

107TH CONGRESS
1ST SESSION

S. 619

To establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 26, 2001

Mr. DEWINE (for himself, Mr. HUTCHINSON, Mr. WARNER, Mr. ALLEN, Mr. HELMS, Mr. HAGEL, Mr. GRASSLEY, Mr. SANTORUM, Mr. SESSIONS, and Mrs. LINCOLN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

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 “Project Exile: The Safe
5 Streets and Neighborhoods Act of 2001”.

1 **SEC. 2. FIREARMS SENTENCING INCENTIVE GRANTS.**

2 (a) PROGRAM ESTABLISHED.—Title II of the Violent
3 Crime Control and Law Enforcement Act of 1994 (Public
4 Law 103–322; 108 Stat. 1815) is amended—

5 (1) by redesignating subtitle D as subtitle E;

6 and

7 (2) by inserting after subtitle C the following:

8 **“Subtitle D—Firearms Sentencing**
9 **Incentive Grants**

10 **“SEC. 20351. DEFINITIONS.**

11 “In this subtitle:

12 “(1) FIREARM.—The term ‘firearm’ has the
13 meaning given the term in section 921(a) of title 18,
14 United States Code.

15 “(2) PART 1 VIOLENT CRIME.—The term ‘part
16 1 violent crime’ means murder and nonnegligent
17 manslaughter, forcible rape, robbery, and aggravated
18 assault, as reported to the Federal Bureau of Inves-
19 tigation for purposes of the Uniform Crime Reports.

20 “(3) SERIOUS DRUG TRAFFICKING CRIME.—The
21 term ‘serious drug trafficking crime’ means an of-
22 fense under State law for the manufacture or dis-
23 tribution of a controlled substance, for which State
24 law authorizes to be imposed a sentence to a term
25 of imprisonment of not less than 10 years.

1 “(4) STATE.—The term ‘State’ means a State
 2 of the United States, the District of Columbia, the
 3 Commonwealth of Puerto Rico, the United States
 4 Virgin Islands, American Samoa, Guam, and the
 5 Northern Mariana Islands.

6 “(5) UNIT OF LOCAL GOVERNMENT.—The term
 7 ‘unit of local government’ has the meaning given the
 8 term in section 901(a) of title I of the Omnibus
 9 Crime Control and Safe Streets Act of 1968 (42
 10 U.S.C. 3791(a)).

11 “(6) VIOLENT CRIME.—The term ‘violent crime’
 12 means murder and nonnegligent manslaughter, forc-
 13 ible rape, robbery, and aggravated assault, or a
 14 crime in a reasonably comparable class of serious
 15 violent crimes, as approved by the Attorney General.

16 **“SEC. 20352. AUTHORIZATION OF GRANTS.**

17 “(a) IN GENERAL.—From amounts made available to
 18 carry out this subtitle, the Attorney General shall award
 19 Firearms Sentencing Incentive Grants to eligible States
 20 in accordance with this subtitle.

21 “(b) ALLOWABLE USES.—Grants awarded under this
 22 subtitle may be used by a State only—

23 “(1) to support—

24 “(A) law enforcement agencies;

25 “(B) prosecutors;

1 “(C) courts;

2 “(D) probation officers;

3 “(E) correctional officers;

4 “(F) the juvenile justice system;

5 “(G) the expansion, improvement, and co-
6 ordination of criminal history records; or

7 “(H) case management programs involving
8 the sharing of information about serious offend-
9 ers;

10 “(2) to carry out a public awareness and com-
11 munity support program described in section
12 20353(a)(2); or

13 “(3) to build or expand correctional facilities.

14 “(c) SUBGRANTS.—A State may use grants awarded
15 under this subtitle directly or by making subgrants to
16 units of local government within that State.

17 **“SEC. 20353. FIREARMS SENTENCING INCENTIVE GRANTS.**

18 “(a) ELIGIBILITY.—Except as provided in subsection
19 (b), to be eligible to receive a grant award under this sec-
20 tion, a State shall submit an application to the Attorney
21 General, which shall comply with the following require-
22 ments:

23 “(1) FIREARMS SENTENCING LAWS.—The ap-
24 plication shall demonstrate that the State has imple-

1 mented firearms sentencing laws requiring 1 or both
2 of the following:

3 “(A) Any person who, during and in rela-
4 tion to any violent crime or serious drug traf-
5 ficking crime, uses or carries a firearm, shall,
6 in addition to the punishment provided for that
7 crime of violence or serious drug trafficking
8 crime, be sentenced to a term of imprisonment
9 of not less than 5 years (without the possibility
10 of parole during that term).

11 “(B) Any person who, having not less than
12 1 prior conviction for a violent crime, possesses
13 a firearm, shall, for such possession, be sen-
14 tenced to a term of imprisonment of not less
15 than 5 years (without the possibility of parole
16 during that term).

17 “(2) PUBLIC AWARENESS AND COMMUNITY
18 SUPPORT PROGRAM.—The application shall dem-
19 onstrate that the State has implemented, or will im-
20 plement not later than 6 months after receiving a
21 grant under this subtitle, a public awareness and
22 community support program that seeks to build sup-
23 port for, and warns potential violators of, the fire-
24 arms sentencing laws implemented under paragraph
25 (1).

1 “(3) COORDINATION WITH FEDERAL GOVERN-
 2 MENT; CRIME REDUCTION IN HIGH-CRIME AREAS.—
 3 The application shall provide assurances that the
 4 State—

5 “(A) will coordinate with Federal prosecu-
 6 tors and Federal law enforcement agencies
 7 whose jurisdictions include the State, so as to
 8 promote Federal involvement and cooperation in
 9 the enforcement of laws within that State; and

10 “(B) will allocate its resources in a manner
 11 calculated to reduce crime in the high-crime
 12 areas of the State.

13 “(b) ALTERNATE ELIGIBILITY REQUIREMENT.—

14 “(1) IN GENERAL.—A State that is unable to
 15 demonstrate in its application that the State meets
 16 the requirement of subsection (a)(1) shall be eligible
 17 to receive a grant award under this subtitle notwith-
 18 standing that inability, if that State, in such applica-
 19 tion, provides assurances that the State has in effect
 20 an equivalent Federal prosecution agreement.

21 “(2) EQUIVALENT FEDERAL PROSECUTION
 22 AGREEMENT.—For purposes of paragraph (1), an
 23 equivalent Federal prosecution agreement is an
 24 agreement with appropriate Federal authorities that
 25 ensures that 1 or more of the following:

“(A) If a person engages in the conduct specified in subsection (a)(1)(A), but the conviction of that person under State law for that conduct is not certain to result in the imposition of an additional sentence as specified in that subsection, that person is prosecuted for that conduct under Federal law.

“(B) If a person engages in the conduct specified in subsection (a)(1)(B), but the conviction of that person under State law for that conduct is not certain to result in the imposition of a sentence as specified in that subsection, that person is prosecuted for that conduct under Federal law.

“SEC. 20354. FORMULA FOR GRANTS.

“(a) IN GENERAL.—The amount available for grants under this subtitle for any fiscal year shall be allocated to each eligible State, in the ratio that the number of part 1 violent crimes reported by the State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all eligible States to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

1 “(b) UNAVAILABLE DATA.—If data regarding part 1
 2 violent crimes in any State is substantially inaccurate or
 3 is unavailable for the 3 years preceding the year in which
 4 the determination is made, the Attorney General shall uti-
 5 lize the best available comparable data regarding the num-
 6 ber of violent crimes for the previous year for the State
 7 for the purposes of the allocation of funds under this sub-
 8 title.

9 **“SEC. 20355. AUTHORIZATION OF APPROPRIATIONS.**

10 “(a) AUTHORIZATIONS.—There are authorized to be
 11 appropriated to carry out this subtitle—

12 “(1) \$10,000,000 for fiscal year 2001;

13 “(2) \$15,000,000 for fiscal year 2002;

14 “(3) \$20,000,000 for fiscal year 2003;

15 “(4) \$25,000,000 for fiscal year 2004; and

16 “(5) \$30,000,000 for fiscal year 2005.

17 “(b) LIMITATIONS ON FUNDS.—

18 “(1) USES OF FUNDS.—Funds made available
 19 pursuant to this subtitle shall be used only to carry
 20 out the purposes described in section 20352(b).

21 “(2) NONSUPPLANTING REQUIREMENT.—Funds
 22 made available pursuant to this section shall not be
 23 used to supplant State funds, but shall be used to
 24 increase the amount of funds that would, in the ab-

1 sence of Federal funds, be made available from
2 State sources.

3 “(3) ADMINISTRATIVE COSTS.—Not more than
4 3 percent of the funds made available pursuant to
5 this section for a fiscal year shall be available to the
6 Attorney General for purposes of administration, re-
7 search and evaluation, technical assistance, and data
8 collection.

9 “(4) CARRYOVER OF APPROPRIATIONS.—Funds
10 appropriated pursuant to this section during any fis-
11 cal year shall remain available until expended.

12 “(5) MATCHING FUNDS.—The Federal share of
13 a grant awarded under this subtitle may not exceed
14 90 percent of the costs of a proposal as described in
15 an application approved under this subtitle.

16 **“SEC. 20356. REPORT BY THE ATTORNEY GENERAL.**

17 “Beginning on October 1, 2001, and on each subse-
18 quent July 1 thereafter, the Attorney General shall submit
19 to the Committee on the Judiciary of the Senate and the
20 Committee on the Judiciary of the House of Representa-
21 tives a report on the implementation of this subtitle. The
22 report shall include information regarding the eligibility
23 of States under section 20353 and the distribution and
24 use of funds under this subtitle.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
 2 in section 2 of the Violent Crime Control and Law En-
 3 forcement Act of 1994 (Public Law 103–322; 108 Stat.
 4 1796) is amended—

5 (1) by redesignating the item relating to sub-
 6 title D of title II as an item relating to subtitle E
 7 of that title; and

8 (2) by inserting after the item relating to sub-
 9 title C of title II the following:

“Subtitle D—Firearms Sentencing Incentive Grants

“Sec. 20351. Definitions.

“Sec. 20352. Authorization of grants.

“Sec. 20353. Firearms sentencing incentive grants.

“Sec. 20354. Formula for grants.

“Sec. 20355. Authorization of appropriations.

“Sec. 20356. Report by the Attorney General.”.

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