

109TH CONGRESS
1ST SESSION

S. 1958

To authorize the Attorney General to establish and 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 SENATE OF THE UNITED STATES

NOVEMBER 3, 2005

Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. CRAPO, Mr. SCHUMER, Mr. LEAHY, Mr. CRAIG, Mr. LEVIN, Mr. DEWINE, Mr. DAYTON, Mr. BAUCUS, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To authorize the Attorney General to establish and 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.—

3 (1) IN GENERAL.—From amounts made avail-
4 able to carry out this section, the Attorney General,
5 acting through the Director of the Bureau of Justice
6 Assistance of the Office of Justice Programs, shall
7 establish and carry out a program, to be known as
8 the Northern Border Prosecution Initiative, to pro-
9 vide funds to reimburse eligible northern border en-
10 tities for costs incurred by those entities for han-
11 dling case dispositions of criminal cases that are fed-
12 erally initiated but federally declined-referred.

13 (2) RELATION WITH SOUTHWESTERN BORDER
14 PROSECUTION INITIATIVE.—The program estab-
15 lished in paragraph (1) shall—

16 (A) be modeled after the Southwestern
17 Border Prosecution Initiative; and

18 (B) serve as a partner program to that ini-
19 tiative to reimburse local jurisdictions for proc-
20 essing Federal cases.

21 (b) PROVISION AND ALLOCATION OF FUNDS.—
22 Funds provided under the program established in sub-
23 section (a) shall be—

24 (1) provided in the form of direct reimburse-
25 ments; and

1 (2) allocated in a manner consistent with the
2 manner under which funds are allocated under the
3 Southwestern Border Prosecution Initiative.

4 (c) USE OF FUNDS.—Funds provided to an eligible
5 northern border entity under this section may be used by
6 the entity for any lawful purpose, including:

7 (1) Prosecution and related costs.

8 (2) Court costs.

9 (3) Costs of courtroom technology.

10 (4) Costs of constructing holding spaces.

11 (5) Costs of administrative staff.

12 (6) Costs of defense counsel for indigent de-
13 fendants.

14 (7) Detention costs, including pre-trial and
15 post-trial detention.

16 (d) DEFINITIONS.—In this section:

17 (1) CASE DISPOSITION.—The term “case dis-
18 position”—

19 (A) for purposes of the Northern Border
20 Prosecution Initiative, refers to the time be-
21 tween the arrest of a suspect and the resolution
22 of the criminal charges through a county or
23 State judicial or prosecutorial process; and

1 (B) does not include incarceration time for
2 sentenced offenders, or time spent by prosecu-
3 tors on judicial appeals.

4 (2) ELIGIBLE NORTHERN BORDER ENTITY.—

5 The term “eligible northern border entity” means—

6 (A) the States of Alaska, Idaho, Maine,
7 Michigan, Minnesota, Montana, New Hamp-
8 shire, New York, North Dakota, Ohio, Pennsyl-
9 vania, Vermont, Washington, and Wisconsin; or

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

12 (3) FEDERALLY DECLINED-REFERRED.—The
13 term “federally declined-referred”—

14 (A) means, with respect to a criminal case,
15 that a decision has been made in that case by
16 a United States Attorney or a Federal law en-
17 forcement agency during a Federal investiga-
18 tion to no longer pursue Federal criminal
19 charges against a defendant and to refer such
20 investigation to a State or local jurisdiction for
21 possible prosecution; and

22 (B) includes a decision made on an individ-
23 ualized case-by-case basis as well as a decision
24 made pursuant to a general policy or practice
25 or pursuant to prosecutorial discretion.

1 (4) **FEDERALLY INITIATED.**—The term “feder-
2 ally initiated” means, with respect to a criminal
3 case, that the case results from a criminal investiga-
4 tion or an arrest involving Federal law enforcement
5 authorities for a potential violation of Federal crimi-
6 nal law, including investigations resulting from
7 multi-jurisdictional task forces.

8 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated to carry out
10 this Act \$28,000,000 for fiscal year 2006 and such sums
11 as may be necessary for fiscal years thereafter.

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