

105TH CONGRESS
1ST SESSION

S. 168

To reform criminal procedure, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. DEWINE introduced the following bill; which was read twice and referred
to the Committee on the Judiciary

A BILL

To reform criminal procedure, 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. CONGRESSIONAL OVERSIGHT.**

4 (a) REPORT TO ATTORNEY GENERAL.—Not later
5 than 90 days after the date of enactment of this Act, the
6 Attorney General shall require each United States Attor-
7 ney to—

8 (1) establish an armed violent criminal appre-
9 hension task force comprised of appropriate law en-
10 forcement representatives, which shall be responsible
11 for developing strategies for removing armed violent
12 criminals from the streets; and

1 (2) not less frequently than monthly, report to
 2 the Attorney General on the number of defendants
 3 charged with, or convicted of, violating section
 4 922(g) or 924 of title 18, United States Code, in the
 5 district for which the United States Attorney is ap-
 6 pointed.

7 (b) REPORT TO CONGRESS.—The Attorney General
 8 shall prepare and submit a report to the Congress once
 9 every 6 months detailing the contents of the reports sub-
 10 mitted pursuant to subsection (a)(2).

11 **SEC. 2. PRETRIAL DETENTION FOR POSSESSION OF FIRE-**
 12 **ARMS OR EXPLOSIVES BY CONVICTED FEL-**
 13 **ONS.**

14 Section 3156(a)(4) of title 18, United States Code,
 15 is amended—

16 (1) by striking “or” at the end of subparagraph
 17 (B);

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

20 (3) by adding at the end the following new sub-
 21 paragraph:

22 “(D) an offense that is a violation of sec-
 23 tion 842(i) or 922(g) (relating to possession of
 24 explosives or firearms by convicted felons);
 25 and”.

1 **SEC. 3. CONFORMING SCIENTER CHANGE FOR TRANSFER-**
 2 **RING A FIREARM TO COMMIT A CRIME OF VI-**
 3 **OLENCE.**

4 Section 924(h) of title 18, United States Code, is
 5 amended by inserting “or having reasonable cause to be-
 6 lieve” after “knowing”.

7 **SEC. 4. FIREARMS POSSESSION BY VIOLENT FELONS AND**
 8 **SERIOUS DRUG OFFENDERS.**

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

11 (1) by striking “(2) Whoever” and inserting
 12 “(2)(A) Except as provided in subparagraphs (B)
 13 and (C), any person who”;

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

15 “(B) If the violation is of section 922(g)(1) by a per-
 16 son who has a previous conviction for a violent felony, a
 17 sentence imposed under this paragraph shall include a
 18 term of imprisonment of not less than 5 years.

19 “(C)(i) Notwithstanding subparagraph (B), if the vio-
 20 lation is of section 922(g)(1) by a person who has more
 21 than 1 previous conviction for a violent felony or a serious
 22 drug offense, committed under different circumstances,
 23 such person shall be fined under this title, imprisoned not
 24 less than 10 years and not more than 20 years, or both.

25 “(ii) Notwithstanding any other provision of law, the
 26 court shall not grant a probationary sentence to a person

1 described in clause (i) with respect to the conviction under
2 section 922(g)(1).

3 “(D) In this paragraph, the terms ‘serious drug of-
4 fense’ and ‘violent felony’ have the same meanings as in
5 subsection (e)(2).”.

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