

109TH CONGRESS
1ST SESSION

S. 1968

To amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2005

Mr. SPECTER (for himself, Mr. LEAHY, and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, 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 (a) SHORT TITLE.—This Act may be cited as the
5 “Court Security Improvement Act of 2005”.

6 **SEC. 2. JUDICIAL BRANCH SECURITY REQUIREMENTS.**

7 (a) ENSURING CONSULTATION AND COORDINATION
8 WITH THE JUDICIARY.—Section 566 of title 28, United

1 States Code, is amended by adding at the end the fol-
 2 lowing:

3 “(i) The Director of the United States Marshals
 4 Service shall consult and coordinate with the Judicial Con-
 5 ference of the United States on a continuing basis regard-
 6 ing the security requirements for the judicial branch of
 7 the United States Government.”.

8 (b) CONFORMING AMENDMENT.—Section 331 of title
 9 28, United States Code, is amended by adding at the end
 10 the following:

11 “The Judicial Conference shall consult and coordi-
 12 nate with the Director of United States Marshals Service
 13 on a continuing basis regarding the security requirements
 14 for the judicial branch of the United States Government.”.

15 **SEC. 3. PROTECTION OF FAMILY MEMBERS.**

16 Section 105(b)(3) of the Ethics in Government Act
 17 of 1978 (5 U.S.C. App.) is amended—

18 (1) in subparagraph (A), by inserting “or a
 19 family member of that individual” after “that indi-
 20 vidual”; and

21 (2) in subparagraph (B)(i), by inserting “or a
 22 family member of that individual” after “the re-
 23 port”.

1 **SEC. 4. EXTENSION OF SUNSET PROVISION.**

2 Section 105(b)(3) of the Ethics in Government Act
3 of 1978 (5 U.S.C. App) is amended by striking “2005”
4 each place that term appears and inserting “2009”.

5 **SEC. 5. PROTECTIONS AGAINST MALICIOUS RECORDING OF**
6 **FICTITIOUS LIENS AGAINST FEDERAL**
7 **JUDGES AND FEDERAL LAW ENFORCEMENT**
8 **OFFICERS.**

9 (a) OFFENSE.—Chapter 73 of title 18, United States
10 Code, is amended by adding at the end the following:

11 **“§ 1521. Retaliating against a Federal judge or Fed-**
12 **eral law enforcement officer by false**
13 **claim or slander of title**

14 “(a) Whoever files or attempts to file, in any public
15 record or in any private record which is generally available
16 to the public, any false lien or encumbrance against the
17 real or personal property of a Federal judge or a Federal
18 law enforcement official, on account of the performance
19 of official duties by that Federal judge or Federal law en-
20 forcement official, knowing or having reason to know that
21 such lien or encumbrance is false or contains any materi-
22 ally false, fictitious, or fraudulent statement or representa-
23 tion, shall be fined under this title or imprisoned for not
24 more than 10 years, or both.

25 “(b) As used in this section—

1 “(1) the term ‘Federal judge’ means a justice
 2 or judge of the United States as defined in section
 3 451 of title 28, United States Code, a judge of the
 4 United States Court of Federal Claims, a United
 5 States bankruptcy judge, a United States magistrate
 6 judge, and a judge of the United States Court of
 7 Appeals for the Armed Forces, United States Court
 8 of Appeals for Veterans Claims, United States Tax
 9 Court, District Court of Guam, District Court of the
 10 Northern Mariana Islands, or District Court of the
 11 Virgin Islands; and

12 “(2) the term ‘Federal law enforcement officer’
 13 has the meaning given that term in section 115 of
 14 this title and includes an attorney who is an officer
 15 or employee of the United States in the executive
 16 branch of the Government.”.

17 (b) CLERICAL AMENDMENT.—The chapter analysis
 18 for chapter 73 of title 18, United States Code, is amended
 19 by adding at the end the following new item:

“Sec. 1521. Retaliating against a Federal judge or Federal law enforce-
 ment officer by false claim or slander of title.”.

20 **SEC. 6. PROTECTION OF INDIVIDUALS PERFORMING CER-**
 21 **TAIN OFFICIAL DUTIES.**

22 (a) OFFENSE.—Chapter 7 of title 18, United States
 23 Code, is amended by adding at the end the following:

1 **“§ 117. Protection of individuals performing certain**
 2 **official duties**

3 “(a) Whoever knowingly makes restricted personal in-
 4 formation about a covered official, or a member of the im-
 5 mediate family of that covered official, publicly available,
 6 with the intent that such restricted personal information
 7 be used to kill, kidnap, or inflict bodily harm upon, or to
 8 threaten to kill, kidnap, or inflict bodily harm upon, that
 9 covered official, or a member of the immediate family of
 10 that covered official, shall be fined under this title and
 11 imprisoned not more than 5 years, or both.

12 “(b) As used in this section—

13 “(1) the term ‘restricted personal information’
 14 means, with respect to an individual, the Social Se-
 15 curity number, the home address, home phone num-
 16 ber, mobile phone number, personal email, or home
 17 fax number of, and identifiable to, that individual;

18 “(2) the term ‘covered official’ means—

19 “(A) an individual designated in section
 20 1114;

21 “(B) a Federal judge or Federal law en-
 22 forcement officer as those terms are defined in
 23 section 1521; or

24 “(C) a grand or petit juror, witness, or
 25 other officer in or of, any court of the United
 26 States, or an officer who may be serving at any

1 examination or other proceeding before any
 2 United States magistrate judge or other com-
 3 mitting magistrate; and

4 “(3) the term ‘immediate family’ has the same
 5 meaning given that term in section 115(c)(2).”.

6 (b) CLERICAL AMENDMENT.—The chapter analysis
 7 for chapter 7 of title 18, United States Code, is amended
 8 by adding at the end the following new item:

“Sec. 117. Protection of individuals performing certain official duties.”.

9 **SEC. 7. PROHIBITION OF POSSESSION OF DANGEROUS**
 10 **WEAPONS IN FEDERAL COURT FACILITIES.**

11 Section 930(e)(1) of title 18, United States Code, is
 12 amended by inserting “or other dangerous weapon” after
 13 “firearm”.

14 **SEC. 8. CLARIFICATION OF VENUE FOR RETALIATION**
 15 **AGAINST A WITNESS.**

16 Section 1513 of title 18, United States Code, is
 17 amended by adding at the end the following:

18 “(g) A prosecution under this section may be brought
 19 in the district in which the official proceeding (whether
 20 or not pending, about to be instituted or completed) was
 21 intended to be affected, or in which the conduct consti-
 22 tuting the alleged offense occurred.”.

1 **SEC. 9. WITNESS PROTECTION GRANT PROGRAM.**

2 Title I of the Omnibus Crime Control and Safe
3 Streets Act of 1968 is amended by inserting after part
4 BB (42 U.S.C. 3797j et seq.) the following new part:

5 **“PART II—WITNESS PROTECTION GRANTS**

6 **“SEC. 2995. PROGRAM AUTHORIZED.**

7 “(a) IN GENERAL.—From amounts made available to
8 carry out this part, the Attorney General may make grants
9 to States, units of local government, and Indian tribes to
10 create and expand witness protection programs in order
11 to prevent threats, intimidation, and retaliation against
12 victims of, and witnesses to, crimes.

13 “(b) USES OF FUNDS.—Grants awarded under this
14 part shall be—

15 “(1) distributed directly to the State, unit of
16 local government, or Indian tribe; and

17 “(2) used for the creation and expansion of wit-
18 ness protection programs in the jurisdiction of the
19 grantee.

20 “(c) PREFERENTIAL CONSIDERATION.—In awarding
21 grants under this part, the Attorney General may give
22 preferential consideration, if feasible, to an application
23 from a jurisdiction that—

24 “(1) has the greatest need for witness and vic-
25 tim protection programs;

1 “(2) has a serious violent crime problem in the
2 jurisdiction; and

3 “(3) has had, or is likely to have, instances of
4 threats, intimidation, and retaliation against victims
5 of, and witnesses to, crimes.

6 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section
8 \$20,000,000 for each of fiscal years 2006 through 2010.”.

9 **SEC. 10. GRANTS TO STATES TO PROTECT WITNESSES AND**
10 **VICTIMS OF CRIMES.**

11 (a) IN GENERAL.—Section 31702 of the Violent
12 Crime Control and Law Enforcement Act of 1994 (42
13 U.S.C. 13862) is amended—

14 (1) in paragraph (3), by striking “and” at the
15 end;

16 (2) in paragraph (4), by striking the period and
17 inserting “; and”; and

18 (3) by adding at the end the following:

19 “(5) to create and expand witness and victim
20 protection programs to prevent threats, intimidation,
21 and retaliation against victims of, and witnesses to,
22 violent crimes.”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
24 31707 of the Violent Crime Control and Law Enforcement

1 Act of 1994 (42 U.S.C. 13867) is amended to read as
 2 follows:

3 **“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated
 5 \$20,000,000 for each of the fiscal years 2006 through
 6 2010 to carry out this subtitle.”.

7 **SEC. 11. ELIGIBILITY OF STATE COURTS FOR CERTAIN FED-**
 8 **ERAL GRANTS.**

9 (a) PURPOSE OF GRANTS.—Section 510(b) of the
 10 Omnibus Crime Control and Safe Streets Act of 1968 (42
 11 U.S.C. 3760) is amended by inserting “State courts,”
 12 after “institutions,”.

13 (b) CORRECTIONAL OPTIONS GRANTS.—Section 515
 14 of the Omnibus Crime Control and Safe Streets Act of
 15 1968 (42 U.S.C. 3762a) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (2), by striking “and” at
 18 the end;

19 (B) in paragraph (3), by striking the pe-
 20 riod and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(4) grants to State courts to improve security
 23 for State and local court systems.”; and

24 (2) in subsection (b), by inserting after the pe-
 25 riod the following:

1 “Priority shall be given to State court applicants under
 2 subsection (a)(4) that have the greatest demonstrated
 3 need to provide security in order to administer justice.”.

4 (c) ALLOCATIONS.—Section 516(a) of the Omnibus
 5 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 6 3762b) is amended by—

7 (1) striking “80” and inserting “70”;

8 (2) striking “and 10” and inserting “10”; and

9 (3) inserting before the period the following: “,
 10 and 10 percent for section 515(a)(4)”.

11 **SEC. 12. UNITED STATES COURT OF APPEALS FOR VET-**
 12 **ERANS CLAIMS.**

13 Section 7253(e) of title 38, United States Code, is
 14 amended by striking “district courts” and inserting
 15 “Courts of Appeals”.

16 **SEC. 13. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL**
 17 **JUDGES LIFE INSURANCE.**

18 (a) BANKRUPTCY JUDGES.—Section 153 of title 28,
 19 United States Code, is amended by adding at the end the
 20 following:

21 “(e) For purposes of construing and applying chapter
 22 87 of title 5, United States Code, including any adjust-
 23 ment of insurance rates by regulation or otherwise, a
 24 bankruptcy judge of the United States in regular active
 25 service or who is retired under section 377 of this title

1 shall be deemed to be a judge of the United States de-
2 scribed under section 8701(a)(5) of title 5.”.

3 (b) UNITED STATES MAGISTRATE JUDGES.—Section
4 634(c) of title 28, United States Code, is amended—

5 (1) by inserting “(1)” after “(c)”; and

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

7 “(2) For purposes of construing and applying
8 chapter 87 of title 5, United States Code, including
9 any adjustment of insurance rates by regulation or
10 otherwise, a magistrate judge of the United States
11 in regular active service or who is retired under sec-
12 tion 377 of this title shall be deemed to be a judge
13 of the United States described under section
14 8701(a)(5) of title 5.”.

15 (c) TERRITORIAL JUDGES.—

16 (1) GUAM.—Section 24 of the Organic Act of
17 Guam (48 U.S.C. 1424b) is amended by adding at
18 the end the following:

19 “(c) For purposes of construing and applying chapter
20 87 of title 5, United States Code, including any adjust-
21 ment of insurance rates by regulation or otherwise, a
22 judge appointed under this section who is in regular active
23 service or who is retired under section 373 of title 28,
24 United States Code, shall be deemed to be a judge of the

1 United States described under section 8701(a)(5) of title
2 5.”.

3 (2) COMMONWEALTH OF THE NORTHERN MAR-
4 IANA ISLANDS.—Section 1(b) of the Act of Novem-
5 ber 8, 1977 (48 U.S.C. 1821) is amended by adding
6 at the end the following:

7 “(5) For purposes of construing and applying
8 chapter 87 of title 5, United States Code, including
9 any adjustment of insurance rates by regulation or
10 otherwise, a judge appointed under this section who
11 is in regular active service or who is retired under
12 section 373 of title 28, United States Code, shall be
13 deemed to be a judge of the United States described
14 under section 8701(a)(5) of title 5.”.

15 (3) VIRGIN ISLANDS.—Section 24(a) of the Re-
16 vised Organic Act of the Virgin Islands (48 U.S.C.
17 1614(a)) is amended—

18 (A) by inserting “(1)” after “(a)”; and

19 (B) by adding at the end the following:

20 “(2) For purposes of construing and applying
21 chapter 87 of title 5, United States Code, including
22 any adjustment of insurance rates by regulation or
23 otherwise, a judge appointed under this section who
24 is in regular active service or who is retired under
25 section 373 of title 28, United States Code, shall be

1 deemed to be a judge of the United States described
2 under section 8701(a)(5) of title 5.”.

3 **SEC. 14. HEALTH INSURANCE FOR SURVIVING FAMILY AND**
4 **SPOUSES OF JUDGES.**

5 Section 8901(3) of title 5, United States Code, is
6 amended—

7 (1) in subparagraph (C), by striking “; and”
8 and inserting a semicolon;

9 (2) in subparagraph (D), by adding “and” after
10 the semicolon; and

11 (3) by adding at the end the following:

12 “(E) a member of a family who is a sur-
13 vivor of—

14 “(i) a Justice or judge of the United
15 States, as defined under section 451 of
16 title 28, United States Code;

17 “(ii) a judge of the District Court of
18 Guam, the District Court of the Northern
19 Mariana Islands, or the District Court of
20 the Virgin Islands;

21 “(iii) a judge of the United States
22 Court of Federal Claims; or

1 “(iv) a United States bankruptcy
2 judge or a full-time United States mag-
3 istrate judge.”.

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