

103^D CONGRESS
2^D SESSION

H. R. 3877

To provide grants to States which comply with certain requirements.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1994

Mrs. BYRNE introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To provide grants to States which comply with certain
requirements.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Two Strikes and In
5 Act of 1994”.

6 **SEC. 2. DEFINITION.**

7 For purposes of this Act, the term “crime of vio-
8 lence” means a felony offense under Federal or State law
9 that is a crime of violence which may include the following
10 (or a State equivalent of such crime):

11 (1) Murder.

- 1 (2) Homicide.
- 2 (3) Kidnapping.
- 3 (4) Assault resulting in a serious bodily injury.
- 4 (5) Assault with intent to commit murder.
- 5 (6) Rape.
- 6 (7) Voluntary manslaughter.
- 7 (8) Criminal sexual assault.

8 **SEC. 3. PRISONS FOR VIOLENT DRUG OFFENDERS.**

9 (a) ESTABLISHMENT OF GRANT AND TECHNICAL AS-
10 SISTANCE PROGRAM.—

11 (1) IN GENERAL.—The Attorney General may
12 make grants to States and to multi-State compact
13 associations for the purposes of—

14 (A) developing, constructing, expanding,
15 operating, and improving boot camp prison pro-
16 grams, city or county detention facilities, or
17 low- to medium-security prisons;

18 (B) developing, constructing, and operating
19 prisons that house and provide treatment for
20 violent offenders with serious substance abuse
21 problems; and

22 (C) assisting in activating existing boot
23 camp or prison facilities that are unutilized or
24 underutilized because of lack of funding.

1 (2) TECHNICAL ASSISTANCE.—The Attorney
2 General may provide technical assistance to grantees
3 under this section.

4 (3) UTILIZATION OF PRIVATE SECTOR.—Noth-
5 ing herein shall prevent the utilization of any grant
6 funds to contract with the private sector to design,
7 construct or provide any services associated with any
8 facilities funded herein.

9 (4) UTILIZATION OF COMPONENTS.—The Attor-
10 ney General may utilize any component or compo-
11 nents of the Department of Justice in carrying out
12 this section.

13 (b) STATE AND MULTI-STATE COMPACT APPLICA-
14 TIONS.—

15 (1) IN GENERAL.—To request a grant under
16 this section, the chief executive of a State or the co-
17 ordinator of a multi-State compact association shall
18 submit an application to the Attorney General in
19 such form and containing such information as the
20 Attorney General may prescribe by regulation or
21 guidelines. The chief executive of a State or the co-
22 ordinator of a multi-State compact association may
23 designate private sector participants for the design,
24 construction, or provision of services associated with
25 any facilities for which funding is requested.

1 (2) CONTENT OF APPLICATION.—In accordance
2 with the regulations or guidelines established by the
3 Attorney General, an application for a grant under
4 this section shall—

5 (A) provide a description of any construc-
6 tion activities, including cost estimates;

7 (B) provide a description of selection cri-
8 teria for prisoners for various prison programs;
9 and

10 (C) certify that such State or States have
11 in effect a law which requires a sentence of life
12 imprisonment for individuals who have been
13 previously convicted of a crime of violence at
14 the State or Federal level.

15 (c) QUALIFYING STATE.—

16 (1) IN GENERAL.—To be eligible to receive a
17 grant under this section, a State shall provide a
18 mandatory sentence of life imprisonment without pa-
19 role for individuals who have been previously con-
20 victed of a crime of violence at the State or Federal
21 level.

22 (2) DISQUALIFICATION.—The Attorney General
23 shall withdraw a State's status as a qualifying State
24 if the Attorney General finds that the State no
25 longer appropriately provides for the matters de-

1 scribed in paragraph (1) or has ceased making sub-
2 stantial progress toward attaining them, in which
3 event the State shall no longer be entitled to the
4 benefits of this section, except to the extent the At-
5 torney General otherwise directs.

6 (3) WAIVER.—The Attorney General may
7 waive, for no more than one year, any of the require-
8 ments of this subsection with respect to a particular
9 State if the Attorney General certifies that, in the
10 Attorney General’s judgment, there are compelling
11 law enforcement reasons for doing so. Any State
12 granted any such waiver shall be treated as a quali-
13 fying State for all purposes of this subtitle, unless
14 the Attorney General otherwise directs.

15 (d) REVOCATION OR SUSPENSION OF FUNDING.—If
16 the Attorney General determines, as a result of the reviews
17 required by subsection (f), or otherwise, that a grant recip-
18 ient under this section is not in substantial compliance
19 with the terms and requirements of an approved grant ap-
20 plication, the Attorney General may revoke or suspend
21 funding of the grant in whole or in part.

22 (e) ACCESS TO DOCUMENTS.—The Attorney General
23 and the Comptroller General shall have access for the pur-
24 pose of audit and examination to—

1 (1) the pertinent books, documents, papers, or
2 records of a grant recipient under this section; and

3 (2) the pertinent books, documents, papers, or
4 records of other persons and entities that are in-
5 volved in programs for which assistance is provided
6 under this section.

7 (f) GENERAL REGULATORY AUTHORITY.—The Attor-
8 ney General may issue regulations and guidelines to carry
9 out this section.

10 (g) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this sec-
12 tion—

13 (1) \$600,000,000 for fiscal year 1994;

14 (2) \$600,000,000 for fiscal year 1995;

15 (3) \$600,000,000 for fiscal year 1996;

16 (4) \$600,000,000 for fiscal year 1997; and

17 (5) \$600,000,000 for fiscal year 1998.

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