

110TH CONGRESS  
1ST SESSION

# S. 79

To establish within the United States Marshals Service a short term State witness protection program to provide assistance to State and local district attorneys to protect their witnesses in homicide and major violent crime cases and to provide Federal grants for such protection.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

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

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## A BILL

To establish within the United States Marshals Service a short term State witness protection program to provide assistance to State and local district attorneys to protect their witnesses in homicide and major violent crime cases and to provide Federal grants for such protection.

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 “Witness Security and  
5       Protection Act of 2007”.

1 **SEC. 2. SHORT TERM STATE WITNESS PROTECTION SEC-**  
 2 **TION.**

3 (a) IN GENERAL.—Chapter 37 of title 28, United  
 4 States Code, is amended by adding at the end the fol-  
 5 lowing:

6 **“§ 570. Short Term State Witness Protection Section**

7 “(a) IN GENERAL.—There is established in the  
 8 United States Marshals Service a Short Term State Wit-  
 9 ness Protection Section which shall provide protection for  
 10 witnesses in State and local trials involving homicide or  
 11 other major violent crimes pursuant to cooperative agree-  
 12 ments with State and local criminal prosecutor’s offices  
 13 and the United States attorney for the District of Colum-  
 14 bia.

15 “(b) ELIGIBILITY.—The Short Term State Witness  
 16 Protection Section shall give priority in awarding grants  
 17 and providing services to criminal prosecutor’s offices in  
 18 States with an average of not less than 100 murders per  
 19 year during the 5-year period immediately preceding an  
 20 application for protection, as calculated using the latest  
 21 available crime statistics from the Federal Bureau of In-  
 22 vestigation.”.

23 (b) CHAPTER ANALYSIS.—The chapter analysis for  
 24 chapter 37 of title 28, United States Code, is amended

1 by striking the items relating to sections 570 through 576  
 2 and inserting the following:

“570. Short Term State Witness Protection Section.”.

3 **SEC. 3. GRANT PROGRAM.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term “eligible prosecutor’s office”  
 6 means a State or local criminal prosecutor’s office or  
 7 the United States attorney for the District of Co-  
 8 lumbia that is located in a State with an average of  
 9 not less than 100 murders per year during the most  
 10 recent 5-year period, as calculated using the latest  
 11 available crime statistics from the Federal Bureau of  
 12 Investigation; and

13 (2) the term “serious violent felony” has the  
 14 same meaning as in section 3559(c)(2) of title 18,  
 15 United States Code.

16 (b) GRANTS AUTHORIZED.—

17 (1) IN GENERAL.—The Attorney General is au-  
 18 thorized to make grants to eligible prosecutor’s of-  
 19 fices for the purpose of providing short term protec-  
 20 tion to witnesses in trials involving homicide or seri-  
 21 ous violent felony.

22 (2) ALLOCATION.—Each eligible prosecutor’s  
 23 office receiving a grant under this section may ei-  
 24 ther—

1 (A) use the grant to provide witness pro-  
2 tection; or

3 (B) pursuant to a cooperative agreement  
4 with the Short Term State Witness Protection  
5 Section of the United States Marshals Service,  
6 credit the grant to the Short Term State Wit-  
7 ness Protection Section to cover the costs to the  
8 section of providing witness protection on behalf  
9 of the eligible prosecutor's office.

10 (c) APPLICATION.—

11 (1) IN GENERAL.—Each eligible prosecutor's of-  
12 fice desiring a grant under this section shall submit  
13 an application to the Attorney General at such time,  
14 in such manner, and accompanied by such informa-  
15 tion as the Attorney General may reasonably re-  
16 quire.

17 (2) CONTENTS.—Each application submitted  
18 pursuant to paragraph (1) shall—

19 (A) describe the activities for which assist-  
20 ance under this section is sought; and

21 (B) provide such additional assurances as  
22 the Attorney General determines to be essential  
23 to ensure compliance with the requirements of  
24 this section.

1       (d) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this section  
3 \$90,000,000 for each of the fiscal years 2008, 2009, and  
4 2010.

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