

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 908

To establish within the United States Marshals Service a short term State witness protection program to provide assistance to State and local district attorneys to protect their witnesses in cases involving homicide, serious violent felonies, and serious drug offenses, and to provide Federal grants for such protection.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Mr. CUMMINGS introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To establish within the United States Marshals Service a short term State witness protection program to provide assistance to State and local district attorneys to protect their witnesses in cases involving homicide, serious violent felonies, and serious drug offenses, and to provide Federal grants for such protection.

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 “Witness Security and  
5       Protection Act of 2005”.

1 **SEC. 2. SHORT TERM STATE WITNESS PROTECTION SEC-**  
2 **TION.**

3 (a) IN GENERAL.—Chapter 37 of title 28, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 570. Short Term State Witness Protection Section**

7 “(a) IN GENERAL.—There is established in the  
8 United States Marshals Service a Short Term State Wit-  
9 ness Protection Section which shall provide protection for  
10 witnesses in State and local trials involving homicide, or  
11 involving a serious violent felony or serious drug offense  
12 (as those terms are defined in section 3559(c)(2) of title  
13 18), pursuant to cooperative agreements with State and  
14 local district attorneys and the United States attorney for  
15 the District of Columbia.

16 “(b) ELIGIBILITY.—The Section shall give priority in  
17 awarding grants and providing services to prosecutor’s of-  
18 fices in States with an average of not less than 100 mur-  
19 ders per year during the 5-year period immediately pre-  
20 ceding an application for protection, as calculated using  
21 the latest available crime statistics from the Federal Bu-  
22 reau of Investigation.”.

23 (b) CHAPTER ANALYSIS.—The chapter analysis for  
24 chapter 37 of title 28, United States Code, is amended

1 by striking the items for sections 570 through 576 and  
2 inserting the following:

“570. Short Term State Witness Protection Section.”.

3 **SEC. 3. GRANT PROGRAM.**

4 (a) GRANTS AUTHORIZED.—

5 (1) IN GENERAL.—The Attorney General is au-  
6 thORIZED to make grants to State and local district  
7 attorneys and the United States attorney for the  
8 District of Columbia for the purpose of providing  
9 short term protection to witnesses in trials involving  
10 homicide, or involving a serious violent felony or se-  
11 rious drug offense (as those terms are defined in  
12 section 3559(c)(2) of title 18, United States Code).

13 (2) ALLOCATION.—Each district attorney re-  
14 ceiving a grant under this section may either—

15 (A) use the grant to provide witness pro-  
16 tection; or

17 (B) pursuant to a cooperative agreement  
18 with the Short Term State Witness Protection  
19 Section of the United States Marshals Service,  
20 credit the grant to the Short Term State Wit-  
21 ness Protection Section to cover the costs to the  
22 section of providing witness protection on behalf  
23 of the district attorney.

24 (3) ELIGIBILITY.—Grants under this section  
25 may only be awarded in States with an average of

1 not less than 100 murders per year during the most  
2 recent 5-year period, as calculated using the latest  
3 available crime statistics from the Federal Bureau of  
4 Investigation.

5 (b) APPLICATION.—

6 (1) IN GENERAL.—Each eligible district attor-  
7 ney desiring a grant under this section shall submit  
8 an application to the Attorney General at such time,  
9 in such manner, and accompanied by such informa-  
10 tion as the Attorney General may reasonably re-  
11 quire.

12 (2) CONTENTS.—Each application submitted  
13 pursuant to paragraph (1) shall—

14 (A) describe the activities for which assist-  
15 ance under this section is sought; and

16 (B) provide such additional assurances as  
17 the Attorney General determines to be essential  
18 to ensure compliance with the requirements of  
19 this section.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to carry out this section  
22 \$90,000,000 for each of the fiscal years 2005, 2006, and  
23 2007.

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