

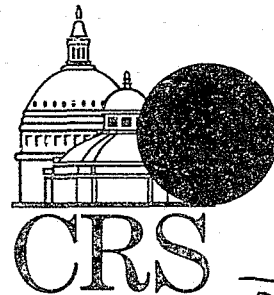
CRS Report for Congress

Crime Control: Comparison of House and Senate Legislation of the 103rd Congress, 2d Session

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April 24, 1994



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**U.S. Department of Justice
National Institute of Justice**

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**CRIME CONTROL:
COMPARISON OF HOUSE AND SENATE LEGISLATION OF THE 103rd CONGRESS, 2d SESSION**

SUMMARY

The report compares significant provisions of crime, drug, and gun control legislation under consideration by the second session of the 103rd Congress. Bills included in this comparison are: H.R. 4092 as passed by the House on April 21, 1994, and S. 1607(H.R. 3355), passed by the Senate on November 19, 1993. This report does not include provisions that have been addressed in legislation separately enacted by the 103d Congress, e.g., the Brady Handgun Violence Prevention Act.

Both proposals are broad in scope, H.R. 4092 having twenty-two titles; S. 1607(H.R. 3355), fifty-one. They are similar insofar as they each seek, in a number of respects, to expand the Federal role in the Nation's crime control efforts. Both bills fund crime prevention programs, increase penalties for the criminal use of firearms and explosives; expand the number of Federal crimes punishable by death; add new offenses subject to Federal jurisdiction; provide new authority to help States build additional prisons, and increase penalties for violent crimes and drug trafficking. However, they each have unique provisions and in some instances propose significantly different approaches to the issues addressed. Major provisions of the bills include the following:

- **Firearms.** Both *H.R. 4092* and *S. 1607 (H.R. 3355)* prohibit the transfer of handguns and ammunition to juveniles. The Senate bill regulates the possession and transfer of "assault weapons" and large capacity ammunition feeding devices; the House bill does not contain such provisions.
- **"Three Strikes."** Both bills impose life imprisonment for persons convicted of a Federal offense if they have previously been convicted of two or more serious drug or violent felony offenses. *H.R. 4092* allows for modification of the sentence for prisoners age 70 or over or after 30 years of imprisonment, if the Bureau of Prisons deems the offenders to be of no risk.
- **Prison Assistance.** *H.R. 4092* authorizes \$14.1 billion for building new prisons in the States, including funds to develop a variety of alternative punishments for young offenders. *S. 1607 (H.R. 3355)* authorizes \$6.5 billion for prison, secure facilities, and "boot camp" construction and hinges State eligibility to commit prisoners to new regional prisons on reform of sentencing laws affecting violent offenders along with certain other related measures.
- **Crime Prevention.** *H.R. 4092* authorizes \$6.9 billion for crime prevention programs intended to provide education, treatment, recreation, and job opportunities for at-risk youth. *S. 1607 (H.R. 3355)* authorizes \$1.8 billion for fewer programs. Also, *H.R. 4092* authorizes \$3.450 billion for State and local governments to hire additional police officers; *S. 1607 (H.R. 3355)* authorizes \$8.995 billion for that purpose.
- **Source of New Funding.** *S. 1607* specifies cuts in current spending to finance the roughly \$22 billion in new appropriations authorized; *H.R. 4092* does not specify a funding source and authorizes roughly \$28 billion in new funding.

TABLE OF CONTENTS

H.R. 4092 Sequence	
VICTIMS OF CRIME	1
APPLICABILITY OF MANDATORY MINIMUM PENALTIES	5
ASSAULTS AGAINST CHILDREN	6
CONSUMER PROTECTION	7
MANDATORY LIFE IMPRISONMENT FOR CERTAIN FELONIES	9
VIOLENT REPEAT OFFENDER INCARCERATION	10
State Prison Construction and Expansion	10
Conversion of Military Facilities	12
Family Unity Demonstration Project	12
Other Provisions Related to Prisons	13
DEATH PENALTY	19
Offenses	19
Procedure	28
Review	31
Implementation of Sentence	32
Application in Indian Country	33
Capital Crimes - Lesser Included Offenses	33
RACIALLY DISCRIMINATORY CAPITAL SENTENCING	35

CRIME PREVENTION AND COMMUNITY JUSTICE	39
Model Crime Prevention Program	39
Ounce of Prevention Program	40
Police Partnerships for Children	43
Midnight Sports	44
Drug Courts	45
Assistance for Delinquent and At-Risk Youth	46
Police Recruitment	46
National Triad Program	47
Local Partnership Act	49
Youth Employment and Skills	51
Urban Recreation and At-Risk Youth	52
Local Prosecutors	53
Community Substance Abuse Prevention	53
 YOUTH VIOLENCE	 54
 CHILD SEXUAL ABUSE PREVENTION	 57
Child Safety	58
 JACOB WETTERLING CRIMES AGAINST CHILDREN REGISTRATION ACT	 60
 COMMUNITY POLICING	 61
"Cops on the Beat"	61
Byrne Memorial Program	64
System Bias Study Grants	66
Police Family Support	66
Practice Regarding Individual Rights	66
Police Corps	67
Scholarships for Police Officers	67
Age Discrimination	68
 DNA IDENTIFICATION	 69

VIOLENCE AGAINST WOMEN	70
Grants	70
Offenses	75
Procedural Amendments	77
Other Provisions	80
HATE CRIME SENTENCING	86
USE OF FORMULA GRANTS TO PROSECUTE PERSONS DRIVING WHILE INTOXICATED	87
YOUTH HANDGUN SAFETY AND OTHER FIREARM AND EXPLOSIVES PROVISIONS	88
Juvenile Possession	88
Penalties and Other General Provisions	89
"Assault Weapons"	94
SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS	97
ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS	98
JUVENILE DRUG TRAFFICKING AND GANG PREVENTION	99
Grants	99
Other Provisions	103
RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAMS IN STATE PRISONS	106
GENERAL EN BLOC AND FLOOR AMENDMENTS	107
Immigration	107
Sentencing Provisions	110
Rural Crime	112
Truck Stops and Truckers	113
Rural Crime Fighting Grants	114
Financial Institution Fraud	115
Other Provisions	116
OBSTRUCTION OF JUSTICE	118
TERRORISM	120

DRUG CONTROL	126
COMMISSIONS	131
National Commission to Support Law Enforcement	131
Commission on Crime and Violence	132
National Commission to Study the Causes of the Demand for Drugs in the United States	133
Other National Commissions and Panels	133
BAIL-POSTING REPORTING	134
MOTOR VEHICLE THEFT PREVENTION	135
PROTECTIONS FOR THE ELDERLY	136
Missing Alzheimer's Disease Patient Alert Program	136
Crimes Against the Elderly	136
COMPUTER CRIME	137
INTERNATIONAL PARENTAL KIDNAPPING	138
SAFE SCHOOLS	139
MISCELLANEOUS	140
Increases in Penalties	140
White Collar Crime Amendments	147
Gambling	149
Other Provisions	150
MISSING AND EXPLOITED CHILDREN	151
PUBLIC CORRUPTION	152
FUNDING	154

H.R. 4092

S. 1607/H.R. 3355

VICTIMS OF CRIME

(See also "Rural Crime Fighting Grants" in "GENERAL EN BLOC AND FLOOR AMENDMENTS")

Permits the victim of a Federal crime of violence or of sexual abuse to address the court prior to sentencing of the defendant. The right may be exercised by a parent or legal guardian if the victim is under age 18, or by a family member or relative if the victim is deceased. [Sec. 101]

Specifies the amounts available for grants from the Crime Victims Fund for compensation and assistance. Provides that the \$10 million deposited in the Fund (after the amount set aside for administrative costs) shall be available for grants for to States crime victim assistance, and of the remaining amount(after the \$10 million), 48 percent shall be available for grants for State crime victims compensation; 48 percent for grants for crime victims assistance, and 4 percent for training and technical assistance and for financial support of services to victims of Federal crime. The Director of the Office of Crime Victims may retain any funds in excess of 110 percent of the amount deposited in the Fund during the previous year as a reserve. Such reserve may not exceed \$20 million. [Sec. 111]

Similar provision, right of allocution in Federal trials. [Sec. 3264] Contains provision stating the sense of the Senate that it is the right of a victim to address the court prior to sentencing in a State trial. [Sec. 903]

Similar provision. Specifies that of the \$100 million deposited in the Fund after administrative expenses, 1 percent shall be available for grants for training and technical assistance and financial support services for victims of Federal crimes, and 4.5 percent shall be available for grants for State victims assistance programs. [Sec. 911]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Provides that if the compensation paid to an eligible crime victim program would cover costs that a Federal program--or a federally financed State or local program--would otherwise pay, that the crime victim compensation program shall not pay that compensation, and that the other program shall make its payment without regard to the existence of the crime victim compensation program. [Sec. 112]

Similar provision. [Sec. 912]

Limits the administrative expenditures for State crime victims compensation programs to not more than 5 percent of the total grant. [Sec. 113]

Similar provision. [Sec. 913]

Permits the Director to make grants for demonstration projects. [Sec. 114]

Similar provision. [Sec. 915]

Limits the administrative expenditures for State crime victims assistance programs to not more than 5 percent of the total grant. [Sec. 115]

Similar provision. [Sec. 916]

Requires each entity receiving funds available under the Act for administrative purposes to certify that such funds will not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of Federal funds, be available for these purposes. [Sec. 116]

Similar provision. [Sec. 917]

Changes due date of required report from December to June. [Sec. 117]

No similar provision

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Directs the Attorney General and the Secretary of Health and Human Services to report to Congress on the medical and psychological basis of "battered women's syndrome" and on the extent to which evidence of the syndrome has been held to be admissible as evidence of guilt or as a defense in a criminal trial. [Sec. 121]

No similar provision.

No similar provision.

Similar provision. [Sec. 2964, duplicated in Sec. 3708]

Requires the court to order restitution of certain crime victims, and permits a court to order restitution of any person (in addition to the victim) who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by the unlawful conduct of the defendant during the course of scheme, conspiracy, or pattern of unlawful conduct relating to the offense; sets forth conditions and procedures. [Sec. 902]

Permits the Director to use money available in the Crime Victims Fund for the purposes of awarding grants for crime victims assistance even though the funds were originally designated for crime victims compensation. [Sec. 914]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Reauthorizes the following programs at a total of \$92.5 million: the Court-Appointed Special Advocate Program at \$7 million for fiscal years 1995 and \$10 million for each of the fiscal years 1996 through 1998; the Child Abuse Training Program for Judicial Personnel and Practitioners at \$7 million for fiscal year 1995 and \$10 million for each of fiscal years 1996 through 1998; and Grants for Televised Testimony at \$3.5 million for fiscal year 1995, and \$5 million for fiscal years 1996 through 1998. [Sec. 5126]

No similar provision.

Permits the court to order a defendant to reimburse the victim for necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense. Allows the court, after a hearing, to suspend the defendant's eligibility for all Federal benefits if the defendant is delinquent in making restitution payments. [Sec. 3704-3705]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

APPLICABILITY OF MANDATORY MINIMUM PENALTIES

(See also, "MANDATORY LIFE IMPRISONMENT FOR CERTAIN FELONIES," "YOUTH VIOLENCE," "HATE CRIME SENTENCING," AND "YOUTH HANDGUN SAFETY AND OTHER GUN PROVISIONS")

Permits Federal courts to drop mandatory minimum sentences for non-violent, first-time drug offenders if the defendant was not an organizer, leader, manager, or supervisor of others. Directs the U.S. Sentencing Commission to draft or amend guidelines consistent with this title. [Sec. 201-202]

Similar provision. [Sec. 2404]

Sentencing reductions made as a result of the Act will be applicable to specified ranges for prisoners who have demonstrated good behavior. [Sec. 203]

No similar provision

H.R. 4092

S. 1607/H.R. 3355

ASSAULTS AGAINST CHILDREN

Changes the maximum penalties for assaults within the special maritime and territorial jurisdiction of the U.S. committed against victims under 16 years of age:

— from 3 months and/or \$10,000 to 1 year/\$100,000 for simple assault;

— from 10 years and/or \$10,000 to 5 years and/or \$250,000 for assaults resulting in serious injury. [Sec. 301]

Defines "serious injuries" to include those involving substantial, if only temporary disfigurement or impairment of bodily function. [Sec. 301(d)]

No similar provision, but increases maximum penalties regardless of victim's age, i.e., within the general 3 years and/or \$250,000 fine maximum penalty for assaults impeding Federal law enforcement officers, creates a 1 year and/or \$100,000 maximum penalty level for simple assault.

Adds assaults inflicting bodily injury to the 10 year and/or \$250,000 fine level of the same section and to the section covering assaults on foreign dignitaries.

Adds assaults with a dangerous weapon to the 10 year and/or \$250,000 fine level of the congressional and Presidential assault statutes.

Increases the maximum imprisonment penalty for assaults with such a weapon committed within U.S. special maritime & territorial jurisdiction from 5 to 10 years; for simple assaults from 3 to 6 months. [Sec. 2901]

No similar provision.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

CONSUMER PROTECTION

Regulates conduct by or affecting persons engaged in the insurance business by condemning:

- false statements to State insurance regulars; punishable by imprisonment for not more than 10 years and/or a fine of not more than \$250,000, increased to a maximum of 15 years if an insurer's soundness was jeopardized;
- embezzlement by insurance company officers or employees; same penalties;
- fraudulent recordkeeping entries by one in the business of insurance; same penalties;
- obstruction of justice with respect to insurance regulation; penalty of imprisonment for not more than 10 years and/or a fine of not more than \$250,000;
- engaging in the insurance business after a felony conviction; penalty of not more than 5 years and/or a fine of not more than \$250,000. Authorizes the Attorney General to impose a civil penalty of not more than \$50,000 for such violations and to seek to have them enjoined; and amends the Federal obstruction of justice provisions to include proceedings before State insurance regulators and criminal investigations in insurance business. [Sec. 401-402]

Similar provision [Sec. 2101]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Expands the Federal credit card fraud provisions to include use to defraud of more than \$1,000, and trafficking in stolen credit cards. [Sec. 2102, duplicated at 3909]

No similar provision

Amends the mail fraud provision to include private mail or commercial interstate carriers. [Sec. 2103, duplicate provision at Sec. 3908]

No similar provision.

Establishes an additional 5 year term of imprisonment for violations of various Federal fraud laws involving telemarketing fraud; additive increased to 10 years if a significant number of persons over 55 years of age are victimized or if those 55 are the targets of the fraud; also punishable by criminal forfeiture of property derived. [Sec. 3903-3904].

No similar provision.

Authorizes rewards of up to \$10,000 for information leading to successful telemarketing frauds. [Sec. 3906]

No similar provision.

Authorizes appropriations for the FBI to investigate telemarketing fraud (\$10 million); DoJ to prosecute it (\$3.5 million), and to stimulate public awareness (\$10 million). [Sec. 3907]

No similar provision.

Instructs the Attorney General to establish a telemarketing fraud hotline and to work with the FTC to see that information from the line lead to appropriate action. [Sec. 3910]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

MANDATORY LIFE IMPRISONMENT FOR CERTAIN FELONIES

(See also "Penalties and Other General Provisions" in "YOUTH HANDGUN SAFETY AND OTHER FIREARM AND EXPLOSIVES PROVISIONS")

Makes a Federal conviction following two drug felony or violent crime convictions punishable by life imprisonment, with a somewhat more circumscribed strike zone than that of the three strikes provisions of the Senate passed bill. Permits a court to modify a sentence imposed under this title if the defendant is at least 70 years of age, has served at least 30 years in prison for the offense for which the defendant is currently imprisoned, and the Director of the Bureau of Prisons has determined that the defendant is not a danger to the safety of any other person or the community. [Sec. 501-502]

Makes a conviction of a serious drug offense a third strike mandating life imprisonment under the three strikes provision. [Floor amendment, Solomon, 4/19/94, D401]

Makes convictions of bank robbery and robberies and burglaries involving controlled substances offenses that would be counted toward the three strikes, and requires that no threat involving weapons be involved if a felony is to be considered "nonqualifying." [Floor amendment, Volkmer, 4/19/94, D401]

Provides for a mandatory life sentence for those persons convicted of a Federal violent felony or serious drug offense if they have been convicted of a violent felony or a serious drug offense on two or more prior occasions, either in a State or Federal court. [Sec. 2408] Also, calls for mandatory life sentence for those persons convicted of a Federal violent felony if they have been convicted of a violent felony on two or more prior occasions, either in a State or Federal court. [Sec. 5111]

Similar provision [Sec. 5111]

No similar provision

H.R. 4092

S. 1607/H.R. 3355

VIOLENT REPEAT OFFENDER INCARCERATION AND OTHER PRISON PROVISIONS

(See also "DRUG CONTROL")

State Prison Construction and Expansion

Provides new authority for the Attorney General to make grants to States and multi-State compacts for the improvement and expansion of prison facilities. Application requirements include State assurances that: appropriate sentences and time served protect the public from violent repeat offenders; victims rights are recognized; violent repeat offenders will be incarcerated; comprehensive offender assistance programs are offered; local governments are consulted with, and documentation is included regarding multi-State compacts. Federal share limited to 75% of project costs, technical assistance may be provided, and evaluations may be requested. Authorizes total of \$3 billion, \$600 million each year, FY95-99. [Sec. 601-606] Requires that the Attorney General give consideration to States that imprison substantial numbers of criminal illegal aliens. [Floor amendment, McCollum as amended by Hughes amendment, 4/19/94, D401] In addition, documentation of multi-State compacts would be required only if applicable. [Floor amendment, Smith, #16] Includes requirement that States provide training for corrections officers for working with violent repeat offenders. [En bloc amendment, Strickland, #26] Also, requires Attorney

Somewhat similar provisions. Provides new authority for the Attorney General to provide grants to States and to multi-State compacts for the construction or expansion of prison boot camps, jails and prisons for violent offenders. Sets forth application requirements, limits Federal funding to 75% of costs and grant period to 4 years. Requires evaluation component for each facility, reports and access to information, and authorizes \$3 billion until expended. Limits funding for prisons to 1/3 of amount appropriated. Requires that the Attorney General provide State and local officials with a list of military properties that might be used for prison boot camps or prisons for violent drug offenders. Provides that grantees may contract with the private sector for the design, construction, or delivery of services associated with the facilities. [Sec. 1321]

Also, authorizes the Attorney General to construct ten regional prisons for violent criminals and criminal aliens. Requires consultation with State correctional administrators; authorizes the Attorney General to operate the prisons, and to contract with the private sector in designing, constructing, or the provision of services. Requires that the Attorney

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

General to study and report on prison overcrowding and the utility of temporary structures, and to take recommended actions in 2 years. [En bloc amendment, Bonilla, #15] Also, requires that States ensure that incarcerated veterans receive benefits to which they are entitled. [En bloc amendment, Evans, #43] Also, authorizes \$10.5 billion for grants to the States for prison construction, with funding reserved for States that comply with "Truth in Sentencing provisions. [Floor amendment, Chapman, 4/19/94, D401]

General consider converting Federal correctional institutions in the planning or construction phases into regional prisons, and also evaluate the utility of using closed or realigned military bases for such prisons. Before regional prisons are constructed, or if a decision is made not to use a military installation for such purpose, the Attorney General must report to Congress. Portion of space dedicated to State prisoners is 75 percent, establishes different "truth in sentencing" and other requirements for qualifying States, limits authority of the Attorney General to waive requirements to one year, and authorizes \$600 million for each fiscal year 1994 to 1998 (\$3 billion total). [Sec. 1341]

Also, authorizes \$500 million (\$100 million each year, FY94-98) for the Attorney General, through the Bureau of Prisons, to make grants for "secure facilities for violent and chronic juvenile offenders." [Sec. 1331]

H.R. 4092

S. 1607/H.R. 3355

Conversion of Military Facilities

Requires Secretary of Defense and Attorney General to evaluate bases to be closed for suitability as Federal prisons. The three most suitable properties must be converted and transferred to the jurisdiction of the Attorney General. If space is available, inmates from overcrowded State prisons may be transferred if they have been convicted in the past of a Federal crime or if their sentence exceeds 20 years. Requires study. [En bloc amendment, Livingston, #8]

Requires dissemination of report by the Attorney General to States and localities that lists military property to be closed that is suitable for "boot camp" or regional prisons. [Sec. 1321(e)]

Family Unity Demonstration Project

No similar provision

Authorizes the Director of the Federal Bureau of Prisons to make grants, on a competitive basis, to States to carry out family unity demonstration projects that enable eligible offenders to live in community correctional facilities with their children. Includes eligibility and reporting requirements. [Sec. 4111-4113]

No similar provision

Authorizes a total appropriation of \$40 million; \$8 million for each of fiscal years 1995 through 1999. Provides that of the amount appropriated for each year, 90 percent shall be available for grants to States, and 10 percent for grants to be sued for defendants convicted of Federal offenses. [Sec. 4101-4104]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Authorizes the Federal Bureau of Prisons to enter into contracts with appropriate public or private agencies to provide housing, sustenance, services, and supervision of inmates eligible for placement in community correctional facilities. At the discretion of the Attorney General, permits Federal participants to be placed in State projects. Requires the Attorney General to reimburse the States for all project costs related to the Federal participant's placement. [Sec. 4121-4122]

Other Provisions Related to Prisons

Requires that administrative remedies be exhausted before a prisoner's 1983 civil rights action can proceed (current law calls for a 90 day postponement to permit exhaustion). Expands existing law -- that only remedies in compliance with minimal standards promulgated by the Attorney General need be exhausted -- to include otherwise effective remedies. Permits the court to dismiss frivolous suits. Drops the requirement an employee and inmate advisory role in the development of grievance procedures. Demands only that such procedures be fair and effective, rather than in compliance with minimal promulgated standards. Instructs petitioners to file and courts to verify a statement of prisoner assets for those who seek to file

Similar in that it extends the time for which a §1983 State prisoner, civil rights suit may be continued in order to exhaust administrative remedies from 90 to 180 days; requires exhaustion even if the State is not in compliance with the minimum standards set by the Attorney General for a system for the resolution of grievances as long as the State remedies are otherwise fair and effective. Adds failure state a claim upon which relief can be given to want of poverty, frivolity and maliciousness as grounds for dismissal of in forma pauperis petitions. [Sec. 5103]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

in forma pauperis. [Floor amendment, Brooks (Canady #49), 4/20/94, D409]

Limits the authority of Federal courts to find that prison or jail overcrowding violates the eighth amendment of the Constitution solely to individual claims. Limits relief to minimum required, restricts court authority to impose population ceilings on facilities, excludes medical or health care considerations from these restrictions, requires that court orders be revisited every two years, and sunsets provision in five years. [Floor amendment, Brooks (Canady #50), 4/20/94, D409]

Prohibits strength-training among Federal prison inmates in the name of prison security. [Floor amendment, Brooks (Pryce), 4/20/94, D409]

Prohibits the provision of higher education (Pell) grants to inmates of Federal, State or local correctional facilities. [Floor amendment, Gordon, 4/20/94, D410]

Effective October, 1, 1994 and upon written request of State officials requires the Attorney General to take custody of undocumented aliens convicted of Federal or State crimes or to contract with the States for the costs of their incarceration. [Floor amendment, Brooks (Beilenson), 4/20/94, D409]

Similar provision. [Sec. 5139]

No similar provision

Similar provision, except bar also extends to inmates in local correctional facilities.. [Sec. 5135]

Similar provision. [Sec. 5136]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

With exemptions the Bureau of Prisons may deem necessary, requires Federal prisoners earn a high school diploma or its equivalent before they can receive good time credits. [Floor amendment, Franks, 4/21/94, D422]

No similar provision

No similar provision

Requires that the National Institute of Justice study the feasibility of establishing a clearinghouse to facilitate transfers of State inmates and report to the Judiciary Committees within one year. [Sec. 1322]

No similar provision

Requires that the National Institute of Justice study the recidivism rates of offenders participating in treatment programs and assess the impact of substance abuse on criminal activity. [Sec. 1323]

No similar provision

Requires the Director of the National Institute of Corrections to convene a task force on prison design and construction. [Sec. 5107]

No similar provision

Authorizes the Secretary of Education to convene and to consult with a panel of correctional education experts for specified purposes, and to use no more than five percent of appropriated funds for monitoring, technical assistance, and other activities. [Sec. 5120]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Requires that the Attorney General, in consultation with the Secretary of Health and Human Services and the Director of the National Institute of Justice, develop and disseminate guidelines regarding tuberculosis prevention, care and treatment in Federal and non-Federal prisons. Limits Federal grants to 50 percent of costs and authorizes \$20 million for the program. [Sec. 5121]

No similar provision

Requires that the Attorney General encourage grantees to use low-cost construction and operation methods in expanding prison space and give priority to the use of surplus Federal property. Also requires that the Attorney General assess, within one year, the effectiveness of using low-cost construction components and designs. [Sec. 5112]

No similar provision

Requires the Attorney General review the capacity of Federal prisons and recommend initiatives to be taken to release space in those prisons for State inmates. Also requires that standards for construction and operation of State and local facilities be reconsidered and that the Attorney General report on the modification of standards. [Sec. 5165]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Authorizes the Attorney General to establish an Office of Correctional Job Training and Placement to assist in collecting information on and providing job opportunities to released prison inmates. [Sec. 4701-4702]

No similar provision

Prohibits the Bureau of Prisons from designating an offender's place of imprisonment on the basis of social or economic status. [Sec. 1301]

No similar provision

Requires that proposed legislation that could affect the size of the Federal prison population be accompanied by a prison impact statement and that a report be prepared by the Attorney General and submitted to Congress. [Sec. 1302]

No similar provision

Requires that the Bureau of Prisons provide notification of the release of an offender convicted of a drug trafficking violation or crime of violence while armed, except for those in the witness protection program. [Sec. 1324]

No similar provision

Specifies that reference in current law to supervised release pertains to probation or parole. [Sec. 1325]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Expresses the sense of the Senate that employment opportunities should be provided to Federal inmates and that the Attorney General recommend to Congress means of expanding job opportunities through Federal Prison Industries, Inc. [Sec. 5153]

No similar provision

Prohibits expansion of District of Columbia prison facilities in Lorton, Virginia unless approval of Congress is granted. Also requires that hearing be conducted on planned expansions. [Sec. 5149]

No similar provision

Authorizes the promulgation of sentencing guidelines for the imposition of criminal fines which take into account the expected cost of imprisonment, supervised released and/or probation for the defendant. [Sec. 1305]

No similar provision

Doubles performance credits ("good time credits") for prisoners who have displayed exemplary compliance with prison disciplinary regulations. [Sec. 5101]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

DEATH PENALTY

(See also "TERRORISM" and "OBSTRUCTION OF JUSTICE")

Offenses

Establishes procedures to make the death penalty available as a sentencing alternative for the following Federal crimes [Sec. 701, proposed 18 U.S.C. 3591-3598]:

--Treason [Sec. 701, proposed 18 U.S.C. 3591]

No similar provision.

Establishes procedures to make the death penalty available as a sentencing alternative for a number of Federal offenses [Sec. 202(a), proposed 18 U.S.C. 3591-3598]:

Similar provision. [Sec. 202(a)]

--Attempted murder of the President, resulting in bodily injury to the President or coming dangerously close to causing the President's death [Sec. 202(a), 203(a)(8)]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092S. 1607/H.R. 3355

--Certain drug kingpin offenses including (1) major drug felony committed by a drug kingpin as part of a continuing criminal enterprise where either the quantity of controlled substance is twice that described in (b)(2)(A) of 21 U.S.C. 848, or where the gross receipts were twice that described in (b)(2)(B) of 21 U.S.C. 848; major drug felonies committed by a drug kingpin where the defendant, in order to obstruct the investigation or prosecution of the continuing criminal enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to kill any public officer, juror, witness, or member of the family or household of same. It prohibits imposition of death penalty on anyone under 18 year of age at time of the offense. [Sec. 701, proposed 18 U.S.C. 3591(3), (4), 3592(d)] Sets out aggravating factors to be considered in capital sentencing in these drug offense cases. [Floor amendment, McCollum, 4/14/94, D379]

Similar provision, but also covers felonies in violation of the Controlled Substances Act, the Controlled Substances Import and Export Act, or the Maritime Drug Law Enforcement Act, where the defendant engages in such violation intending to cause death or acting with reckless disregard for human life, where death results. Also forecloses imposition of death penalty upon defendant who was under 18 years of age at the time of the offense. Sets out aggravating factors to be considered in capital sentencing in these drug offense cases. [Sec. 202, proposed 18 U.S.C. 3591(b), (c)]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

--Any other provision, for which death sentence is provided, where the defendant intentionally killed the victim; intentionally inflicted serious bodily harm resulting in the death of the victim; intentionally participated in any act, intending that lethal force be used or contemplating that a person's life would be taken, where the victim died as a direct result of the act; or intentionally and specifically engaged in an act, with reckless disregard for human life, knowing that the act created a grave risk of death to someone other than the participants in the act, where the victim died as a direct result of the act. [Sec. 701] Presumably included in these offenses are:

--Espionage [Sec. 701, proposed 18 U.S.C. 3591; Sec. 702(a)(1)] (limits applicable espionage offenses to those involving identification by a foreign power of an individual U.S. agent resulting in the death of that person, nuclear weaponry, military spacecraft and satellites, early warning systems or other means of defense or retaliation against large scale attack, war plans, communications intelligence or cryptographic information, or other major weapons systems or major elements of defense strategy)

--Murder within the special maritime and territorial jurisdiction of the United States [Sec. 702(a)(2), 701]

Similar provision. [Sec. 202(a)]

Similar provision. [Sec. 202(a), proposed 18 U.S.C. 3591; Sec. 203(a)(2)] (limitation does not include specific reference to identification of U.S. agent by a foreign power and consequent death of the agent)

Similar provisions. [Sec. 203(a)(4), 202(a)]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

--Murder of foreign officials or internationally protected persons [Sec. 702(a)(3), 701]

Similar provisions. [Sec. 203(a)(5), 202(a)]

--Kidnapping where death results. [Sec. 702(a)(4), 701] Adds language to ensure availability of death penalty for kidnapping when death of a minor results. [Floor amendment, Duncan, 4/14/94, D379]

Similar provisions, but no parallel language to Duncan amendment. [Sec. 203(a)(6), 202(a)]

--Mailing injurious articles where death results [Sec. 702(a)(5), 701]

Similar provisions. [Sec. 203(a)(7), 202(a)]

No similar provision.

--Attempted murder of the President, resulting in bodily injury to the President or coming dangerously close to causing the President's death [Sec. 203(a)(8), 202]

--Train wrecking where death results [Sec. 702(a)(6), 701]

Similar provisions. [Sec. 203(a)(9), 202(a)]

--Robbery of Federally insured bank where death results [Sec. 702(a)(7), 701]

Similar provisions. [Sec. 203(a)(10), 202(a)]

--Explosives offenses [Sec. 702(a)(8)(A)-(C), 701] Cf. En bloc amendment, Slaughter, #10, regarding other explosive crime penalties.

Similar provisions. [Sec. 203(a)(3)(A)-(C), 202(a)]

--Murder of Federal law enforcement official [Sec. 702(a)(9), 701]

Similar provisions. [Sec. 207, 202(a)]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

--Air piracy where death results [Sec. 702(b)]
(strikes death penalty sentencing procedures in 49
U.S.C. 1473(c))

Similar provision. [Sec. 203(b)]

--Destruction of aircraft, motor vehicles, or their
facilities where death results [Sec. 702(c), 701]

Similar provisions. [Sec. 203 (a)(1), 202(a)]

--Hostage taking where death results [Sec. 703(a),
701]

Similar provisions. [Sec. 203(a)(11), 202(a)]

--Murder for hire [Sec. 703(b), 701]

Similar provisions. [Sec. 203(a)(12), 202(a)]

--Murder in aid of racketeering activity [Sec.
703(c), 701] (This subsection also makes
kidnapping in aid of racketeering activity
punishable by imprisonment for any term of years
or life, or a fine under this title, or both.)

Similar provisions, but specifies maximum fine of
not more than \$250,000. [Sec. 203(a)(13), 202(a)]

--Genocide [Sec. 703(d), 701]

Similar provisions. [Sec. 203(a)(14), 202(a)]

--Carjacking where death results [Sec. 703(e), 701]

Similar provisions, although S. 1607/H.R. 3355
also expands the Federal carjacking offense by
striking the existing requirement that the
offender possess a firearm during the commission
of the offense, making the death penalty
available where death results from the
commission of the expanded offense. [Sec.
203(a)(15) 202(a)]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092	S. 1607/H.R. 3355
--Sexual abuse where death results [Sec. 703(f)(1), proposed new 18 U.S.C. 2245, 701] (rape and child molestation)	Similar provisions. [Sec. 210, 202(a)]
--Sexual exploitation of children where death results [Sec. 703(g), 701]	Similar provisions. [Sec. 211, 202(a)]
--Murder involving firearms in federal facilities [Sec. 703(h), 701]	Similar provisions. [Sec. 214, 202(a)]
--Murder of a Federal witness [Sec. 703(i), 701]	Similar provisions. [Sec. 505, 202(a)]
--Murder of court officers and jurors [Sec. 703(j), 701]	Similar provisions. [Sec. 501, 202(a)]
--Foreign murder of U.S. nationals [Sec. 703(k), 701]	Similar provisions. [Sec. 209, 202(a)]
--Civil rights murder [Sec. 703(l)(1-4), 701] <i>See also</i> , Title XVII, regarding hate crimes enhancements.	Similar provisions. [Sec. 206, 202(a)] <i>See also</i> , Sec. 2911, extending protection of 18 U.S.C. 24- and 242 to person in any State, territory or district, and Sec. 2903, increased penalties for civil rights violations.
--Murder by a Federal prisoner [Sec. 704, 701] <i>See also</i> , Sec. 705, murder by an escaped Federal prisoner serving a life sentence.	Similar provisions. [Sec. 205, 202(a)] <i>See also</i> , Sec. 212, murder by an escaped Federal prisoner serving a life sentence.
--Murder by an escaped Federal prisoner serving a life sentence [Sec. 705, 701]	Similar provisions. [Sec. 212, 202(a)]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092**S. 1607/H.R. 3355**

--Drive-by shootings, where death results [Sec. 706, 701] Would create a new 18 U.S.C. 922(v) providing for knowing discharge of a firearm from a motor vehicle, thereby creating a grave risk of injury to human life, where death results. Provides lesser penalties where death does not result. *See also*, Sec. 707, which would amend 18 U.S.C. 924 to provide capital punishment for gun murders during Federal crimes of violence and drug trafficking crimes.

--Gun murders during Federal crimes of violence and drug trafficking crimes [Sec. 707, 701]

Similar provisions. [Sec. 208, 202(a)] Creates a new 18 U.S.C. 36 providing the death penalty for first degree murder by a person firing a weapon into a group of 2 or more in furtherance of or to escape detection of a major drug offense with intent to intimidate, harass, injure, or maim. Provides for lesser penalties in absence of first degree murder. *See also*, Sec. 213, providing capital punishment for gun murders during Federal crimes of violence and drug trafficking crimes.

Similar provisions. [Sec. 213, 202(a)]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

--Murder of state or local officials assisting Federal law enforcement officials, or murder by an incarcerated person of state correctional officers engaging in interstate transport of the prisoner, or murder of a state correctional officer by a person incarcerated for a Federal offense [Sec. 708, 701]

--Retaliatory killing of witness, victim or informant [Sec. 709, 701]

No similar provision, but does make death penalty available for a number of new criminal offenses addressing specific terrorist acts, including:

--Use of weapons of mass destruction where death results [Sec. 710, 701]

--Murder involving a firearm, where the defendant caused the death of another person through the use of a firearm, intentionally, knowingly, through extreme indifference to human life, or through intentional infliction of serious bodily injury. Federal nexus based upon the offense involved being a Federal offense, or the firearm moving in interstate or foreign commerce. [Sec. 2406, 201]

Similar provisions, but covers only those assisting Federal investigations. [Sec. 504, 202(a)]

Similar provisions. [Sec. 502, 202(a)]

--Murder during commission of terrorist act [Sec. 723, 202(a)]. Also includes a number of sections making capital punishment available for a series of new criminal offenses addressing specific terrorist acts (Title VII), including the following:

Similar provisions. [Sec. 711, 202(a)]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

--Engaging in unlawful and intentional violence at international airports where death results [Sec. 711, 701]

Similar provisions. [Sec. 719, 202(a)] *See also*, Sec. 720, which makes it a crime to willfully violate Federal aviation security regulations.

--Engaging in unlawful and intentional violence against maritime navigation platforms where death results [Sec. 712, 701]

Similar provisions. [Sec. 701, 202(a)]

--Engaging in unlawful and intentional violence against maritime platforms where death results [Sec. 712, 701]

Similar provisions. [Sec. 701, 202(a)]

--Torture where death results [Sec. 713(a), 701]

Similar provisions. [Sec. 716(a), 202(a)]

No similar provision.

--Murder of alien in course of alien smuggling [Sec. 215, 202(a)]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Procedure

Makes new sections relating to death penalty sentencing procedures inapplicable to capital offenses under the Uniform Code of Military Justice. [Sec. 714]

Similar provision. [Sec. 204]

Prohibits imposition of death penalty on person less than 18 at the time of the offense. [Sec. 701]

Similar provision. [Sec. 202(a)]

Sets forth mitigating and aggravating factors to be considered in determining whether a death sentence is justified, including specific aggravating factors to be considered for espionage and treason; for homicide [Sec. 701, proposed 18 U.S.C. 3592]; and for specified drug offenses. [Floor amendment, McCollum, 4/14/94, D379]

Similar provisions, but second category of aggravating factors covers both homicide and attempted murder of the President. [Sec. 202(a), proposed 18 U.S.C. 3592]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092S. 1607/H.R. 3355

Requires notice of Government's belief that circumstances warrant the death penalty and of the aggravating factors on which the government will rely. Such factors may include victim impact statement where one is anticipated to be submitted for consideration. Permits court to allow amendment of notice for good cause shown. Establishes hearing procedures, with bifurcated trial and sentencing hearing; and sets standards of proof and burden of proof to be applied. Sets procedures for return of special findings regarding mitigating and aggravating factors and findings concerning sentence of death. Requires jury instructions that sentencing decision must not be influenced by sympathy, sentiment, passion, prejudice or other arbitrary factors, and that final decision re: balancing of aggravating and mitigating factors is the jury's. Also requires jury instruction that consideration of race, color, religion, national origin, or sex of the defendant or of any victim not be involved in reaching sentencing decision, and certification by each juror to this effect. [Sec. 701, proposed 18 U.S.C. 3593; Floor amendment, Gekas, 4/14/94, D379] *See also*, Title IX, regarding racially discriminatory capital sentencing.

Similar provision, but does not require jury instruction prohibiting influence upon sentence of sympathy, sentiment, passion, prejudice or other arbitrary factors. [Sec. 202(a), proposed 18 U.S.C. 3593] *See also*, Sec. 1021, providing for grants to study state criminal justice systems in order to ensure that racial and ethnic bias has no part in such systems.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Amends 18 U.S.C. 3432 to permit court to withhold list of veniremen and witnesses from capital defendants if it finds, by a preponderance of the evidence, that providing such list may jeopardize life or safety of any person. [Sec. 715] (N.B., May be subject to due process restrictions.)

Similar provision. [Section 503] (N.B., May be subject to due process restrictions.)

Sets requirements for imposition of death sentence, life imprisonment without possibility of release, or other punishments specified by law. Permits life imprisonment without possibility of release to be imposed for any crime for which the maximum penalty is a life sentence. [Sec. 701, proposed 18 U.S.C. 3594]

Similar provision. [Sec. 202(a)]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092S. 1607/H.R. 3355

Review

Provides for expedited appeal of death sentence by defendant upon timely notice filed. May be consolidated with appeal from conviction. Court of appeals must review entire record. Requires remand for reconsideration of sentence of imposition of a sentence other than death where court of appeals finds that the sentence was imposed under influence of passion, prejudice, or other arbitrary factor; the evidence and information fail to support the special findings of the existence of required aggravating factor; or the proceedings involved any other legal error requiring reversal of sentence which was properly preserved and raised on appeal. Sentence must be affirmed if the court finds that a remaining aggravating factor found to exist is one allowed under proposed new 18 U.S.C. § 3592 and that the remaining aggravating factor or factors found to exist sufficiently outweigh any mitigating factors found to exist. Reasons for disposition must be in writing. [Sec. 701, proposed 18 U.S.C. 3595(c)]

Similar provision, but does not require affirmance upon a finding that a remaining statutory aggravating factor exists and that the remaining aggravating factor(s) outweigh any mitigating factors. Rather states that the court of appeals shall not reverse or vacate death sentence due to any harmless error, including any erroneous special finding of an aggravating factor, where the Government establishes beyond a reasonable doubt that the error was harmless. [Sec. 202(a), proposed 18 U.S.C. 3595(c)]

H.R. 4092

S. 1607/H.R. 3355

Implementation of Sentence

Sets out procedures for implementation of death sentence. Precludes execution of death sentence upon a pregnant woman, mentally retarded person or a person who lacks the mental capacity to understand the death penalty and why it was imposed on him. [Sec. 701, proposed 18 U.S.C. 3596]

Similar provision. [Sec. 202(a)]

Provides for use of appropriate State or local facilities for carrying out sentence. [Sec. 701, proposed 18 U.S.C. 3597(a)]

Similar provision. [Sec. 202(a)]

Forbids compelling employee of State department of corrections, U.S. Department of Justice, Federal Bureau of Prisons, U.S. Marshals Service, or contract employee thereof, to attend or participate in execution under this section if contrary to moral or religious belief. [Sec. 701, proposed 18 U.S.C. 3597(b)]

Similar provision. [Sec. 202(a)]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Application in Indian Country

Precludes imposition of death sentence upon any person subject to criminal jurisdiction of an Indian tribe for any offense committed in Indian country, for which Federal jurisdiction is predicated solely upon Indian country as defined in 18 U.S.C. 1151, unless the governing body of the tribe has elected to make the new death penalty provisions applicable to the land and people subject to the tribe's criminal jurisdiction. [Sec. 701, proposed 18 U.S.C. 3598]

Similar provision. [Sec. 202(a)]

Capital Crimes - Lesser Included Offenses

Homicide or attempted homicide committed with a firearm on a Federal facility is punished as if it occurred on the special maritime and territorial jurisdiction of the U.S. [Sec. 703(h)]

Similar provision. [Sec. 214]

American homicide or attempted homicide committed against an American overseas is punishable as if it occurred within U.S. special maritime & territorial jurisdiction. [Sec.703(k)]

Similar provision. [Sec. 209]

Homicide by escaped Federal prisoners is punishable as if it occurred within U.S. special maritime & territorial jurisdiction. [Sec. 705]

Similar provision. [Sec. 212]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Discharge of firearm from a motor vehicle creating grave risk to life; penalty if no death results: not more than 25 years and/or a fine of not more than \$250,000 [Sec.706]

Homicides committed with firearms during the course of a crime of violence or drug trafficking are treated as if they were committed within the special maritime and territorial jurisdiction of the U.S. [Sec.707]

No similar provision.

No similar provision.

Discharge of firearm within a group of 2 or more with risk to life and intent to intimidate or injure while fleeing detection of major drug crime; penalties where 1st degree murder does not result: 2d degree murder, any term of years or life and/or a fine of not more than \$250,000; otherwise not more than 25 years imprisonment and/or a fine of not more than \$250,000. [Sec. 208]

Similar provision. [Sec. 213]

Causing or risking serious injury of an alien during an alien smuggling offense is punishable in noncapital cases by imprisonment for not more than 20 years and/or a fine of not more than \$250,000. [Sec. 215]

May expand the Federal carjacking offense by striking the existing requirement that the offender possess a firearm during the commission of the offense regardless of whether a death results. [Sec.203(a)(15)]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

RACIALLY DISCRIMINATORY CAPITAL SENTENCING

Prohibits execution of death sentence under color of State or Federal law where sentence was imposed based on race. [Sec. 901(a), proposed 18 U.S.C. 2921(a)] *See also*, requirement in Sec. 701 that jury be instructed that consideration of race, color, religion, national origin, or sex of defendant or of any victim must not be involved in reaching sentencing decision, and requirement of juror certification by each juror to this effect. *Cf.* Requirement that jury be instructed that sentencing decision must not be influenced by sympathy, sentiment, passion, prejudice or any other arbitrary factor. [Floor amendment, Gekas, 4/14/94, D379]

Inference that race was the basis of a death sentence is established upon presentation of valid evidence demonstrating that, at the time of imposition of the death sentence, race was a statistically significant factor in decisions to seek or impose death sentence in the jurisdiction in question. [Sec. 901(a), proposed 18 U.S.C. 2921(b)]

No similar provision, *but see* requirement in Sec. 202(a), that jury be instructed that consideration of the race, color, religion, national origin, or sex of the defendant or of any victim is not to be involved in reaching sentencing decision, and requirement of certification by each juror to this effect. *See also*, Sec. 1021, providing for grants to study state criminal justice systems in order to ensure that racial and ethnic bias has no part in such systems.

No similar provision

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Evidence to establish such inference may include evidence that, at the time the death sentence in question was imposed, death sentences were being imposed significantly more frequently in that jurisdiction upon persons of one race than persons of another, or as punishment for capital offenses committed against persons of one race than against persons of another race. [Sec. 901(a), proposed 18 U.S.C. 2921(c)]

No similar provision.

If statistical evidence to establish such inference is presented, court must determine its validity and must determine whether it provides a basis for the inference. Such evidence must include, to the extent it is compiled and publicly available, evidence of statutory aggravating factors of crimes involved, and shall include comparisons of similar cases involving persons of different races. [Sec. 901(a), proposed 18 U.S.C. 2921(d)]

No similar provision

If inference is established, death sentence cannot be carried out unless Government rebuts inference by a preponderance of evidence. Government cannot rely on mere assertions that it did not intend to discriminate or that the cases in which death was imposed fit statutory criteria for imposition of capital punishment, unless it can show that the death penalty was sought in all cases fitting the statutory criteria for imposition of the death penalty. [Sec. 901(a), proposed 18 U.S.C. 2921(e)]

No similar provision

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092**S. 1607/H.R. 3355**

Requires that data collected by public officials on factors relevant to imposition of the death sentence be made publicly available. [Sec. 901(a), proposed 18 U.S.C. 2922]

No similar provision.

In a proceeding under 28 U.S.C. § 2254, evidence supporting a claim of racially discriminatory capital sentencing may be presented in an evidentiary hearing and need not be set forth in the petition. Determination on the merits of a factual issue made by a State court pertinent to any claim under proposed 18 U.S.C. 2921 must not be presumed correct unless the State is in compliance with proposed 18 U.S.C. 2922; the determination was made in a State court proceeding in which the person asserting the claim was afforded right to appointment of counsel and to investigative, expert and other services needed to adequately develop the claim; and the determination is one otherwise entitled to be presumed correct under criteria specified in 28 U.S.C. § 2254. [Sec. 901(a), proposed 18 U.S.C. 2923]

No similar provision

Provides that nothing in this chapter on racially discriminatory capital sentencing shall affect the lawfulness of any death sentence not violative of proposed 18 U.S.C. 2921. [Sec. 901(a), proposed 18 U.S.C. 2924]

No similar provision

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Prohibits barring a person from raising a claim under proposed 18 U.S.C. 2921 on ground that they failed to raise or prosecute the same or a similar claim before enactment of this Act, nor by reason of any adjudication rendered before that enactment. [Sec. 902]

No similar provision

H.R. 4092S. 1607/H.R. 3355

CRIME PREVENTION AND COMMUNITY JUSTICE**Model Crime Prevention Programs**

Provides new authority for the Attorney General to fund up to 15 model crime prevention programs. Grants will be awarded to localities with high crime and poverty rates. Priority will be given to innovative approaches to crime prevention. Application requirements include description of factors contributing to chronic violent crime in the area; a comprehensive, community-based plan to reduce crime; and a plan to evaluate success of the program. Attorney General must issue guidelines for program awards, and provide Congress by Dec. 31, 1998 with an evaluation of these programs and recommendations for implementing a national crime prevention program. Authorizes total of \$1.5 billion, \$300 million each year, FY95-FY99. [Sec. 1001-1007] In addition, provides that priority is to be given to coordination with other existing Federal programs. [En bloc amendment, Watt, #5]

No similar provision.

H.R. 4092S. 1607/H.R. 3355

Ounce of Prevention Programs

Establishes the Ounce of Prevention Grant Programs to be administered by a Council of the same name, consisting of the Attorney General, the Director of the Office of National Drug Control Policy, and the Secretaries of Education, Health and Human Services, Housing and Urban Development, Labor and Agriculture. Secretary of Health and Human Services, in consultation with the Council, awards and administers grants to communities and individuals to help youths avoid substance abuse and a criminal life. The Secretary may also provide technical assistance, training, and evaluations. [Sec. 1010, 1025] In addition, adds the Secretary of the Interior to the Council. [En bloc amendment, Vento, #22]

Provides authorization for the Council to make awards for two grant programs, the "Ounce of Prevention" program and the Family and Community Endeavor Schools Grant Program. Described below.

Similar provision to establish the Ounce of Prevention Grant Programs to be administered by a Council of the same name, composed of the same members but empowered to choose its director. It shall set guidelines for activities. Unlike the House bill, establishes the Violent Crime Reduction Trust Fund, from which an authorized allocation of \$75 million to the Ounce of Prevention Fund is provided to help youths avoid substance abuse and a criminal life. [Sec. 103]

Provides authorization for the Council to make awards for two grant programs, the Community Schools Youth Services and Supervision Grant Program and the Olympic Youth Development Grant Program. Described below.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

The "Ounce of Prevention" program provides grants to State and local governments, educational institutions, local educational agencies, and other private and public entities for summer and after-school programs; mentoring and tutoring; job training and placement; substance abuse treatment and prevention programs including outreach programs for at-risk families. Priority given to coalitions of community-based and social service organizations using a coordinated approach that provides alternatives to at-risk youth, and reduces gang membership and drug use. Authorizes total of \$125 million, \$25 million each year, FY95-99. [Sec. 1011, 1026]

The Family and Community Endeavor Schools Grant Program funds community-based organizations for after-school, weekend and summer youth programs of education, athletics, culture and arts and crafts. Existing school facilities used by grantees may be renovated. Programs designed to improve academic and social development of at-risk children may be developed. Applicants must submit a comprehensive plan including identifiable goals. Federal share may not exceed 70 percent for each fiscal year. If \$20 million or more is appropriated per fiscal year, funds are to be allocated to States based on percentage of children in poverty. If less than \$20 million is appropriated, grants awarded competitively. Authorizes total of \$1.15 billion, \$230 million each year, FY95-FY99. [Sec. 1015-1024, 1026]

No similar provision, *but see* gang-related programs under **Juvenile Drug Trafficking and Gang Prevention Grants**. [Sec. 631-633]

Similar provision for the Community Schools Youth Services and Supervision Grant Program, except that Federal share of these programs is 75 percent for FY94 and FY95, 70 percent for FY96, and 60 percent for FY97. Authorizes total of \$400 million, \$100 million each year, FY94-FY97. [Sec. 5142]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Establishes the Olympic Youth Development Grant Program to provide grants to the U.S. Olympic Committee for the purpose of establishing Olympic Youth Development Centers and carrying out programs through 6 of these centers. The Committee is directed to use funds made available through the grant to provide supervised sports and recreation programs, and not more than 10 percent of such funds may be used to pay for the administrative costs of the program. Center activities are to be held locations easily accessible to youth. The Federal share of these programs is 75 percent for FY94 and FY95, 70 percent for FY96, and 60 percent for FY97. Authorizes total of \$125 million, \$50 million for FY94 and \$25 million for each year, FY95-FY97. [Sec. 5143]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Police Partnerships for Children

Provides new authority for the Attorney General, in consultation with the Secretary of Health and Human Services, to make grants for "police partnerships for children" and for police residence in high crime areas. The former program makes grants to law enforcement agencies or to partnerships between law enforcement agencies and child and family service organizations to aid children involved in violent incidents. Priority is given to law enforcement agencies using community policing and targeting disadvantaged communities. The latter program provides reduced-cost housing for police in high crime areas, and grants may not exceed 50 percent of the total for each year.

Federal share for both programs may not exceed 75 percent unless the Attorney General or the Secretary waives the requirement. Authorizes \$20 million for FY95 and sums as may be necessary for FY96-FY99. [Sec. 1030-1034]

Provides new authority for the Attorney General, in consultation with the Secretary of Health and Human Services, to make 3-year grants to law enforcement agencies that have established a partnership with a child and family service organization to aid children involved in violent incidents. Priority is given to law enforcement agencies using community policing, targeting disadvantaged communities, and emphasizing mentoring and conflict resolution services. Federal share may not exceed 80 percent for the first fiscal year, 70 percent for the 2nd year, and 60 percent for the 3rd year. The Attorney General must submit an interim report to Congress by the end of 1995 and a final report by the end of 1998. Authorizes \$20 million for FY94 and sums as may be necessary for FY95-FY98. [Sec. 4801-4809]

H.R. 4092S. 1607/H.R. 3355

Midnight Sports

Provides new authority for the Secretary of Housing and Urban Development, in consultation with the Attorney General, and the Secretaries of Education and Labor, to make grants for midnight sports league programs for young adults. Awards may be made to local governmental agencies and non-profit organizations and will require league participants to attend employment counseling, job training, and other educational classes to be held immediately after the conclusion of the games. At least one half of league players must be residents of Federally-assisted low-income housing. Grants are targeted to communities with high youth unemployment, high juvenile crime rates, high drug use, or high school dropout rates. Grants are for five years with non-Federal share to be at least 35 percent in each of the first 2 years and 50 percent for the last three years. Limits amount of each grant to a range of \$50,000 to \$125,000; of which no more than 5 percent is to be used for administrative costs. Authorizes total of \$50 million, \$10 million for each fiscal year from FY95-FY99. In addition, provides \$250,000 for a study grant in FY95 to study the effectiveness of the program. [Sec. 1038]

No similar provision.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Drug Courts

(See also "VIOLENT REPEAT OFFENDER INCARCERATION AND OTHER PRISONS PROVISIONS")

Provides new authority for the Attorney General to make grants to units of State and local governments and public and private organizations that develop programs of intensive judicial supervision over people with substance abuse problems. Provides for the use of such supervision and the possibility of prosecution, confinement or incarceration for non-compliance as well as drug testing and treatment, and aftercare in the form of relapse prevention, job training and placement, education, housing placement, and family support services including child care. Authorizes total of \$1.4 billion, \$280 million for each year FY95-FY99. [Sec. 1041-1044]

Similar provision, authorizes the Attorney General to develop a unified process called "Drug Court Programs" for 3 types of assistance.

The first provides grants to States for developing or continuing drug testing programs for arrestees. Local governments apply to States for funding. The Federal share is limited to 75 percent. Authorizes total of \$300 million, \$100 million for each year FY95-FY97.

The second provides grants to States to develop alternative methods of punishment for young offenders to traditional forms of incarceration and probation. The methods should ensure certainty of punishment and promote reduced recidivism. Authorizes total of \$600 million, \$200 million for each year FY95-FY97.

The third provides grants to States for residential substance abuse treatment programs. Funds cannot be used for land acquisition or construction, nor may violent offenders (those over 25 years of age who have been involved in serious crimes or who have used force against other persons) participate in the programs. The Federal share is limited to 75 percent; a GAO study and report on program effectiveness is due by FY95; and preference is given to States with aftercare programs. Authorizes total of \$300 million, \$100 million for each year FY95-FY97. [Sec. 1201-1204]

H.R. 4092S. 1607/H.R. 3355

Assistance for Delinquent and At-Risk Youth

Provides new authority for the Attorney General to make grants to public and private non-profit organizations to provide residential educational programs for youth who have dropped out of school, have come into contact with the juvenile justice system, or are at-risk of doing so. The program provides academic instruction and vocational training. Grantees are required to submit an annual report. Authorizes total of \$50 million, \$10 million for each year FY95-FY99. [Sec. 1051-1052]

No similar provision.

Police Recruitment

Provides new authority for the Attorney General to make grants to qualified, non-profit community organizations to assist in meeting the costs of programs to recruit and train applicants of police departments. Grantees would assist applicants from underrepresented neighborhoods and localities in meeting academic requirements and entrance examinations of police departments. Grants may be made for no more than 3 years, must meet the needs of underserved populations, and be equitably distributed on a geographic basis. Authorizes total of \$30 million, \$6 million for each year FY95-FY99. [Sec. 1061-1062]

No similar provision.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

National Triad Program

Directs the Department of Justice in consultation with the Assistant Secretary for Aging (HHS) to conduct a national assessment of the nature and extent of crimes committed against older Americans and the effects of such crime on the victims; the numbers, extent, and impact of violent and nonviolent crimes against older Americans and the extent of unreported crimes; the collaborative needs of law enforcement, health, and social services organizations focusing on the prevention of crimes against older Americans; and the development and growth of strategies to respond effectively to these matters.

Similar provision [Sec. 921-928]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092S. 1607/H.R. 3355

Authorizes the Director of the Bureau of Justice Assistance, in consultation with the Assistant Secretary for Aging to make grants to local law enforcement agencies and older Americans to assist in the development of programs and execute field tests of promising strategies for crime prevention and related services based on the concept of the Triad model, which can be evaluated and serve as the basis for further demonstration and education programs. Authorizes the Director of BJS, in consultation with the Assistant Secretary for Aging, to make awards to public service advertising coalitions, for the purposes of mounting a program of public service advertisements to increase public awareness and understanding of the issues surrounding crimes against older Americans. Requires an annual report to Congress.

Similar provision [Sec. 921-928]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Authorizes a total appropriation of \$6 million: \$2 million to BJA for the purpose of making Triad pilot program awards; \$1 million to BJA for the purpose of funding the national training and technical assistance effort; \$1 million to both BJA and the Administration on Aging, for the purpose of developing public service announcements; \$2 million to the National Institute of Justice for the purposes of conducting the national assessment, evaluating pilot programs, and carrying out the research agenda; and such funds as are necessary for administrative purposes. [Sec. 1065-1071]

Similar provision [Sec. 921-928]

Local Partnership Act

Provides formula grants by the Secretary of the Treasury to local governments for education and substance abuse programs to prevent crime. To ensure speedy access and flexible use of Federal funds, grants will be allocated by formula rather than through a grant application process. The formula will take into account the community's relative affluence, unemployment level, and rate of taxation. Larger grants would be awarded to areas with higher taxes as a percentage of their citizens' income. Funds would be sent to localities 60 days after being appropriated. Unexpended amounts for FY95 would be returned by Nov. 15 of that year. Local governments are required to hold at least one public hearing on how the funds should be spent. Requires the Secretary to submit an

Somewhat related provision creating a National Community Economic Partnership program under which the Secretary of HHS may (1) extend a line of credit up to \$2 million per community development corporation to stimulate business and employment opportunities for low-income, unemployed and underemployed individuals; and (2) make grants to community development corporations to upgrade their business management and development skills and to make capital investments. Authorizes \$40 million for the program for FY94 and such funds as are necessary for FY95 and FY96. [Sec. 4901-4933]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

annual report to Congress on the status and operation of the program. Authorizes total of \$2 billion in FY95 and FY96. [Sec. 1075-76] In addition, provides that grants must be used for job programs to prevent crime. [En bloc amendment, Scott, #14] In addition, provides that grants must be used to coordinate crime prevention efforts with other existing Federal programs. [En bloc amendment, Watt, #5]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Youth Employment and Skills

Provides new authority for the Secretary of Labor, in consultation with other Federal officials, to make grants to local governments for programs providing employment training and opportunities for young adults in areas with high rate of unemployment and crime. Funds may be used for various activities, including apprenticeship programs, on-the-job training, Youthbuild projects, youth conservation and service corps. Youth participating in the program must avoid crime and drug use, stay in school or complete high school if they have dropped out, pay child support, and perform work duties satisfactorily. Grantees must coordinate their programs with other Federal programs and establish linkages with the local private sector. Priority will be given to applications that demonstrate extensive community support and linkages to crime prevention programs and employment related programs, target areas that include public and assisted housing projects, show evidence of severe social and economic problems, and include other sources of funding. No more than 10 grants may be awarded, and grants are for 1 year, but renewable for up to 4 years. Authorizes total of \$525 million, \$75 million for FY95, \$100 million for FY96, \$110 million for FY97, \$115 million for FY98, and \$125 million for FY99. [Sec. 1081-1096]

No similar provision.

H.R. 4092S. 1607/H.R. 3355

Urban Recreation and At-Risk Youth

Amends the Urban Park and Recreation Recovery Act of 1978 include at-risk youth recreation grants among the grants that the Secretary of the Interior is authorized to make to economically hard-pressed communities for urban parks and recreations. Matching grants (70 percent Federal) may be used for park development/improvement and innovative programs. Priority for providing tutoring, remedial education, mentoring and counseling; offering services after school and late at night; and demonstrating coordination with other public and private youth organizations. Local governments are encouraged to incorporate the goal of reducing crime and juvenile delinquency in their strategies. Strikes five year limit on these grants and no more than 25 percent of funds are to be used for program support. [En bloc amendment, Miller, #24]

No similar provision, *but see* the Community Schools Youth Services and Supervision Grant Program above for educational activities for at-risk youth. [Sec. 5142]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Local Prosecutors

Provides new authority for the Attorney General to make grants to local prosecutors to support community-based justice programs. Grants may be used to assist prosecutors in deterring crime by and speedy prosecution of young offenders (aged 7-22), and coordinating criminal justice resources and efforts with those of educational and social services organizations. Grants are renewable for 2 additional years, and should be equitably distributed on a geographic basis. Federal funding must supplement, not supplant, existing efforts. Requires the Attorney General to submit an annual report to Congress. Authorizes total of \$100 million, \$20 million for each year FY95-FY99. [En bloc amendment, Kennedy, #35]

No similar provision, *but see* gang-related programs under "**Juvenile Drug Trafficking and Gang Prevention Grants.**" [Sec. 631-633].

Community Substance Abuse Prevention

No similar provision

Provides new authority for the Attorney General, through the Bureau of Justice Assistance, to provide grants to community coalitions that operate substance abuse prevention programs. Authorizes a total of \$60 million (\$15 million for FY95, \$20 million for FY96, and \$25 million for FY97). [Sec. 1011-1012]

H.R. 4092

S. 1607/H.R. 3355

YOUTH VIOLENCE

Permits the prosecution of youths 13 years old and above as adults if the juvenile possessed a firearm during a crime of violence. [Sec. 1101]

No similar provision.

Authorizes the prosecution of armed, violent offenders 13 years of age or older as adults. [Sec. 651]

Prohibits criminal street gang activity, i.e., 2 or more firearm, drug or serious violent felonies involving concerted action of 5 or more persons. Coconspirators are tried in a single district court unless the interests of justice require a transfer; the U.S. Sentencing Commission must raise the base level offense by 4 levels for a crime committed to gain or enhance status in a criminal street gang; and penalties for the offense include the forfeiture of property derived from or used to facilitate a violation and imprisonment for:

--Up to 5 years for the use of communications facilities in furtherance of activities of a criminal street gang;

--Not less than 5 nor more than 10 years for inducing or coercing another to participate in criminal street gang activities; the penalty is 10 years if the subject of persuasion is under 18 years of age;

--Not less than 10 years or more than life for committing a street gang predicate offense; not less than 20 years or more than life if the predicate offense is punishable by life imprisonment or if the offender has a prior street gang predicate offense conviction;

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

--Death or life imprisonment if the predicate gang offense involves murder or conspiracy to commit murder, resulting in the taking of a life, and committed, commanded or caused by the offender;

--Not less than 20 years or more than life if the predicate gang offense involves murder or conspiracy to commit murder;

--Not less than 15 years or more than life for the leaders of a criminal street gang. [Sec. 611]

Adds Federal offenses punishable by more than 1 year and involving a minor to those constituting racketeering activity under RICO. [Sec. 612]

No similar provision.

Adds serious drug offenses to the acts of juvenile delinquency which constitute Armed Career Criminal predicates. [Sec. 613]

No similar provision.

Expands the category of serious Federal drug offenses for which juvenile offenders may be prosecuted as adults. Makes clear that the court should consider the extent to which the juvenile played a leadership role in an organization, or otherwise influenced others to take part in criminal activities involving drugs or firearms. Further directs that if such factors are found to exist, they should weigh heavily in favor of transfer of the juvenile to adult status. [Sec. 614]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

CHILD SEXUAL ABUSE PREVENTION

Proscribes the production of sexually explicit depictions of a minor, outside the U.S., for importation into the U.S. Violations are punishable by imprisonment for not more than 10 years, increased to not more than 20 years if the defendant has a previous Federal conviction for sexual abuse or sexual exploitation. The offense is also added to the list of RICO predicates. (May be subject to due process limitations) [Sec. 1201]

Outlaws interstate travel for purposes of engaging in sexual activity with a minor. The offense is punishable by imprisonment for not more than 10 years. [Sec. 1201(g)]

Encourages States to enact laws making pornography a felony and confiscating its profits. [Sec. 1202]

Similar provision. (May be subject to due process limitations) [Sec. 824]

Similar provision. [Sec. 824(b)]

Similar provision. [Sec. 825]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Defines as a sexual act—where the victim is below the age of 16 years—the intentional touching, not through the clothing, of the genitalia of another person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person. [Sec. 801]

Declares the sense of the House that the Department of Justice repudiate its earlier position with respect to a nudity requirement in the Federal child pornography law, defend the conviction won in *United States v. Knox* and vigorously prosecute child pornography. [Floor amendment, Smith, 4/20/94, D410]

Similar provision. [Sec. 2410]

Child Safety

(See also "INTERNATIONAL PARENTAL KIDNAPPING")

No similar provision.

Authorizes the Secretary of Health and Human Services to make grants and enter into contracts with public or nonprofit private entities to establish supervised visitation centers for use in cases of documented or suspected child abuse or parental abduction. Directs the Secretary to target the economically disadvantaged and those who could not otherwise afford such visitation services in making grants. Requires recipients of grants and contracts to prepare and submit to the Secretary evaluations of the demonstration projects. [Sec. 4001-4006]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Authorizes the Secretary of Health and Human Services to make grants to study the effects of supervised visitation on sexually abused or severely physically abused children. [Sec. 4007] Includes reporting requirement. [Sec. 4008]

No similar provision.

Authorizes a total appropriation of \$60 million: \$15 million for fiscal 1994; \$20 million for fiscal 1995; and \$25 million for fiscal 1996. [Sec. 4009]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

JACOB WETTERLING CRIMES AGAINST CHILDREN REGISTRATION ACT

Instructs the Attorney General to establish guidelines for State programs requiring registration, for 10 years following release, of those convicted of crimes against children. Requires central data collection and transmission of the information to the FBI and local authorities. States that have elected not to comply after 3 years lose 10 percent of the formula grant funds for which they are eligible under the Byrne program. [Sec. 1301]

Similar provision. [Sec. 822-823]

H.R. 4092

S. 1607/H.R. 3355

COMMUNITY POLICING

(See also "Police Recruitment" in "CRIME PREVENTION AND COMMUNITY JUSTICE")

"Cops on the Beat"

Provides new authority for the Attorney General to make grants to State and local governments to hire additional new police officers and to rehire officers laid off due to budgetary constraints. Encourages grantees to adopt a Federal standard of "community policing" emphasizing cooperation between law enforcement agencies and communities as well as crime prevention. Details provided below. [Sec. 1401-1402]

Specifies that funds may be used to hire cadets and trainees.

Similar provision, summarized below. [Sec. 101-103]

Allows funds to be used to hire former members of the Armed Forces, especially in communities affected by a base closing. *See also* Section 5141, expressing sense of Senate regarding rehiring laid off police officers and unfunded mandates.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

In addition to hiring law enforcement officers, funds may be used to: increase the number of police officers dedicated to crime prevention; train officers in conflict resolution; develop new technologies geared toward crime prevention; develop innovative programs; programs that reduce the amount of time officers spend on court appearances; crime prevention programs that increase interactions between officers and youth; develop management systems to facilitate adoption of community policing strategies; and coordinate crime prevention and control programs with other existing Federal programs.

Requires that the Attorney General give preference to applicants that provide contributions that exceed the required 25 percent match, but the Attorney General is authorized to waive this requirement.

Requires that each qualifying State receive at least 0.25 percent of the amount appropriated in each fiscal year.

Mandates that the Federal share of grants decrease from year to year, with the Federal support concluding at some point. Terminates funds for hiring and rehiring officers after six years.

Provides that application requirements include completion of implementation plan, certifications,

Similar provision. [Sec. 101-103] *See also* "Police Partnerships for Children Grants" that give priority to grantees engaged in community policing. [Sec. 4805]

Similar provision, but modifies such requirement "where feasible" and includes hiring former members of Armed Forces as preferential consideration.

Similar provision but sets level at 0.6 per each fiscal year.

Similar provision.

Similar provision but does not require that grantees recruit members of minority groups.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

ranking of applications, and assurances of funding. Requires that grantees recruit members of minority groups.

Allows large cities to apply directly to the Attorney General for funds, defining such municipalities as those with over 100,000 population.

Allows grants made for hiring or rehiring police officers to be renewed for up to five years. Other grants may be renewed for an additional two years.

Establishes other limitations on administrative costs of States (5 percent), requires that Federal funds supplement and not replace State or local funds, and authorizes use of seized assets as the non-Federal match. Limits funding for each law enforcement officer position to \$75,000.

Authorizes a total of \$3.450 billion, \$200 million in FY94 and \$650 million for each year FY95-FY99.

Similar provision, but sets the threshold at 150,000 population and also authorizes Indian tribes to apply directly to the Attorney General.

Similar provision.

Similar provision but sets limit of funding for each law enforcement officer position at \$50,000.

Authorizes a total of \$8.995 billion, \$1.035 billion for FY94, \$1.72 billion for FY95, \$2.07 billion for FY96, \$2.27 billion for FY97, and \$1.9 billion for FY98.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Byrne Memorial Program

Directs that provisions of this Act will not adversely affect potential or eligible grantees of the block grant program. [En bloc amendment, Wise, Condit, Schiff, #23]

No similar provision

Authorizes grantees to use Byrne formula grants for the enforcement of laws related to driving while intoxicated. [Sec. 1801]

Similar provision [Sec. 5115]

Exempts multijurisdictional gang task forces from 4 year funding limitation from which only drug task forces are now exempt. [Sec. 1098]

Similar provision regarding gang task forces. [Sec. 624]

In addition, adds victims assistance programs to this exemption. [En bloc amendment, Hall, #19] Expresses the sense of Congress that funding for the Byrne program should be maintained at the FY94 level to the maximum extent possible, and that rural areas should receive comparable support. [En bloc amendment, Fazio, #25]

No similar provision

No similar provision

Amends block grant authority to extend 75/25 Federal-State match requirement through FY93. [Sec. 623] (N.B., Section 109 of P.L. 102-140, 105 Stat. 794, permanently extended 75/25 match.)

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Authorizes such sums as necessary for the Byrne program and the Bureau of Justice Assistance for FY95-99. [En bloc amendment, Rangel, #44]

No similar provision

No similar provision

Amends discretionary grant program, effective Oct. 1, 1993, to restrict funding to non-Federal entities. [Sec. 2951-2952]

No similar provision

Authorizes grantees to use Byrne formula grant funding for programs relating to gangs or to youth who are involved or at risk of involvement in gangs. [Sec. 619]

No similar provision

Authorizes grants for bindover systems for the prosecution of 16 and 17-year olds as adults for certain violent crimes. [Sec. 641]

No similar provision

Contains new authority for the Attorney General to provide grants to State and local law enforcement units for computerized automation and technological improvements. Includes requirement that a model "intelligent information system" be developed with no more than 10 participating cities. Authorizes a total of \$150 million for FY94. [Sec. 1031]

No similar provision

Amends Byrne program authority regarding funding for Indian tribes and related definition. [Sec. 5128]

H.R. 4092

S. 1607/H.R. 3355

System Bias Study Grants

No similar provision

Provides new authority for the Attorney General, through the Bureau of Justice Assistance, to provide grants to States for the purpose of analyzing the role of race in State criminal justice systems and for making recommendations to correct racial and ethnic bias found to exist. Authorizes total of \$10 million (\$2 million for each year, FY95-FY99). [Sec. 1021]

Police Family Support

No similar provision

Provides new authority for the Director of the Bureau of Justice Assistance to provide grants to State and local law enforcement agencies and to police organizations for family support services such as counseling, child care, stress reduction, and technical assistance. Authorizes total of \$25 million (\$5 million for each year, FY95-FY99). [Sec. 1101]

Practice Regarding Individual Rights

No similar provision

Prohibits any government authority or agent involved in juvenile justice from engaging "in a pattern or practice of conduct by law enforcement officers that deprives persons" of federally protected rights. Authorizes the U.S. Attorney General to obtain relief through civil action "to eliminate the pattern or

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

practice." Requires the Attorney General to acquire non-identifying data on police use of excessive force through victimization surveys conducted by the Department of Justice and to publish such data annually. [Sec. 1111-1112]

Police Corps

Establishes within Justice Department the Office of the Police Corps and Law Enforcement Education. Scholarships of up to \$7,500 (\$10,000 annually) will be provided to persons agreeing to join a State or local police force for four years. No more than 20,000 participants will be allowed in each graduating class. A total of \$350 million authorized (\$100 million for FY95 and \$250 million for FY96), plus such sums as necessary for each year FY97-99. [Floor amendment, McCurdy, 4/20/94, D410]

Similar provisions. [Sec. 1121-1133]

Scholarships for Police Officers

Provides new authority for the Director of the Bureau of Justice Assistance for scholarships for in-service law enforcement officers seeking further education. Federal share limited to 60% of costs, participants must have been employed for at least 2 years. Authorizes total of \$150 million (\$30 million for each year, FY95-99). [Floor amendment, McCurdy, 4/20/94, D410]

Similar provisions. [N.B., Sec. 1144(b) refers to "Secretary"] [Sec. 1141-1150]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Age Discrimination

Reenacts and makes retroactive provisions of Age Discrimination in Employment Act regarding firefighters and law enforcement officers and makes amendments regarding age of retirement. Requires development of testing standards for such positions and, within 4 years, advisory guidelines regarding use of tests. Authorizes \$5 million. [En bloc amendment, Owens, #42]

No similar provision

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

DNA IDENTIFICATION

Authorizes the use of Byrne program funds for the development or improvement of DNA testing laboratories and specifies standards to be met by funded laboratories. Authorizes an additional \$10 million for each year, FY94-FY98, for State grants for DNA analysis. Requires appointment of an advisory board on DNA quality assurance methods to recommend standards and requires the Director of the FBI to consider those recommendations in issuing standards. Authorizes the Director of the FBI to establish an index of DNA identification records. Requires that FBI personnel performing DNA analyses undergo proficiency testing at regular intervals and that reports be provided on the results of those tests. Establishes standards for privacy protection and criminal penalties (fine of no more than \$100,000) for the willful disclosure of information in the DNA index to unauthorized persons. Authorizes \$4.5 million for each year, FY94-98 for the administration of these provisions by the FBI. [Sec. 1501-1506]

Similar provision, but reduces the \$10 million authorization for State grants to \$5 million (FY94-FY99) and requires that the Director of the National Institute of Justice certify blind proficiency testing for the quality of analysis has been established, is available, or is not feasible. [Sec. 1001-1006]

H.R. 4092

S. 1607/H.R. 3355

VIOLENCE AGAINST WOMEN**(See also "RURAL CRIME")****Grants**

Authorizes several grant programs to address various aspects of violence against women:

--To assist States, Indian tribes, units of local government, tribal organizations, and nonprofit nongovernmental victim services in States or Indian Country to combat violent crimes against women. Authorizes \$200 million each year, FY94-FY95. Also authorizes Attorney General to request any Federal agency, with or without reimbursement, to use its authorities and resources granted to it under Federal law to support State, tribal, and local assistance efforts. [Sec. 1602] *See also*, En bloc amendment, Olver, #3, including provision of specialized domestic violence court advocates in courts where a significant number of protective orders are granted among grant purposes.

--For education and prevention grants to reduce sexual assaults against women, authorizes \$60 million for FY94, \$75 million for FY95, and \$100 million for FY96. [Sec. 1606]

Authorizes several grant programs to address various aspects of violence against women:

--To assist States, Indian tribes, cities, and other localities to develop effective law enforcement and prosecution strategies to combat violent crimes against women. Authorizes, for each year, FY94-FY96, \$100 million for grants to combat such crimes in high intensity crime areas; \$190 million for other grants to States to combat violent crimes against women; and \$10 million for general grants to Indian tribes to combat such crimes in Indian country. Also authorizes Director of Bureau of Justice Assistance to direct any Federal agency, with or without reimbursement to use its authorities and resources to support State and local assistance efforts. [Sec. 3221]

Similar provisions, but authorizes \$65 million for each of FY94-FY96. [Sec. 3261] *See also*, Section 3361, Youth Education and Domestic Violence.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

--To encourage States, Indian tribes and units of local government to treat domestic violence seriously and to encourage arrest policies in such cases, authorizes \$25 million for each year, FY94-FY96. Director, BJA, has authority to make these grants. [Sec. 1623] *See also*, Section 1421, rural domestic violence and child abuse enforcement assistance.

--To establish national domestic violence hotlines, authorizes \$1 million each for FY94-FY96. [Sec. 1653]

--To establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence. Authorizes \$20 million for FY94 and such sums as are necessary for each year FY95-FY97, to remain available until expended. [Sec. 1654] *See also*, Section 1421, rural domestic violence and child abuse enforcement assistance.

Similar provisions; authorizes not more than \$25 million for each fiscal year for this purpose, and requires Secretary to delegate Secretary's responsibilities under this program to the Attorney General. [Sec. 3331]

Similar provision; authorizes \$500,000 each year, FY94-FY96. [Sec. 3311]

Similar provision; authorizes \$20 million for FY95, and such sums as are necessary for FY96-FY98. Requires Secretary to publish proposed regulations implementing this section within 60 days of enactment. [Sec. 5140, apparently replicated without regulation requirement in Sec. 5122]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

--Authorizes State Justice Institute to make grants for education and training of State court judges and court personnel in cases involving rape, sexual assault, domestic violence, and other crimes of violence motivated by gender. Authorizes \$600,000 for FY94. Also authorizes circuit studies, education, and study and training grants for judges and court personnel in Federal courts on issues related to gender bias and authorizes appropriations therefore, including \$600,000 to the Salaries and Expenses Account of the Courts of Appeals, District Courts, and other Judicial Services, to be available until expended through FY96; plus \$100,000 to Federal Judicial Center; and such sums as are necessary to the Administrative Office of the U.S. Courts. Expresses sense of Congress regarding use of expert testimony, in State court proceedings, on domestic violence. [Sec. 1661-1667]

No similar provision.

No similar provision.

Similar provision; authorizes \$600,000 for FY94 for grants for State courts and personnel; plus \$400,000 to the Salary and Expenses Account of the Courts of Appeals, District Court, and other Judicial Services; \$100,000 to the Federal Judicial Center; and such sums as are necessary to the Administrative Office of the U.S. Courts. [Sec. 3601-3622]

--For capital improvements to prevent crime in public transportation and for capital improvements in national parks. [Sec. 3231-3233]

--For prevention of sexual abuse and exploitation, authorizes \$10 million per year for FY94-FY96. [Sec. 3263]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision, *but see* Section 1606, Education and Prevention Grants to Reduce Sexual Assaults Against Women.

Authorizes dissemination of information from National Crime Information Center to courts for use in domestic violence or stalking cases. Also authorizes total of \$6 million, \$2 million each year, FY94-96, for related data entry. [Floor amendment, Brooks (Kennedy #36), 4/20/94, D410]

No similar provision, *but see* Sec. 1610, authorizing \$200,000 for the Attorney General to provide a national baseline study on campus assaults and institutional and legal policies relating thereto.

No similar provision.

--For domestic violence and family support, authorizes \$100 million per year for FY94-96, and such sums as are necessary thereafter. Authorizes \$85 million for FY94, \$100 million for FY95, and \$125 million for FY96, under Family Violence Prevention and Services Act, Sec. 310(a), 42 U.S.C. 10409(a), as amended. Amends that act regarding grantee reporting requirements and model programs for education of youth about domestic violence [Sec. 3351]; and authorizes \$400,000 for FY94 for that program. [Sec. 3361]

No similar provision

--To double the amount of funding for grants for campus sexual offenses education, authorizes \$20 million for FY94, and such sums as are necessary for the following three fiscal years. [Sec. 3501] *See also*, Sec. 3709 mandating national baseline study on campus sexual assaults.

--To provide supplementary grants for States adopting effective laws relating to sexual abuse, authorizes appropriation of such sums as are necessary. [Sec. 3713]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

--To be eligible to receive funds under Title IX, State must incur full out of pocket cost of forensic medical exams for victims of sexual assault; State must certify that the abused is not required to bear the cost of filing criminal charges against domestic violence offender or of service of warrant, protection order or witness subpoena; and State must certify that it treats equally severely sex offenses where offenders are known or related to victim as those where offenders are strangers to the victim. [Sec. 1603-1605]

--For National Institute of Justice training programs to assist probation and parole officers and others working with released sex offenders, authorizes \$1 million for each of FY94-FY95. Requires Attorney General to compile information regarding sex offender treatment programs and to ensure that information regarding community treatment programs in community into which a convicted sex offender is released is available to each person serving a sentence for such a crime in a Federal penal or correctional institution, including halfway houses and psychiatric institutions. [Sec. 1607-1608]

--Requires grantees to assume the costs of medical examination of sexual assault victims. [Sec. 3262]

No similar provision.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Offenses

Creates new Federal offenses for traveling across a State line or entering or leaving Indian country to contact a spouse or intimate partner, and in the course of that contact intentionally committing a crime of violence causing bodily injury to that spouse or intimate partner; and for interstate violation of protection orders. Mandates opportunity for victim to be heard in pretrial release hearing of such offenders; requires restitution; and requires full faith and credit for protection orders issued by one State or Indian tribe in a court of another. [Sec. 1622]

Mandates restitution for all offenses under 18 U.S.C., ch. 190A. Sets procedure for proving claim for restitution amounts. Permits court to take defendant's economic circumstances into account in determining manner and schedule for payment. Restitution to be set off against any amount later recovered as compensatory damages by victim from defendant in any Federal civil suit or State civil proceeding, to extent provided by law. [Sec. 1609]

No similar provision.

Creates new Federal offenses for traveling across a State line to commit abuse of spouse or intimate partner; for injuring a spouse or intimate partner in course of or as a result of causing him or her to cross a State line by force, coercion, duress, or fraud; and for interstate violation of protection orders. Prosecution requires neither prior state prosecution nor conviction; nor need the specific intent to violate State law or protection order be shown. Requires opportunity for victim to be heard in pretrial release hearing of such offenders; mandates restitution; and requires full faith and credit for protection orders issued by one State in a court of another State. [Sec. 3321]

Extends and strengthens restitution in cases of violations of Federal sexual abuse, child pornography laws, and spousal abuse, and provides for enforcement of restitution orders through suspension of federal benefits. [Sec. 3213, 3321, 3704, 3705]

Increases the available term of imprisonment for repeat sexual offenders to up to twice that otherwise authorized. [Sec. 3211]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Directs the U.S. Sentencing Commission to review and recommend amendments to the sentencing guidelines with respect to aggravated sexual abuse or sexual abuse, recidivism in sex offenses, multiple participants in same sexual offense and other facets of sexual offenses. [Sec. 3212(a)]

No similar provision.

Requires a report to Congress by the U.S. Sentencing Commission within 180 days regarding Federal rape sentencing. [Sec. 3212(b)]

No similar provision

Increases penalties for sex offenses against victims below age of 16. [Sec. 3702]

No similar provision

Amends 28 U.S.C. 3561 to redesignate current subsection (b) as (c) and to create new subsection (b) requiring that a first time domestic violence offender be sentenced to probation if not sentenced to prison. Also amends 18 U.S.C. 3563 to require, as a mandatory condition of probation, that those convicted for first time of domestic violence crime attend court-approved program authorized by State Coalition Against Domestic Violence designed to rehabilitate such offenders, if an approved program is readily available within 50 miles of defendant's residence. Further, amends 18 U.S.C. 3583 to mandate imposition of a term of supervised release after imprisonment for such offenders and requires, as an explicit condition of supervised release, that such offenders attend such a court approved program. [Sec. 5154]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Prohibits disposal of firearms to, or receipt of firearms by, persons who have committed domestic abuse. [Sec. 1624-1625]

Similar provisions. [Sec. 4201-4203]

Amends Gun Control Act to allow for the return of seized firearms once court or restraining order has terminated. [Sec. 1625(d)]

No similar provision.

Procedural Amendments

No similar provision, *but see* Sec. 1622, mandating opportunity for victim to be heard in pretrial release hearing under new Federal offenses involving interstate domestic abuse or interstate violation of protection orders.

Calls for pretrial detention in sex offense cases involving any felony under Federal sexual abuse and child pornography laws. [Sec. 3701] *See also*, Sec. 3321, mandating opportunity for victim to be heard in pretrial release hearing in connection with new Federal crimes involving interstate domestic abuse or interstate violation of protection orders.

No similar provision.

Amends Federal Rules of Criminal Procedure to permit victim of crime of violence or sexual abuse to address the court prior to sentencing of the defendant. That right may be exercised by a parent or legal guardian if the victim is under 18, or if one or more family members is incapacitated or deceased. [Sec. 901, duplicated in Sec. 3264]

No similar provision

States sense of Senate that the law of a State should allow for the right of a victim of a violent crime

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

or sexual abuse to speak at an offender's sentencing hearing and any parole hearing. [Sec. 903]

Makes several adjustments in the Federal Rules of Evidence (FRE) (*see also*, Sec. 3712, requiring study of FRE 404), including:

--An amendment making reputation or opinion evidence of past sexual behavior of an alleged victim inadmissible in a criminal case other than a sex offense case governed by FRE 412; other evidence of alleged victim's past sexual behavior is admissible in a criminal case other than a sex offense case if probative value of evidence outweighs the danger of unfair prejudice and prescribed procedures are followed. [Sec. 3251]

No similar provision

--A new FRE 412B regarding sexual history evidence in civil cases; makes reputation or opinion evidence of plaintiff's past sexual behavior inadmissible in a civil case in which a defendant is accused of actionable sexual misconduct; sets standard and procedures for other evidence of plaintiff's past sexual behavior to be admitted in such a case. [Sec. 3252]

No similar provision

--Amends the Federal rape shield law, FRE 412, permitting interlocutory appeal by Government of alleged victim of evidentiary rulings under this rule. Permits victim to waive provisions of rule

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision	<p>if prosecution seeks to offer evidence of prior sexual history; amends subdivision (c)(3) of rule regarding defendant's motion to offer evidence of specific instances of alleged victim's past sexual behavior, to require court in its order to consider chain of reasoning leading to its finding of relevance; and why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of evidence to humiliate and embarrass alleged victim and result in unfair or biased jury inferences. [Sec. 3253]</p>
No similar provision	<p>--A new FRE 413 making evidence of victim's clothing inadmissible in criminal case involving sex offense to show that victim incited or invited offense charged. [Sec. 3254]</p>
No similar provision	<p>--A new FRE 414, making inadmissible evidence to show invitation or provocation by victim in sexual abuse cases. [Sec. 3706]</p>
No similar provision	<p>--A new FRE 413 addressing admissibility, in criminal cases, of evidence of similar crimes in sexual assault cases. [Sec. 831]</p>
No similar provision	<p>--A new FRE 414 addressing admissibility, in criminal cases, of evidence of similar crimes in child molestation cases. [Sec. 831]</p>

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

--A new FRE 415 addressing evidence of similar act in civil cases concerning sexual assault or child molestation. [Sec. 831]

Other Provisions

(See also "Immigration" in "GENERAL EN BLOC AND FLOOR AMENDMENTS")

Amends procedure for granting immigrant status in 8 U.S.C. 1154(a)(1), addressing spouse petitioning rights for immediate relative or second preference status for alien and alien's children, in cases involving spousal or child abuse, or where the alien is residing in the United States with his or her spouse, has been married to and residing with said spouse for not less than 3 years, and said spouse has failed to petition on alien's behalf; provides for survival rights to such petition after legal termination of marriage. [Sec. 1626]

No similar provision

Amends 8 U.S.C. 1186a(c)(4) to provide for consideration of any credible evidence submitted in support of a spousal waiver application. [Sec. 1627]

No similar provision.

Amends 8 U.S.C. 1254(a) to provide for suspension of deportation in specified circumstances where alien has been battered or subjected to extreme cruelty by spouse or parent who is a U.S. citizen or lawful permanent resident. [Sec. 1628]

No similar provision.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Requires Attorney General to provide for a national baseline study on campus sexual violence, to be submitted to House Education and Labor Committee, House Judiciary Committee, Senate Labor and Human Resources Committee, and Senate Judiciary Committee by Sept. 1, 1995. Authorizes appropriation of \$200,000 to carry out study. [Sec. 1610]

Requires Attorney General to submit to Congress a report on how abusive spouses may obtain information concerning addresses or locations of estranged or former spouses, even when victims wish this information to be kept confidential. [Sec. 1641]

Requires Attorney General to report to Congress within 1 year of enactment a report on problems of recordkeeping of criminal complaints involving domestic violence. [Sec. 1642] *See also*, Sec. 121, mandating report on battered women's syndrome.

No similar provision.

Similar provision, but report to be submitted to Congress. [Sec. 3707] *See also*, Sec. 3501.

Similar provision. [Sec. 3709]

Similar provision. [Sec. 3710] *See also*, Sec. 3708, mandating report on battered women's syndrome.

Requires the Attorney General to establish guidelines for State programs to require that "sexually violent predators" register a current address with a designated State law enforcement agency upon release from prison, being placed on parole, or being placed on supervised release. Attorney General is to approve each such State program. States which do not implement such a program within three years of enactment of this Act and maintain same are ineligible

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

for 10% of funds which would otherwise be allocated to that State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756). Permits reallocation of the funds not allocated because of non-compliance. Requires advance notification to person anticipated to be released, paroled, or put on supervised release, of duty to register. Registration information goes to both State law enforcement record system and FBI Identification Division. Requires quarterly verification of information, and notification to local law enforcement of any changes in address. Failure to register and keep information current could subject person required to register State criminal penalties. Sense of Congress expressed that such penalties should include imprisonment for not less than 180 days. Permits community notification of registered information to protect public. Provides immunity to law enforcement agencies and employees, and State officials for good faith conduct under this section. [Sec. 841-844]

Requires Attorney General to establish the Attorney General's Task Force on Violence Against Women; the Task Force is to file a final report to the President and relevant Congressional committees within 1 year of the time when the Task Force is fully constituted, and to terminate 30 days thereafter. Authorizes appropriation of \$500,000 for FY94. [1643-1651]

Establishes National Commission on Violence Against Women; requires submission of final report within 1 year of it being fully constituted to President, Senate Majority Leader, Senate Republican Leader, House Majority Leader, House Republican Leader, and relevant Congressional committees; terminates Commission within 30 days thereafter; and authorizes appropriation of \$500,000 for FY94. [Sec. 3241-3249]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Directs Director of National Institute of Justice to request National Academy of Sciences, through its National Research Council, to enter into a contract to develop a research agenda to increase understanding and control of violence against women; and, with Bureau of Justice Statistics, to study and report to the States and Congress on how States may collect centralized databases on incidence of domestic violence. [Sec. 3391-3393]

No similar provision

Requires Judicial Conference of the United States, within 180 days, to review and make recommendations, and report to Congress, regarding advisability of creating Federal rules of professional conduct for lawyers in Federal cases involving sexual misconduct. [Sec. 3711]

No similar provision

Requires Judicial Conference, within 180 days, to study and make recommendations to Congress regarding amending FRE 404 as it affects admission of evidence of a defendant's prior sex crimes in cases brought under 18 U.S.C., ch. 109A, or other cases involving sexual misconduct. [Sec. 3712]

No similar provision, *but see* Sec. 1641.

Requires Postal Service, within 90 days, to promulgate regulations to secure confidentiality of domestic violence shelters and abused person's addresses, and sets guidelines therefore. [Sec. 3371]
See also, Sec. 3709.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Requires Secretary of HHS, through the Centers for Disease Control Injury Control Division, to study incidence and cost of injuries resulting from domestic violence and recommend health care strategies to deal with same. [Sec. 3393]

No similar provision

Expresses sense of Senate concerning protection of privacy of rape victims. [Sec. 3404]

Directs Attorney General to authorize Director of Office of Victims of Crime to provide for payment of up to two tests for sexually transmitted diseases during 12 months following sexual assaults that pose a risk of transmission, with a counseling session on accuracy of test and risk of transmission of STDs. [Sec. 1652]

Directs Attorney General to authorize Director of Office of Victims of Crime to provide for payment of cost of up to two HIV tests during 12 months following serious assault, with counseling session on accuracy of such tests and risk of transmission of HIV. Also provides that victims of crimes described in 18 U.S.C., ch. 109A, after appropriate counseling, be given, on request, HIV testing, with free follow-up tests and counseling three, six, and twelve months after the initial tests. Such victims are also to be provided with necessary and appropriate medical care. Victim may seek court-ordered HIV testing of defendant in such a case, the results to be communicated to victim and defendant with appropriate counseling. Court may order follow-up testing and counseling if initial test is negative. Such tests and counseling shall be performed at request of victim six and twelve months after initial test. Testing requirement terminates upon acquittal or dismissal of all such charges. Tests results confidential. Authorizes appropriation of such sums as are

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

necessary to carry this out. Requires Sentencing Commission, within 6 months of enactment, to study and report to appropriate Congressional committees on revised sentencing guidelines for intentional exposure of another to HIV. [Sec. 3703]

Authorizes \$1.5 million for FY94 for U.S. Attorneys for appointment of Victim/Witness counselors for prosecution of sex crimes and domestic violence crimes. [Sec. 3214]

No similar provision

Creates civil rights cause of action against person who commits crime of violence motivated by gender, thereby depriving another of the right to be free from such violence; authorizes compensatory and punitive damages, injunctive, and declaratory relief and such other relief as a court shall deem appropriate; and authorizes attorneys fees available in other civil rights cases. [Sec. 3401-3403]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

HATE CRIME SENTENCING

Directs the U.S. Sentencing Commission to promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than three offense levels for hate crimes. [Sec. 1701]

No similar provision

Similar provision. [Sec. 2409]

Adds "disability" to list of topics included in Hate Crime Statistics Act. [Sec. 5123]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

USE OF FORMULA GRANTS TO PROSECUTE PERSONS DRIVING WHILE INTOXICATED

Permits the States to use Federal law enforcement assistance funds for the prosecution of drunk driving charges and for the enforcement of others laws relating to motor vehicles and alcoholic beverages. [Sec. 1801]

No similar provision

No similar provision

Similar provision. [Sec. 5115]

Adds imprisonment for not more than 1 year and/or a fine of not more than \$1,000 to the State penalties assessed for drunk driving on Federal reservations when there is a child in the vehicle during the commission of the offense; the additional term of imprisonment is increased to not more than 5 years if the child is seriously injured and not more than 10 years if the child is killed. [Sec. 1602]

Declares it the sense of Congress that courts consider history of drunk driving in making child custody and visitation determinations. [Sec. 1603]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

YOUTH HANDGUN SAFETY AND OTHER FIREARM AND EXPLOSIVES PROVISIONS

(See also "Grants" in "JUVENILE DRUG TRAFFICKING AND GANG PREVENTION," "Sentencing Provisions" in "GENERAL EN BLOC AND FLOOR AMENDMENTS," "VIOLENCE AGAINST WOMEN," and "MISCELLANEOUS")

Juvenile Possession

Due to interstate and foreign commerce in firearms and the inability of States and localities to fully address violent crime, amends the Gun Control Act (18 U.S.C. Chapt. 44) to prohibit the transfer to or possession by a juvenile of a handgun or ammunition suitable for use only in handguns. Provides exemptions, including employment, parental consent, member of the Armed Services, and others. Requires return of legally transferred handgun or ammunition to owner if it has been used unlawfully by the juvenile. Defines juvenile as one under age 18. Requires Attorney General to report on model juvenile handgun legislation. [Sec. 1901-1902]

Similar provision, but apparently does not exempt juvenile possession of an unloaded handgun in a locked container or involving ranching or farming with permission of parent or guardian. [Sec. 661-662] (Sec. 663 also prohibits transfer of handgun and handgun ammunition to juveniles, but with less explicit exemptions and different penalties.)

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Penalties and Other General Provisions

No similar provision

Requires the U.S. Sentencing Commission to provide an appropriate penalty enhancement for using or carrying a firearm in a Federal crime of violence or drug trafficking crime if the firearm is semiautomatic. [Sec. 401]

Requires the U.S. Sentencing Commission to provide an appropriate penalty enhancement for a second conviction of using or carrying an explosive in committing a Federal felony. (Current statutory enhancement: 10 year mandatory). [En bloc amendment, Slaughter, #10]

Requires the U.S. Sentencing Commission to provide an appropriate penalty enhancement for a second conviction of using or carrying an explosive in committing a Federal felony. (Current enhancement: 10 years). [Sec. 402]

No similar provision

Creates a new offense of smuggling firearms into the United States for the purpose of drug trafficking or violence, punishable by no more than ten years imprisonment and/or fines. [Sec. 403]

Creates new Federal offense of stealing explosives that are moving or have moved in interstate commerce, punishable by up to 10 years imprisonment and/or fines. [En bloc amendment, Slaughter, #10]

Similar provision [Sec. 404]

No similar provision

Requires revocation of supervised release or probation status if defendant possesses a firearm in violation of Federal law (and commits other offenses). [Sec. 405-406]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Increases penalty for knowingly making false material statement in connection with the acquisition of a firearm from a licensed dealer. [Sec. 407]

Adds *possession* to acts forbidden of convicted felons and other high-risk individuals with respect to explosive materials. [En bloc amendment, Slaughter, #10]

Similar provision. [Sec. 408]

No similar provision

Provides for summary destruction of explosives subject to forfeiture where removal or storage is either impracticable or unsafe. [Sec. 409]

No similar provision

Technical amendment to eliminate outmoded language relating to parole. [Sec. 410]

No similar provision

Makes it a Federal offense to possess or receive a stolen firearm (current law forbids concealment of storage of such firearms). [Sec. 411]

No similar provision

Provides for an enhanced penalty for the use or carrying of a firearm during or in relation to felony counterfeiting or forgery. [Sec. 412]

No similar provision

Requires the U.S. Sentencing Commission to provide appropriate penalty enhancements (depending on number of prior convictions) for possession of a firearm by a felon who is disqualified from such possession and who has a previous conviction of a violent felony or serious drug offense. [Sec. 413]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Prohibits any non-licensee from receiving a firearm if he is not a resident of any State of the United States unless such receipt is for lawful sporting purposes. [Sec. 414]

No similar provision

Provides that the penalty for conspiracy to violate Federal explosives and firearms law would be the same as for the substantive offense. Increases the maximum term of imprisonment for conspiracy to 20 years, to "any term of years or life" if machinegun, destructive device, or silencer is used. [Sec. 415]

No similar provision

Requires the Secretary of the Treasury to conduct a study of incendiary ammunition to determine, and report to Congress, whether it has a reasonable sporting or law enforcement use. [Sec. 416]

Makes it a Federal crime, punishable by imprisonment for not more than 10 years or a fine or both, to steal explosive materials from a licensee or permittee. [En bloc amendment, Slaughter, #10]

Similar provision, also includes theft of firearms under similar circumstances. [Sec. 417]

No similar provision

Makes it unlawful for *any person* to transfer explosives to a felon or other prohibited person (current law forbids such a transfer by *licensees*). [Sec. 418]

No similar provision

Clarifies the meaning of the term "burglary" as used in the Armed Career Criminal section [18 U.S.C. 924(e)] of Title I of the Gun Control Act. [Sec. 419]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Increases penalty for interstate gun trafficking.
[Sec. 420]

No similar provision

Provides for a mandatory Federal prison term--in addition to whatever term may be imposed for the underlying offense--for use, possession, or carrying of a firearm or destructive device (having moved at any time in interstate or foreign commerce) during a State crime of violence or State drug trafficking crime, and the death penalty for murders involving firearms as follows: (1) First-time: knowing possession - 10 years; discharging with intent to injure - 20 years; knowing possession of a machinegun or destructive device or any other firearm equipped with a silencer or muffler - 30 years. (2) Second time: knowing possession - 20 years; discharging with intent to injure - 30 years; knowing possession of a machinegun or destructive device or a firearm equipped with a silencer or muffler -life. (3) Third or subsequent: life. [Sec. 2405]

No similar provision

Makes murder a Federal offense punishable by death or imprisonment, if it is committed with a firearm which has crossed State lines. [Sec. 2406]

No similar provision, *but see* Section 1624-25 regarding those who have committed domestic abuse.

Prohibits firearm or ammunition possession by, or transfer to, a person subject to a restraining order. [Sec. 301]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Prohibits firearm or ammunition possession by, or transfer to, a person convicted of domestic abuse or who is subject to a restraining order. [Sec. 4203]

No similar provision

Strengthens Federal standards for licensing firearms dealers, including the requirement that the applicant be in full compliance with all State or local laws and notification of the application to the chief law enforcement officer of the locality in which the business premises are located. Adds to licensee reporting requirements, including the report—within 48 hours of discovery—of theft or loss of a firearm from inventory or a collection. [Sec. 311-317]

No similar provision

States new findings with respect to the gun-free school zone provisions of the Crime Control Act of 1990, designed to identify the nexus between the power of Congress to regulate interstate commerce and the activities prohibited under the Act. [Sec. 2972]

No similar provision

Broadens the existing definition of "armor piercing ammunition" under 18 U.S.C. chap. 44 to include any "jacketed projectile larger than .22 caliber and designed for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile." [Sec. 5168]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Makes it unlawful to knowingly and intentionally obstruct, impede, or otherwise interfere with a lawful hunt (as defined) on Federal lands or to engage in various specified activities designed to achieve such an outcome--subject to special mandatory minimum civil penalties. [Sec. 4601-4608]

"Assault Weapons"

No similar provision

Prohibits the manufacture, transfer or possession of "semiautomatic assault weapons," except for those lawfully possessed before enactment, those used by public agencies, and for purposes of experimentation. Provisions sunset in ten years. Definition of these firearms not generally recognized as suitable or adaptable for sporting purposes includes:

- (1) those rifles specified by make and model, SWD and INTRATEC handguns, and shotguns with ammunition in a revolving cylinder;
- (2) any semiautomatic rifle that can accept a detachable ammunition magazine and has at least two "military-style" components;
- (3) any semiautomatic pistol that can accept a detachable ammunition magazine and has at least two of five listed components or characteristics;
- (4) any semiautomatic shotgun that has at least two of four specified components or characteristics; and
- (5) any "types, replicas, or duplicates in any caliber" of these firearms.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Exempted rifles and shotguns, specifically by make and model, are identified. Persons who knowingly violate this prohibition may be fined up to \$5,000, imprisoned for up to five years, or subject to both penalties. Offenders using such firearms in crime may receive an enhanced penalty of ten years imprisonment. Also requires that persons possessing, selling and buying "assault weapons" record the transaction or possession on Treasury Form 4473 and retain a copy of the form. Persons who knowingly violate the recordkeeping requirement must be fined no more than \$1,000, imprisoned for no more than six months, or both, and, under the disability provision, be prohibited from receiving, transferring or possessing any firearm or ammunition shipped in interstate commerce.

No similar provision

Also, prohibits the possession or transfer of "large capacity ammunition feeding devices" that hold more than ten rounds. Amends "firearm" definition of Gun Control Act accordingly. Requires marking of feeding devices manufactured after effective date. As for "assault weapons," exceptions are made for those devices lawfully possessed prior to effective date, for public agencies, and for testing.

CRS-95

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Also, mandates that the Attorney General study the effect of the prohibitions on violent and drug trafficking crime. Study must begin six and a half years after enactment, be conducted for the next 18 months, and a report submitted to Congress. [Sec. 4501-4510]

H.R. 4092

S. 1607/H.R. 3355

SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS

(See also "DRUG CONTROL")

Requires the Bureau of Prisons to provide eligible inmates the opportunity to participate in a substance abuse treatment program. Sets forth schedule for participation of eligible inmates and authorizes the Bureau to provide offenders with incentive for successful completion. Requires report to Judiciary Committees on Jan. 1, 1995 and each year thereafter. Authorizes funds as necessary. [Sec. 2001]

No similar provision

No similar provision

Similar provision, but modifies requirement for the Bureau based on availability of appropriations, does not assign eligibility based on proximity to release date, requires report to Congress on Jan 1, 1993 (and annually thereafter). Authorizes funds for fiscal year 1995 and after. [Sec. 1304]

Requires that the U.S. Sentencing Commission amend guidelines to enhance penalties for drug possession and distribution in a Federal prison. Prohibits courts from placing such offenders on probation or from suspending their sentence. [Sec. 1506]

Mandates that Director of Administrative Office of the U.S. Courts establish a drug testing program for Federal offenders on post-conviction release and probation. [Sec. 1303]

H.R. 4092

S. 1607/H.R. 3355

ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS**(See also "Drug Court" in "CRIME PREVENTION AND COMMUNITY JUSTICE")**

Provides new authority for the Director of Bureau of Justice Assistance to provide grants to States (for use by States and local governments) for developing alternative methods of punishment, including prison boot camps, restitution, community service, and treatment programs, among others. Funds are allocated to States as follows: 0.4% to each State, with remaining funds distributed based on number of "young offenders," defined as those under age 23 without sexual assault, firearm, or crime of violence convictions. Also, the Director must consider whether State policies control for firearm possession on school grounds in distributing funds, and contains sense of Congress that States should impose mandatory sentences for firearm or other weapon use around schools. States must distribute at least 2/3 of funds to localities, except if a waiver is obtained, and funds must be passed through based on localities' funding for corrections. [N.B.: reference in proposed Section 1704 should probably read "1702(b)", not "1701(b)."] Federal share limited to 75% of costs, evaluations must be conducted, unless waived, and \$600 million authorized (\$200 million each year, FY94-FY96). [Sec. 2101-2103]

Similar provision, but included as one of three "Drug Court Programs." Differs in that it does not include references to Job Training Partnership Act, does not include certain "after care" programs as a listed alternative, does not require that Director consult with Director of National Institute of Corrections, establishes 90 (not 45 day) deadline for State approval of local application, requires that States distribute funds to localities based on criminal justice funding (House uses funding for correctional programs), does not require that at least 2/3 of funds be distributed by States to localities, requires Director to make an "equitable geographic distribution" of grants, does not include priority to States with policies regarding firearms around schools, and defines pertinent offenders as non-violent offenders with no or minimal criminal record who is below age 26. Also, see above, Section 1321, regarding prison boot camp grants. [Sec. 1203]

H.R. 4092

S. 1607/H.R. 3355

JUVENILE DRUG TRAFFICKING AND GANG PREVENTION

(See also "CRIME PREVENTION AND COMMUNITY JUSTICE")

Grants

Authorizes grants for programs within the Bureau of Justice Assistance to curb the formation or continuation of juvenile gangs and the use and sale of illegal drugs by juveniles. Also authorizes grants for public and non-profit private organizations to identify new juvenile drug reduction and enforcement programs, as well as programs to address the unique crime, drug, and alcohol-related challenges faced by juveniles living at or near international ports of entry and in other international border communities, including rural areas. Authorizes a total of \$200 million: \$100 million for each of FY94 and FY95. [Sec. 2201-2202]

Amends the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631 et seq.) by adding a new program of block grants for Juvenile Drug Trafficking and Gang Prevention Grants. Authorizes the Administrator of OJJDP to make grants to assist the States in planning, establishing, operating, coordinating, and evaluating programs directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile justice. Provides that programs funded by these Youth Violence Prevention grants address issues identified as contributing to youth violence, which may include conflict resolution, programs in schools, alternatives to school suspension, juvenile court diversion programs, and other innovative projects. Authorizes an appropriation of \$25 million for each of FY95 and FY96. [Sec. 631-633]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092S. 1607/H.R. 3355

Adds provision permitting the use of grant monies from Juvenile Drug Trafficking and Gang Prevention Grants for programs that reduce the incidence of graffiti, remove graffiti, and promote graffiti prevention. [En bloc amendment, Filner, #18]

No similar provision.

Authorizes the Administrator of OJJDP, in consultation with the Department of Education and the Department of Health and Human Services, to make grants to eligible service providers to carry out programs that prevent young children from becoming involved in gangs. Requires providers to involve the parents and other family members and members of local organizations in the administration and operation of the gang prevention program; utilize community resources and related support services; accept referrals from public institutions, as is appropriate; and utilize volunteer staff to the maximum extent practicable in the operation of the program. Instructs the Administrator to conduct an evaluation and report to Congress no later than Jan. 1, 1999. Authorizes an appropriation of \$20 million for fiscal year 1995, and such sums as may be necessary for FY96-FY98. Authorizes the Administrator to make grants to public and non-profit community based organizations to establish regional anti-crime Youth Councils. Authorizes appropriation of \$5 million for FY95 and such sums as necessary for FY96-FY98. [En bloc amendment, Martinez, #11]

No similar provision.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Directs the Secretary of Housing and Urban Development in consultation with the Attorney General to enter into contracts with the Boys and Girls Clubs of America to establish Boys and Girls Clubs in public housing. Directs the Secretary to submit a report to the Senate and House Committees on Banking, Housing, and Urban Affairs. Authorizes an appropriation of \$36 million: \$12 million for each year FY95-FY97. [En bloc amendment, Rostenkowski, #29]

No similar provision.

No similar provision.

Authorizes the Attorney General, in consultation with the Secretary of Health and Human Services, and the Secretary of Education, where appropriate, to award grants to law enforcement agencies for the establishment of law enforcement and child and family services partnership programs. Programs established from funds received under grants awarded are to be collaborative in nature, provide responses to crisis situations 24 hours a day, be able to provide adequate resources for training of law enforcement officers and for support of professional consultation services for children and families, and be able to respond to community needs in a manner reflecting sensitivity to the cultural diversity of the community. Priority is to be given to programs offering mentoring and conflict resolution services. The Federal share of a grant would be 80 percent for the first fiscal year, 70 percent for the second, and 60 percent for the third. Authorizes an appropriation of \$20 million for fiscal

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

year 1994, and such sums as may be necessary for each of fiscal years 1995 through 1998, of which not more than 10 percent shall be used for mentoring and conflict resolution services. [Sec. 4801-4809]

No similar provision.

Provides that grants authorized in this Act to reduce or prevent juvenile drug and gang-related activity in "public housing" may be used for such purposes in federally assisted low income housing. [Sec. 5167]

No similar provision.

Authorizes allocation of \$75 million of the Violent Crime Reduction Trust Fund (see "FUNDING") to the "Ounce of Prevention Fund" to help youths avoid substance abuse and a criminal life. [Sec. 103(c)]

No similar provision.

Modifies the proposed Juvenile Drug Trafficking and Gang Prevention Grants program by authorizing the Administrator to award additional discretionary grants to States that enact laws that would withhold or revoke the driver's licenses of individuals possessing handguns on school grounds. [Sec. 5147]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Other Provisions

No similar provision.

Authorizes a total of \$100 million: \$20 million each year from fiscal 1994 through fiscal 1998 to hire additional Federal prosecutors to focus on violent youth gangs. [Sec. 621]

No similar provision.

Authorizes funds for the establishment of at least 50 additional gang resistance education and training projects by the Secretary of the Treasury; authorizes an additional \$30 million for BATF (200 fte agent positions to investigate gun trafficking to juveniles and gangs, and 100 inspectors for firearm compliance and dealer policing; and authorizes an additional \$6 million for the Secret Service). [Sec. 5163]

No similar provision.

Directs the court to fingerprint and photograph a juvenile who has been found guilty of a crime of violence in violation of specified provisions of Federal drug trafficking laws and to transmit to the FBI fingerprints and photographs along with information concerning the adjudication. Provides that when the law of a State in which a Federal juvenile proceeding takes place permits or requires the reporting, retention, disclosure or availability of records in certain circumstances, such reporting, retention, disclosure or availability is permitted under this section whenever the same circumstances permit. [Sec. 618]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Provides that the parents or legal guardians of a juvenile who has been convicted of a criminal offense under any Federal law may be liable to the United States for a civil penalty of not more than \$10,000, or to perform community service in lieu of the civil remedy. [Sec. 5116]

No similar provision.

Provides that the Attorney General in consultation with the Secretary of the Treasury shall develop a national strategy to coordinate Federal gang-related law enforcement efforts, establishes reporting requirements, and authorizes \$1 million of fiscal 1994. [Sec. 622]

No similar provision.

Directs the Secretary of Health and Human Services to enter into an agreement with the Attorney General under which the services of the Parent Locator Service shall be made available to the Office of Juvenile Justice and Delinquency Prevention for the purpose of locating any parent or child. [Sec. 5129]

No similar provision

Directs the Attorney General, in collaboration with the Secretary of Health and Human Services, to study and make recommendations for improvement of mental health assessment, diagnosis, and treatment within the juvenile system. [Sec. 631]

No similar provision

Expresses the sense of the Senate that executive branch agencies make properties and resources available for outdoor programs for youth. [Sec. 5145]

H.R. 4092S. 1607/H.R. 3355

RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAMS IN STATE PRISONS**(See also "Drug Court" in "CRIME PREVENTION AND COMMUNITY JUSTICE")**

Provides new authority for the Director of the Bureau of Justice Assistance to make grants to the States for substance abuse programs in State prisons and local jails. Application requirements include coordination of treatment programs and testing of inmates, evaluations must be conducted, and States must provide services to offenders after release. Federal share limited to 75% of costs. Total of \$300 million authorized (\$100 million each year, FY94-FY96). Each State would receive 0.4% of funds, with remainder distributed based on State prison population. [Sec. 2301-2302]

Similar provision, but text refers to "drug," not substance abuse, establishes 90 day deadline for application approval (House has 45 days), requires treatment programs to last from 6 to 12 months (House requires 9 to 12), and authorizes funds (same amount) for FY95-FY97. Most significantly, authorizes program as part of "Drug Court" authority to be given to the Attorney General (all of Title XII). House authorizes stand along program. [Sec. 1204]

H.R. 4092

S. 1607/H.R. 3355

GENERAL EN BLOC AND FLOOR AMENDMENTS

(See also "COMMISSIONS" and "Other Provisions Related to Prisons" in "VIOLENT REPEAT OFFENDER INCARCERATION AND OTHER PRISONS PROVISIONS")

Immigration

Increases the maximum term of imprisonment for various passport, visa, and immigration documents to 10 years from 5 years for forgery and false statements used to acquire passports, for misuse of a passport, and fraud in acquiring visas and other immigration documents; from 1 year for issuance of passport without authority; and from 2 years for misuse of visas, permits and other immigration documents. [En bloc amendment, Gilman, #4]

In cases where visas, permits or other immigration documents are acquired or used as part of a drug trafficking or terrorist activity, establishes an alternative maximum term of imprisonment -- 15 years for fraud or misuse in a drug trafficking case and 20 years in the case of terrorism. [En bloc amendment, Gilman, #4]

Empowers the Attorney General to accept the gift of property and services other than cash to assist in the deportation of aliens charged with criminal offenses. [En bloc amendment, Inslee, #17]

Increases the maximum term of imprisonment for fraud in acquiring visas, permits and other immigration documents from 5 to 10 years, and for misuse of those documents from 2 to 10 years. [Sec. 5124]

No similar provision.

No similar provision.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Authorizes such appropriations as are necessary for fiscal years 1994 through 1998 for the expeditious handling of asylum claims and expeditious deportation where appropriate of unsuccessful claimants. [En bloc amendment, Becerra, #20]

Similar provision. [Sec. 5158]

Such appropriations as are necessary to increase INS efforts to capture illegal aliens are authorized. [En bloc amendment, Becerra, #20]

Similar provision. [Sec. 5159]

Calls for expedited deportation of aliens, convicted of aggravated felonies, upon their release and authorizes the necessary appropriations. [En bloc amendment, Becerra, #20]

Similar provision. [Sec. 5160]

Authorizes necessary appropriations in fiscal year 1966 for the construction of 2 INS service processing centers for criminal aliens. [En bloc amendment, Becerra, #20]

Similar provision. [Sec. 5161]

No similar provision.

Denies aliens in this country illegally eligibility for various federal assistance benefits. [Sec. 5102]

No similar provision.

Requires State law enforcement officials to provide INS with information concerning illegal aliens, provisions of State law to the contrary notwithstanding; State or local governments or agencies identified by the Attorney General as noncooperative are precluded from receiving funds authorized under the crime bill. [Sec. 5119]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Declares the sense of Congress that Federal asylum laws should be streamlined, those eligible be encouraged to apply and granted asylum, and those seeking fraudulent admission promptly excluded. [Sec. 5131]

No similar provision.

Increases the amounts of the civil penalties for immigration document fraud from not less than \$250 nor more \$2,000 to not less than \$1,000 nor more than \$5,000 for the 1st offenses; and from \$2,000 - \$5,000 to \$5,000 - \$10,000 for subsequent offenses. [Sec. 5124]

No similar provision.

Supplements the definition of aggravated felony (grounds for exclusion and deportation) with various serious but not necessarily violent crimes such as commercial bribery, child pornography, counterfeiting, forgery, smuggling aliens, fraud involving more than \$100,000, theft or perjury for which a sentence of 5 years imprisonment or more might be imposed; and authorizes expeditious deportation of such aliens upon their release from imprisonment and authorizes the necessary appropriations for 4 years beginning in FY95. [Sec. 5001]

No similar provision.

Permits court ordered disclosure of information, for law enforcement purposes or to identify a corpse, contained in applications for legalization of long term illegal aliens. [Sec. 5144]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Calls for expedited deportation proceedings for aliens convicted of an aggravated felony who are not permanent residents. [Sec. 5002]

No similar provision.

Authorizes judicial deportation upon petition of the U.S. following conviction of an aggravated felony. [Sec. 5003]

No similar provision.

Eliminates exclusion and deportation defenses, based on 7 years of continuous domicile and persecution, for aliens convicted of aggravated felonies. [Sec. 5004]

No similar provision.

Increases the maximum penalty for reentry following deportation from 15 to 20 years for those convicted of aggravated felonies and from 5 to 10 years for those convicted of any other felony or three misdemeanors. [Sec. 5005]

No similar provision.

Instructs INS to establish a criminal alien tracking center; authorizes appropriations of \$5 million for FY94 and \$2 million for each of the four fiscal years thereafter. [Sec. 5007]

Sentencing Provisions

Increases the penalty for selling a Congressional Medal of Honor or wearing or selling an imitation of such medal from 6 months to 1 year. [En bloc amendment, McCandless, #34]

No similar provision.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Increases the maximum prison term for trademark counterfeiting from 5 to 10 years and for repeat offenders from 15 to 20 years; increases the maximum fine for organizations for first and subsequent offenses from \$1 million and \$5 million, respectively, to \$5 million and 15 million; and increases the maximum fines for individuals from \$250,000 to \$2 million for the first offense and from \$1 million to \$5 million for subsequent offenses. [En bloc amendment, Frank, #30]

Directs the Sentencing Commission to study and report by the end of the year on issues relating to the sentences applicable to offenses involving various forms of cocaine. [Floor amendment, Hughes #45, 4/21/94, D422]

No similar provision.

No similar provision.

No similar provision.

Similar provision, except adds trademark counterfeiting to the list of money laundering predicates; and reduces the maximum fine for organizations for first and subsequent offenses from \$1 million and \$5 million, respectively, to the greater of \$500,000 or twice the loss or gain, in any case; and reduces the \$1 million maximum fine of second time individual offenders to the greater of \$250,000 or twice the loss or gain. [Sec. 2904]

No similar provision

Amends the Federal Sentencing Guidelines to provide for the application of a sentence in the case of a violation of probation or supervised release. [Sec. 2401]

Directs Federal courts to revoke supervised release and resentence a defendant for unlawful possession of a controlled substance or firearm, and for refusing to cooperate in drug testing. [Sec. 406]

Directs Federal courts to revoke supervised release after imprisonment upon a finding that the defendant violated a condition of supervised release. [Sec. 2403]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Authorizes a term of probation for petty offenses in certain cases. [Sec. 2501]

No similar provision.

Withdraws the right of juveniles, tried as adults, to be tried before a district court judge rather than a magistrate. Sec. 2502]

No similar provision.

Extends the term of full time members of the U.S. Sentencing Commission from 6 to 7 years. [Sec. 5152]

Rural Crime

Authorizes funds for the rural drug enforcement program authorized by the Crime Control Act of 1990, Title VIII, P.L. 101-647. Amends the law to require that a base amount of \$250,000 be allocated to non-rural States for non-metropolitan areas (currently \$100,000). Authorizes a total of \$250 million (\$50 million each year, FY94-98). [En bloc amendment, Long, Baesler, and Ewing, #28, Subtitle A]

Similar provision [Sec. 1401]

Requires the Attorney General, after consultation with specified organizations, to establish, within each Federal judicial district, a Rural Drug Enforcement Task Force in rural areas. Assets seized must be used for law enforcement operations. Identifies the organizations to be represented on the task forces. [En bloc amendment, Long, Baesler, and Ewing, Subtitle A, #28]

Similar provision [Sec. 1402]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092**S. 1607/H.R. 3355**

Allows the Attorney General to cross-designate up to 100 Federal law enforcement officers from each of the Park Police, Forest Service, Bureau of Land Management, DEA, FBI, INS, and similar agencies to enforce the Controlled Substances Act on rural non-Federal lands. [En bloc amendment, Long, Baesler, and Ewing, Subtitle A, #28]

Similar provision [Sec. 1403]

Mandates that a course of instruction be developed to train rural law enforcement officers in drug trafficking investigation. Authorizes total of \$5 million (\$1 million for each year, FY94-96). [En bloc amendment, Long, Baesler, and Ewing, Subtitle A, #28]

Similar provision [Sec. 1404]

Truck Stops and Truckers

Amends Controlled Substances Act to double the penalties for offenders who distribute controlled substances within one thousand feet of a truck stop or safety rest area. Doubles punishment for first offenders; second and subsequent convictions under this provision would be punishable by three times the term of supervised release under current law. Guidelines of the U.S. Sentencing Commission must be amended with regard to violations of the provision. [En bloc amendment, Long, Baesler and Ewing, #28, Subtitle B]

Similar provision [Sec. 1411]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Sense of Congress provision that Federal authorities should prosecute crimes against truckers. [En bloc amendment, Barca, #2]

No similar provision

Rural Crime Fighting Grants

Expresses the sense of Congress that the Attorney General should ensure that rural crime fighting initiatives should receive comparable support in funds provided by this bill and that rural communities should not receive less funding than that received in FY94 for these initiatives as a result of any legislative or administrative actions. [En bloc amendment, Fazio, #25]

No similar provision.

Creates a grant program, available to units of State and local government in rural States, and to other private and public entities in such States, to establish, expand and implement cooperative efforts between law enforcement, prosecutors, victim advocacy groups and others, to investigate and prosecute incidents of domestic violence and child abuse, to provide treatment and counseling for victims of same, and to develop education and prevention strategies directed toward these issues. Authorizes a total appropriation of \$30 million: \$10 million for each of FY95-FY97. Permits law enforcement agencies to also use funds under Sec. 103 Community Policing; "Cops on the Beat". [En bloc amendment, Long, Baesler, and Ewing, Subtitle C, #28]

Similar provision. [Sec. 1421]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Financial Institution Fraud

Expands the investigation and arrest authority of the Secret Service, under the direction of the Attorney General, to include fraud against various financial institutions until December 31, 2004. [En bloc amendment, Hoyer, #6]

No similar provision

No similar provision

No similar provision

No similar provision

Adds convictions for obstructing examination of a financial institution or engaging in monetary transactions in property derived from specified unlawful activity to the list of convictions which call for a minimum 10 year bar on employment with a Federally insured bank. [Sec. 2202]

Prohibits those convicted of fraud and other crimes of dishonesty from working in a Federally insured credit union for 10 years; violations are punishable by imprisonment for not more than 5 years and/or a fine of not more than \$1 million per day in violation. [Sec. 2203]

Urges the Attorney General to establish a task force for the aggressive prosecution of criminal cases involving savings and loan institutions. [Sec. 2301]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Other Provisions

In addition to various specific authorizations for new funding, authorizes an appropriation not to exceed \$1.2 billion: \$210 million for each year FY95-FY99 to the Bureau of Alcohol, Tobacco and Firearms, the United States Customs Services, the Financial Crimes Enforcement Network, the Federal Law Enforcement Training Center, the Criminal Investigation Division of the IRS, and the U.S. Secret Service to help meet the Department of the Treasury's increased law enforcement activities. [En bloc amendment, Hoyer, #7]

No similar provision.

Amends the Public Safety Officers Benefits Act (P.L. 94-430) to include chaplains among those eligible for benefits under the Act. [En bloc amendment, Manzullo, #47]

No similar provision.

Directs that the flags on government buildings be flown at half-staff on Peace Officers Memorial Day. [En bloc amendment, Porter, #1]

Includes an expression of gratitude from the Congress to law enforcement personnel. [Sec. 5127]

Requires Departments of Justice and State to assist State and local law enforcement investigations of crime of violence committed against travelers, particularly foreign travelers. [En bloc amendment, Abercrombie, #12]

No similar provision.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092**S. 1607/H.R. 3355**

In addition to such amounts as are otherwise authorized to be appropriated, authorizes for FY95-FY99 such sums as necessary to provide for an increase in the number of agents in the Border Patrol by 6,000 (fte) agent positions (and necessary support positions) beyond the number of such positions authorized as of Oct. 1, 1993. [Floor amendment, Hunter, 4/20/94, D410]

Provides penalties for placing fraudulent "Made in America" labels in products. [Floor amendment, Traficant, 4/20/94, D410]

Prohibits the release of personal information on motor vehicle records by a State department of motor vehicles or employees of such department. Provides for such disclosure under specified circumstances. Imposes criminal fines, generally under title, and allows for redress through civil action. Effective three years from date of enactment. [Floor amendment, Brooks (Moran), 4/20/94, D410]

No similar provision

No similar provision

Proscribes the disclosure, other than for routine use, of information from State department of motor vehicle records; willful individual offenders are punishable by imprisonment for not more than 1 year and/or a fine of not more than \$100,000, willful organizational offenders are subject to a fine of not more than \$200,000, willful violations by state agencies are punishable by a civil penalty of \$5,000 a day. [Sec. 3101-3103]

H.R. 4092

S. 1607/H.R. 3355

OBSTRUCTION OF JUSTICE

(See also "DEATH PENALTY" for provisions related to capital punishment)

Obstruction of justice involving an assault against a Federal court official or juror is punishable (a) as murder or manslaughter committed within the special maritime and territorial jurisdiction if a killing occurs; (b) by imprisonment for not more than 20 years and/or a fine of \$250,000 in the case of attempted killing or one in which the juror is sitting on an A or B felony case; and (c) not more than 10 years and/or a fine of not more than \$250,000 in all other instances. [Sec. 703(j)]

Similar provision. [Sec. 501]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Prohibits killing anyone assisting Federal officers in a criminal investigation or State correctional officers holding federal prisoners and transporting prisoners interstate. Violations are punishable by death or imprisonment for life or any term of years except killing correctional officers carries a 20 year mandatory minimum. [Sec. 708]

Changes the penalties for killing or attempting to kill another in retaliation for the victim's having been a Federal witness, informant or party to a Federal proceeding from a maximum of 10 years imprisonment to: death or life imprisonment for 1st degree murder, 20 years for attempt, and the maximum penalties applicable in the special maritime and territorial jurisdiction for 2d degree murder, voluntary and involuntary manslaughter (any term of years or life, 10 years and 3 years respectively). [Sec. 709]

Similar provision, but does not include State correctional officers. [Sec. 504]

Similar provision. [Sec. 502]

H.R. 4092

S. 1607/H.R. 3355

TERRORISM

(See also "DEATH PENALTY")

Outlaws the use of weapons of mass destruction within the U.S., against Americans overseas, or against Federal property, with violations punishable by imprisonment for any term of years or life, unless death results in which case the penalty is death, any term of years or life imprisonment. (May be subject to due process limitations) [Sec. 710*] (* section is part of Title VII--**Death Penalty**, rather than a separate terrorism title).

When the protocol against violence in international airports becomes effective and the U.S. becomes a party, proscribes acts of violence or property destruction at an international airport and makes violations punishable by capital punishment or any term of years or life if death results and a fine of not more than \$250,000 and/or imprisonment for not more than 20 years in other instances. (May be subject to due process limitations) [Sec. 711*]

Similar provision. (May be subject to due process limitations)[Sec. 711]

Similar provision. (May be subject to due process limitations) [Sec. 719]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

When international conventions on fixed ocean platforms and on maritime anti-terrorism safety go into effect, generally prohibits (a) forcible seizure of a vessel, (b) placing a destructive device on a ship, or (c) committing acts of violence or property destruction against or on board a vessel or against navigational facilities which endanger navigation or attempting to do so, (d) injuring someone during the course of doing so or attempting to do so, or (e) communicating a false alarm concerning such a violation. The jurisdictional circumstances exist if (1) the ship is American, (2) the crime is committed within the U.S. but beyond the reach of any State, (3) the crime is committed by an American, (4) an American is threatened, seized, injured during the commission of the crime, (5) the crime is committed to blackmail the U.S., or (6) if offender is later found or brought to the U.S. Threats punishable by imprisonment for not more than 5 years and/or a fine of not more than \$250,000; other offenses carry a maximum prison term of 20 years and/or a fine of not more than \$250,000 unless a life is taken, in which the case the penalty is death, imprisonment for any term of years or life.

Outlaws similar crimes, with similar penalties, committed on or against fixed sea platforms if (1) committed by an American, (2) committed to blackmail the U.S., (3) if an American is threatened, seized, or injured, or (4) if the offender is later found or brought to the U.S. [Sec. 712*] (N.B., May be subject to due process limitations)

Similar provision. (May be subject to due process limitations) [Sec. 701, 703]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

When the U.S. becomes a party to the convention against torture, prohibits governmental torture or attempted torture outside the U.S. by an American or by an offender later found in or brought into the U.S., with violations punishable by imprisonment for not more than 20 years and/or a fine of not more than \$250,000 unless death results in which case the penalty is death, any term of years or life imprisonment. (May be subject to due process limitations)[Sec. 713*]

No similar provision.

No similar provision.

Similar provision.(May be subject to due process limitations) [Sec. 716]

Expands the reach of the U.S. criminal law to include crimes committed by or against Americans on board a vessel scheduled to come to or leave a U.S. port. (May be subject to due process restrictions). [Sec. 715]

Establishes a 10-year statute of limitations for the prosecution of airplane and airport destruction, assaulting or killing a diplomat, crimes of violence against Members of Congress or the President, hostage taking, destruction of government property, crimes of violence against shipping and fixed ocean platforms mentioned above (701, 703), torture, use of weapons of mass destruction, terrorist acts against Americans overseas, and certain air piracy offenses. The present statute of limitations for these offenses is 5 years except for those that are capital offenses for which there is no statute of limitations. [Sec. 717]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Makes violation of FAA airport security and airplane operator security regulations punishable by imprisonment for not more than 1 year and/or a fine of not more than \$100,000. [Sec. 720]

No similar provision.

Forbids counterfeiting obligations and securities of the U.S. overseas and makes violations punishable by imprisonment for not more than 15 years and/or a fine of not more than \$250,000. [Sec. 721]

No similar provision.

Instructs the U.S. Sentencing Commission to enhance the penalty range for any felony involving international terrorism unless involvement is already an element of the felony. [Sec. 724]

No similar provision.

Authorizes the Attorney General to classify up to 100 alien witnesses and their families a year as non-immigrant aliens for up to three years; to waive the grounds for their exclusion; to admit them to permanent resident alien status, but subject to deportation is convicted of a crime of moral turpitude with a 10 rather than a 5 year period. [Sec. 725]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Authorizes the Attorney General, in conjunction with the Secretary of State, to extend a similar alien witness program to aliens eligible for the counter terrorism reward program, with a program limit of 25 aliens per year. [Sec. 5117]

No similar provision.

Outlaws providing material support, within the United States, for the crimes of hostage taking, killing an American overseas, assassination of the President or Members of Congress, destruction of transportation facilities, certain explosive offenses, killing Federal law enforcement officers or foreign dignitaries, damage to Federal property or property within Federal enclaves, and maritime destruction, and makes violations punishable by a fine of not more than \$250,000 and/or imprisonment for not more than 10 years. [Sec. 726]

No similar provision.

Increases the penalties for violations associated with the International Emergency Economic Powers Act by raising the maximum civil and criminal penalties from \$10,000 and \$50,000 respectively to \$1 million. [Sec. 712]

No similar provision.

Declares extension of territorial sea to 12 miles and makes the Assimilated Crimes Act applicable there. Adds ships with a scheduled voyage to the U.S. to the special maritime jurisdiction of the U.S. regardless of their registry. (Subject to due process limitations). [Sec. 713-715]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Establishes an Economic Terrorism Task Force to study and make recommendations concerning U.S. exposure to economic terrorism. [Sec. 722]

No similar provision.

Authorizes the U.S. to surrender those charged with violence against Americans overseas to foreign countries regardless of extradition treaty status. [Sec. 5157]

No similar provision.

Authorizes convening of a special terrorist deportation court. [Sec. 5110]

H.R. 4092

S. 1607/H.R. 3355

DRUG CONTROL

(See also "Sentencing Provisions" in "GENERAL EN BLOC AND FLOOR AMENDMENTS")

No similar provision.

Increases penalties for employing children under the age of 18 to distribute drugs or to assist in avoiding detection or apprehension for a drug offense. [Sec. 615]

No similar provision

Authorizes \$20 million for each year FY94-FY98 for additional DEA agents. [Sec. 1405]

No similar provision.

Requires that punishment for possessing controlled substance in prison must be served consecutively with any imposed for the underlying the controlled substance offense. Adjusts of other prison contraband possession penalties to mirror seriousness reflected in the controlled substance schedules. [Sec. 1501]

No similar provision.

Closes a loophole for illegal importation of small quantities of controlled substances. [Sec. 1502]

No similar provision.

Extends the special anti-drug trafficking penalties covering schools and playgrounds to include public housing. [Sec. 1503, (Sec. 616 duplicates)]

No similar provision.

Prohibits physical trainers from persuading or inducing the use of anabolic steroids for unauthorized purposes. [Sec. 1504]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Requires the U.S. Sentencing Commission to establish appropriate enhancement penalties for distributing or manufacturing drugs in a "drug-free" zone. [Sec. 1505]

No similar provision.

Requires that U.S. Sentencing Commission amend guidelines to enhance penalties for drug possession and distribution in a Federal prison. Prohibits court from placing such offenders on probation or suspending their sentence. [Section 1307]

No similar provision.

Amends the RICO statute to replace the term "narcotic and other dangerous drugs" with the term "controlled substance or listed chemical as defined in section 102 of the Controlled Substances Act," thereby including precursor and essential chemicals under the definition. [Sec. 1531]

No similar provision.

Conforming amendment to recidivist provisions of the Controlled Substances Act and the Controlled Substance Import and Export Act to change the definition of "felony drug offense," as used to determine prior conviction, to include any drug offense punishable by more than one year imprisonment. [Sec. 1532]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Provides for a program to promote public awareness of P.L. 101-516 that conditions portions of a State's enactment of legislation requiring revocation of the driver's license of convicted drug abusers. [Sec. 1533]

No similar provision.

Proscribes the knowing publication of advertisements for Schedule I controlled substances, establishing a maximum penalty of four years in prison and/or a fine of not more than \$250,000. The term of imprisonment doubles for each subsequent conviction. [Sec. 1534]

No similar provisions.

Amends the National Narcotics Leadership Act to require that additional goal be added to the National Drug Control Strategy: "expanding the availability of treatment for drug addiction." [Sec. 1535]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Requires the Federal Aviation Administration to issue regulations requiring employees to report to law enforcement authorities the discovery, in airport security screenings, of illegal drugs or large amounts of cash. [Sec. 1536]

No similar provision.

Authorize the declaration of violent crime and drug emergency areas and provide for emergency Federal assistance (including personnel, equipment, supplies, facilities, financial assistance, and managerial, technical and advisory services), with or without reimbursement, to protect lives, property, and public health and safety. Contains neither specific dollar authorization of appropriations nor dollar nor percentage limitations on assistance. [Sec. 5118]

No similar provision.

Requires the Attorney General to conduct a study of how the anti-loitering laws can be used to eradicate open-air drug markets and other criminal activity and to prepare a model statute and enforcement guidelines based on the study's conclusions. [Sec. 5125]

No similar provision.

Allows a civil action against a violator of the drug paraphernalia provisions of the Controlled Substances Act, carrying the possibility of a fine of up to \$250,000. [Sec. 1537]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Extends authorization for the Office of National Drug Control Policy through fiscal year 1994 and establish a personnel floor of 75 for the Office. [Sec. 5150]

No similar provision

Establishes ten year mandatory minimum penalty for selling controlled substances to minors and employing minors to sell such substances. [Sec. 2407]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

COMMISSIONS

National Commission to Support Law Enforcement

Increases the size of the National Commission to Support Law Enforcement (established by P.L. 101-515) to 25 members. Divides the appointment authority between office holders of the two political parties. Requires a report to Congress by March 31, 1996. [En bloc amendment, Slaughter, #9]

Establishes a 29 member National Commission to Support Law Enforcement to study and recommend changes regarding Federal, State, and local law enforcement agencies. Sets forth the issues to be explored by the Commission, identifies the composition of the members, and authorizes staffing and administrative positions for the Commission. Divides the appointment authority evenly between office holders of the two political parties. Requires a report to Congress within 18 months of the appointment of the Commission members and terminates the Commission sixty days following release of the report. Repeals similar provisions enacted by the 101st Congress. [Sec. 1721-1730]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Commission on Crime and Violence

Establishes a 22-member National Commission on Crime and Violence in America to develop a comprehensive and effective crime control plan which will serve as a blueprint for the 1990s. Directs the Commission to be responsible for reviewing the effectiveness of traditional criminal justice approaches in preventing and controlling crime and violence; examining the impact of changes in Federal immigration laws and policies, and increased development and growth along United States international borders on crime and violence in the United States, particularly among our Nation's youth; examining the problem of youth gangs and provide recommendations as to how to reduce youth involvement in violent crime; examining the extent to which assault weapons and high power firearms have contributed to violence and murder in America; convening field hearings in various regions of the country to receive testimony from a cross section of criminal justice professionals, business leaders, elected officials, medical doctors, and other citizens that wish to participate; and reviewing all segments of our criminal justice system, including the law enforcement, prosecution, defense, judicial, and corrections components in developing the crime control plan. [En bloc amendment, Wheat, #21]

Similar provision, increases the size of the Commission to 25 and more closely divides the appointment authority between the majority and minority parties. [Sec. 1701-1703]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

National Commission to Study the Causes of the Demand for Drugs in the United States

No similar provision

Establishes a National Commission to Study the Causes of the Demand for Drugs in the United States. Sets forth the duties of the Commission and the issues to be explored. Identifies the composition of the 15 members, and more evenly divides the appointment authority between office holders of the two political parties. Requires monthly activity reports, and an interim report not later than one year before the termination of the Commission and final report not later than the date of termination. Terminates the Commission on the date which is 2 years after the Members have met and designated a Chairman and Vice-Chairman. [Sec. 1711-1718]

Other National Commissions and Panels

No similar provision

Establishes a 25-member National Commission on Violence in America's Schools. Will report to Congress and the President on the extent and causes of violence in schools after 2 years. [Sec. 1741-1749]

No similar provision

Creates a 12-member National Commission on Violence Against Women empowered to recommend strategies to prevent and punish violent crime against women. [Sec. 3241-3249]

No similar provision

Urges the President to convene a National Summit on Violence in America. [Sec. 1731-1732]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

BAIL-POSTING REPORTING

No similar provision

Requires Federal and State criminal court clerks to notify IRS and Federal and State prosecutors when a defendant, charged with a drug offense, racketeering, or money laundering, posts bail in cash (over \$10,000).
[Sec. 1802]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

MOTOR VEHICLE THEFT PREVENTION

No similar provision

Instructs the Attorney General to devise a voluntary vehicle theft-prevention program under which owners may sign a consent form and display a decal on a vehicle which State and local authorities may stop to verify ownership under certain circumstances. Specifies that the conditions under which a decaled vehicle may be stopped may not be based on race, creed, national origin, gender, or age. Makes altering or removing motor vehicle identification numbers with the intent to further the theft of a vehicle an offense punishable by a fine or imprisonment. [Sec. 1901-1903]

H.R. 4092

S. 1607/H.R. 3355

PROTECTIONS FOR THE ELDERLY

Missing Alzheimer's Disease Patient Alert Program

No similar provision

Directs the Attorney General to award a grant to an eligible organization to assist in paying for the design, establishment, and operation of a Missing Alzheimer's Disease Alert Program, which shall be a locally based, proactive program to protect and locate missing patients with Alzheimer's disease and related dementias. Authorizes a total appropriation of \$3 million: \$1 million for each year, FY95-FY97. [Sec. 2001]

Crimes Against the Elderly

No similar provision

Directs the U.S. Sentencing Commission to ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim (age 65 and over) is sufficiently stringent to deter such a crime, to protect the public from additional crimes of such a defendant, and to adequately reflect the nature of such an offense. [Sec. 2002]

No similar provision

Charges the sentencing Commission to examine the guidelines applicable to fraud against the elderly for adequacy. [Sec. 3905]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

COMPUTER CRIME

No similar provision

Repeals the portion of the Federal computer fraud section which prohibits unauthorized access to a Federal interest computer resulting in damage or loss of information concerning medical records or involving a loss of \$1,000 or more; replaces the portion with prohibitions against knowingly or recklessly transmitting or causing a transmission that causes damage or loss of access in a computer used in interstate commerce; intentional violations are punishable by imprisonment for not more than 5 years and/or a fine of not more than \$250,000, reckless violations by imprisonment for not more than 1 year and/or a fine of not more than \$100,000; intentional violations give rise to a private cause of action. [Sec. 2601]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

INTERNATIONAL PARENTAL KIDNAPPING

No similar provision

Limits the parental exemption to the Federal kidnapping statute to exclude those parental rights that have been terminated by final court order. [Sec. 5114]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

SAFE SCHOOLS

No similar provision

New authority for the Bureau of Justice Assistance (in consultation with the Secretary of Education) to provide grants to local educational agencies to assist those agencies most severely affected by school crime and violence. Sets forth purposes for which funds may be used, requires that the BJA develop a written model in English and other languages and that instruction be provided on criminal justice, and limits grants to three years. Authorizes a total of \$300 million (\$100 million each year, FY94-FY96). [Sec. 2801-2802]

No similar provision

Authorizes Secretary of Education to provide grants to State agencies to administer violence prevention and other programs. Authorizes a total of \$20 million (\$10 million each year, FY95-FY96). [Sec. 2803]

H.R. 4092

S. 1607/H.R. 3355

MISCELLANEOUS

Increases in Penalties

No similar provision.

Increases the maximum term of imprisonment for involuntary manslaughter committed within U.S. special maritime & territorial jurisdiction from 3 to 6 years. [Sec. 2902]

No similar provision.

Makes clear that the increased penalties authorized when bodily injury or death results during the course of various civil rights violations apply when the injury or death occurs as a result of rape, sexual abuse, kidnapping, or arson included within the civil rights offenses. [Sec. 2903]

No similar provision.

Establishes an individual penalty for conspiracy to use interstate travel in commission of a murder for hire punishable by imprisonment -- not more 10 years and/or a fine of not more than \$250,000 (otherwise applicable conspiracy statute carries a 5 year max.) [Sec. 617, replicated in Sec. 2905].

No similar provision.

Increases the maximum penalty for interstate travel to commit a crime of violence in furtherance of racketeering from 5 to 20 years and to life if death results. [Sec. 617, replicated in Sec. 2906]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Increases the penalties for damage or destruction of property by fire or explosives:

(a) in the course of committing another Federal offense (from a 5 year maximum to a 10 year maximum for a first offense and from 10 to 20 years for others);

(b) involving the property of the United States, or of those receiving Federal financial assistance (for the first offense from a ten year/\$250,000 maximum to a term of not less than 5 nor more than 20 years and/or a fine not more than the greater of \$100,000 or the cost for repair or replacement of the property destroyed or damaged; the maximums for subsequent offenses are increased to 40 years and \$200,000 or the amount of the loss);

(c) involving property used in or in an activity affecting commerce (from maximums of 10 years and \$250,000 to a term of not less than 5 nor more than 20 years and/or a fine of not more than the greater of \$100,000 or the cost of repair or replacement of damages or destroyed property, for a 1st offense; the maximums for subsequent offenses are increased to 40 years and \$200,000 or the amount of the loss). [Sec. 2907]

No similar provision

To accommodate increased workload on Federal judges, prosecutors and agents attributable to the Act, authorizes additional appropriations of \$20 million in FY94 and \$70 million for each of the four subsequent fiscal years for the judiciary; of \$25 million for FY94,

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

\$125 million for FY95, and \$150 million for each of the three subsequent fiscal years for the Department of Justice; of \$20 million, \$50 million, \$60 million for FY94, FY95 and FY96-FY98 respectively for the FBI; and of \$10 million for FY94 and \$35 million for each of the four fiscal years thereafter to employee additional assistant U.S. Attorneys. [Sec. 5132]

No similar provision

Expands civil rights coverage to include "persons" rather than "inhabitants." [Sec. 2911]

No similar provision

Mandates annual audits of State and Department of Justice asset forfeiture funds and reports to Congress on the results and Justice's administrative and contracting expenses for the fund. [Sec. 2921-2922]

No similar provisions

Enlarges options for venue in the District of Columbia in espionage cases committed outside of any State. [Sec. 2961]

No similar provision

Defines stolen or counterfeit property to generally include property associated with a "sting" in which the defendants believed official representations that the property was stolen or counterfeit. [Sec. 2962]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Proscribes disclosure, with the intent to obstruct an investigation, of the results of an authorized wiretap; violations are punishable by imprisonment for not more than 5 years and/or a fine of not more than \$250,000. [Sec. 2965]

No similar provision

Makes theft of a major art work from an American museum punishable by imprisonment for not more than 10 years and/or a fine of not more than \$250,000, and by civil or criminal forfeiture of any proceeds, with a 20 year statute of limitations. [Sec. 2966]

No similar provision

Adds DEA to the list of agency names which may not be subject to unauthorized commercial exploitation. [Sec. 2968]

No similar provision

Removes the option of those charged with petty offenses to request trial in district court rather than before a magistrate. [Sec. 2502]

No similar provision

Forbids attempts to violate various Federal statutes outlawing robbery, burglary, kidnapping, smuggling, and malicious mischief; penalties: the same as those imposed for the completed offense. [Sec. 2969]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Defines livestock for purposes of the prohibitions against interstate theft or receipt of stolen livestock to include horses, pigs, goats, fowl, sheep, cattle, and any other domestic animal raised for home use, consumption or profit, and the carcasses of such animals. [Sec. 2970]

No similar provision

Expands the statute of limitations for certain explosives offenses from 5 to 10 years. [Sec. 2971]

No similar provision

Permits the payment of attorneys' fees for Department of Justice and public defenders office supervisors who are subject to criminal investigations or disciplinary inquiries which do not result in adverse action against the employee. [Sec. 5104]

No similar provision

Proscribes the mailing of nonmailable animals, plants, fish and wildlife, makes violations punishable by imprisonment for not more than 1 year and/or a fine under title 18, and authorizes the creation of task force of Federal and Hawaiian law enforcement officers for implementation. [Sec. 5105]

No similar provision

Expresses the sense of the Senate encouraging the development of a United Nations Convention on Organized Crime and urging the United Nations to provide additional authority and resources to the U.N. Commission on Crime Prevention and Criminal Justice. [Sec. 5106]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Requires, not later than 6 months after enactment of the Act, the Attorney General, in concert with the Director of the FBI, the Administrator of the DEA, the Commissioner of INS, and the Commissioner of the Customs Service, to report to Congress and the President on the efforts made and the success of such efforts to recruit and hire former Royal Hong Kong Police officers into Federal law enforcement positions. [Sec. 5108]

No similar provision

Directs Sentencing Commission to revise guidelines to provide sentencing enhancement for adults who involve minors in commission of a Federal offense. [Sec. 5130]

No similar provision

Instructs the Attorney General to consult with the Secretary of HHS to implement the drug abuse treatment and prevention features of the legislation. [Sec. 5166]

No similar provision

Declares it a sense of the Senate that HHS should study the rate and causes of the increase in out-of-wedlock birth and report to Congress on possible remedial action. [Sec. 5148]

No similar provision

Declares it a sense of the Senate that Federal law enforcement officers should be exempt from E.O.12839 and other initiatives for reduction of the Federal workforce [Sec. 5164]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Eases the residence requirement for assistant U.S. Attorneys to permit them to live within 50 miles of the district for which they have been appointed. [Sec. 5162]

No similar provision

Defines "court of the United States" to include the district courts of Guam, the Northern Marianas, and the Virgin Islands for purposes of the title 18 of the United States Code. [Sec. 5156]

No similar provision

Permits the Attorney General to pay State and local real property taxes, claimed for the time between the commission of the crime giving rise to forfeiture and the order of forfeiture, out of the Department of Justice Asset Forfeiture Fund. [Sec. 5155]

No similar provision

Prohibits payment of social security disability benefits to those confined to public institutions under a court order based on a verdict of guilty but insane, not guilty by reason of insanity, or similar finding. [Sec. 5113]

No similar provision

Authorizes the Director of the BJA to provide grants to States, localities, and private agencies or individuals to increase resources for judicial activities. Authorizes \$100 million for each fiscal year 1994 to 1998, and provides that funds may be appropriated from the Violent Crime Reduction Trust Fund. [Sec. 5137]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

Requires that the FBI report by June 1994 on improvements to the Nation's automatic fingerprint systems. [Sec. 5138]

No similar provision

Authorizes the appropriation of \$1.5 million for grants to State and local law enforcement agencies to take greater advantage of automation and advances in technology. [Sec. 1031]

White Collar Crime Amendments

No similar provision.

Outlaws receipt of kidnap proceeds, transported in interstate commerce, or property extorted in violation of several of the minor Federal extortion statutes. Penalties: imprisonment for not more than 10 years and/or a fine of not more than \$250,000 (kidnap proceeds) and imprisonment for not more than 3 years and/or a fine of not more than \$250,000 (extortion). [Sec. 2941]

No similar provision.

Proscribes receipt of property stolen during the robbery of the mail or U.S. property; penalty: imprisonment for not more than 10 years and/or a fine of not more than \$250,000. [Sec. 2942]

No similar provision.

Ensures that the Federal offense of impeding civil investigative demands (CID's) applies to RICO and bank fraud CID's as well as antitrust CID's. [Sec. 2943]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Includes obstruction of a Federal audit and continuing financial crime enterprise within the list of offenses whose enforcement justifies rewards under the bank crimes reward program. [Sec. 2944]

No similar provision.

Adds Federally insured S&L's to the Federal bank robbery statute, [Sec. 2945]

No similar provision.

For purposes of the obstruction of a Federal audit provision, defines "in any 1 year period" under contract or subcontract to mean 1 year before or after the commission of the offense [Sec. 2946]

No similar provision.

Expands the bankruptcy embezzlement offense to include employees and agents of trustees, custodians, marshals, attorneys and other officers of the court responsible for administering the estate; increases the maximum fine for conflicts of interest from \$500 to \$5000; makes it a Federal crime, punishable by imprisonment for not more than 1 year and/or a fine under the provision of title 18, to knowingly disregard a Federal bankruptcy rule or law; establishes bankruptcy fraud as a new Federal offense, punishable by imprisonment for not more than 5 years and/or a fine of not more than \$250,000; and excludes bankruptcy fraud from the list of RICO predicate offenses. [Sec. 5146]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Creates a new Federal health care fraud offense which makes punishable by imprisonment for not more than 10 years and/or a fine under title 18 any scheme to defraud a health care plan; the maximum penalty is increased to life imprisonment if serious bodily injury results from the violation. Adds a subsection to the money laundering, criminal forfeiture statute permitting criminal forfeiture of property used or derived from a violation of any several Federal laws under which health care fraud can be prosecuted. And the same list of predicate offenses may be invoked to secure injunctive relief. Finally, it enlarges the Federal False Claims Act to include imposition of civil penalties for fraud against a health care plan. [Sec. 3811-3831]

Gambling

No similar provision.

Repeals the proscriptions against gambling ships hovering or otherwise operating beyond the territorial waters of the U.S. [Sec.2932]

No similar provision.

Authorizes disclosure of FBI criminal records for licensing purposes to State gambling regulators located within a State Attorney General's office. [Sec. 2931]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision.

Expands the Federal statute prohibiting the interstate transportation of lottery tickets to include a proscription against engaging in the business of acquiring out of State lottery tickets for others. [Sec.5109]

Other Provisions

No similar provision

Allows Indian tribes to use Federal funds for matching requirements, and makes other changes. [Sec. 5133]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

MISSING AND EXPLOITED CHILDREN

No similar provision

Establishes a task force comprised to law enforcement officers from pertinent Federal agencies to work with the National Center for Missing and Exploited Children and coordinate the provision of Federal law enforcement resources to assist State and local authorities in investigating the most difficult cases of missing and exploited children. [Sec. 4301-4304]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

PUBLIC CORRUPTION

No similar provision

Prohibits public corruption when the mails or facilities in interstate commerce are used, or when interstate commerce is affected, or -- in the case of State or local election fraud -- when the officer deals in more than \$10,000 a year of Federal money. In such cases, it forbids: (1) defrauding State or local citizens of the honest services of a public official or employee, or (2) committing State or local election fraud. It also outlaws depriving citizens of the honest services of U.S. officials. Violations are punishable by imprisonment for not more than 10 years and/or a fine of not more than \$250,000. [Sec. 4402]

No similar provision

United States or State officials who take personnel actions against other officials in order to carry out or conceal a violation are punishable by imprisonment for not more than 5 years and/or a fine of not more than \$250,000, and victims have a cause of action for reinstatement with seniority, triple back pay with interest, and special damages including costs and attorneys' fees. [Sec. 4402]

No similar provision

The bill expands the Federal wire fraud statute to include frauds using any facility of interstate or foreign commerce. [Sec. 4403]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

No similar provision

It also proscribes the offense of narcotics and public corruption, i.e., offer or acceptance of a bribe involving a Federal or State official, employee or juror in connection with illicit drug activities; violations are punishable by imprisonment for not more than 25 years and/or a fine of not more than \$250,000. [Sec. 4404]

No similar provision

Both public corruption and narcotics and public corruption are RICO and wiretapping predicate offenses. [Sec. 4404]

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4392

S. 1607/H.R. 3355

FUNDING

Contains various specific authorizations for new funding but no summary provisions nor funding source.

To fund the various appropriations authorized in S.1607, establishes a Violent Crime Reduction Trust Fund into which are to be transferred, at the beginning of the fiscal year:

\$720 million (FY94);
\$2.423 billion (FY95);
4.267 billion (FY96);
\$6.313 billion (FY97);
\$8.545 billion (FY98)

which amounts it is anticipated will be realized (1) by limiting the total full time equivalent positions in all Federal agencies to:

2,095,182 in FY94;
2,044,100 in FY95;
2,003, 846 in FY96; 1,963,593 in FY97; and
1,923,339 in FY98,

and (2) by a reduction in discretionary spending authority amounting to:

\$720 million in new budget authority and
\$314 million in outlays in FY94;
\$2.423 billion in new budget authority and
\$2.33 billion in outlays in FY95;
\$4.267 billion in new budget authority and
\$4.184 billion in outlays in FY96;
\$6.313 billion in new budget authority and
\$6.221 billion in outlays in FY97;
\$8.545 billion in new budget authority and
\$8.443 billion in outlays in FY98.

Crime Control: Comparison of House and Senate Legislation, 103rd Congress, 2d Session

H.R. 4092

S. 1607/H.R. 3355

Amounts in the Fund and appropriations of moneys available from it are not taken into account for purposes of the enforcement provisions of the Congressional Budget Act or the Balanced Budget and Emergency Deficit Control Act. [Sec. 1351-1354].