

103^D CONGRESS
1ST SESSION

H. R. 3584

To encourage each State to adopt truth in sentencing laws and to help fund additional spaces in the State correctional programs as needed.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 1993

Mr. CHAPMAN (for himself, Mr. YOUNG of Alaska, Mr. PETE GEREN of Texas, Mr. GEKAS, and Mr. BREWSTER) introduced the following bill; which was referred jointly to the Committees on the Judiciary and Post Office and Civil Service

A BILL

To encourage each State to adopt truth in sentencing laws and to help fund additional spaces in the State correctional programs as needed.

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 “Truth in Sentencing
5 Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) it is the responsibility of the Federal Gov-
2 ernment to provide States with assistance in reduc-
3 ing violent crime;

4 (2) the responsibility for protecting citizens
5 against most violent crime and for punishing most
6 violent criminal offenders is primarily a matter of
7 State and local governance;

8 (3) the incidence of violent crime nationwide
9 has risen dramatically and constitutes a national pri-
10 ority of the highest order; and

11 (4) the United States Sentencing Guidelines
12 have proven to be an effective means of achieving,
13 at the Federal level, a more uniform, proportionate,
14 predictable, and appropriately punitive criminal sen-
15 tencing system by incorporating truth in sentencing
16 provisions which restrict release of a convicted crimi-
17 nal until at least 85 percent of the sentence which
18 has been imposed by a judge or jury has been
19 served.

20 **SEC. 3. GRANTS FOR TRUTH IN SENTENCING.**

21 (a) GRANT AUTHORIZATION.—The Director of the
22 Bureau of Justice Assistance is authorized to provide
23 grants to States to build, expand or operate space in cor-
24 rectional facilities in order to implement truth in sentenc-
25 ing requirements.

1 (b) ELIGIBILITY.—In order to be eligible for funding
2 under this Act, a State shall have in effect throughout the
3 State truth in sentencing requirements which include—

4 (1) a provision in its criminal code which re-
5 stricts parole, good-time credit release, or other
6 forms of early release to require that criminals con-
7 victed of crimes of violence, as herein defined, serve
8 at least 85 percent of the sentence imposed by a
9 judge or jury;

10 (2) a provision which requires the sentencing
11 authority to allow the defendant's victims or the
12 family of victims the opportunity to be heard regard-
13 ing the issue of sentencing;

14 (3) a provision which allows as a sentencing op-
15 tion a "life sentence" without the possibility of pa-
16 role; and

17 (4) a provision which provides that the victim
18 and victim's family is notified whenever such defend-
19 ant is to be released.

20 (c) EXCEPTION.—The sentencing requirements under
21 paragraphs (1) and (4) of subsection (b) shall apply except
22 that the State may provide that the Governor of the State
23 may allow for the release of a prisoner after a public hear-
24 ing in which representatives of the public and the pris-

1 oner's victims have an opportunity to be heard regarding
2 a proposed release.

3 (d) ADDITIONAL ELIGIBILITY PROVISION.—A State
4 shall also be eligible for funding under this Act when such
5 State has enacted legislation that provides for the State
6 to be in compliance with this section not later than 3 years
7 after the date of the enactment of such legislation.

8 **SEC. 4. FEDERAL FUNDS.**

9 (a) DISTRIBUTION OF FUNDS.—Of the total amount
10 of funds appropriated under this Act in any fiscal year,
11 there shall be allocated to each participating State an
12 amount which bears the same ratio to the amount of funds
13 appropriated pursuant to this Act as the number of pris-
14 oners convicted of violent crimes serving sentences during
15 the previous fiscal year in that State bears to the number
16 of prisoners convicted of crimes of violence, as herein de-
17 fined, serving sentences during the previous fiscal year in
18 all the participating States. (Such numbers of prisoners
19 to be determined by the Bureau of Justice Statistics.)

20 (b) AUTHORIZATION OF APPROPRIATIONS.—In order
21 to build and operate the spaces in correctional facilities
22 necessary to implement the required truth in sentencing
23 provisions, there are authorized to be appropriated—

24 (1) \$500,000,000 for fiscal year 1994;

25 (2) \$1,000,000,000 for fiscal year 1995;

1 (3) \$2,000,000,000 for fiscal year 1996;

2 (4) \$3,000,000,000 for fiscal year 1997; and

3 (5) \$4,000,000,000 for fiscal year 1998;

4 (c) LIMITATIONS ON FUNDS.—

5 (1) NONSUPPLANTING REQUIREMENT.—Funds
6 made available under this section shall not be used
7 to supplant State funds, but shall be used to in-
8 crease the amount of funds that would, in the ab-
9 sence of Federal funds, be made available from
10 State sources.

11 (2) ADMINISTRATIVE COSTS.—Not more than 3
12 percent of the funds available under this section may
13 be used for administrative costs.

14 (3) MATCHING FUNDS.—The portion of the
15 costs of a program provided by a grant under this
16 section may not exceed 75 percent of the total costs
17 of the program as described in the application.

18 (4) DURATION OF GRANTS.—A grant under this
19 section may be renewed for up to 3 years beyond the
20 initial year of funding if the Director determines
21 that the applicant demonstrates satisfactory
22 progress toward achievement of the objectives set
23 out in an approved application.

1 **SEC. 5. REDUCTION OF FEDERAL FULL-TIME EQUIVALENT**
2 **POSITIONS.**

3 (a) DEFINITION.—For purposes of this section, the
4 term “agency” means an executive agency as defined
5 under section 105 of title 5, United States Code, but does
6 not include the General Accounting Office.

7 (b) LIMITATIONS ON FULL-TIME EQUIVALENT POSI-
8 TIONS.—The President, through the Office of Manage-
9 ment and Budget (in consultation with the Office of Per-
10 sonnel Management), shall ensure that the total number
11 of full-time equivalent positions in all agencies shall not
12 exceed—

- 13 (1) 2,095,182 during fiscal year 1994;
- 14 (2) 2,044,100 during fiscal year 1995;
- 15 (3) 2,003,845 during fiscal year 1996;
- 16 (4) 1,963,593 during fiscal year 1997;
- 17 (5) 1,923,339 during fiscal year 1998; and
- 18 (6) 1,883,086 during fiscal year 1999.

19 (c) MONITORING AND NOTIFICATION.—The Office of
20 Management and Budget, after consultation with the Of-
21 fice of Personnel Management, shall—

- 22 (1) continuously monitor all agencies and make
- 23 a determination on the first date of each quarter of
- 24 each applicable fiscal year of whether the require-
- 25 ments under subsection (b) are met, and

1 (2) notify the President and the Congress on
2 the first date of each quarter of each applicable fis-
3 cal year of any determination that any requirement
4 of subsection (b) is not met.

5 (d) COMPLIANCE.—If at any time during a fiscal
6 year, the Office of Management and Budget notifies the
7 President and the Congress that any requirement under
8 subsection (b) is not met, an agency may not hire any
9 employee for any position in such agency until the Office
10 of Management and Budget notifies the President and the
11 Congress that the total number of full-time equivalent po-
12 sitions for all agencies equals or is less than the applicable
13 number required under subsection (b).

14 **SEC. 6. DEFINITION; CRIME OF VIOLENCE.**

15 For purposes of this Act, the term “crime of vio-
16 lence” has the same meaning given such term in section
17 16 of title 18, United States Code.

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