

105TH CONGRESS
1ST SESSION

S. 602

To provide a mandatory minimum sentence for State crimes involving the use of a firearm, impose work requirements for prisoners, and prohibit the provision of luxury items to prisoners.

IN THE SENATE OF THE UNITED STATES

APRIL 17, 1997

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

A BILL

To provide a mandatory minimum sentence for State crimes involving the use of a firearm, impose work requirements for prisoners, and prohibit the provision of luxury items to prisoners.

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 “Crime Control Act of
5 1997”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) the most important domestic function of the
 2 Federal Government is the protection of the personal
 3 security of individual Americans through the enact-
 4 ment and enforcement of laws against criminal be-
 5 havior; and

6 (2) tough Federal laws, such as mandatory
 7 minimum prison sentences for violent crimes com-
 8 mitted with a firearm and truth-in-sentencing, would
 9 serve as deterrents to persons who might be disposed
 10 to commit violent crimes.

11 **SEC. 3. MANDATORY MINIMUMS FOR STATE CRIMES IN-**
 12 **VOLVING A FIREARM.**

13 Section 924(c) of title 18, United States Code, is
 14 amended by adding at the end the following:

15 “(4) STATE CRIMES INVOLVING THE USE OF A FIRE-
 16 ARM.—

17 “(A) DEFINITIONS.—In this paragraph—

18 “(i) the term ‘crime of violence’ means an
 19 offense that is punishable by imprisonment for
 20 more than 1 year, and—

21 “(I) has as an element the use, at-
 22 tempted use, or threatened use of physical
 23 force against the person or property of an-
 24 other; or

1 “(II) by its nature involves a substan-
2 tial risk that physical force against the
3 person or property of another may be used
4 during the course of the offense;

5 “(ii) the term ‘drug trafficking crime’
6 means a crime punishable by imprisonment for
7 more than 1 year involving the manufacture,
8 distribution, possession, cultivation, sale, or
9 transfer of a controlled substance, controlled
10 substance analogue, immediate precursor, or
11 listed chemical (as those terms are defined in
12 section 102 of the Controlled Substance Act (21
13 U.S.C. 802)), or an attempt or conspiracy to
14 commit such a crime; and

15 “(iii) the term ‘possesses a firearm’
16 means—

17 “(I) in the case of a crime of violence,
18 touching a firearm at the scene of a crime
19 at any time during the commission of the
20 crime; and

21 “(II) in the case of a drug trafficking
22 crime, having a firearm readily available at
23 the scene of the crime at any time during
24 the commission of the crime.

1 “(C) PROHIBITED ACTS; PENALTIES.—A person
2 who, during and in relation to a crime of violence or
3 drug trafficking crime involving a firearm that has
4 been moved at any time in interstate or foreign com-
5 merce (including a crime of violence or drug traffick-
6 ing crime that provides for an enhanced punishment
7 if committed by the use of a deadly or dangerous
8 weapon or device) for which the person may be pros-
9 ecuted in a court of any State—

10 “(i) in the case of a first conviction of such
11 a crime, in addition to the sentence imposed for
12 the crime of violence or drug trafficking
13 crime—

14 “(I) knowingly possesses a firearm,
15 shall be imprisoned for a term of not less
16 than 10 years;

17 “(II) discharges a firearm with intent
18 to injure another person, shall be impris-
19 oned for a term of not less than 20 years;
20 and

21 “(III) knowingly possesses a firearm
22 that is a machinegun or destructive device,
23 or is equipped with a firearm silencer or
24 firearm muffler, shall be imprisoned for a
25 term of not less than 30 years;

1 “(ii) in the case of a second conviction of
2 such a crime, in addition to the sentence im-
3 posed for the crime of violence or drug traffick-
4 ing crime—

5 “(I) knowingly possesses a firearm
6 during and in relation to the crime of vio-
7 lence or drug trafficking crime, shall be
8 imprisoned for a term of not less than 20
9 years;

10 “(II) discharges a firearm during and
11 in relation to the crime of violence or drug
12 trafficking crime, shall be imprisoned for a
13 term of not less than 30 years; and

14 “(III) discharges a firearm that is a
15 machinegun or a destructive device, or is
16 equipped with a firearm silencer or firearm
17 muffler, shall be imprisoned for a term of
18 life; and

19 “(iii) in the case of a third or subsequent
20 conviction of such a crime, possesses or dis-
21 charges a firearm in a manner described in
22 clause (i) or (ii), shall be imprisoned for a term
23 of life.

1 “(D) NO PROBATION, SUSPENSION OF SEN-
2 TENCE, OR EARLY RELEASE.—Notwithstanding any
3 other provision of law—

4 “(i) a court shall not place on probation or
5 suspend the sentence of any person convicted of
6 a violation of this subsection, nor shall a term
7 of imprisonment imposed under this subsection
8 run concurrently with any other term of impris-
9 onment, including a term imposed for the crime
10 of violence or drug trafficking crime in which
11 the firearm was used; and

12 “(ii) no person sentenced under this sub-
13 section shall be released for any reason during
14 a term of imprisonment imposed under this
15 paragraph.

16 “(E) INAPPLICABILITY TO CERTAIN PER-
17 SONS.—Except in the case of a person who engaged
18 in or participated in criminal conduct that gave rise
19 to the occasion for the person’s use of a firearm,
20 this paragraph does not apply to a person who may
21 be found to have committed a criminal act while act-
22 ing in defense of a person or property during the
23 course of a crime being committed by another person
24 (including the arrest or attempted arrest of the of-

1 fender during or immediately after the commission
2 of the crime).

3 “(F) EFFECT ON STATE LAW.—

4 “(i) IN GENERAL.—This paragraph shall
5 supplement, but not supplant, the efforts of
6 State and local prosecutors in prosecuting
7 crimes of violence and drug trafficking crimes
8 that could be prosecuted under State law.

9 “(ii) DEFERENCE.—The Attorney General
10 shall give due deference to the interest that a
11 State or local prosecutor has in prosecuting a
12 person under State law.

13 “(G) NO CREATION OF ENFORCEABLE
14 RIGHTS.—This paragraph shall not be construed to
15 create any rights, substantive or procedural, enforce-
16 able at law by any party in any manner, civil or
17 criminal, nor does it place any limitations on other-
18 wise lawful prerogatives of the Attorney General.”.

19 **SEC. 4. PRISON WORK REQUIREMENTS FOR PRISONERS;**
20 **PROHIBITION ON PROVISION OF LUXURY**
21 **ITEMS TO PRISONERS.**

22 Section 4001(b)(2) of title 18, United States Code,
23 is amended by adding at the end the following: “Not later
24 than 120 days after the date of enactment of the Crime
25 Control Act of 1997, the Attorney General shall imple-

1 ment and enforce regulations mandating prison work for
2 all able-bodied inmates in Federal penal and correctional
3 institutions. Such regulations shall also prohibit the provi-
4 sion by the Government of television, radio, telephone,
5 stereo, or other similar amenities in the cell of any in-
6 mate.”.

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