

Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

#### PRIOR PROVISIONS

A prior section 20109 of Pub. L. 103-322, title II, Sept. 13, 1994, 108 Stat. 1818, authorized appropriations prior to the general amendment of subtitle A of title II of Pub. L. 103-322 by Pub. L. 104-134.

#### AMENDMENTS

2010—Subsec. (a). Pub. L. 111-211, §244(a), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “Notwithstanding any other provision of this part other than section 13708(a)(2) of this title, from amounts appropriated to carry out sections 13703 and 13704 of this title, the Attorney General shall reserve, to carry out this section—

“(1) 0.3 percent in each of fiscal years 1996 and 1997; and

“(2) 0.2 percent in each of fiscal years 1998, 1999, and 2000.”

Subsec. (b). Pub. L. 111-211, §244(b)(1), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “From the amounts reserved under subsection (a) of this section, the Attorney General may make grants to Indian tribes for the purposes of constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction.”

Subsec. (c). Pub. L. 111-211, §244(b)(2), inserted “or consortium of Indian tribes, as applicable,” after “Indian tribe”.

Subsec. (d). Pub. L. 111-211, §244(b)(3), added subsec. (d).

#### § 12110. Payments to eligible States for incarceration of criminal aliens

##### (a) In general

The Attorney General shall make a payment to each State which is eligible under section 1252(j)<sup>1</sup> of title 8 in such amount as is determined under section 1252(j)<sup>1</sup> of title 8, and for which payment is not made to such State for such fiscal year under such section.

##### (b) Authorization of appropriations

Notwithstanding any other provision of this part, there are authorized to be appropriated to carry out this section from amounts authorized under section 12108 of this title, an amount which when added to amounts appropriated to carry out section 1252(j)<sup>1</sup> of title 8 for fiscal year 1996 equals \$500,000,000 and for each of the fiscal years 1997 through 2000 does not exceed \$650,000,000.

##### (c) Administration

The amounts appropriated to carry out this section shall be reserved from the total amount appropriated for each fiscal year and shall be added to the other funds appropriated to carry out section 1252(j)<sup>1</sup> of title 8 and administered under such section.

##### (d) Report to Congress

Not later than May 15, 1999, the Attorney General shall submit a report to the Congress which contains the recommendation of the Attorney General concerning the extension of the program under this section.

(Pub. L. 103-322, title II, §20110, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26,

<sup>1</sup> See References in Text note below.

1996, 110 Stat. 1321, 1321-21; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 1252(j) of title 8, referred to in subsecs. (a) to (c), was redesignated section 1231(i) of title 8 by Pub. L. 104-208, div. C, title III, §306(a)(1), Sept. 30, 1996, 110 Stat. 3009-607.

##### CODIFICATION

Section was formerly classified to section 13710 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### § 12111. Support of Federal prisoners in non-Federal institutions

##### (a) In general

The Attorney General may make payments to States and units of local government for the purposes authorized in section 4013 of title 18.

##### (b) Authorization of appropriations

Notwithstanding any other provision of this part other than section 12108(a)(2) of this title, there are authorized to be appropriated from amounts authorized under section 12108 of this title for each of fiscal years 1996 through 2000 such sums as may be necessary to carry out this section.

(Pub. L. 103-322, title II, §20111, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-21; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 13711 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### § 12112. Report by Attorney General

Beginning on October 1, 1996, and each subsequent July 1 thereafter, the Attorney General shall report to the Congress on the implementation of this part, including a report on the eligibility of the States under sections 12103 and 12104 of this title, and the distribution and use of funds under this part.

(Pub. L. 103-322, title II, §20112, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-21; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 13712 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### § 12113. Aimee's Law

##### (a) Short title

This section may be cited as “Aimee's Law”.

##### (b) Definitions

Pursuant to regulations promulgated by the Attorney General hereunder, in this section:

##### (1) Dangerous sexual offense

The term “dangerous sexual offense” means any offense under State law for conduct that

would constitute an offense under chapter 109A of title 18 had the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison.

**(2) Murder**

The term “murder” has the meaning given the term in part I of the Uniform Crime Reports of the Federal Bureau of Investigation.

**(3) Rape**

The term “rape” has the meaning given the term in part I of the Uniform Crime Reports of the Federal Bureau of Investigation.

**(c) Penalty**

**(1) Single State**

Pursuant to regulations promulgated by the Attorney General hereunder, in any case in which a criminal-records-reporting State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any one of those offenses in a State described in paragraph (3), it may, under subsection (d), apply to the Attorney General for \$10,000, for its related apprehension and prosecution costs, and \$22,500 per year (up to a maximum of 5 years), for its related incarceration costs with both amounts for costs adjusted annually for the rate of inflation.

**(2) Multiple States**

Pursuant to regulations promulgated by the Attorney General hereunder, in any case in which a criminal-records-reporting State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any one or more of those offenses in more than one other State described in paragraph (3), it may, under subsection (d), apply to the Attorney General for \$10,000, for its related apprehension and prosecution costs, and \$22,500 per year (up to a maximum of 5 years), for its related incarceration costs with both amounts for costs adjusted annually for the rate of inflation.

**(3) State described**

Pursuant to regulations promulgated by the Attorney General hereunder, a State is described in this paragraph unless—

(A) the term of imprisonment imposed by the State on the individual described in paragraph (1) or (2), as applicable, was not less than the average term of imprisonment imposed for that offense in all States; or

(B) with respect to the individual described in paragraph (1) or (2), as applicable, the individual had served not less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

For purposes of subparagraph (B), in a State that has indeterminate sentencing, the term of imprisonment to which that individual was sentenced for the prior offense shall be based on the lower of the range of sentences.

**(d) State applications**

In order to receive an amount under subsection (c), the chief executive of a State shall submit to the Attorney General an application,

in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for one of those offenses in another State.

**(e) Source of funds**

**(1) In general**

Pursuant to regulations promulgated by the Attorney General hereunder, any amount under subsection (c) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State pursuant to section 10156 of this title that convicted such individual of the prior offense before the distribution of the funds to the State. No amount described under this section shall be subject to section 3335(b) or 6503(d) of title 31<sup>1</sup>

**(2) Payment schedule**

The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

**(f) Construction**

Nothing in this section may be construed to diminish or otherwise affect any court ordered restitution.

**(g) Exception**

Pursuant to regulations promulgated by the Attorney General hereunder, this section does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in subsection (c) and subsequently been convicted for an offense described in subsection (c).

**(h) Report**

The Attorney General shall—

(1) conduct a study evaluating the implementation of this section; and

(2) not later than October 1, 2006, submit to Congress a report on the results of that study.

**(i) Collection of recidivism data**

**(1) In general**

Beginning with calendar year 2002, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State (where practicable)—

(A) the number of convictions during that calendar year for—

(i) any dangerous sexual offense;

(ii) rape; and

(iii) murder; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

**(2) Report**

The Attorney General shall submit to Congress—

(A) a report, by not later than 6 months after January 5, 2006, that provides national

<sup>1</sup> So in original. Probably should be followed by a period.

estimates of the nature and extent of recidivism (with an emphasis on interstate recidivism) by State inmates convicted of murder, rape, and dangerous sexual offenses;

(B) a report, by not later than October 1, 2007, and October 1 of each year thereafter, that provides statistical analysis and criminal history profiles of interstate recidivists identified in any State applications under this section; and

(C) reports, at regular intervals not to exceed every five years, that include the information described in paragraph (1).

#### (j) Effective date

This section shall take effect on January 1, 2002.

(Pub. L. 106-386, div. C, §2001, Oct. 28, 2000, 114 Stat. 1539; Pub. L. 109-162, title XI, §1170, Jan. 5, 2006, 119 Stat. 3122; Pub. L. 109-271, §8(m), Aug. 12, 2006, 120 Stat. 767.)

### Editorial Notes

#### CODIFICATION

Section was formerly classified to section 13713 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

January 5, 2006, referred to in subsec. (i)(2)(A), was in the original “the date of enactment of this Act”, which was translated as meaning the date of enactment of Pub. L. 109-162, which enacted subsec. (i)(2) of this section, to reflect the probable intent of Congress.

Section was enacted as Aimee’s Law and also as part of the Victims of Trafficking and Violence Protection Act of 2000, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

#### AMENDMENTS

2006—Subsec. (b). Pub. L. 109-162, §1170(1), substituted “Pursuant to regulations promulgated by the Attorney General hereunder, in this section” for “In this section” in introductory provisions.

Subsec. (c)(1). Pub. L. 109-162, §1170(1), (2), substituted “Pursuant to regulations promulgated by the Attorney General hereunder, in any case” for “In any case”, “a criminal-records-reporting State” for “a State” the first place appearing, and “(3), it may, under subsection (d), apply to the Attorney General for \$10,000, for its related apprehension and prosecution costs, and \$22,500 per year (up to a maximum of 5 years), for its related incarceration costs with both amounts for costs adjusted annually for the rate of inflation” for “(3), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense”.

Subsec. (c)(2). Pub. L. 109-162, §1170(1), (2), substituted “Pursuant to regulations promulgated by the Attorney General hereunder, in any case” for “In any case”, “a criminal-records-reporting State” for “a State”, and “(3), it may, under subsection (d), apply to the Attorney General for \$10,000, for its related apprehension and prosecution costs, and \$22,500 per year (up to a maximum of 5 years), for its related incarceration costs with both amounts for costs adjusted annually for the rate of inflation” for “(3), the Attorney General shall transfer an amount equal to the costs of incarceration,

prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense”.

Subsec. (c)(3). Pub. L. 109-162, §1170(1), (3)(A), substituted “Pursuant to regulations promulgated by the Attorney General hereunder, a State” for “A State” and “unless” for “if” in introductory provisions.

Subsec. (c)(3)(A). Pub. L. 109-162, §1170(3)(B)(iii), (C), inserted “not” before “less” and struck out “convicted by the State is” after “as applicable, was”.

Pub. L. 109-162, §1170(3)(B)(ii), which directed amendment of par. (3) by striking “individuals convicted of the offense for which,” was executed by striking “individuals convicted of the offense for which” after “imposed by the State on” to reflect the probable intent of Congress, because there was no comma after “which”.

Pub. L. 109-162, §1170(3)(B)(i), which directed that “average” be struck out, was executed by striking out “average” the first place appearing, after “(A) the”, to reflect the probable intent of Congress.

Subsec. (c)(3)(B). Pub. L. 109-162, §1170(3)(C), inserted “not” before “less”.

Subsec. (d). Pub. L. 109-162, §1170(4), struck out “transferred” after “receive an amount”.

Subsec. (e)(1). Pub. L. 109-271 substituted “section 3755” for “section 3756”.

Pub. L. 109-162, §1170(1), (4), (5), substituted “Pursuant to regulations promulgated by the Attorney General hereunder, any amount” for “Any amount transferred”, inserted “pursuant to section 3756 of this title” before “that convicted”, inserted “No amount described under this section shall be subject to section 3335(b) or 6503(d) of title 31” at end, and struck out former last sentence which read as follows: “The Attorney General shall provide the State with an opportunity to select the specific Federal law enforcement assistance funds to be so reduced (other than Federal crime victim assistance funds).”

Subsec. (g). Pub. L. 109-162, §1170(1), substituted “Pursuant to regulations promulgated by the Attorney General hereunder, this section does not apply” for “This section does not apply”.

Subsec. (i)(1). Pub. L. 109-162, §1170(6), substituted “State (where practicable)” for “State” in introductory provisions.

Subsec. (i)(2). Pub. L. 109-162, §1170(7), added par. (2) and struck out heading and text of former par. (2). Text read as follows: “Not later than March 1, 2003, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

“(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

“(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.”

### PART B—MISCELLANEOUS PROVISIONS

#### § 12121. Task force on prison construction standardization and techniques

##### (a) Task force

The Director of the National Institute of Corrections shall, subject to availability of appropriations, establish a task force composed of Federal, State, and local officials expert in prison construction, and of at least an equal number of engineers, architects, and construction experts from the private sector with expertise in prison design and construction, including the use of cost-cutting construction standardization