

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 543

To authorize incarceration in Federal prisons of prisoners sentenced to life imprisonment under the habitual criminal statute of a State.

---

IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, MARCH 3), 1993

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

---

## A BILL

To authorize incarceration in Federal prisons of prisoners sentenced to life imprisonment under the habitual criminal statute of a State.

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. FINDINGS.**

4       The Congress finds that—

5               (1) career criminals commit a larger percentage  
6       of the violent and major felonies afflicting society,  
7       causing immeasurable physical injury to innocent  
8       persons and damage, destruction, or loss to their  
9       property estimated at billions of dollars annually,

1       thereby terrorizing law-abiding citizens, disrupting  
2       the community, and undermining respect to law:

3               (2) the continuing criminal activity of career  
4       criminals adversely affects interstate commerce;

5               (3) despite prior convictions for serious of-  
6       fenses, many repeat offenders are placed on proba-  
7       tion or sentenced to unduly short terms of imprison-  
8       ment by State judges, to the detriment of public  
9       safety;

10              (4) many repeat offenders cannot reasonably be  
11      rehabilitated and, unless incarcerated for life, will  
12      commit further felonies;

13              (5) many States have “habitual criminal” stat-  
14      utes providing for life sentences for repeat offenders,  
15      upon subsequent felony convictions;

16              (6) many State prison systems are severely  
17      overcrowded, understaffed, and unable to confine  
18      convicts sentenced to life imprisonment under such  
19      statutes in a safe, secure, and humane manner;

20              (7) State judges may be deterred by the lack of  
21      sufficient prison space, staff, and funding from im-  
22      posing life sentences for offenders as provided by  
23      State law, and the legislatures in those States with-  
24      out habitual criminal statutes may be dissuaded by  
25      such considerations from enacting such statutes;

1           (8) the interests of justice and public safety  
2 would be served if State authorities felt free to im-  
3 pose life sentences for repeat major offenders unre-  
4 strained by such considerations;

5           (9) the Federal Bureau of Prisons sometimes  
6 has empty cells available and can make additional  
7 space available by consolidating inmates, consistent  
8 with suitable standards, and ultimately can open ad-  
9 ditional institutions and cells, without great cost or  
10 delay, in certain Federal facilities, including aban-  
11 doned military facilities and Public Health Service  
12 Hospitals; and

13           (10) the Federal Bureau of Prisons has an out-  
14 standing record of safely, effectively, and humanely  
15 confining inmates sentenced to life imprisonment.

16 **SEC. 2. PURPOSE.**

17       The purpose of this Act is to remove undue restraints  
18 on States imposing life sentences on repeat major offend-  
19 ers by authorizing the Federal Government to assume cus-  
20 tody of prisoners sentenced under State habitual criminal  
21 statutes to imprisonment for life, without cost to the  
22 State.

1 **SEC. 3. INCARCERATION OF THE STATE PRISONERS IN FED-**  
2 **ERAL PRISONS.**

3 (a) IN GENERAL.—On application by the head of a  
4 State prison system, the Director of the Bureau of Prisons  
5 of the Department of Justice shall promptly arrange and  
6 accept custody of prisoners who are sentenced, after the  
7 date of enactment of this Act, to life imprisonment under  
8 a State habitual criminal statute, to the extent that space  
9 is or can readily be made available in the Federal prison  
10 system.

11 (b) APPLICATIONS.—An application for Federal in-  
12 carceration shall include—

13 (1) a certification that the prisoner to be incar-  
14 cerated has been sentenced to life imprisonment  
15 under a State habitual offender statute;

16 (2) a description of the nature and cir-  
17 cumstances of the offenses committed by the pris-  
18 oner to be incarcerated; and

19 (3) a statement of the existing capacities of the  
20 State prison system from transfer of the prisoner is  
21 requested.

22 (c) ASSESSMENT.—(1) The Director of the Bureau  
23 of Prisons shall determine whether to accept custody of  
24 a prisoner based on an assessment of the matters de-  
25 scribed in subsection (b) and the availability of space in  
26 the Federal prison system.

1       (2) A decision of the Director of the Bureau of Pris-  
2       ons under this subsection shall not be subject to review  
3       in any court.

4       (d) PERIOD OF INCARCERATION.—The Federal Bu-  
5       reau of Prisons shall incarcerate a State prisoner under  
6       this Act—

7           (A) until an appropriate State authority cer-  
8       tifies to the Director that the sentence of the pris-  
9       oner has been terminated by parole, pardon, or oth-  
10      erwise as provided by State law; or

11           (B) absent such a certification, for the life of  
12      the prisoner.

○