

113TH CONGRESS
1ST SESSION

S. 597

To ensure the effective administration of criminal justice.

IN THE SENATE OF THE UNITED STATES

MARCH 18, 2013

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

A BILL

To ensure the effective administration of criminal justice.

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 “Gideon’s Promise Act”.

5 **SEC. 2. EFFECTIVE ADMINISTRATION OF CRIMINAL JUS-**
6 **TICE.**

7 (a) STRATEGIC PLANNING.—Section 502 of title I of
8 the Omnibus Crime Control and Safe Streets Act of 1968
9 (42 U.S.C. 3752) is amended—

10 (1) by inserting “(a) IN GENERAL.—” before
11 “To request a grant”; and

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

1 “(6) A comprehensive State-wide plan detailing
2 how grants received under this section will be used
3 to improve the administration of the criminal justice
4 system, which shall—

5 “(A) be designed in consultation with local
6 governments, and all segments of the criminal
7 justice system, including judges, prosecutors,
8 law enforcement personnel, corrections per-
9 sonnel, and providers of indigent defense serv-
10 ices, victim services, juvenile justice delinquency
11 prevention programs, community corrections,
12 and reentry services;

13 “(B) include a description of how the State
14 will allocate funding within and among each of
15 the uses described in subparagraphs (A)
16 through (G) of section 501(a)(1);

17 “(C) describe the process used by the State
18 for gathering evidence-based data and devel-
19 oping and using evidence-based and evidence-
20 gathering approaches in support of funding de-
21 cisions; and

22 “(D) be updated every 5 years, with an-
23 nual progress reports that—

24 “(i) address changing circumstances
25 in the State, if any;

1 “(ii) describe how the State plans to
 2 adjust funding within and among each of
 3 the uses described in subparagraphs (A)
 4 through (G) of section 501(a)(1);

5 “(iii) provide an ongoing assessment
 6 of need;

7 “(iv) discuss the accomplishment of
 8 goals identified in any plan previously pre-
 9 pared under this paragraph; and

10 “(v) reflect how the plan influenced
 11 funding decisions in the previous year.

12 “(b) TECHNICAL ASSISTANCE.—

13 “(1) STRATEGIC PLANNING.—Not later than 90
 14 days after the date of enactment of this subsection,
 15 the Attorney General shall begin to provide technical
 16 assistance to States and local governments request-
 17 ing support to develop and implement the strategic
 18 plan required under subsection (a)(6).

19 “(2) PROTECTION OF CONSTITUTIONAL
 20 RIGHTS.—Not later than 90 days after the date of
 21 enactment of this subsection, the Attorney General
 22 shall begin to provide technical assistance to States
 23 and local governments, including any agent thereof
 24 with responsibility for administration of justice, re-
 25 questing support to meet the obligations established

1 by the Sixth Amendment to the Constitution of the
 2 United States, which shall include—

3 “(A) public dissemination of practices,
 4 structures, or models for the administration of
 5 justice consistent with the requirements of the
 6 Sixth Amendment; and

7 “(B) assistance with adopting and imple-
 8 menting a system for the administration of jus-
 9 tice consistent with the requirements of the
 10 Sixth Amendment.

11 “(3) AUTHORIZATION OF APPROPRIATIONS.—

12 There is authorized to be appropriated \$5,000,000
 13 for each of fiscal years 2014 through 2018 to carry
 14 out this subsection.”.

15 (b) PROTECTION OF CONSTITUTIONAL RIGHTS.—

16 (1) UNLAWFUL CONDUCT.—It shall be unlawful
 17 for any governmental authority, or any agent there-
 18 of, or any person acting on behalf of a governmental
 19 authority, to engage in a pattern or practice of con-
 20 duct by officials or employees of any governmental
 21 agency with responsibility for the administration of
 22 justice, including the administration of programs or
 23 services that provide appointed counsel to indigent
 24 defendants, that deprives persons of their rights to
 25 assistance of counsel as protected under the Sixth

1 Amendment and Fourteenth Amendment to the
2 Constitution of the United States.

3 (2) CIVIL ACTION BY ATTORNEY GENERAL.—

4 Whenever the Attorney General has reasonable cause
5 to believe that a violation of paragraph (1) has oc-
6 curred, the Attorney General, for or in the name of
7 the United States, may, in a civil action, obtain ap-
8 propriate equitable and declaratory relief to elimi-
9 nate the pattern or practice.

10 (3) EFFECTIVE DATE.—Paragraph (2) shall
11 take effect 2 years after the date of enactment of
12 this Act.

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