by RTC and continuation by FDIC of suits commenced by RTC.	Authorizes Secret Service to detect and arrest those who violate U.S. laws involving fraud or other illegal activities against specified financial institutions, including a federal branch or agency of a foreign bank. (Hoyer amendment)
XXIII. SAVINGS AND LOAN PROSECUTION TASK FORCE	Contains directive to the Attorney General to establish a savings and loan prosecution task force.	Nothing.

SENATE TITLE	SENATE BILL (HR 3355)	HOUSE BILL (HR 4092)
XXIV. SENTENCING PROVISIONS (MISCELLANEOUS)	Miscellaneous sentencing provisions -- for mandatory minimums, see separate section at beginning of this document. Title also includes miscellaneous amendments relating to imposition of sentence, mandatory conditions of probation, supervised release after imprisonment and revocation of release.	
XXIV. SENTENCING PROVISIONS (CHILD PORNOGRAPHY)	Sense of Congress, in response to <u>Knox</u> case, that current statute is not limited to nude exhibitions of children.	Sense of Congress that child pornography is a crime deserving full prosecution under the federal child pornography statute and that the brief submitted by the Justice Department for the case <u>Knox v. U.S.</u> represents a misinterpretation of the statute. (Smith (NJ) amendment)
XXIV. SENTENCING PROVISIONS (HATE CRIMES)	Hate Crimes Sentencing Enhancement Act. Generally requires three level enhancement under sentencing guidelines for crimes in which the victim was selected because of race, religion, national origin, ethnicity, gender, disability or sexual orientation.	Hate Crimes Sentencing Enhancement Act passed and included in bill. House version does not apply to crimes committed because of victim's disability. (Title XVII)
XXV. SENTENCING AND MAGISTRATES AMENDMENTS	Provisions concerning the concurrent imposition of imprisonment and probation for petty offenses, and trial of petty offenses by magistrates.	Nothing.
XXVI. COMPUTER CRIMES	Amendments to computer crimes provisions.	Nothing.
XXVII. INTERNATIONAL PARENTAL KIDNAPPING	Enacted. (Creates an international parental child kidnapping offense, and authorizes funding for the State Justice Institute for parental kidnapping programs.)	Enacted.
XXVIII. SAFE SCHOOLS	Establishes a safe schools grant program.	Nothing in HR 4092.

SENATE TITLE	SENATE BILL (HR 3355)	HOUSE BILL (HR 4092)
XXIX. MISCELLANEOUS -- INCREASES IN PENALTIES (SUBTITLE A)	Increases maximum penalties for various offenses, including assault, manslaughter, and civil rights violations involving serious violence. Increases maximum prison terms but reduces maximum organizational fines for trafficking in counterfeit goods and services. Increased penalties for arson (see mandatory minimums section at beginning of this document).	Increase the criminal penalties for visa and passport abuse crimes. (Gilman amendment) Enhance penalties for counterfeiting. (Frank amendment) Enhances penalties for selling a Congressional Medal of Honor. (McCandless amendment)
XXIX. MISCELLANEOUS -- EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES (SUBTITLE B)	Extends 18 U.S.C. 241-42 to cover all persons in the U.S., rather than just "inhabitants."	Nothing.
XXIX. MISCELLANEOUS -- AUDIT AND REPORT (SUBTITLE C)	Audit and reporting provisions relating to asset forfeiture funds.	Nothing.
XXIX. MISCELLANEOUS -- GAMBLING (SUBTITLE D)	Effectively repeals the Gambling Ships Act. Gives the New Jersey gaming agency access to the Interstate Identification Index for licensing purposes. Includes provision directed against interstate trafficking in lottery tickets through electronic transfers.	Nothing.
XXIX. MISCELLANEOUS -- WHITE COLLAR CRIME AMENDMENTS (SUBTITLE E)	Fills gaps in federal "receiving" offenses and makes miscellaneous amendments.	Nothing.

SENATE TITLE**SENATE BILL (HR 3355)****HOUSE BILL (HR 4092)**

**XXIX. MISCELLANEOUS
-- SAFER STREETS AND
NEIGHBORHOODS --
BYRNE PROVISIONS
(SUBTITLE F)**

Prohibits discretionary grants to other federal agencies by BJA under the Byrne Grant program.

Authorizes such sums as necessary for each of FY 95 - 99 for the Byrne Grant program. (Rangel amendment)

Sense of Congress that crime bill funds should be distributed such that rural areas receive comparable support for their crime-fighting initiatives, and that rural communities should not receive less funds than they received in FY '94. (Fazio amendment)

Lift the four year limit in receiving victims assistance under the Byrne program. (Hall amendment)

States that intention of crime bill is to enhance the present efforts of States and local communities in fighting crime through additional programs, and not to replace or eliminate the eligibility of present recipients of the Byrne funds. (Wise amendment)

**XXIX. MISCELLANEOUS
-- OTHER (SUBTITLE G)**

Variety of provisions, including findings supporting interstate commerce rationale for Gun Free School Zones Act.

Nothing.

**XXX. TECHNICAL
CORRECTIONS**

Numerous corrections to existing laws.

Nothing.

**XXXI. DRIVER'S
PRIVACY PROTECTION
ACT**

Generally prohibits state motor vehicle departments from disclosing personal information about a person obtained in connection with motor vehicle licensing or registration without the person's consent.

Nothing.

SENATE TITLE	SENATE BILL (HR 3355)	HOUSE BILL (HR 4092)
XXXII. VIOLENCE AGAINST WOMEN; SAFE STREETS FOR WOMEN (MORE SPECIFICS IN XXXIII-XXXVII)	<p>Numerous new grant programs, allocations, and authorizations, to be administered by various agencies, relating to sexual violence, domestic violence, or violence against women generally. Increased maximum penalties for recidivist sex offenders, mandatory restitution provisions for sex offense cases, and other provisions extending restitution.</p> <p>Creates federal civil action for gender-motivated violence. Extends victim shield law and makes miscellaneous amendments in evidence and procedure. Creates right of allocution in sentencing for victims in violent crime and sexual abuse cases. Adopts provisions concerning HIV testing for victims and defendants in sexual abuse cases. Includes federal interstate spouse abuse offenses and other interstate enforcement provisions. Establishes a National Commission on Violence Against Women. Research and reporting provisions including, e.g., reports by the Attorney General on campus sexual assaults, battered women's syndrome, and confidentiality of addresses for victims of domestic violence. Includes study and training provisions promoting equal treatment of women in federal and state judicial proceedings.</p>	<p>The House has passed its own version of the Violence Against Women Act (H.R. 1133), included in Title XVI of HR 4092, which addresses a similar range of topics as the Senate bill, but is largely different in the specifics. The formulation of corresponding proposals differs in the House and Senate versions, and there are provisions in each that have no counterpart in the other. For example, the general violence against women grant program in the House version is more discretionary and less complex, the proposed rape prevention grant program is defined more broadly in the House version, and the House version proposes a task force appointed and chaired by the Attorney General to study violence against women issues, in lieu of the national commission (mostly appointed by Congressional leadership) that appears in the Senate bill. Measures that appear in the Senate bill but not the House bill include (e.g.) the federal cause of action for gender-motivated violence, increased penalties for federal sex offenders, funding for security measures in public places, extension of the victim shield law, grants to assist runaway girls at risk of sexual abuse, and a general domestic violence grant program. Measures that appear in the House bill but not the Senate bill include (e.g.) NJ training programs for persons who supervise sex offenders, and provisions to protect abused alien spouses.</p>
XXXIII. SAFE HOMES FOR WOMEN	<p>Authorizes funds for a national hotline to assist and inform victims of domestic violence. Creates federal offenses covering interstate spouse abuse. Requires that protective orders issued in one state be recognized and enforced in other states. Study and research provisions relating to domestic violence and violence against women generally.</p>	<p>Similar range of provisions. (Title XVI, Subtitle B and parts of Subtitle D)</p>
XXXIV. CIVIL RIGHTS	<p>Civil rights remedy for victims of gender-motivated violent crimes.</p>	<p>Nothing.</p>
XXXV. SAFE CAMPUSES FOR WOMEN	<p>Authorizes \$20 million in grants to colleges to fund rape education and prevention programs.</p>	<p>Nothing.</p>
XXXVI. EQUAL JUSTICE FOR WOMEN IN THE COURTS	<p>Authorizes \$600,000 for grants to states for the purpose of developing, testing, presenting and disseminating model programs to train judges and other court personnel in the laws of the state on rape, domestic violence and other crimes of violence motivated by victim's gender. Provides for studies of gender bias in federal courts.</p>	<p>Similar provisions. (Title XVI, Subtitle E)</p>

SENATE TITLE	SENATE BILL (HR 3355)	HOUSE BILL (HR 4092)
XXXVII. VIOLENCE AGAINST WOMEN ACT IMPROVEMENTS	Increases penalties for certain sex offenses against victims under age 16. Covers cost of HIV testing and counseling for victims of sexual assaults. Extends restitution to include lost income, child care, transportation and other victim expenses related to the investigation and prosecution of the offense. Prohibits introduction of evidence to show provocation or invitation by a victim of sexual assault. AG to prepare several reports for Congress on sexual and domestic violence issues, including report on battered women's syndrome and general study of campus sexual assaults.	Report on battered women's syndrome (Title I, Sub. C) General study of campus sexual assaults (§ 1610).
XXXVIII. ENHANCED PENALTIES FOR ANTI-FRAUD ENFORCEMENT	Enhances penalties for health care fraud in connection with the delivery of or payment for health care benefits, items or services.	Nothing.
XXXIX. SENIOR CITIZENS AGAINST MARKETING SCAMS	Enacts telemarketing fraud provisions -- with particular emphasis on protection of potential elderly victims -- including enhanced penalties, mandatory restitution, forfeiture of proceeds, rewards for information, increased DOJ resources for enforcement and prevention, and a national telemarketing fraud hotline.	Nothing.
XL. CHILD SAFETY	Authorizes grants for supervised visitation centers for families with a history of domestic violence or abuse.	Nothing.
XLI. FAMILY UNITY DEMONSTRATION PROJECT	Authorizes \$8 million annually for NIC grants for demonstration projects that would allow eligible parents to serve their sentences in a community-based correctional facility with their children.	Nothing.
XLII. DOMESTIC VIOLENCE FIREARM PREVENTION ACT	Firearms disqualification for domestic violence perpetrators.	Firearms disqualification for persons subject to restraining orders relating to intimate partners (Title XVI, Subtitle C).
XLIII. MISSING AND EXPLOITED CHILDREN	Establishes a task force to work with National Center for Missing and Exploited Children, and to assist states and localities in investigating the most difficult cases of missing and exploited children.	Nothing.
XLIV. PUBLIC CORRUPTION	Strengthening of laws relating to public corruption and narcotics-related public corruption.	Nothing.
XLV. SEMIAUTOMATIC ASSAULT WEAPONS	Qualified ban on "assault weapons," and on large capacity clips and magazines (10 round cut-off).	Nothing.
XLVI. RECREATIONAL HUNTING SAFETY	Civil penalties and remedies for interference with lawful hunting on federal lands.	Nothing.

SENATE TITLE	SENATE BILL (HR 3355)	HOUSE BILL (HR 4092)
XLVII. CORRECTIONAL JOB TRAINING AND PLACEMENT	Establishes an Office of Correctional Training and Job Placement in DOJ.	Nothing.
XLVIII. POLICE PARTNERSHIPS FOR CHILDREN	Authorizes \$20 million in grants to law enforcement agencies for creation of partnerships with child and family support agencies to address the needs of children involved in violent incidents and related prevention programs.	Police Partnerships for Children proposal in different formulation. Also includes funding for police to live in high crime areas. (Title X, Sub. C)
XLIX. NATIONAL COMMUNITY ECONOMIC PARTNERSHIP	Provides financial and technical assistance to community development corporations in distressed local areas to encourage private business to expand business and job opportunities.	Nothing.
L. DEPORTATION OF ALIENS CONVICTED OF CRIMES	Various procedural and substantive provisions to expand, facilitate, and effectuate the deportation of criminal aliens. Provides for elimination of automatic granting of work authorization permits to those who enter US and apply for political asylum (§ 5158). Increased funding for INS, including criminal alien apprehension and deportation, border patrol, and detention centers (§§ 5159-61).	Nothing.
LI. GENERAL PROVISIONS	<p>This Title includes e.g.:</p> <p>Section 5101 - Dorgan provision restricting good time for violent offenders.</p> <p>Section 5102 - Prohibits federal benefits and unemployment benefits for illegal aliens.</p> <p>Section 5116 - Civil penalties for parents of juveniles committing federal crimes.</p> <p>Section 5135 - Prohibit award of Pell grants to prisoners.</p> <p>Section 5168 - Broadened definition of armor piercing ammunition.</p>	<p>No counterparts to most provisions of final Senate bill title in House bill. However, community programs on domestic violence in H.R. 4092 §1654 is similar to Senate bill §§ 5122, 5140, and the Family and Community Endeavor Schools Grant Program in H.R. 4092 Title X, Subtitle B, Part II, is similar to Senate bill § 5142.</p> <p>Prohibit award of Pell grants to prisoners. (Gordon/Holden/Fields)</p>
ASSAULTS AGAINST CHILDREN	Nothing.	For assaults within special maritime and territorial jurisdiction: Provides that if the victim of simple assault is under age 16, offender may be imprisoned for up to a year. If victim of assault resulting in substantial bodily injury is under age 16, offender may be imprisoned for up to 5 years. Other technical changes. (Title III)
HABEAS CORPUS REFORM	Nothing.	Title VIII (habeas) deleted by Hyde amendment.

SENATE TITLE**SENATE BILL (HR 3355)****HOUSE BILL (HR 4092)****PREVENTION
PROGRAMS
(MISCELLANEOUS)**

From Title X: Grants for up to 15 chronic high intensive crime areas to develop model crime prevention programs that involve a broad spectrum of community resources. (Subtitle A) Family and community endeavor schools program to provide funds for supervised sports, and extracurricular and academic programs, outside of regular school house and in summer. (Sub. B., Part II) Midnight sports grants. (Sub. D.) Grant program (\$2 billion) to fund local governments' anticrime education and substance abuse treatment programs. (Sub. I) Require the coordination of existing Federal programs with programs funded under the Model Intensive Grant Program and Local Partnership Act. (Watt amendment to Sub. I) Adds "job program to prevent crime" as an acceptable expenditure of funds provided by the Local Partnership Act. (Scott amendment to Sub. I) Sec of Labor, in conjunction with Sec of HHS and AG, to make grants to local governments to fund youth employment and skills development projects to reduce crime in high crime areas with high unemployment among young adults and other serious economic and social problems. (Sub. J)

Authorize the Secretary of HHS to fund two demonstration projects for Hope in Youth in Los Angeles and the Activities of Boys and Girls Clubs. (Martinez amendment)

Urban Recreation and Risk Youth Act -- Authorizes competitive matching grants to urban areas with a high prevalence of crime in order to expand park and recreation opportunities for at-risk urban youth. (Miller amendment)

Authorizes establishment of Boys and Girls Clubs in public housing facilities. Authorizes \$12 million in each of FY 1995 - FY 1997. (Rostenkowski amendment)

SENATE TITLE**SENATE BILL (HR 3355)****HOUSE BILL (HR 4092)**

RACIAL JUSTICE ACT

Nothing.

Inference established that race was basis of capital sentence, if, at time of sentence; race was a statistically significant factor in decisions to seek/impose death penalty in that jurisdiction -- evidence of same if dp "imposed significantly more frequently" upon persons of one race than upon persons of another race, or as punishment for capital offenses against persons of one race than as punishment for capital offenses against persons of another race. Death penalty not to be carried out unless government rebuts the inference by preponderance of evidence (but government reliance in rebuttal on assertions of no intent to discriminate or conformity of case to statutory criteria for death penalty not allowed unless government sought death penalty in all cases fitting the statutory criteria for its imposition). (Title IX)

SENATE TITLE

SENATE BILL (HR 3355)

HOUSE BILL (HR 4092)

**MISCELLANEOUS
HOUSE AMENDMENTS**

U.S. flag be must be flown at half staff on all government buildings on Peace Officers Memorial Day. (Porter)

Sense of Congress that violent felonies against truckers should be prosecuted to the fullest extent under Federal law; encourages public/private evaluation of how best to prevent these crimes. (Barca)

"Grants for Court Advocacy" -- Authorizes the Attorney General to make 10 State demonstration grants that provide for at least one specialized domestic violence court advocate in every court where a significant number of protective orders are granted. (Olver)

Authorizes \$210 million for each of FY 1995 - FY 1999 to help meet Treasury Department's increased law enforcement responsibilities (including activities of BATF, Customs, I.R.S., Secret Service). (Hoyer)

Enhance penalties for second and subsequent offenses; make theft of explosives a felony offense; outlaws possession of explosives for the same people who are prohibited from possessing firearms. (Slaughter)

Grants local law enforcement officials the option to utilize the resources of the Federal government to assist in the investigation of violent crimes against travelers. (Abercrombie)

Permit the INS to accept assistance when carrying out the voluntary deportation of undocumented aliens charged with violating criminal statutes. (Inslee)

Expedited deportation for denied asylum applicants; improved border controls; expanded special deportation proceedings; and construction of INS service processing centers to detain criminal aliens. (Becerra)

Requires the Federal Government to share in costs of incarcerating undocumented aliens convicted in state courts. (Beilenson/Berman/Condit/Thurman)

SENATE TITLE**SENATE BILL (HR 3355)****HOUSE BILL (HR 4092)**

MISCELLANEOUS
HOUSE AMENDMENTS
(continued)

Gives law enforcement officials and courts access to criminal history information for use in stalking and domestic violence cases; authorizes pertinent agencies to include information on stalking and domestic violence offenses in criminal history records, including a \$2 million grant program; and directs NJ to conduct training programs for judges in handling such cases. (Kennedy)

Prohibits state motor vehicle departments from disclosing personal information about any individual with certain specified exceptions. (Moran)

Requirement that Federal Bureau of Prisons to prevent prisoners from strength-training or improving their fighting ability and to remove all equipment designed for those purposes. (Pryce)

Authorizes an additional 6,000 Border Patrol Agents and support staff over 5 years. (Hunter/Moorhead/Cunningham)

Provides penalties up to \$100,000 for intentionally affixing a fraudulent "Made in America" label to any product that is purchased with funds authorized under H.R. 4092. (Traficant)

SENATE TITLE**SENATE BILL (HR 3355)****HOUSE BILL (HR 4092)**

**MISCELLANEOUS
HOUSE AMENDMENTS**
(continued)

Gives law enforcement officials and courts access to criminal history information for use in stalking and domestic violence cases; authorizes pertinent agencies to include information on stalking and domestic violence offenses in criminal history records, including a \$2 million grant program; and directs NIJ to conduct training programs for judges in handling such cases. (Kennedy)

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**FEDERAL CRIME CONTROL LEGISLATION:
GRANT PROGRAMS**

*Crime Bill -
Side by Side*

Prepared by the City of Los Angeles:
Office of the Chief Legislative Analyst
September 28, 1993

	Senate Bill (S. 1488)	House Bill (H.R. 3131)
Title	Violent Crime Control and Law Enforcement Act of 1993	Violent Crime Control and Law Enforcement Act of 1993
Sponsor	Senator Joseph Biden (D-DE) Chairman, Senate Judiciary Committee	Representative Jack Brooks (D-TX) Chairman, House Judiciary Committee
"Cops on the Beat" Grants	<p>Funding Authorizations: FY 94 = \$200 million. FY 95 - FY 99 = \$650 million each year.</p> <p>Grants can be used for A) programs to rehire or hire new officers for community-based policing or B) "Additional Grant Projects."</p> <p>85% of funds reserved for new officer or rehire programs, and 15% for "Additional Grant Projects."</p> <p>"Additional Grant Projects" include:</p> <ol style="list-style-type: none"> 1) increased police numbers for proactive crime prevention; 2) specialized training; 3) early intervention teams; 4) new technologies for preventing crime; 5) community assistance; 6) programs to reduce officer court appearance time; 7) proactive youth activities; 8) new agency-wide administrative programs. <p>Cities under 150,000 population apply to State for grants. 60% of federal funds reserved for State grants.</p> <p>Cities over 150,000 population apply directly to Attorney General for grants. 40% of federal funds reserved for direct grants.</p>	<p>Same as Senate.</p>

	Senate Bill (S. 1488)	House Bill (H.R. 3131)
<p>"Cops on the Beat" Grants (continued)</p>	<p>Cities can use grants to hire new officers for up to six years. Grant limited to \$75,000 per officer over the life of the grant, unless waived by the Attorney General.</p> <p>Cities can use grants for purposes other than hiring new officers for up to three years.</p> <p>Cities must provide a minimum match of 25 percent in the first year of the grant, with the match increasing over the life of grant.</p> <p>A.G. may give preference in awarding grants to areas which provide more than the minimum match of 25%.</p> <p>Areas may use Asset Forfeiture funds to provide local match.</p> <p>Cities cannot use grants to supplant existing funding sources.</p> <p>Up to 5% of each year's appropriation reserved for federal technical assistance programs.</p> <p>Up to 5% of each year's appropriation reserved for State administration costs.</p>	<p>Same as Senate.</p>

	Senate Bill (S. 1488)	House Bill (H.R. 3131)
Juvenile Drug Trafficking and Gang Prevention Grants	<p>Funding Authorizations: FY 95 = \$100 million. FY 96 = such sums as are necessary.</p> <p>75% of funding reserved for formula grants to States. Each participating State receives \$400,000 plus its share of remaining funds based on the ratio of juveniles in the State compared to other States.</p> <p>Each State shall use 50% of its funds for juvenile anti-gang and anti-drug education, prevention and treatment programs, and 50% for juvenile anti-gang or anti-drug enforcement programs.</p> <p>States may use grants to run programs or fund programs run by local governments to 1) reduce the formation or continuation of juvenile gangs and 2) reduce the use and sale of illegal drugs by juveniles.</p> <p>20% reserved for "Special Emphasis Drug Demand Reduction and Enforcement Grants" which the Attorney General will use as a discretionary fund.</p> <p>5% of funds reserved for "Special International Ports of Entry Juvenile Crime and Drug Demand Reduction Grants."</p> <p>There is no mandated local match on any of these programs.</p>	<p>Funding Authorizations: FY 94 - FY 95 = \$100 million each year.</p> <p>All funding controlled directly by the Department of Justice, Director of the Bureau of Justice Assistance. No formula for State distribution. Grants made at the discretion of the Director to either States, local governments, or combinations thereof.</p> <p>No provision.</p> <p>Grants to be used to 1) reduce the formation or continuation of juvenile gangs and 2) reduce the use and sale of illegal drugs by juveniles.</p> <p>No provision.</p> <p>No provision.</p> <p>No State or local match required.</p>

	Senate Bill (S. 1488)	House Bill (H.R. 3131)
Drug Emergency Areas Grants	No provision.	<p>Funding Authorizations: FY 94 - FY 96 = \$100 million each year.</p> <p>If the President determines that a "major drug-related emergency" exists in a State or part of a State, the President may declare that State or part of the State a "Drug Emergency Area."</p> <p>"The term major drug-related emergency means any occasion or instance in which drug smuggling, drug trafficking, drug abuse, or drug-related violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety."</p> <p>The President is authorized to make a grant of up to \$25 million to either a State or local government for a major drug-related emergency.</p> <p>States or local governments requesting grant assistance must submit an application detailing the need for assistance and the short- and long-term plan to respond to the drug emergency.</p> <p>Federal share of assistance limited to 75% of the costs of implementing the short- and long-term plan.</p> <p>Federal grant must be used in one year, unless President provides for an extension of 180 days.</p> <p>President also authorized to provide areas with nonmonetary assistance including personnel, equipment, supplies, facilities, and managerial, technical and advisory assistance.</p>
Grants for DNA Analyses for Law Enforcement Identification	<p>Funding Authorizations: FY 95 - FY 99 = \$10 million each year.</p> <p>Grants to be made by the Attorney General.</p>	<p>Funding Authorizations: FY 94 - FY 98 = \$10 million each year.</p> <p>Same as Senate.</p>

	Senate Bill (S. 1488)	House Bill (H.R. 3131)
Substance Abuse Grants	<p>Funding Authorizations: FY 95 = \$15 million. FY 96 = \$20 million. FY 97 = \$25 million.</p> <p>Grants are made by the Attorney General to "eligible coalitions" which consist of at least seven organizations, agencies, and individuals that are concerned about preventing substance abuse.</p> <p>Coalitions shall include:</p> <ol style="list-style-type: none"> 1) public and private organizations and agencies that represent law enforcement, schools, health and social service agencies, and community-based organizations; and 2) representatives of three of the following groups: the clergy, academia, business, parents, youth, the media, civic and fraternal groups, or nongovernmental interested parties. 	<p>Funding Authorizations: FY 94 = \$15 million. FY 95 = \$20 million. FY 96 = \$25 million.</p> <p>Same as Senate.</p>
Law Enforcement Family Support Grants	<p>Funding Authorizations: FY 95 - FY 99 = \$5 million each year.</p> <p>Grants to be made to by the Attorney General to States and local law enforcement agencies and to organizations representing State or local law enforcement personnel to provide family support services to law enforcement personnel.</p>	<p>Funding Authorizations: FY 94 - FY 98 = \$5 million each year.</p> <p>Same as Senate.</p>
Racial and Ethnic Bias Study Grants	<p>Funding Authorizations: FY 95 - FY 99 = \$2 million each year.</p> <p>Grants made by the Attorney General to States which have established by law or by the court of last resort a plan for analyzing the role of race in the State's criminal justice system.</p>	<p>Funding Authorizations: FY 94 - FY 98 = \$2 million each year.</p> <p>Same as Senate.</p>

	Senate Bill (S. 1488)	House Bill (H.R. 3131)
Police Corps	<p>Funding Authorizations: FY 95 - FY 96 = \$100 million each year. FY 97 - FY 99 = such sums necessary.</p> <p>Establishes a National Police Corps program. Participants receive up to \$7,500 a year for education or \$10,000 if in a year-round program. Total maximum limit is \$30,000.</p> <p>Participants must commit to work in either State or local law enforcement for four years.</p> <p>State and local law enforcement agencies which hire program participants receive \$10,000 per participant per year.</p> <p>No provision.</p>	<p>Funding Authorizations: FY 94 - FY 98 = \$5 million each year.</p> <p>Does not establish a National Police Corps Program. Authorizes Attorney General to make grants to a maximum of 10 Community Police Corps Programs across the County. Students can receive up to \$5,000 a year while in school.</p> <p>Participants must commit to work with for jurisdiction which sponsors the program for four years.</p> <p>Jurisdiction which sponsors program must agree to hire participants but does not receive a grant per participant.</p> <p>Program also authorizes grants for in-service officers for advanced educational training designed to improve community-oriented policing. Ten percent of total authorization reserved for this purpose.</p>
Law Enforcement Scholarship Program	<p>Funding Authorizations: FY 95 - FY 99 = \$30 million each year.</p> <p>Grants made to States to run or fund local programs which:</p> <ol style="list-style-type: none"> 1) pay for higher education for in-service law enforcement officers; and/or 2) employ high school students during the summer or part-time during the school year in law enforcement related activities. <p>80% of funds must be spent on above item (1) and 20% on above item (2).</p> <p>There is a maximum federal contribution limit of 60% for each program.</p>	<p>Funding Authorizations: FY 94 - FY 97 = \$25 million each year.</p> <p>Same as Senate.</p>
Drug Testing Upon Arrest	<p>Funding Authorizations: FY 95 - FY 97 = \$100 million per year.</p> <p>Grants made to States, for the use by the States and units of local government, for the purpose of developing, implementing, or continuing a drug testing project when individuals are arrested and during the pretrial period.</p>	<p>Funding Authorizations: FY 94 - FY 96 = \$100 million each year.</p> <p>Same as Senate.</p>

	Senate Bill (S. 1488)	House Bill (H.R. 3131)
Alternative Punishments for Young Offenders	<p>Funding Authorizations: FY 95 - FY 97 = \$200 million each year.</p> <p>Grants made to the States, for use by the States or units of local governments, for the establishment of alternative methods of punishment for young offenders to traditional forms of incarceration and probation.</p> <p>Alternative Methods include:</p> <ol style="list-style-type: none"> 1) alternative sanctions that create accountability; 2) boot camp prison programs; 3) technical support for restitution programs; 4) innovative projects; 5) community-based incarceration and electric monitoring; 6) community service programs; 7) demonstration restitution programs; 8) special programs for alcohol abuse, substance abuse and gang-related offenses. <p>Federal share of programs limited to 75%.</p>	<p>Funding Authorizations: FY 94 - FY 96 = \$200 million each year.</p> <p>Same as Senate.</p>
Residential Substance Abuse Treatment for Prisoners	<p>Funding Authorizations: FY 95 - FY 97 = \$100 million each year.</p> <p>Grants made to the States.</p>	<p>Funding Authorizations: FY 94 - FY 96 = \$100 million each year.</p> <p>Same as Senate.</p>
Rural Law Enforcement Agencies	<p>Funding Authorizations: FY 95 - FY 97 = \$50 million each year.</p>	<p>Funding Authorizations: FY 94 - FY 96 = \$50 million each year.</p>
Rural Drug Enforcement Training	<p>Funding Authorizations: FY 95 - FY 97 = \$1 million each year.</p>	<p>Funding Authorizations: FY 94 - FY 96 = \$1 million each year.</p>

	Senate Bill (S. 1488)	House Bill (H.R. 3131)
Safe Schools Grants	<p>Funding Authorizations: FY 94 - FY 96 = \$100 million each year.</p> <p>Attorney General makes grants directly to local educational agencies for the purpose of providing assistance to such agencies most directly affected by crime and violence.</p> <p>Funds can be used:</p> <ol style="list-style-type: none"> 1) to fund anticrime and safety measures and to develop education and training programs; 2) for counseling programs for victims of crime on schools; 3) for crime prevention equipment; 4) for the prevention of youth involvement in gangs and organized crime. 	Same as Senate.