

**NLWJC - Kagan**

**DPC - Box 011 - Folder 034**

**Crime - Republican Omnibus Bill**

# Anti-Gang and Youth Violence Act of 1997

## **Title I          Gang Prosecutors Grant Program**

Modeled after the COPS program, this provision will be the centerpiece of the bill. It will provide \$200 million over two years so that states and localities can hire more prosecutors and prosecutorial resources to investigate and prosecute gang cases.

The COPS program provided needed support to the front end of the criminal justice system. The next step is to provide more prosecutors specifically directed at the gangs who are terrorizing our neighborhoods and cities.

## **Title II          Fed Prosecution of Juveniles as Adults (and other leftovers from last year)**

This provision was in last year's bill. It gives Federal prosecutors the discretion to seek to transfer a juvenile to Federal adult court for certain serious violent crimes. Presently, the discretion resides with the judge.

In his 1996 State of the Union, President Clinton stated that "Our next step in the fight against crime is to take on gangs the way we once took on the mob. I'm directing the FBI and other investigative agencies to target gangs that involve juveniles and violent crime, and to seek authority to prosecute as adults teenagers who maim and kill like adults."

## **Title III        Danforth-Bradley Afterschools**

\$50 million afterschool program that provide grants to local jurisdictions for afterschool activities. Juvenile crime rates peak from 3-8 pm. That is because kids are out of school with nothing better to do. We need to keep our schools open and provide our kids with something to say "yes" to.

The Danforth-Bradley Afterschools Program -- named in honor of two Senators who championed this approach -- would provide funding to communities to keep kids off the street.

## **Title IV        Reno Youth Violence Courts**

New concept pushed by Reno. Similar to the 1994 Clinton Crime Bill drug court program, grants would be provided to local jurisdictions to set up courts that would specifically handle youth violence cases. Like drug courts, this would permit the judge to focus more attention on the individual case and provide graduated sanctions that could be better monitored than a current juvenile or adult court could provide.

## **Title V      Reno Truancy/Curfew/ Prevention Program**

This program would provide grants to localities to implement innovative prevention programs that would help reduce youth violence by keeping kids in school during the day and off the streets at night.

President Clinton believes that curfews, when they are backed by a community of support and are a part of a larger plan to help fight juvenile crime, can play an important role in keeping our children safe. Truancy prevention initiatives have been shown to keep more children in school and dramatically reduce daytime crime.

## **Title VI      Brady Extension to Juvenile Records**

An 18 year old -- who has a 2 page rap sheet of violent crime committed as a juvenile -- can go into a gun store and legally buy a gun because any background check would not show any prior record. This provision would extend Brady background checks to violent juvenile records.

## **Title VII      Additional anti-gang and firearm provisions**

### **Title VIII      Safety Lock for guns**

Many juveniles who carry guns obtain their weapons illegally. However, many also obtain the from their home. Unfortunately, most gun-owning households do not unload their guns and lock them up.

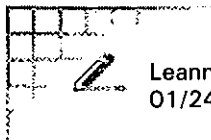
This provision would require that every sale of a handgun by a licensed dealer be accompanied by a manufacturer-approved device designed to prevent unauthorized users from firing the weapon.

Not only would this provision reduce handgun accidents but it would also reduce any incentive to steal a handgun.

## **Title IX      Rewrite of Juvenile Justice Office**

The Office of Juvenile Justice and Delinquency Prevention provides assistance to State and local units of government to improve their juvenile justice systems and to reduce delinquency. However, while the problem of youth violence has changed dramatically in the last few years, the office has not. We want to reform this office -- and revolutionize the Federal government's approach to juvenile justice -- so that it can better serve local initiatives to reduce youth violence.

*File  
Crime-Republican  
bill*



Leanne A. Shimabukuro  
01/24/97 02:04:13 PM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: BURKE\_D @ A1 @ CD @ LNGTWY  
Subject: Senate Republican omnibus crime bill

Attached is a brief description of the Senate Republican omnibus crime bill introduced earlier this week. The omnibus bill appears to be a collection of separate bills pulled together into one package. For example, the youth crime title was also introduced as a stand alone bill (S. 10). The gang subtitle is the Hatch-Feinstein gang bill.



OMNIBUS.S Let me know if you have any questions. Thanks.

Message Sent To:

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### **S. 3: The Omnibus Crime Control Act of 1997**

**Transfer of Alien Prisoners:** Requires renegotiation of treaties so consent of alien to be transferred back to country of origin is not necessary. Requires withholding of foreign aid and visas for countries that refuse to accept their nationals or sufficiently incarcerate them.

**Exclusionary Rule Reform:** Evidence obtained by "objectively reasonable" search or seizure shall not be excluded under the fourth amendment in federal court cases.

#### **Violent Crime, Drugs and Terrorism**

- **Criminal Penalties and Procedures:** Provides special protection for Olympic Games. Mandatory minimum penalties for crimes committed with explosives. Criminal forfeiture for chemical weapons violations.
- **International Terrorism:** Revision to State Department Rewards Program for informants on international terrorism and drug trafficking cases.
- **Commission and Studies:** Establishment of National Commission on Terrorism.

#### **Community Protections**

- **Law Enforcement Assistance:** Exemption for current and former police from state laws prohibiting carrying concealed firearms.
- **Citizens' Assistance:** Authorizes states to enter into compacts to enable individuals to carry concealed weapons. Permits federal grant \$ to be used for firearms training and education to the public.

#### **Criminal Procedure Improvements**

- **Equal Protection for Victims:** Amends federal rules of criminal procedure and evidence on trial procedures to assist prosecutors and victims.
- **Firearms:** Mandatory minimum sentences for criminals possessing firearms. Mandatory death penalty for repeat violators of international drug trafficking laws.
- **Federal Death Penalty:** Adds aggravating factors in determination of death penalty sentence. Establishes death penalty in District of Columbia.

#### **Increased Penalties for Trafficking and Manufacture of Methamphetamine and Precursors**

**Violence Against Women and Children:** Makes religious organizations eligible for VAWA grants. Establishes death penalty for fatal interstate domestic violence cases. Provides for HIV testing of defendants in sexual assault cases.

**Violent Crime and Terrorism:** Expands coverage of antiterrorism statutes and increases penalties.

**Prison Reform:**

- Prison Litigation Reform: Makes more difficult to remedy prison conditions.
- Federal Prisons: Prohibits certain prisoner amenities. Requires prisoners to work.

**Violent and Repeat Juvenile Offenders**

- Juvenile Justice Reform: Treatment of juveniles age 14 and older as adults for violent crimes and drug crimes (prosecutor discretion) in federal court. Expands availability of juvenile records, fingerprints and photographs.
- Juvenile Gangs: Provides \$100 million for hiring of U.S. Attorneys and attorneys in Justice Department to prosecute juvenile gangs. Creates federal penalty with mandatory minimums for solicitation or recruitment of criminal gang activity. Increases sentencing guidelines for participation in crime as gang member.
- Juvenile Crime Control and Accountability: Revokes OJJDP and creates Office of Juvenile Crime Control and Accountability. Establishes state incentive block grants (\$3.25 billion/5 years) to encourage: use of graduated sanctions, hiring of prosecutors and police to control juvenile crime, curfews, and prosecution of juveniles as adults.

**Miscellaneous:**

- Schedule I Drugs: Requires Attorney General to promulgate rules to revoke DEA license of physicians prescribing a Schedule I drugs.
- Anti-drug Use Public Service Requirement: FCC to encourage priority use of public service resources to promote youth drug abuse prevention and education.
- Child Porn: Secretary of State required to review all extradition treaties to ensure offenses involving child pornography is are extraditable offenses.
- 2,000 Boys and Girls Clubs Before 2000: Authorizes resources for 1,000 new clubs.
- Cellular Telephone Interceptions: Adds penalty of imprisonment of up to 1 year.