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PART A—VIOLENT OFFENDER INCARCERATION AND TRUTH-IN-SENTENCING INCENTIVE GRANTS

**§ 12101. Definitions**

Unless otherwise provided, for purposes of this part—

- (1) the term “indeterminate sentencing” means a system by which—
  - (A) the court may impose a sentence of a range defined by statute; and
  - (B) an administrative agency, generally the parole board, or the court, controls release within the statutory range;
- (2) the term “part 1 violent crime” means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports; and
- (3) the term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(Pub. L. 103–322, title II, §20101, as added Pub. L. 104–134, title I, §101[(a)] [title I, §114(a)], Apr. 26,

1996, 110 Stat. 1321, 1321–15; renumbered title I, Pub. L. 104–140, §1(a), May 2, 1996, 110 Stat. 1327.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 13701 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 20101 of Pub. L. 103–322, title II, Sept. 13, 1994, 108 Stat. 1815, related to grants for correctional facilities prior to the general amendment of subtitle A of title II of Pub. L. 103–322 by Pub. L. 104–134.

**§ 12102. Authorization of grants**

**(a) In general**

The Attorney General shall provide Violent Offender Incarceration grants under section 12103 of this title and Truth-in-Sentencing Incentive grants under section 12104 of this title to eligible States—

(1) to build or expand correctional facilities to increase the bed capacity for the confinement of persons convicted of a part 1 violent crime or adjudicated delinquent for an act which if committed by an adult, would be a part 1 violent crime;

(2) to build or expand temporary or permanent correctional facilities, including facilities on military bases, prison barges, and boot camps, for the confinement of convicted non-violent offenders and criminal aliens, for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a part 1 violent crime;

(3) to build or expand jails; and

(4) to carry out any activity referred to in section 10631(b) of this title.

**(b) Regional compacts**

**(1) In general**

Subject to paragraph (2), States may enter into regional compacts to carry out this part. Such compacts shall be treated as States under this part.

**(2) Requirement**

To be recognized as a regional compact for eligibility for a grant under section 12103 or 12104 of this title, each member State must be eligible individually.

**(3) Limitation on receipt of funds**

No State may receive a grant under this part both individually and as part of a compact.

**(c) Applicability**

Notwithstanding the eligibility requirements of section 12104 of this title, a State that certifies to the Attorney General that, as of April 26, 1996, such State has enacted legislation in reliance on this part, as enacted on September 13, 1994, and would in fact qualify under those provisions, shall be eligible to receive a grant for fiscal year 1996 as though such State qualifies under section 12104 of this title.

(Pub. L. 103–322, title II, §20102, as added Pub. L. 104–134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321–15; renumbered title I, Pub. L. 104–140, §1(a), May 2, 1996, 110 Stat. 1327;