

108TH CONGRESS
1ST SESSION

H. R. 54

To establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2003

Mr. CRENSHAW (for himself, Mr. MICA, Mr. PUTNAM, Mr. OXLEY, Mr. FORBES, and Mr. KENNEDY of Minnesota) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

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 “Project Exile Safe
5 Streets and Neighborhoods Act of 2003”.

6 **SEC. 2. FIREARMS SENTENCING INCENTIVE GRANTS.**

7 (a) PROGRAM ESTABLISHED.—Title II of the Violent
8 Crime Control and Law Enforcement Act of 1994 is
9 amended—

1 (1) by redesignating subtitle D as subtitle E;
2 and

3 (2) by inserting after subtitle C the following
4 new subtitle:

5 **“Subtitle D—Firearms Sentencing**
6 **Incentive Grants**

7 **“SEC. 20351. DEFINITIONS.**

8 “For purposes of this subtitle:

9 “(1) The term ‘violent crime’ means murder
10 and nonnegligent manslaughter, forcible rape, rob-
11 bery, and aggravated assault, or a crime in a reason-
12 ably comparable class of serious violent crimes as
13 approved by the Attorney General.

14 “(2) The term ‘serious drug trafficking crime’
15 means an offense under State law for the manufac-
16 ture or distribution of a controlled substance, for
17 which State law authorizes to be imposed a sentence
18 to a term of imprisonment of 10 years or more.

19 “(3) The term ‘part 1 violent crime’ means
20 murder and nonnegligent manslaughter, forcible
21 rape, robbery, and aggravated assault as reported to
22 the Federal Bureau of Investigation for purposes of
23 the Uniform Crime Reports.

24 “(4) The term ‘State’ means a State of the
25 United States, the District of Columbia, the Com-

1 monwealth of Puerto Rico, the United States Virgin
2 Islands, American Samoa, Guam, and the Northern
3 Mariana Islands.

4 **“SEC. 20352. AUTHORIZATION OF GRANTS.**

5 “(a) IN GENERAL.—From amounts made available to
6 carry out this subtitle, the Attorney General shall provide
7 Firearms Sentencing Incentive grants under section
8 20353 to eligible States.

9 “(b) ALLOWABLE USES.—Such grants may be used
10 by a State only for the following purposes:

11 “(1) To support—

12 “(A) law enforcement agencies;

13 “(B) prosecutors;

14 “(C) courts;

15 “(D) probation officers;

16 “(E) correctional officers;

17 “(F) the juvenile justice system;

18 “(G) the expansion, improvement, and co-
19 ordination of criminal history records; or

20 “(H) case management programs involving
21 the sharing of information about serious offend-
22 ers.

23 “(2) To carry out a public awareness and com-
24 munity support program described in section
25 20353(a)(2).

1 “(3) To build or expand correctional facilities.

2 “(c) SUBGRANTS.—A State may use such grants di-
3 rectly or by making subgrants to units of local government
4 within that State.

5 **“SEC. 20353. FIREARMS SENTENCING INCENTIVE GRANTS.**

6 “(a) ELIGIBILITY.—Except as provided in subsection
7 (b), to be eligible to receive a grant award under this sec-
8 tion, a State shall submit an application to the Attorney
9 General that complies with the following:

10 “(1) The application shall demonstrate that
11 such State has implemented firearms sentencing
12 laws requiring 1 or more of the following:

13 “(A) Any person who, during and in rela-
14 tion to any violent crime or serious drug traf-
15 ficking crime, uses or carries a firearm, shall,
16 in addition to the punishment provided for such
17 crime of violence or serious drug trafficking
18 crime, be sentenced to a term of imprisonment
19 of not less than 5 years (without the possibility
20 of parole during that term).

21 “(B) Any person who, having at least 1
22 prior conviction for a violent crime, possesses a
23 firearm, shall, for such possession, be sentenced
24 to a term of imprisonment of not less than 5

1 years (without the possibility of parole during
2 that term).

3 “(2) The application shall demonstrate that
4 such State has implemented, or will implement not
5 later than 6 months after receiving a grant under
6 this subtitle, a public awareness and community sup-
7 port program that seeks to build support for, and
8 warns potential violators of, the firearms sentencing
9 laws implemented under paragraph (1).

10 “(3) The application shall provide assurances
11 that such State—

12 “(A) will coordinate with Federal prosecu-
13 tors and Federal law enforcement agencies
14 whose jurisdictions include such State, so as to
15 promote Federal involvement and cooperation in
16 the enforcement of laws within that State; and

17 “(B) will allocate its resources in a manner
18 calculated to reduce crime in the high-crime
19 areas of the State.

20 “(b) ALTERNATE ELIGIBILITY REQUIREMENT.—

21 “(1) IN GENERAL.—A State that is unable to
22 demonstrate in its application that such State meets
23 the requirement of subsection (a)(1) shall be eligible
24 to receive a grant award under this section notwith-
25 standing that inability if that State, in such applica-

tion, provides assurances that such State has in effect an equivalent Federal prosecution agreement.

“(2) EQUIVALENT FEDERAL PROSECUTION AGREEMENT.—For purposes of paragraph (1), an equivalent Federal prosecution agreement is an agreement with appropriate Federal authorities that ensures 1 or more of the following:

“(A) If a person engages in the conduct specified in subsection (a)(1)(A), but the conviction of that person under State law for that conduct is not certain to result in the imposition of an additional sentence as specified in that subsection, that person is referred for prosecution for such conduct under Federal law.

“(B) If a person engages in the conduct specified in subsection (a)(1)(B), but the conviction of that person under State law for that conduct is not certain to result in the imposition of a sentence as specified in that subsection, that person is referred for prosecution for such conduct under Federal law.

“SEC. 20354. FORMULA FOR GRANTS.

“(a) IN GENERAL.—The amount available for grants under section 20353 for any fiscal year shall be allocated

1 to each eligible State, in the ratio that the number of part
 2 1 violent crimes reported by such State to the Federal Bu-
 3 reau of Investigation for the 3 years preceding the year
 4 in which the determination is made, bears to the average
 5 annual number of part 1 violent crimes reported by all
 6 eligible States to the Federal Bureau of Investigation for
 7 the 3 years preceding the year in which the determination
 8 is made.

9 “(b) UNAVAILABLE DATA.—If data regarding part 1
 10 violent crimes in any State is substantially inaccurate or
 11 is unavailable for the 3 years preceding the year in which
 12 the determination is made, the Attorney General shall uti-
 13 lize the best available comparable data regarding the num-
 14 ber of violent crimes for the previous year for the State
 15 for the purposes of allocation of funds under this subtitle.

16 **“SEC. 20355. AUTHORIZATION OF APPROPRIATIONS.**

17 “(a) AUTHORIZATIONS.—There are authorized to be
 18 appropriated to carry out this subtitle—

19 “(1) \$10,000,000 for fiscal year 2003;

20 “(2) \$15,000,000 for fiscal year 2004;

21 “(3) \$20,000,000 for fiscal year 2005;

22 “(4) \$25,000,000 for fiscal year 2006; and

23 “(5) \$30,000,000 for fiscal year 2007.

24 “(b) LIMITATIONS ON FUNDS.—

1 “(1) USES OF FUNDS.—Funds made available
2 pursuant to this subtitle shall be used only to carry
3 out the purposes described in section 20352(b).

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

10 “(3) ADMINISTRATIVE COSTS.—Not more than
11 3 percent of the funds made available pursuant to
12 this section shall be available to the Attorney Gen-
13 eral for purposes of administration, research and
14 evaluation, technical assistance, and data collection.

15 “(4) CARRYOVER OF APPROPRIATIONS.—Funds
16 appropriated pursuant to this section during any fis-
17 cal year shall remain available until expended.

18 “(5) MATCHING FUNDS.—The Federal share of
19 a grant received under this subtitle may not exceed
20 90 percent of the costs of a proposal as described in
21 an application approved under this subtitle.

22 **“SEC. 20356. REPORT BY THE ATTORNEY GENERAL.**

23 “Beginning on October 1, 2003, and each subsequent
24 July 1 thereafter, the Attorney General shall submit to
25 the Committee on the Judiciary of the Senate and the

1 Committee on the Judiciary of the House of Representa-
 2 tives a report on the implementation of this subtitle. The
 3 report shall include information regarding the eligibility
 4 of States under section 20353 and the distribution and
 5 use of funds under this subtitle.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
 7 in section 2 of that Act is amended—

8 (1) by redesignating the item relating to sub-
 9 title D of title II as subtitle E of such title; and

10 (2) by inserting after subtitle C of such title the
 11 following:

“Subtitle D—Firearms Sentencing Incentive Grants

“Sec. 20351. Definitions.

“Sec. 20352. Authorization of grants.

“Sec. 20353. Firearms sentencing incentive grants.

“Sec. 20354. Formula for grants.

“Sec. 20355. Authorization of appropriations.

“Sec. 20356. Report by the Attorney General.”.

