

EXPRESSING THE SENSE OF THE CONGRESS THAT STATES SHOULD WORK  
MORE AGGRESSIVELY TO ATTACK THE PROBLEM OF VIOLENT CRIMES  
COMMITTED BY REPEAT OFFENDERS AND CRIMINALS SERVING ABBRE-  
VIATED SENTENCES

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JUNE 26, 1997.—Referred to the House calendar and ordered to be printed

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Mr. McCOLLUM, from the Committee on the Judiciary,  
submitted the following

## REPORT

[To accompany H. Con. Res. 75]

The Committee on the Judiciary, to whom was referred the concurrent resolution (H. Con. Res. 75) expressing the sense of the Congress that States should work more aggressively to attack the problem of violent crimes committed by repeat offenders and criminals serving abbreviated sentences, having considered the same, report favorably thereon without amendment and recommend that the concurrent resolution be agreed to.

### PURPOSE AND SUMMARY

H. Con. Res. 75 expresses the sense of Congress that States should work more aggressively to attack the problem of violent crimes committed by repeat offenders and criminals serving abbreviated sentences. The legislation commends those States which have made improvements in their criminal justice laws to ensure that criminals serve an appropriate amount of time in prison, and encourages the remaining States to adopt legislation to increase the amount of time served by violent offenders. The resolution further emphasizes Congress' support for the requirement that violent criminals should serve at least 85% of their sentences.

### BACKGROUND AND NEED FOR THE LEGISLATION

Violent crime in America is unacceptably high. Too many Americans have become prisoners in their own homes, behind locks, bars and alarm systems. Even though crime rates have fallen over that last few years, the rate of violent crime is four times greater than it was forty years ago. As incarceration rates fell in the 60s, 70s,

and early 80s, crime rates soared. According to the FBI, in 1960, the United States experienced 160 violent crimes per 100,000 population; in 1995, there were 685 violent crimes per 100,000 population. The failure to hold convicted violent or repeat criminals accountable for their crimes has done much to erode public trust in our criminal justice system. Preserving the fundamental safety and security of families and communities requires action at all levels of government—federal, state and local.

Much of the problem of violent crime is a result of a relatively small group of chronic violent offenders who repeatedly cycle through our criminal justice system: they get arrested, sometimes convicted, occasionally sent to prison and then they are almost always released early after serving only a fraction of their sentences. Victims are frequently under the impression that a convicted offender will serve his or her sentence in full when in fact, violent criminals—those who murder, rape, rob and assault—serve an average of 48 percent of their sentences.<sup>1</sup> Although violent offenders receive an average sentence of almost eight years imprisonment, they actually serve less than four years in prison. Typically, violent criminals are discharged from prison in two years or less, and 76 percent will be back on the street in four years or less.<sup>2</sup> Many violent offenders get no prison time at all. On any given day, about 3 convicted offenders were on probation and parole for every 1 convicted offender in prison.<sup>3</sup>

The tragedy that has resulted from this failure to incarcerate cannot be understated. According to a 1996 report issued by the Council on Crime in America, co-chaired by former Attorney General Griffin Bell and former Drug Czar William Bennett:

[M]uch of crime in America is a self-inflicted wound. Each year a significant number of murders, rapes, robberies, assaults, burglaries, and drug crimes are committed by criminals whom the system has repeatedly had in hand but repeatedly let go, offenders who are serially placed in custody and released back to the streets under-supervised, ill-supervised, or not supervised at all.

The Bureau of Justice Statistics estimates that 38 percent of all murderers were on probation, parole, pretrial release, or in some other criminal justice status at the time of the murder.<sup>4</sup> In 1991, forty-five percent of State prisoners were on probation or parole at the time they committed their latest crime. Together, these parole and probation violators committed 90,639 violent crimes while “under supervision” in the community. Those crimes included 13,100 murders, 12,900 rapes, 19,300 assaults, and 39,500 robberies.<sup>5</sup> This does not even begin to measure the violent crimes

<sup>1</sup>U.S. Department of Justice, Bureau of Justice Statistics, *Violent Offenders in State Prison: Sentences and Time Served 1992*, published July 1995.

<sup>2</sup>Ibid.

<sup>3</sup>U.S. Department of Justice, Bureau of Justice Statistics, *Correctional Populations in the United States, 1994*, June 1996.

<sup>4</sup>U.S. Department of Justice, Bureau of Justice Statistics, *Felony Defendants in Large Urban Counties, 1992*, July 1995.

<sup>5</sup>U.S. Department of Justice, Bureau of Justice Statistics, *Probation and Parole Violators in State Prison 1991*, August 1995, as cited in The Council on Crime in America, *The State of Violent Crime in America*, January 1996, p. 42.

wrought by criminals whom the system had in custody one or more times but failed to restrain.

In recent years, policy-makers at both the federal and State levels of government have responded to this public safety crisis by enacting tough criminal justice reforms. Among the most significant of these reforms has been the establishment of “truth-in-sentencing” which requires convicted offenders to serve greater portions of their sentences. In the “Comprehensive Crime Control Act of 1984” (P.L. 98-473), Congress eliminated parole in the federal criminal justice system and required offenders convicted of federal crimes to serve at least 85 percent of their sentences. In the “Violent Crime Control and Law Enforcement Act of 1994” (P.L. 103-322), Congress encouraged States to enact their own truth-in-sentencing laws by offering prison construction grants to States that incarcerate violent offenders for greater portions of their sentences. This legislation was significantly improved and strengthened in the “Violent Criminal Incarceration and Truth-in-Sentencing Grants Act” which passed in the FY 1996 Omnibus Appropriations bill (P.L. 104-537).

Since the passage of this legislation, at least 25 States have passed truth-in-sentencing laws in order to qualify for funds. These 25 States should be commended for their efforts. The fact that so many States have enacted truth-in-sentencing legislation demonstrates clearly that the incentive grants have worked. States have responded positively to Congress’ leadership on this issue, and every citizen has benefitted because more violent criminals remain behind bars—where they belong. The incentive grants are effective, and Congress must use every means possible to get this message out to those remaining States which have not yet passed truth-in-sentencing legislation. The purpose of this resolution is to re-emphasize Congress’ support of the States which have enacted “truth-in-sentencing” legislation, in addition to encouraging the remaining States to adopt such legislation. Members of Congress should take every opportunity, and use every means possible, to speak to this issue and encourage the States to pass truth-in-sentencing legislation. Law-abiding citizens have the right to feel safe, and ensuring that violent criminals serve at least 85% of their sentences is one, very effective, way to do it.

#### HEARINGS

No hearings were held on H. Con. Res. 75.

#### COMMITTEE CONSIDERATION

On June 12, 1997, the Subcommittee on Crime met in open session and ordered reported the resolution H. Con Res. 75, without amendment by a voice vote, a quorum being present. On June 18, 1997, the Committee met in open session and ordered reported favorably the resolution H. Con. Res. 75 without amendment by voice vote, a quorum being present.

#### VOTE OF THE COMMITTEE

There were no recorded votes.

## COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

## COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(1)(3)(B) of House rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

## COMMITTEE COST ESTIMATE

In compliance with clause 7(a) of rule XIII of the Rules of the House of Representatives, the Committee believes that the resolution H. Con. Res. 75 will have no significant impact on the federal budget for fiscal years 1997–2000. There will not be any significant costs incurred in carrying out H. Con. Res. 75.

## SECTION-BY-SECTION ANALYSIS

This bill expresses the sense of Congress that—

(1) Congress commends Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Virginia and Washington for their existing efforts with respect to prison time served by criminal offenders;

(2) Congress encourages all remaining States to adopt as quickly as possible legislation to increase the time served by violent felons; and

(3) with respect to Federal crimes, Congress should reemphasize its support for the requirement that individuals who commit violent crimes should serve at least 85% of their sentence.

## AGENCY VIEWS

No agency views were received on H. Con. Res. 75.