

113TH CONGRESS
1ST SESSION

H. R. 3669

To amend title 18, United States Code, to provide for increased supervision of persons required to wear an electronic monitoring device as a condition of release from prison, to criminalize disabling such an electronic monitoring device, to establish the Office of the Inspector General for Probation and Pretrial Services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2013

Mr. MAFFEI introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide for increased supervision of persons required to wear an electronic monitoring device as a condition of release from prison, to criminalize disabling such an electronic monitoring device, to establish the Office of the Inspector General for Probation and Pretrial Services, 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 “Federal Probation Sys-
5 tem Reform Act”.

1 **SEC. 2. SUPERVISION OF A PERSON ASSIGNED AN ELEC-**
 2 **TRONIC MONITORING DEVICE AS A CONDI-**
 3 **TION OF RELEASE; PENALTY FOR DISABLING**
 4 **AN ELECTRONIC MONITORING DEVICE.**

5 (a) IN GENERAL.—Part II of title 18, United States
 6 Code, is amended by inserting after chapter 237 the fol-
 7 lowing new chapter:

8 **“CHAPTER 239—ELECTRONIC**
 9 **MONITORING DEVICES**

“Sec.

“3801. Supervision of a person assigned an electronic monitoring device as a
 condition of release.

“3802. Penalty for disabling an electronic monitoring device.

10 **“§ 3801. Supervision of a person assigned an elec-**
 11 **tronic monitoring device as a condition**
 12 **of release**

13 “(a) IN GENERAL.—In the case of a person who was
 14 convicted of a Federal offense who has been sentenced to
 15 probation pursuant to subchapter B of chapter 227,
 16 placed on probation pursuant to the provisions of chapter
 17 403, or placed on supervised release pursuant to section
 18 3583, or a person accused of such an offense who has been
 19 released pending trial, sentence, or appeal pursuant to
 20 chapter 207, who is required to wear an electronic moni-
 21 toring device as a condition of such probation or release,
 22 the Director of the Administrative Office of the United
 23 States Courts shall ensure that an appropriate probation

1 officer or pretrial services officer supervises the person by
2 doing the following:

3 “(1) Conducting a daily review of any data pro-
4 duced by the electronic monitoring device worn by
5 the person.

6 “(2) In the case of an alert produced by an
7 electronic monitoring system that the Director deter-
8 mines requires an investigation, conducting an inves-
9 tigation immediately following the alert, including—

10 “(A) contacting the person;

11 “(B) inspecting the electronic monitoring
12 device; and

13 “(C) documenting the alert and the re-
14 sponse taken.

15 “(b) UNIFORM STANDARDS.—Not later than 60 days
16 after the date of the enactment of this section, the Direc-
17 tor of the Administrative Office of the United States
18 Courts shall issue uniform standards in order to imple-
19 ment subsection (a).

20 **“§ 3802. Penalty for disabling an electronic moni-**
21 **toring device**

22 “(a) OFFENSE.—Whoever—

23 “(1) intentionally disables an electronic moni-
24 toring device that was assigned to a person as a con-
25 dition of probation pursuant to subchapter B of

1 chapter 227 or chapter 403, supervised release pur-
2 suant to section 3583, or release pending trial, sen-
3 tence, or appeal pursuant to chapter 207; or

4 “(2) having been assigned an electronic moni-
5 toring device as a condition of probation pursuant to
6 subchapter B of chapter 227 or chapter 403, super-
7 vised release pursuant to section 3583, or release
8 pending trial, sentence, or appeal pursuant to chap-
9 ter 207, intentionally allows another person to dis-
10 able such device;

11 shall be punished as provided in subsection (b).

12 “(b) PUNISHMENT.—The punishment for an offense
13 under subsection (a) is—

14 “(1) if the person to whom the electronic moni-
15 toring device was assigned commits a Federal, State,
16 or local offense in addition to violating subsection
17 (a) upon the disabling of such device, a fine under
18 this title or imprisonment for not more than 4 years;
19 or

20 “(2) if the person to whom the electronic moni-
21 toring device was assigned does not commit a Fed-
22 eral, State or local crime in addition to violating
23 subsection (a) upon the disabling of such device, a
24 fine under this title or imprisonment for not more
25 than 1 year.”.

(b) CLERICAL AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 237 the following:

“239. Electronic Monitoring Devices 3801”.

SEC. 3. INSPECTOR GENERAL FOR PROBATION AND PRETRIAL SERVICES.

(a) IN GENERAL.—Chapter 207 of part II of title 18, United States Code, is amended—

(1) by redesignating sections 3155 and 3156 as sections 3156 and 3157, respectively;

(2) after section 3154, by inserting the following:

“§ 3155. Inspector General for Probation and Pretrial Services

“(a) ESTABLISHMENT.—There is established within pretrial services (commonly referred to as the United States Probation and Pretrial Services System) the Office of the Inspector General for Probation and Pretrial Services (referred to in this section as the ‘Office’).

“(b) APPOINTMENT, TERM, AND REMOVAL OF INSPECTOR GENERAL.—

“(1) APPOINTMENT.—The head of the Office shall be the Inspector General, who shall be appointed by the Chief Justice of the United States after consultation with the majority and minority

1 leaders of the Senate and the Speaker and minority
2 leader of the House of Representatives.

3 “(2) TERM.—The Inspector General shall serve
4 for a term of four years and may be reappointed by
5 the Chief Justice of the United States for any num-
6 ber of additional terms.

7 “(3) REMOVAL.—The Inspector General may be
8 removed from office by the Chief Justice of the
9 United States. The Chief Justice shall communicate
10 the reasons for any such removal to both Houses of
11 Congress.

12 “(c) DUTIES.—With respect to probation and pretrial
13 services, the Office shall—

14 “(1) conduct investigations of alleged mis-
15 conduct;

16 “(2) conduct and supervise audits and inves-
17 tigations;

18 “(3) prevent and detect waste, fraud, and
19 abuse; and

20 “(4) recommend changes in laws or regulations
21 governing probation and pretrial services.

22 “(d) POWERS.—

23 “(1) IN GENERAL.—In carrying out the duties
24 of the Office, the Inspector General shall have the
25 power—

1 “(A) to make investigations and reports;

2 “(B) to obtain information or assistance
3 from any Federal, State, or local governmental
4 agency, or other entity, or unit thereof, includ-
5 ing all information kept in the normal course of
6 business by probation and pretrial services in
7 any judicial district;

8 “(C) to require, by subpoena or otherwise,
9 the attendance and testimony of such witnesses,
10 and the production of such books, records, cor-
11 respondence memoranda, papers, and docu-
12 ments; which subpoena, in the case of contu-
13 macy or refusal to obey, shall be enforceable by
14 civil action;

15 “(D) to administer to or take from any
16 person an oath, affirmation, or affidavit;

17 “(E) to employ such officers and employ-
18 ees, subject to the provisions of title 5, gov-
19 erning appointments in the competitive service,
20 and the provisions of chapter 51 and sub-
21 chapter III of chapter 53 of such title relating
22 to classification and General Schedule pay
23 rates;

24 “(F) to obtain services authorized by sec-
25 tion 3109 of title 5 at daily rates not to exceed

1 the equivalent rate prescribed for grade GS–18
2 of the General Schedule by section 5332 of title
3 5; and—

4 “(G) to the extent and in such amounts as
5 may be provided in advance by appropriations
6 Acts, to enter into contracts and other arrange-
7 ments for audits, studies, analyses, and other
8 services with public agencies and with private
9 persons, and to make such payments as may be
10 necessary to carry out the duties of the Office.

11 “(2) LIMITATION.—The Inspector General shall
12 not have the authority to—

13 “(A) investigate or review any matter that
14 is directly related to the merits of a decision or
15 procedural ruling by any judge or court; or

16 “(B) punish or discipline any pretrial serv-
17 ices officer or probation officer.

18 “(e) REPORTS.—

19 “(1) WHEN TO BE MADE.—The Inspector Gen-
20 eral shall—

21 “(A) make an annual report to the Direc-
22 tor of the Administrative Office of the United
23 States Courts and to Congress relating to the
24 activities of the Office; and

1 “(B) make prompt reports to the Director
2 and to Congress on matters that may require
3 action by them.

4 “(2) SENSITIVE MATTER.—If a report contains
5 sensitive matter, the Inspector General may so indi-
6 cate and Congress may receive that report in closed
7 session.

8 “(3) DUTY TO INFORM ATTORNEY GENERAL.—
9 In carrying out the duties of the Office, the Inspec-
10 tor General shall report expeditiously to the Attor-
11 ney General whenever the Inspector General has rea-
12 sonable grounds to believe there has been a violation
13 of Federal criminal law.

14 “(f) WHISTLEBLOWER PROTECTION.—

15 “(1) IN GENERAL.—No officer, employee,
16 agent, contractor, or subcontractor of pretrial serv-
17 ices may discharge, demote, threaten, suspend, har-
18 ass, or in any other manner discriminate against an
19 employee in the terms and conditions of employment
20 because of any lawful act done by the employee to
21 provide information, cause information to be pro-
22 vided, or otherwise assist in an investigation regard-
23 ing any possible violation of Federal law or regula-
24 tion, or misconduct, by a pretrial services officer or
25 probation officer, which may assist the Inspector

1 General in the performance of duties under this
2 chapter.

3 “(2) CIVIL ACTION.—An employee injured in
4 violation of paragraph (1) may, in a civil action, ob-
5 tain appropriate relief.

6 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated such sums as may be nec-
8 essary to carry out this section.”.

9 (b) CLERICAL AMENDMENTS.—Chapter 207 of part
10 II of title 18, United States Code, is amended—

11 (1) in section 3157(b) (as redesignated by this
12 Act) is amended by striking “3152–3155” and in-
13 serting “3152–3156”; and

14 (2) in the table of sections, after the item relat-
15 ing to section 3154, by inserting the following:

“3155. Inspector General for Probation and Pretrial Services.”.

