

105TH CONGRESS  
1ST SESSION

# H. R. 1699

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to establish a grant program to prevent and control juvenile crime; to modify Federal court procedures applicable to violent juvenile offenders, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 21, 1997

Mr. STUPAK (for himself, Ms. LOFGREN, Mr. SCOTT, Mr. STENHOLM, Mr. GEPHARDT, Mr. FAZIO of California, Mr. BONIOR, Mrs. KENNELLY of Connecticut, Ms. DELAURO, Ms. CARSON, Mr. BOSWELL, Ms. HOOLEY of Oregon, Mr. JEFFERSON, Mr. MEEHAN, Mr. TURNER, Mr. PASCRELL, Mr. SANDLIN, Ms. KILPATRICK, Ms. CHRISTIAN-GREEN, Mr. WATT of North Carolina, Mr. SHERMAN, Mr. KENNEDY of Rhode Island, Mr. MANTON, Mr. WYNN, Mr. VENTO, Ms. JACKSON-LEE of Texas, Mr. DELAHUNT, Mr. FARR of California, Mr. ALLEN, Mr. LAFALCE, Mr. MARKEY, Mr. CRAMER, Ms. MILLENDER-MCDONALD, Mr. BROWN of California, Mr. MCINTYRE, Mr. JOHNSON of Wisconsin, Mr. TORRES, Mr. KENNEDY of Massachusetts, Mr. ROTHMAN, Mr. HOLDEN, Mr. HINOJOSA, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Commerce, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to establish a grant program to prevent and control juvenile crime; to modify Federal court procedures applicable to violent juvenile offenders, 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; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
 5       “Families First Juvenile Offender Control and Prevention  
 6       Act of 1997”.

7       (b) **TABLE OF CONTENTS.**—The table of contents of  
 8       this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—JUVENILE OFFENDER CONTROL AND PREVENTION  
GRANTS

Sec. 101. Short title.

Sec. 102. Grant program.

Sec. 103. Model programs to prevent juvenile delinquency.

TITLE II—VIOLENT JUVENILE OFFENDERS

Sec. 201. Time limit on transfer decision.

Sec. 202. Elimination of statute of limitations for murder.

Sec. 203. Extension of statute of limitations for violent and drug trafficking  
crimes.

Sec. 204. Increased detention, mandatory restitution, and additional sentencing  
options for youth offenders.

Sec. 205. Juvenile handgun possession.

Sec. 206. Increased penalty for knowingly receiving firearm with obliterated se-  
rial number.

Sec. 207. Amendment of the sentencing guidelines for transfers of firearms to  
prohibited persons.

Sec. 208. Access to records of crimes committed by juvenile delinquents.

TITLE III—GANG VIOLENCE

Sec. 301. Increasing the penalty for using physical force to tamper with wit-  
nesses, victims, or informants.

Sec. 302. Interstate travel to engage in witness intimidation or obstruction of  
justice.

Sec. 303. Expanding pretrial detention eligibility for serious gang and other  
violent criminals.

Sec. 304. Conspiracy penalty for obstruction of justice offenses involving vic-  
tims, witnesses, and informants.

Sec. 305. Gang franchising.

TITLE IV—PREVENTION AND TREATMENT OF YOUTH DRUG  
ADDICTION

Sec. 401. Sense of Congress to increase safe and drug-free schools and communities program.

Sec. 402. Reauthorization of office of national drug control policy.

Sec. 403. Rescheduling of “club” drugs.

Sec. 404. Attorney General authority to reschedule certain drugs posing imminent danger to public safety.

#### TITLE V—IMPROVING JUVENILE CRIME AND DRUG PREVENTION

Sec. 501. Study by national academy of science.

## 1 **TITLE I—JUVENILE OFFENDER** 2 **CONTROL AND PREVENTION** 3 **GRANTS**

### 4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Juvenile Offender  
6 Control and Prevention Grant Act of 1997”.

### 7 **SEC. 102. GRANT PROGRAM.**

8 (a) IN GENERAL.—Part R of title I of the Omnibus  
9 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
10 3796 et seq.) is amended to read as follows:

## 11 **“PART R—JUVENILE OFFENDER CONTROL AND** 12 **PREVENTION GRANTS**

### 13 **“SEC. 1801. PAYMENTS TO LOCAL GOVERNMENTS.**

14 “(a) PAYMENT AND USES.—

15 “(1) PAYMENT.—The Director of the Bureau of  
16 Justice Assistance may make grants to carry out  
17 this part, to units of local government that qualify  
18 for a payment under this part. Of the amount ap-  
19 propriated in any fiscal year to carry out this part,  
20 the Director shall obligate—

1           “(A) not less than 60 percent of such  
2           amount for grants for the uses specified in sub-  
3           paragraphs (A) and (B) of paragraph (2);

4           “(B) not less than 10 percent of such  
5           amount for grants for the use specified in para-  
6           graph (2)(C), and

7           “(C) not less than 20 percent of such  
8           amount for grants for the uses specified in sub-  
9           paragraphs (E) and (G) of paragraph (2).

10          “(2) USES.—Amounts paid to a unit of local  
11          government under this section shall be used by the  
12          unit for 1 or more of the following:

13               “(A) Preventing juveniles from becoming  
14               involved in crime or gangs by—

15                       “(i) operating after-school programs  
16                       for at-risk juveniles;

17                       “(ii) developing safe havens from and  
18                       alternatives to street violence, including  
19                       educational, vocational or other extra-  
20                       curricular activities opportunities;

21                       “(iii) establishing community service  
22                       programs, based on community service  
23                       corps models that teach skills, discipline,  
24                       and responsibility;

1 “(iv) establishing peer medication pro-  
2 grams in schools;

3 “(v) establishing big brother programs  
4 and big sister programs;

5 “(vi) establishing anti-truancy pro-  
6 grams;

7 “(vii) establishing and operating pro-  
8 grams to strengthen the family unit;

9 “(viii) establishing and operating drug  
10 prevention, treatment and education pro-  
11 grams; or

12 “(ix) establishing activities substan-  
13 tially similar to programs described in  
14 clauses (i) through (viii).

15 “(B) Establishing and operating early  
16 intervention programs for at-risk juveniles.

17 “(C) Building or expanding secure juvenile  
18 correction or detention facilities for violent juve-  
19 nile offenders.

20 “(D) Providing comprehensive treatment,  
21 education, training, and after-care programs for  
22 juveniles in juvenile detention facilities.

23 “(E) Implementing graduated sanctions  
24 for juvenile offenders.

1           “(F) Establishing initiatives that reduce  
2 the access of juveniles to fire arms.

3           “(G) Improving State juvenile justice sys-  
4 tems by—

5                 “(i) developing and administering ac-  
6 countability-based sanctions for juvenile of-  
7 fenders;

8                 “(ii) hiring additional prosecutors, so  
9 that more cases involving violent juvenile  
10 offenders can be prosecuted and backlogs  
11 reduced; or

12                 “(iii) providing funding to enable ju-  
13 venile courts and juvenile probation offices  
14 to be more effective and efficient in hold-  
15 ing juvenile offenders accountable;

16           “(H) providing funding to enable prosecu-  
17 tors—

18                 “(i) to address drug, gang, and vio-  
19 lence problems involving juveniles more ef-  
20 fectively;

21                 “(ii) to develop anti-gang units and  
22 anti-gang task forces to address the par-  
23 ticipation of juveniles in gangs, and to  
24 share information about juvenile gangs and  
25 their activities; or

1                   “(iii) providing funding for tech-  
2                   nology, equipment, and training to assist  
3                   prosecutors in identifying and expediting  
4                   the prosecution of violent juvenile offend-  
5                   ers;

6                   “(I) hiring additional law enforcement offi-  
7                   cers (including, but not limited to, police, cor-  
8                   rections, probation, parole, and judicial officers)  
9                   who are involved in the control or reduction of  
10                  juvenile delinquency; or

11                  “(J) providing funding to enable city attor-  
12                  neys and county attorneys to seek civil remedies  
13                  for violations of law committed by juveniles who  
14                  participate in gangs.

15                  “(3) GEOGRAPHICAL DISTRIBUTION OF  
16                  GRANTS.— The Director shall ensure that grants  
17                  made under this part are equitably distributed  
18                  among all units of local government in each of the  
19                  States and among all units of local government  
20                  throughout the United States.

21                  “(b) PROHIBITED USES.—Notwithstanding any other  
22                  provision of this title, a unit of local government may not  
23                  expend any of the funds provided under this part to pur-  
24                  chase, lease, rent, or otherwise acquire—

25                  “(1) tanks or armored personnel carriers;

1 “(2) fixed wing aircraft;

2 “(3) limousines;

3 “(4) real estate;

4 “(5) yachts;

5 “(6) consultants; or

6 “(7) vehicles not primarily used for law enforce-  
7 ment;

8 unless the Attorney General certifies that extraordinary  
9 and exigent circumstances exist that make the use of  
10 funds for such purposes essential to the maintenance of  
11 public safety and good order in such unit of local govern-  
12 ment.

13 “(c) REPAYMENT OF UNEXPENDED AMOUNTS.—

14 “(1) REPAYMENT REQUIRED.—A unit of local  
15 government shall repay to the Director, by not later  
16 than 27 months after receipt of funds from the Di-  
17 rector, any amount that is—

18 “(A) paid to the unit from amounts appro-  
19 priated under the authority of this section; and

20 “(B) not expended by the unit within 2  
21 years after receipt of such funds from the Di-  
22 rector.

23 “(2) PENALTY FOR FAILURE TO REPAY.—If the  
24 amount required to be repaid is not repaid, the Di-



1 rector shall reduce payment in future payment peri-  
2 ods accordingly.

3 “(d) NONSUPPLANTING REQUIREMENT.—Funds  
4 made available under this part to units of local govern-  
5 ment shall not be used to supplant State or local funds,  
6 but shall be used to increase the amount of funds that  
7 would, in the absence of funds made available under this  
8 part, be made available from State or local sources.

9 “(e) MATCHING FUNDS.—The Federal share of a  
10 grant received under this part may not exceed 90 percent  
11 of the costs of a program or proposal funded under this  
12 part.

13 **“SEC. 1802. AUTHORIZATION OF APPROPRIATIONS.**

14 “(a) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are authorized to be appropriated to carry out this part—

16 “(1) \$500,000,000 for fiscal year 1998;

17 “(2) \$500,000,000 for fiscal year 1999; and

18 “(3) \$500,000,000 for fiscal year 2000.

19 The appropriations authorized by this subsection may be  
20 made from the Violent Crime Reduction Trust Fund.

21 “(b) OVERSIGHT ACCOUNTABILITY AND ADMINIS-  
22 TRATION.—Not more than 3 percent of the amount au-  
23 thorized to be appropriated under subsection (a) for each  
24 of the fiscal years 1998 through 2000 shall be available  
25 to the Attorney General for studying the overall effective-

1 ness and efficiency of the provisions of this part, and as-  
2 suring compliance with the provisions of this part and for  
3 administrative costs to carry out the purposes of this part.  
4 The Attorney General shall establish and execute an over-  
5 sight plan for monitoring the activities of grant recipients.  
6 Such sums are to remain available until expended.

7 “(c) AVAILABILITY.—The amounts authorized to be  
8 appropriated under subsection (a) shall remain available  
9 until expended.

10 **“SEC. 1803. QUALIFICATION FOR PAYMENT.**

11 “(a) IN GENERAL.—The Director shall issue regula-  
12 tions establishing procedures under which a unit of local  
13 government is required to provide notice to the Director  
14 regarding the proposed use of funds made available under  
15 this part.

16 “(b) PROGRAM REVIEW.—The Director shall estab-  
17 lish a process for the ongoing evaluation of projects devel-  
18 oped with funds made available under this part.

19 “(c) GENERAL REQUIREMENTS FOR QUALIFICA-  
20 TION.—A unit of local government qualifies for a payment  
21 under this part for a payment period only if the unit of  
22 local government submits an application to the Director  
23 and establishes, to the satisfaction of the Director, that—

24 “(1) the chief executive officer of the unit of  
25 local government has had not less than 20 days to

1 review and comment on the application prior to sub-  
2 mission to the Director;

3 “(2)(A) the unit of local government will estab-  
4 lish a trust fund in which the government will de-  
5 posit all payments received under this part; and

6 “(B) the unit of local government will use  
7 amounts in the trust fund (including interest) dur-  
8 ing a period not to exceed 2 years from the date the  
9 first grant payment is made to the unit of local gov-  
10 ernment;

11 “(3) the unit of local government will expend  
12 the payments received in accordance with the laws  
13 and procedures that are applicable to the expendi-  
14 ture of revenues of the unit of local government;

15 “(4) the unit of local government will use ac-  
16 counting, audit, and fiscal procedures that conform  
17 to guidelines which shall be prescribed by the Direc-  
18 tor after consultation with the Comptroller General  
19 and as applicable, amounts received under this part  
20 shall be audited in compliance with the Single Audit  
21 Act of 1984;

22 “(5) after reasonable notice from the Director  
23 or the Comptroller General to the unit of local gov-  
24 ernment, the unit of local government will make  
25 available to the Director and the Comptroller Gen-

1 eral, with the right to inspect, records that the Di-  
2 rector reasonably requires to review compliance with  
3 this part or that the Comptroller General reasonably  
4 requires to review compliance and operation;

5 “(6) the unit of local government will spend the  
6 funds made available under this part only for the  
7 purposes set forth in section 1801(a)(2);

8 “(7) the unit of local government has estab-  
9 lished procedures to give members of the Armed  
10 Forces who, on or after October 1, 1990, were or  
11 are selected for involuntary separation (as described  
12 in section 1141 of title 10, United States Code), ap-  
13 proved for separation under section 1174a or 1175  
14 of such title, or retired pursuant to the authority  
15 provided under section 4403 of the Defense Conver-  
16 sion, Reinvestment, and Transition Assistance Act of  
17 1992 (division D of Public Law 102–484; 10 U.S.C.  
18 1293 note), a suitable preference in the employment  
19 of persons as additional law enforcement officers or  
20 support personnel using funds made available under  
21 this title. The nature and extent of such employment  
22 preference shall be jointly established by the Attor-  
23 ney General and the Secretary of Defense. To the  
24 extent practicable, the Director shall endeavor to in-  
25 form members who were separated between October

1 1, 1990, and the date of the enactment of this sec-  
2 tion of their eligibility for the employment pref-  
3 erence;

4 “(d) SANCTIONS FOR NONCOMPLIANCE.—

5 “(1) IN GENERAL.—If the Director determines  
6 that a unit of local government has not complied  
7 substantially with the requirements or regulations  
8 prescribed under subsections (a) and (c), the Direc-  
9 tor shall notify the unit of local government that if  
10 the unit of local government does not take corrective  
11 action within 60 days of such notice, the Director  
12 will withhold additional payments to the unit of local  
13 government for the current and future payment peri-  
14 ods until the Director is satisfied that the unit of  
15 local government—

16 “(A) has taken the appropriate corrective  
17 action; and

18 “(B) will comply with the requirements  
19 and regulations prescribed under subsections  
20 (a) and (c).

21 “(2) NOTICE.—Before giving notice under para-  
22 graph (1), the Director shall give the chief executive  
23 officer of the unit of local government reasonable no-  
24 tice and an opportunity for comment.

1       “(e) MAINTENANCE OF EFFORT REQUIREMENT.—A  
 2 unit of local government qualifies for a payment under this  
 3 part for a payment period only if the unit’s expenditures  
 4 on law enforcement services (as reported by the Bureau  
 5 of the Census) for the fiscal year preceding the fiscal year  
 6 in which the payment period occurs were not less than  
 7 90 percent of the unit’s expenditures on such services for  
 8 the second fiscal year preceding the fiscal year in which  
 9 the payment period occurs.”.

10       (b) TECHNICAL AMENDMENT.—The table of contents  
 11 of the title I of the Omnibus Crime Control and Safe  
 12 Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended  
 13 by striking the matter relating to part R and inserting  
 14 the following:

“PART R—JUVENILE CRIME CONTROL GRANTS

“Sec. 1801. Payments to local governments.

“Sec. 1802. Authorization of appropriations.

“Sec. 1803. Qualification for payment.”.

15 **SEC. 103. MODEL PROGRAMS TO PREVENT JUVENILE DE-**  
 16 **LINQUENCY.**

17       The Administrator of the Office of Juvenile Justice  
 18 and Delinquency Prevention shall provide, through the  
 19 clearinghouse and information center established under  
 20 section 242(3) of the Juvenile Justice and Delinquency  
 21 Prevention Act of 1974 (42 U.S.C. 5652(3)), information  
 22 and technical assistance to community-based organiza-  
 23 tions and units of local government to assist in the estab-

1 lishment, operation, and replication of model programs de-  
 2 signed to prevent juvenile delinquency.

## 3 **TITLE II—VIOLENT JUVENILE** 4 **OFFENDERS**

### 5 **SEC. 201. TIME LIMIT ON TRANSFER DECISION.**

6 Section 5032 of title 18, United States Code, is  
 7 amended by inserting “The transfer decision shall be made  
 8 not later than 90 days after the first day of the hearing.”  
 9 after the first sentence of the 4th paragraph.

### 10 **SEC. 202. ELIMINATION OF STATUTE OF LIMITATIONS FOR** 11 **MURDER.**

12 (a) IN GENERAL.—Section 3281 of title 18, United  
 13 States Code, is amended to read as follows:

#### 14 **“§ 3281. Capital offenses and Class A felonies involv-** 15 **ing murder**

16 “An indictment for any offense punishable by death  
 17 or an indictment or information for a Class A felony in-  
 18 volving murder (as defined in section 1111 or as defined  
 19 under applicable State law in the case of an offense under  
 20 section 1963(a) involving racketeering activity described  
 21 in section 1961(1)) may be found at any time without limi-  
 22 tation.”.

23 (b) APPLICABILITY.—The amendment made by sub-  
 24 section (a) applies to any offense for which the applicable

1 statute of limitations had not run as of the date of enact-  
 2 ment of this Act.

3 **SEC. 203. EXTENSION OF STATUTE OF LIMITATIONS FOR**  
 4 **VIOLENT AND DRUG TRAFFICKING CRIMES.**

5 (a) IN GENERAL.—Chapter 213 of title 18, United  
 6 States Code, is amended by adding at the end the follow-  
 7 ing:

8 **“§ 3295. Class A violent and drug trafficking offenses**

9 “Except as provided in section 3281, no person shall  
 10 be prosecuted, tried, or punished for a Class A felony that  
 11 is a crime of violence or a drug trafficking crime (as that  
 12 term is defined in section 924(c)) unless the indictment  
 13 is returned or the information is filed within 10 years after  
 14 the commission of the offense.”.

15 (b) APPLICABILITY.—The amendment made by sub-  
 16 section (a) applies to any offense for which the applicable  
 17 statute of limitations had not run as of the date of enact-  
 18 ment of this Act.

19 (c) CONFORMING AMENDMENTS.—The chapter anal-  
 20 ysis for chapter 213 of title 18, United States Code, is  
 21 amended—

22 (1) in the item relating to section 3281, by in-  
 23 serting “and Class A felonies involving murder” be-  
 24 fore the period; and

25 (2) by adding at the end the following:

“3295. Class A violent and drug trafficking offenses.”.



1 **SEC. 204. INCREASED DETENTION, MANDATORY RESTITU-**  
2 **TION, AND ADDITIONAL SENTENCING OP-**  
3 **TIONS FOR YOUTH OFFENDERS.**

4 Section 5037 of title 18, United States Code, is  
5 amended to read as follows:

6 **“§ 5037. Dispositional hearing**

7 “(a) IN GENERAL.—

8 “(1) HEARING.—In a juvenile proceeding under  
9 section 5032, if the court finds a juvenile to be a ju-  
10 venile delinquent, the court shall hold a hearing con-  
11 cerning the appropriate disposition of the juvenile  
12 not later than 20 court days after the finding of ju-  
13 venile delinquency unless the court has ordered fur-  
14 ther study pursuant to subsection (e).

15 “(2) REPORT.—A predisposition report shall be  
16 prepared by the probation officer who shall promptly  
17 provide a copy to the juvenile, the attorney for the  
18 juvenile, and the attorney for the government.

19 “(3) ORDER OF RESTITUTION.—After the  
20 dispositional hearing, and after considering any per-  
21 tinent policy statements promulgated by the Sen-  
22 tencing Commission pursuant to 994, of title 28, the  
23 court shall enter an order of restitution pursuant to  
24 section 3556, and may suspend the findings of juve-  
25 nile delinquency, place the juvenile on probation,  
26 commit the juvenile to official detention (including

1 the possibility of a term of supervised release), and  
2 impose any fine that would be authorized if the juve-  
3 nile had been tried and convicted as an adult.

4 “(4) RELEASE OR DETENTION.—With respect  
5 to release or detention pending an appeal or a peti-  
6 tion for a writ of certiorari after disposition, the  
7 court shall proceed pursuant to the provisions of  
8 chapter 207.

9 “(b) TERM OF PROBATION.—The term for which pro-  
10 bation may be ordered for a juvenile found to be a juvenile  
11 delinquent may not extend beyond the maximum term that  
12 would be authorized by section 3561(c) if the juvenile had  
13 been tried and convicted as an adult. Sections 3563, 3564,  
14 and 3565 are applicable to an order placing a juvenile on  
15 probation.

16 “(c) TERM OF OFFICIAL DETENTION.—

17 “(1) MAXIMUM TERM.—The term for which of-  
18 ficial detention may be ordered for a juvenile found  
19 to be a juvenile delinquent may not extend beyond  
20 the lesser of—

21 “(A) the maximum term of imprisonment  
22 that would be authorized if the juvenile had  
23 been tried and convicted as an adult;

24 “(B) 10 years; or

1           “(C) the date on which the juvenile  
2           achieves the age of 26.

3           “(2) APPLICABILITY OF OTHER PROVISIONS.—  
4           Section 3624 shall apply to an order placing a juvenile  
5           in detention.

6           “(d) TERM OF SUPERVISED RELEASE.—The term for  
7           which supervised release may be ordered for a juvenile  
8           found to be a juvenile delinquent may not extend beyond  
9           5 years. Subsections (c) through (i) of section 3583 shall  
10          apply to an order placing a juvenile on supervised release.

11          “(e) CUSTODY OF ATTORNEY GENERAL.—

12               “(1) IN GENERAL.—If the court desires more  
13               detailed information concerning a juvenile alleged to  
14               have committed an act of juvenile delinquency or a  
15               juvenile adjudicated delinquent, it may commit the  
16               juvenile, after notice and hearing at which the juvenile  
17               is represented by an attorney, to the custody of  
18               the Attorney General for observation and study by  
19               an appropriate agency or entity.

20               “(2) OUTPATIENT BASIS.—Any observation and  
21               study pursuant to a commission under paragraph  
22               (1) shall be conducted on an outpatient basis, unless  
23               the court determines that inpatient observation and  
24               study are necessary to obtain the desired information,  
25               except that in the case of an alleged juvenile

1 delinquent, inpatient study may be ordered with the  
2 consent of the juvenile and the attorney for the juve-  
3 nile.

4 “(3) CONTENTS OF STUDY.—The agency or en-  
5 tity conducting an observation or study under this  
6 subsection shall make a complete study of the al-  
7 leged or adjudicated delinquent to ascertain the per-  
8 sonal traits, capabilities, background, any prior de-  
9 linquency or criminal experience, any mental or  
10 physical defect, and any other relevant factors per-  
11 taining to the juvenile.

12 “(4) SUBMISSION OF RESULTS.—The Attorney  
13 General shall submit to the court and the attorneys  
14 for the juvenile and the government the results of  
15 the study not later than 30 days after the commit-  
16 ment of the juvenile, unless the court grants addi-  
17 tional time.

18 “(5) EXCLUSION OF TIME.—Any time spent in  
19 custody under this subsection shall be excluded for  
20 purposes of section 5036.

21 “(f) CONVICTION AS ADULT.—With respect to any  
22 juvenile prosecuted and convicted as an adult pursuant to  
23 section 5032, the court may, pursuant to guidelines pro-  
24 mulgated by the United States Sentencing Commission  
25 under section 994 of title 28, determine to treat the con-

1 viction as an adjudication of delinquency and impose any  
2 disposition authorized under this section. The United  
3 States Sentencing Commission shall promulgate such  
4 guidelines as soon as practicable and not later than 1 year  
5 after the date of enactment of this Act.

6 “(g)(1) A juvenile detained either pending juvenile  
7 proceedings or a criminal trial, or detained or imprisoned  
8 pursuant to an adjudication or conviction shall be substan-  
9 tially segregated from any prisoners convicted for crimes  
10 who have attained the age of 21 years.

11 “(2) As used in this subsection, the term ‘substan-  
12 tially segregated’—

13 “(A) means complete sight and sound separa-  
14 tion in residential confinement; but

15 “(B) is not inconsistent with—

16 “(i) the use of shared direct care and man-  
17 agement staff, properly trained and certified to  
18 interact with juvenile offenders, if the staff does  
19 not interact with adult and juvenile offenders  
20 during the same shift; and

21 “(ii) incidental contact during transpor-  
22 tation to court proceedings and other activities  
23 in accordance with regulations issued by the At-  
24 torney General to ensure reasonable efforts are  
25 made to segregate adults and juveniles.”.

1 **SEC. 205. JUVENILE HANDGUN POSSESSION.**

2 Section 924(a)(6) of title 18, United States Code, is  
3 amended—

4 (1) by striking all that precedes subparagraph  
5 (B) and inserting the following:

6 “(6)(A) A juvenile who violates section 922(x) shall  
7 be fined under this title, imprisoned not more than 1 year,  
8 or both, and for a second or subsequent violation, or for  
9 a first violation committed after an adjudication of delin-  
10 quency for an act that, if committed by an adult, would  
11 be a serious violent felony (as defined in section 3559(c)  
12 of this title), shall be fined under this title, imprisoned  
13 not more than 5 years, or both.”;

14 (2) in subparagraph (B)(i), by striking “one  
15 year” and inserting “5 years”; and

16 (3) in subparagraph (B)(ii), by striking “not  
17 more than 10 years” and inserting “not less than 3  
18 nor more than 10 years”.

19 **SEC. 206. INCREASED PENALTY FOR KNOWINGLY RECEIV-**  
20 **ING FIREARM WITH OBLITERATED SERIAL**  
21 **NUMBER.**

22 Section 924(a) of title 18, United States Code, is  
23 amended—

24 (1) in paragraph (1)(B), by striking “(k),”; and

25 (2) in paragraph (2), by inserting “(k),” after  
26 “(j),”.

1 **SEC. 207. AMENDMENT OF THE SENTENCING GUIDELINES**  
2 **FOR TRANSFERS OF FIREARMS TO PROHIB-**  
3 **ITED PERSONS.**

4 Pursuant to its authority under section 994(p) of title  
5 28, United States Code, the United States Sentencing  
6 Commission shall amend the Federal sentencing guidelines  
7 to increase the base offense level for offenses subject to  
8 section 2K2.1 of the guidelines (relating to unlawful re-  
9 ceipt, possession, or transportation of firearms or ammu-  
10 nition and prohibited transactions involving firearms or  
11 ammunitions) to provide that a person who transfers a  
12 firearm or ammunition, knowing or having reasonable  
13 cause to believe that the transferee is a person described  
14 in section 922(g) of title 18, United States Code, is subject  
15 to the same base offense level as the transferee. This sec-  
16 tion shall not require the same offense level for the trans-  
17 feror and transferee to the extent that the transferee's  
18 base offense level is subject to an additional increase on  
19 the basis of a past criminal conviction of either a crime  
20 of violence or a controlled substance offense.

21 **SEC. 208. ACCESS TO RECORDS OF CRIMES COMMITTED BY**  
22 **JUVENILE DELINQUENTS.**

23 Section 5038 of title 18, United States Code, is  
24 amended—

25 (1) in subsection (a), by striking “Throughout  
26 and upon” and all that follows through the colon

1 and inserting the following: “Throughout and upon  
2 completion of the juvenile delinquency proceeding  
3 pursuant to 5032(a), the court records of the origi-  
4 nal proceeding shall be safeguarded from disclosure  
5 to unauthorized persons. The records shall be re-  
6 leased to the extent necessary to meet the following  
7 circumstances:”;

8 (2) in subsection (a)(3), by inserting before the  
9 semicolon “or analysis requested by the Attorney  
10 General”;

11 (3) in subsection (c), inserting before the  
12 comma and after “relating to the proceeding” the  
13 phrase “other than necessary docketing data”; and

14 (4) by striking subsections (d) and (f), by re-  
15 designating subsection (e) as subsection (d), by in-  
16 serting “pursuant to section 5032 (b) or (c)” after  
17 “adult” in subsection (d) as so redesignated, and by  
18 adding at the end new subsections (e) and (f) as fol-  
19 lows:

20 “(e) Whenever a juvenile has been adjudicated delin-  
21 quent for an act that if committed by an adult would be  
22 a felony or for a violation of section 924(a)(6), the juvenile  
23 shall be fingerprinted and photographed, and the finger-  
24 prints and photograph shall be sent to the Federal Bureau  
25 of Investigation. The court shall also transmit to the Fed-



1 eral Bureau of Investigation the information concerning  
 2 the adjudication, including name, date of adjudication,  
 3 court, offenses, and sentence, along with the notation that  
 4 the matter was a juvenile adjudication. The fingerprints,  
 5 photograph, and other records and information relating to  
 6 a juvenile described in this subsection, or to a juvenile who  
 7 is prosecuted as an adult pursuant to sections 5032 (b)  
 8 or (c), shall be made available in the manner applicable  
 9 to adult defendants.

10 “(f) In addition to any other authorization under this  
 11 section for the reporting, retention, disclosure, or avail-  
 12 ability of records or information, if the law of the State  
 13 in which a Federal juvenile delinquency proceeding takes  
 14 place permits or requires the reporting, retention, disclo-  
 15 sure, or availability of records or information relating to  
 16 a juvenile or to a juvenile delinquency proceeding or adju-  
 17 dication in certain circumstances, then such reporting, re-  
 18 tention, disclosure, or availability is permitted under this  
 19 section whenever the same circumstances exist.”.

## 20 **TITLE III—GANG VIOLENCE**

### 21 **SEC. 301. INCREASING THE PENALTY FOR USING PHYSICAL** 22 **FORCE TO TAMPER WITH WITNESSES, VIC-** 23 **TIMS, OR INFORMANTS.**

24 Section 1512 of title 18, United States Code, is  
 25 amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1), by striking “as pro-  
3 vided in paragraph (2)” and inserting “as pro-  
4 vided in paragraph (3)”;

5 (B) by redesignating paragraph (2) as  
6 paragraph (3);

7 (C) by inserting after paragraph (1) the  
8 following:

9 “(2) Whoever uses physical force or the threat  
10 of physical force, or attempts to do so, with intent  
11 to—

12 “(A) influence, delay, or prevent the testi-  
13 mony of any person in an official proceeding;

14 “(B) cause or induce any person to—

15 “(i) withhold testimony, or withhold a  
16 record, document, or other object, from an  
17 official proceeding;

18 “(ii) alter, destroy, mutilate, or con-  
19 ceal an object with intent to impair the ob-  
20 ject’s integrity or availability for use in an  
21 official proceeding;

22 “(iii) evade legal process summoning  
23 that person to appear as a witness, or to  
24 produce a record, document, or other ob-  
25 ject, in an official proceeding; and

1 “(iv) be absent from an official pro-  
2 ceeding to which such person has been  
3 summoned by legal process; or

4 “(C) hinder, delay, or prevent the commu-  
5 nication to a law enforcement officer or judge  
6 of the United States of information relating to  
7 the commission or possible commission of a  
8 Federal offense or a violation of conditions of  
9 probation, parole, or release pending judicial  
10 proceedings;

11 shall be punished as provided in paragraph (3).”;  
12 and

13 (D) in paragraph (3)(B), as redesignated,  
14 by striking “in the case of” and all that follows  
15 before the period and inserting “an attempt to  
16 murder, the use of physical force, the threat of  
17 physical force, or an attempt to do so, imprison-  
18 ment for not more than 20 years”; and

19 (2) in subsection (b), by striking “or physical  
20 force”.

21 **SEC. 302. INTERSTATE TRAVEL TO ENGAGE IN WITNESS IN-**  
22 **TIMIDATION OR OBSTRUCTION OF JUSTICE.**

23 Section 1952 of title 18, United States Code, is  
24 amended—

1 (1) by redesignating subsections (b) and (c) as  
 2 (c) and (d), respectively; and

3 (2) by adding a new subsection (b), as follows:

4 “(b) Whoever travels in interstate or foreign com-  
 5 merce with intent by bribery, force, intimidation, or  
 6 threat, directed against any person, to delay or influence  
 7 the testimony of or prevent from testifying a witness in  
 8 a State criminal proceeding or by any such means to cause  
 9 any person to destroy, alter, or conceal a record, docu-  
 10 ment, or other object, with intent to impair the object’s  
 11 integrity or availability for use in such a proceeding, and  
 12 thereafter engages or endeavors to engage in such con-  
 13 duct, shall be fined under this title or imprisoned not more  
 14 than ten years, or both; and if serious bodily injury (as  
 15 defined in section 1365 of this title) results, shall be so  
 16 fined or imprisoned for not more than twenty years, or  
 17 both; and if death results, shall be so fined and imprisoned  
 18 for any term of years or for life, or both, and may be sen-  
 19 tenced to death.”.

20 **SEC. 303. EXPANDING PRETRIAL DETENTION ELIGIBILITY**  
 21 **FOR SERIOUS GANG AND OTHER VIOLENT**  
 22 **CRIMINALS.**

23 (a) DEFINITION OF “CONVICTED”.—Section  
 24 3142(f)(1)(D) of title 18, United States Code, is amended  
 25 by inserting after the semicolon “for purposes of this sub-

1 paragraph, the term ‘convicted’ includes a finding, under  
2 State or Federal law, that a person has committed an act  
3 of juvenile delinquency;”.

4 (b) INCLUSION OF CERTAIN OFFENSES.—Section  
5 3156(a)(4) of title 18, United States Code, is amended—

6 (1) by striking “or” at the end of subparagraph  
7 (B);

8 (2) by striking the period at the end of sub-  
9 paragraph (C) and inserting “; or”; and

10 (3) by adding after subparagraph (C) the fol-  
11 lowing:

12 “(D) an offense that is a violation of sec-  
13 tion 842(i) or 922(g) of this title (relating to  
14 possession of explosives or firearms by convicted  
15 felons and other categories of prohibited per-  
16 sons).”.

17 (c) MEMBERSHIP IN GANGS.—Section 3142(g)(3)(B)  
18 of title 18, United States Code, is amended—

19 (1) by inserting “(i)” after “the person”; and

20 (2) by inserting the following before the semi-  
21 colon: “, or (ii) was a member of or participated in  
22 a criminal street gang, racketeering enterprise, or  
23 other criminal organization”.

1 **SEC. 304. CONSPIRACY PENALTY FOR OBSTRUCTION OF**  
2 **JUSTICE OFFENSES INVOLVING VICTIMS,**  
3 **WITNESSES, AND INFORMANTS.**

4 Section 1512 of title 18, United States Code, is  
5 amended by adding at the end a new subsection, as fol-  
6 lows:

7 “(i) Whoever conspires to commit any offense defined  
8 in this section or section 1513 of this title shall be subject  
9 to the same penalties as those prescribed for the offense  
10 the commission of which was the object of the conspir-  
11 acy.”.

12 **SEC. 305. GANG FRANCHISING.**

13 (a) IN GENERAL.—Chapter 26 of title 18, United  
14 States Code, is amended by adding at the end the follow-  
15 ing:

16 **“SEC. 522. INTERSTATE FRANCHISING OF CRIMINAL**  
17 **STREET GANGS.**

18 “(a) PROHIBITED ACT.—Whoever travels in inter-  
19 state or foreign commerce, or causes another to do so, to  
20 recruit, solicit, induce, command, or cause to create, or  
21 attempt to create a franchise of a criminal street gang  
22 shall be punished in accordance with subsection (c).

23 “(b) DEFINITIONS.—

24 “(1) CRIMINAL STREET GANG.—The term  
25 ‘criminal street gang’ has the meaning given that  
26 term in section 521 of title 18, United States Code.

1           “(2) FRANCHISE.—The term ‘franchise’ means  
2           an organized group of individuals related by name,  
3           moniker, or other identifier, that engages in coordi-  
4           nated violent crime or drug trafficking activities in  
5           interstate or foreign commerce with a criminal street  
6           gang in another State.

7           “(c) PENALTIES.—A person who violates subsection  
8           (a) shall be imprisoned for not more than 10 years, fined  
9           under this title, or both.

10          “(d) SENTENCING ENHANCEMENT.—Pursuant to its  
11          authority under section 994(p) of title 28, United States  
12          Code, the United States Sentencing Commission shall  
13          amend the Federal sentencing guidelines to provide an ap-  
14          propriate enhancement for the recruitment of minors in  
15          furtherance of the creation of a criminal street gang fran-  
16          chise.”.

17          (b) CLERICAL AMENDMENT.—The table of sections  
18          at the beginning of chapter 26 of title 18, United States  
19          Code, is amended by adding at the end the following new  
20          item:

“522. Interstate franchising of criminal street gangs.”.

1 **TITLE IV—PREVENTION AND**  
2 **TREATMENT OF YOUTH DRUG**  
3 **ADDICTION**

4 **SEC. 401. SENSE OF CONGRESS TO INCREASE SAFE AND**  
5 **DRUG-FREE SCHOOLS AND COMMUNITIES**  
6 **PROGRAM.**

7 It is the sense of the Congress that appropriations  
8 for State grants under subpart 1 and national programs  
9 under subpart 2 of title IV of the Elementary and Second-  
10 ary Education Act (20 U.S.C. 7104 et seq.) should in-  
11 crease to a total of \$655,000,000 for each of fiscal years  
12 1998 through 2000, and \$955,000,000 for each of the fis-  
13 cal years 2001 through 2002.

14 **SEC. 402. REAUTHORIZATION OF OFFICE OF NATIONAL**  
15 **DRUG CONTROL POLICY.**

16 (a) REAUTHORIZATION.—Section 1009 of the Na-  
17 tional Narcotics Leadership Act of 1988 (21 U.S.C. 1506)  
18 is amended by striking “1997” and inserting “2002”.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
20 1011 of the National Narcotics Leadership Act of 1988  
21 (21 U.S.C. 1508) is amended by striking “8” and insert-  
22 ing “13”.

23 **SEC. 403. RESCHEDULING OF “CLUB” DRUGS.**

24 Notwithstanding section 201 or subsection (a) or (b)  
25 of section 202 of the Controlled Substances Act (21



1 U.S.C. 811, 812(a), 812(b)) respecting the scheduling of  
 2 controlled substances, the Attorney General shall, by order  
 3 add ketamine hydrochloride and gamma hydroxybutyrate  
 4 to schedule III of such Act.

5 **SEC. 404. ATTORNEY GENERAL AUTHORITY TO RESCHED-**  
 6 **ULE CERTAIN DRUGS POSING IMMINENT**  
 7 **DANGER TO PUBLIC SAFETY.**

8 Section 201(h) of the Controlled Substances Act (21  
 9 U.S.C. 811)(h)) is amended—

10 (1) in paragraph (1) by striking “if the sub-  
 11 stance is not listed in any other schedule in section  
 12 812 of this title or” and by inserting “or the re-  
 13 scheduling of a previously scheduled substance”  
 14 after “the scheduling of a substance”; and

15 (2) in paragraph (2) by inserting “or reschedul-  
 16 ing” after “scheduling” each time it appears.

17 **TITLE V—IMPROVING JUVENILE**  
 18 **CRIME AND DRUG PREVENTION**

19 **SEC. 501. STUDY BY NATIONAL ACADEMY OF SCIENCE.**

20 (a) IN GENERAL.—The Attorney General shall enter  
 21 into a contract with a public or nonprofit private entity,  
 22 subject to subsection (b), for the purpose of conducting  
 23 a study or studies—

1           (1) to evaluate the effectiveness of federally  
2 funded programs for preventing juvenile violence and  
3 juvenile substance abuse;

4           (2) to evaluate the effectiveness of federally  
5 funded grant programs for preventing criminal vic-  
6 timization of juveniles;

7           (3) to identify specific Federal programs and  
8 programs that receive Federal funds that contribute  
9 to reductions in juvenile violence, juvenile substance  
10 abuse, and risk factors among juveniles that lead to  
11 violent behavior and substance abuse;

12           (4) to identify specific programs that have not  
13 achieved their intended results; and

14           (5) to make specific recommendations on pro-  
15 grams that—

16                   (A) should receive continued or increased  
17 funding because of their proven success; or

18                   (B) should have their funding terminated  
19 or reduced because of their lack of effectiveness.

20       (b) NATIONAL ACADEMY OF SCIENCES.—The Attor-  
21 ney General shall request the National Academy of  
22 Sciences to enter into the contract under subsection (a)  
23 to conduct the study or studies described in subsection (a).  
24 If the Academy declines to conduct the study, the Attorney

1 General shall carry out such subsection through other  
2 public or nonprofit private entities.

3 (c) ASSISTANCE.—In conducting the study under  
4 subsection (a) the contracting party may request analytic  
5 assistance, data, and other relevant materials from the  
6 Department of Justice and any other appropriate Federal  
7 agency.

8 (d) REPORTING REQUIREMENTS.—

9 (1) IN GENERAL.—Not later than January 1,  
10 2000, the Attorney General shall submit a report de-  
11 scribing the findings made as a result of the study  
12 required by subsection (a) to the Committee on the  
13 Judiciary and the Committee on Education and the  
14 Workforce of the House of Representatives, and to  
15 the Committee on the Judiciary and the Committee  
16 on Labor and Human Resources of the Senate.

17 (2) CONTENTS.—The report required by this  
18 subsection shall contain specific recommendations  
19 concerning funding levels for the programs evalu-  
20 ated. Reports on the effectiveness of such programs  
21 and recommendations on funding shall be provided  
22 to the appropriate subcommittees of the Committee  
23 on Appropriations of the House of Representatives  
24 and the Committee on Appropriations of the Senate.

1       (e) FUNDING.—There are authorized to be appro-  
2   priated to carry out the study under subsection (a) such  
3   sums as may be necessary.

○