

109TH CONGRESS
1ST SESSION

H. R. 4228

To authorize the Attorney General to carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments for costs associated with certain criminal activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2005

Mr. LARSEN of Washington (for himself, Miss McMORRIS, Mr. STUPAK, Mr. LEVIN, Mr. DICKS, Mr. McDERMOTT, Mr. SMITH of Washington, Mr. BAIRD, Mr. HASTINGS of Washington, Mr. McHUGH, Mr. BASS, and Mr. OBERSTAR) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize the Attorney General to carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments for costs associated with certain criminal activities, 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 “Northern Border Pros-
5 ecution Initiative Reimbursement Act”.

1 **SEC. 2. NORTHERN BORDER PROSECUTION INITIATIVE.**

2 (a) INITIATIVE REQUIRED.—From amounts made
3 available to carry out this section, the Attorney General,
4 acting through the Director of the Bureau of Justice As-
5 sistance of the Office of Justice Programs, shall carry out
6 a program, to be known as the Northern Border Prosecu-
7 tion Initiative, to provide funds to reimburse eligible
8 northern border entities for costs incurred by those enti-
9 ties for handling case dispositions of criminal cases that
10 are federally initiated but federally declined-referred. This
11 program shall be modeled after the Southwestern Border
12 Prosecution Initiative and shall serve as a partner pro-
13 gram to that initiative to reimburse local jurisdictions for
14 processing Federal cases.

15 (b) PROVISION AND ALLOCATION OF FUNDS.—
16 Funds provided under the program shall be provided in
17 the form of direct reimbursements and shall be allocated
18 in a manner consistent with the manner under which
19 funds are allocated under the Southwestern Border Pros-
20 ecution Initiative.

21 (c) USE OF FUNDS.—Funds provided to an eligible
22 northern border entity may be used by the entity for any
23 lawful purpose, including the following purposes:

- 24 (1) Prosecution and related costs.
25 (2) Court costs.
26 (3) Costs of courtroom technology.

1 (4) Costs of constructing holding spaces.

2 (5) Costs of administrative staff.

3 (6) Costs of defense counsel for indigent de-
4 fendants.

5 (7) Detention costs, including pre-trial and
6 post-trial detention.

7 (d) DEFINITIONS.—In this section:

8 (1) The term “eligible northern border entity”
9 means—

10 (A) any of the following States: Alaska,
11 Idaho, Maine, Michigan, Minnesota, Montana,
12 New Hampshire, New York, North Dakota,
13 Ohio, Pennsylvania, Vermont, Washington, and
14 Wisconsin; or

15 (B) any unit of local government within a
16 State referred to in subparagraph (A).

17 (2) The term “federally initiated” means, with
18 respect to a criminal case, that the case results from
19 a criminal investigation or an arrest involving Fed-
20 eral law enforcement authorities for a potential vio-
21 lation of Federal criminal law, including investiga-
22 tions resulting from multijurisdictional task forces.

23 (3) The term “federally declined-referred”
24 means, with respect to a criminal case, that a deci-
25 sion has been made in that case by a United States

1 Attorney or a Federal law enforcement agency dur-
2 ing a Federal investigation to no longer pursue Fed-
3 eral criminal charges against a defendant and to
4 refer of the investigation to a State or local jurisdic-
5 tion for possible prosecution. The term includes a
6 decision made on an individualized case-by-case
7 basis as well as a decision made pursuant to a gen-
8 eral policy or practice or pursuant to prosecutorial
9 discretion.

10 (4) The term “case disposition”, for purposes
11 of the Northern Border Prosecution Initiative, refers
12 to the time between a suspect’s arrest and the reso-
13 lution of the criminal charges through a county or
14 State judicial or prosecutorial process. Disposition
15 does not include incarceration time for sentenced of-
16 fenders, or time spent by prosecutors on judicial ap-
17 peals.

18 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to carry out
20 this section \$28,000,000 for fiscal year 2006 and such
21 sums as may be necessary for fiscal years after fiscal year
22 2006.

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