



**REPORT TO LAW &  
LEGISLATION COMMITTEE  
City of Sacramento  
915 I Street, Sacramento, CA 95814-2604**

**6**

**Staff Report  
May 1, 2007**

**Honorable Members of the  
Law and Legislation Committee**

**Title: Legislative Position: Support 1) S. 456 Relating to Comprehensive  
Legislations to Fight Gang Violence and 2) S. 144 Relating to Providing  
Federal Coordination and Assistance in Preventing Gang Violence.**

**Location/Council District: Citywide**

**Recommendation:** Staff recommends the Law and Legislation Committee adopt support positions on S. 456 and S. 144. S. 456 would establish tougher federal penalties for violent gang members and provide funding for gang enforcement, prevention, and intervention programs. S. 144 would solely provide Federal coordination and assistance in preventing gang violence.

**Contact:** Daniel Hahn, Captain, 808-0301

**Presenters:** Albert Nájera, Chief of Police

**Department:** Police

**Division:** Special Investigations

**Organization No:** 2142

**Description/Analysis**

**Issue:** Staff is recommending that the Committee adopt a support position on S. 456. This bill would establish tougher federal penalties for violent gang members and provide funding for gang enforcement, prevention, and intervention programs. The FBI reports that violent crime is increasing at its highest rate in 15 years and many experts attribute this to the increased gang presence in our cities. This legislation would increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs. It would also revise and enhance criminal penalties for violent crimes and improve gang prevention programs.

S. 456 is supported by Senators Dianne Feinstein (D-California) and Orrin Hatch (R-Utah) and a bipartisan coalition of 18 additional Senators.

In addition, staff is recommending that the Committee adopt a support position on S. 144. This bill would provide Federal coordination and assistance in preventing gang violence. While S. 456 provides funding for enforcement, S. 144 provides funding for proactive prevention and intervention programs that

specifically focus on keeping “at-risk” youth in school and out of the criminal justice system.

S. 144 is supported by Senators Barbara Boxer and Dianne Feinstein (both D–California).

**Policy Considerations:** Gang violence is increasing, and any additional tool to counter this rise is beneficial for law enforcement. These two bills will work in conjunction to enforce, intervene, and prevent gang violence.

**Environmental Considerations:** None

**Rationale for Recommendation:** S. 456 would provide additional penalties for prosecution as well as federal funding for gang enforcement, prevention, and intervention programs. S. 144 would provide additional assistance in prevention and intervention efforts.

**Financial Considerations:** In regards to S. 456, the Attorney General would designate a region as a High Intensity Interstate Gang Activity Area (HIIGAA). Funding would be divided in two different segments. Funding for one segment would go to enforcement and prevention and the other segment would go to enhancing programs already in existence such as Project Safe Neighborhoods and Safe Streets. Funding would be provided from 2008 to 2012.

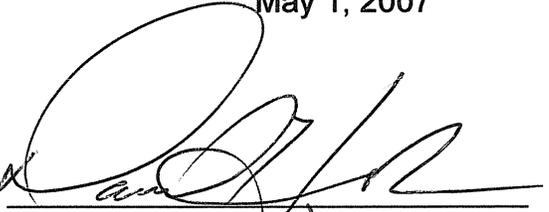
Regarding S. 144, an application would need to be submitted to the Attorney General in order to be designated as a Comprehensive Gang Prevention Relief Area. Funding would be provided to meet necessary needs and programmatic outcome for each area based on an annual report submitted to the Attorney General’s Office.

Upon passage of either or both of these bills, the Department will petition the Attorney General’s Office to qualify for the designated funding.

**Emerging Small Business Development (ESBD):** None

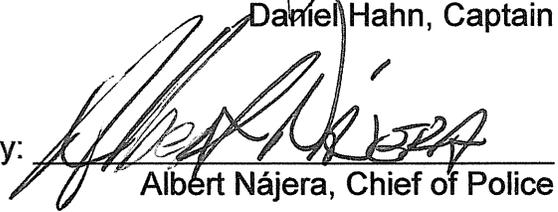
May 1, 2007

Respectfully Submitted by:



Daniel Hahn, Captain

Approved by:



Albert Nájera, Chief of Police

Recommendation Approved:

  
GUSTAVO F. VINA  
Assistant City Manager

Ref: 04-25

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**Attachment 1**

**Background**

Since 2004, violent crimes in the City of Sacramento have risen 24.3%.

- In 2006, there were 59 murders in the City of Sacramento compared to 53 in 2005. This is an increase of 11.4%.
- A reckless lifestyle, including gang behavior, was determined to be a significant factor in 36 out of 59 murders in 2006.
- 18 Juveniles were arrested for murder in 2006 which represents 35.3% of the total arrested suspects. In comparison, only six juveniles were arrested for murder in 2005, which represented 15.4% of the total arrested suspects.
- The California Department of Finance is projecting the Sacramento County “at-risk” population of youths ages 10-17 will increase 64% by 2025.
- The number of validated gang members per year reported by the Sacramento Police Department from 2003 to 2006 are:

2003 – 302  
2004 – 690  
2005 – 1184  
2006 – 1817

The Sacramento Police Department is committed to enhancing current programs, developing new programs, and expanding and creating partnerships with various groups (i.e. Community Based Organizations, Faith Based Organizations, community groups, other public agencies and various departments within the City) in order to have a positive impact on the growing trend of youth crime and gang violence.

May 1, 2007

Honorable Dianne Feinstein  
Member United States Senator  
One Post Street, Suite 2450  
San Francisco, CA 94104

**Subject: Support S. 456 – Legislation to fight gang violence**

Dear Senator Feinstein:

On behalf of the City of Sacramento, I am pleased to write in support of S. 456. This legislation, co-sponsored by Senator Orrin Hatch (R – Utah) and a bipartisan coalition of 18 additional Senators, would establish tougher penalties for violent gang members and provide funding for gang enforcement, prevention, and intervention programs.

As we know all too well, tragedies resulting from gang violence have become too common in the Sacramento region and elsewhere in California. In Sacramento alone there has been a 24.3% increase in violent crimes since 2004. S. 456 would help provide a cohesive working relationship with other agencies to not only target Sacramento's gang problem, but work on fighting it state-wide.

The bill creates tougher laws for certain federal crimes in which gang members may be involved. It also provides funding for programs that help stop youths from turning to the "at-risk" lifestyle of a gang member.

Thank you for introducing this important legislation.

Sincerely,

Sandy Sheedy, Chair  
Law and Legislation Committee

cc: Senator Barbara Boxer  
Congresswoman Doris Matsui  
Mayor Heather Fargo and Council  
John Freshman

May 1, 2007

Honorable Barbara Boxer  
Member United States Senator  
501 I Street, Suite #7-600  
Sacramento, CA 95814

**Subject: Support S. 144 – Legislation to provide Federal coordination and assistance in preventing gang violence**

Dear Senator Boxer:

On behalf of the City of Sacramento, I am pleased to write in support of S. 144. This legislation, co-sponsored by Senator Dianne Feinstein (D – California), would provide Federal coordination and assistance for programs that help curb gang violence.

As we know all too well, tragedies resulting from gang violence have become too common in the Sacramento region and elsewhere in California. In Sacramento alone there has been a 24.3% increase in violent crimes since 2004. According to the National Drug Threat Assessment, criminal street gangs are responsible for the distribution of most of the cocaine, methamphetamine, and other illegal drugs throughout the United States.

S. 144 would help to reduce gang violence through proven and proactive prevention and intervention programs that focus on keeping “at-risk” youths in school and out of the criminal justice system.

Thank you for introducing this important legislation.

Sincerely,

Sandy Sheedy, Chair  
Law and Legislation Committee

cc: Senator Dianne Feinstein  
Congresswoman Doris Matsui  
Mayor Heather Fargo and Council  
John Freshman

S 456 IS

110th CONGRESS

1st Session

**S. 456**

To increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

**IN THE SENATE OF THE UNITED STATES****January 31, 2007**

Mrs. FEINSTEIN (for herself, Mr. HATCH, Mr. SCHUMER, Mr. SPECTER, Mr. BIDEN, Mr. KYL, Mr. STEVENS, Ms. CANTWELL, Mr. COLEMAN, Ms. MIKULSKI, Mr. BAUCUS, Mr. PRYOR, Mr. SALAZAR, Mrs. MURRAY, Mr. BROWN, Mrs. CLINTON, Mrs. DOLE, Mr. CORNYN, Mr. KOHL, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

**A BILL**

To increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Gang Abatement and Prevention Act of 2007'.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Findings.

## **TITLE I--NEW FEDERAL CRIMINAL LAWS NEEDED TO FIGHT NATIONAL GANGS**

Sec. 101. Revision and extension of penalties related to criminal street gang activity.

## **TITLE II--VIOLENT CRIME REFORMS TO REDUCE GANG VIOLENCE**

Sec. 201. Violent crimes in aid of racketeering activity.

Sec. 202. Murder and other violent crimes committed during and in relation to a drug trafficking crime.

Sec. 203. Expansion of rebuttable presumption against release of persons charged with firearms offenses.

Sec. 204. Statute of limitations for violent crime.

Sec. 205. Study of hearsay exception for forfeiture by wrongdoing.

Sec. 206. Possession of firearms by dangerous felons.

Sec. 207. Conforming amendment.

Sec. 208. Amendments relating to violent crime.

Sec. 209. Crimes of violence and drug crimes committed by illegal aliens.

Sec. 210. Publicity campaign about new criminal penalties.

Sec. 211. Statute of limitations for terrorism offenses.

Sec. 212. Crimes committed in Indian country or exclusive Federal jurisdiction as racketeering predicates.

Sec. 213. Predicate crimes for authorization of interception of wire, oral, and electronic communications.

Sec. 214. Clarification of Hobbs Act.

## **TITLE III--INCREASED FEDERAL RESOURCES TO DETER AND**

## **PREVENT AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS AND FOR OTHER PURPOSES**

Sec. 301. Designation of and assistance for high intensity interstate gang activity areas.

Sec. 302. Enhancement of Project Safe Neighborhoods initiative to improve enforcement of criminal laws against violent gangs.

Sec. 303. Additional resources needed by the Federal Bureau of Investigation to investigate and prosecute violent criminal street gangs.

Sec. 304. Grants to prosecutors and law enforcement to combat violent crime.

Sec. 305. Short-Term State Witness Protection Section.

Sec. 306. Witness protection services.

Sec. 307. Expansion of Federal witness relocation and protection program.

Sec. 308. Family abduction prevention grant program.

### **SEC. 3. FINDINGS.**

Congress finds that--

(1) violent crime and drug trafficking are pervasive problems at the national, State, and local level;

(2) according to recent Federal Bureau of Investigation, Uniform Crime Reports, violent crime in the United States is on the rise, with a 2.5 percent increase in violent crime in 2005 (the largest increase in the United States in 15 years) and an even larger 3.7 percent jump during the first 6 months of 2006;

(3) these disturbing rises in violent crime are attributable in part to the spread of criminal street gangs and the willingness of gang members to commit acts of violence and drug trafficking offenses;

(4) according to a recent National Drug Threat Assessment, criminal street gangs are responsible for much of the retail distribution of the cocaine, methamphetamine, heroin, and other illegal drugs being distributed in rural and urban communities throughout the United States;

(5) gangs commit acts of violence or drug offenses for numerous motives, such as membership in or loyalty to the gang, for protecting gang territory, and for profit;

(6) gang presence and intimidation, and the organized and repetitive nature of the crimes that gangs commit, has a pernicious effect on the free flow of interstate commercial activities and directly affects the freedom and security of communities plagued by gang activity, diminishing the value of property, inhibiting the desire of national and multinational corporations to transact business in those communities, and in a variety of ways significantly affecting interstate and foreign commerce;

(7) gangs often recruit and utilize minors to engage in acts of violence and other serious offenses out of a belief that the criminal justice systems are more lenient on juvenile offenders;

(8) gangs often intimidate and threaten witnesses to prevent successful prosecutions;

(9) gang recruitment can be deterred through increased vigilance, strong criminal penalties, partnerships between Federal and State and local law enforcement, and proactive intervention efforts, particularly targeted at juveniles, prior to gang involvement;

(10) State and local prosecutors and law enforcement officers, in hearings before the Committee on the Judiciary of the Senate and elsewhere, have enlisted the help of Congress in the prevention, investigation, and prosecution of gang crimes and in the protection of witnesses and victims of gang crimes; and

(11) because State and local prosecutors and law enforcement have the expertise, experience, and connection to the community that is needed to assist in combating gang violence, consultation and coordination between Federal, State, and local law enforcement is critical to the successful prosecutions of criminal street gangs.

## **TITLE I--NEW FEDERAL CRIMINAL LAWS NEEDED TO FIGHT NATIONAL GANGS**

### **SEC. 101. REVISION AND EXTENSION OF PENALTIES RELATED TO CRIMINAL STREET GANG ACTIVITY.**

(a) In General- Chapter 26 of title 18, United States Code, is amended to read as follows:

**CHAPTER 26--CRIMINAL STREET GANGS**

Sec.

521. Definitions.

522. Criminal street gang prosecutions.

523. Recruitment of persons to participate in a criminal street gang.

524. Violent crimes in furtherance of criminal street gangs.

525. Forfeiture.

**Sec. 521. Definitions**

In this chapter:

(1) CRIMINAL STREET GANG- The term 'criminal street gang' means a formal or informal group or association of 5 or more individuals, who commit 3 or more gang crimes (not less than 1 of which is a serious violent felony), in 3 or more separate criminal episodes (not less than 1 of which occurs after the date of enactment of the Gang Abatement and Prevention Act of 2007, and the last of which occurs not later than 5 years after the commission of a prior gang crime (excluding any time of imprisonment for that individual)).

(2) GANG CRIME- The term 'gang crime' means a felony offense under Federal or State law punishable by imprisonment for more than 1 year, in any of the following categories:

(A) A crime that has as an element the use, attempted use, or threatened use of physical force against the person of another, or is burglary, arson, or extortion.

(B) A crime involving obstruction of justice, or tampering with or retaliating against a witness, victim, or informant.

(C) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise trafficking in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(D) Any conduct punishable under--

(i) section 844 (relating to explosive materials);

` (ii) subsection (a)(1), (d), (g)(1) (where the underlying conviction is a violent felony or a serious drug offense (as those terms are defined in section 924(e)), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9), (i), (j), (k), (n), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts));

` (iii) subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties);

` (iv) section 930 (relating to possession of firearms and dangerous weapons in Federal facilities);

` (v) section 931 (relating to purchase, ownership, or possession of body armor by violent felons);

` (vi) sections 1028 and 1029 (relating to fraud and related activity in connection with identification documents or access devices);

` (vii) section 1084 (relating to transmission of wagering information);

` (viii) section 1952 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises);

` (ix) section 1956 (relating to the laundering of monetary instruments);

` (x) section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity); or

` (xi) sections 2312 through 2315 (relating to interstate transportation of stolen motor vehicles or stolen property).

` (E) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of aliens for immoral purposes) of the Immigration and Nationality Act (8 U.S.C. 1324, 1327, and 1328).

` (F) Any crime involving aggravated sexual abuse, pimping or promoting prostitution, obscenity (including sections 1461 through 1465), sexual exploitation of children (including sections 2251, 2251A, 2252 and 2260), peonage, slavery or trafficking in persons (including sections 1581 through 1592) and sections 2421 through 2427 (relating to transport for illegal sexual activity).

` (3) MINOR- The term `minor' means an individual who is less than 18 years of age.

` (4) SERIOUS VIOLENT FELONY- The term `serious violent felony' has the meaning given that term in section 3559.

` (5) STATE- The term `State' means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

### **` Sec. 522. Criminal street gang prosecutions**

` (a) Street Gang Crime- It shall be unlawful for any person to knowingly commit, or conspire, threaten, or attempt to commit, a gang crime for the purpose of furthering the activities of a criminal street gang, or gaining entrance to or maintaining or increasing position in a criminal street gang, if the activities of that criminal street gang occur in or affect interstate or foreign commerce.

` (b) Penalty- Any person who violates subsection (a) shall be fined under this title and--

` (1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, imprisonment for any term of years or for life;

` (2) for any other serious violent felony, by imprisonment for not more than 30 years;

` (3) for any crime of violence that is not a serious violent felony, by imprisonment for not more than 20 years; and

` (4) for any other offense, by imprisonment for not more than 10 years.

### **` Sec. 523. Recruitment of persons to participate in a criminal street gang**

` (a) Prohibited Acts- It shall be unlawful to knowingly recruit, employ, solicit, induce, command, or cause another person to be or remain as a member of a criminal street gang, or attempt or conspire to do so, with the intent to cause that person to participate in an offense described in section 522, if the defendant travels in interstate or foreign commerce in the course of the offense, or if the activities of that criminal street gang are in or affect interstate or foreign commerce.

` (b) Penalties- Whoever violates subsection (a) shall--

` (1) if the person recruited, employed, solicited, induced, commanded, or caused to participate or remain in a criminal street gang is a minor--

` (A) be fined under this title, imprisoned not more than 20 years, or both; and

` (B) at the discretion of the sentencing judge, be liable for any costs incurred by the Federal Government, or by any State or local government, for housing, maintaining, and treating the minor until the person attains the age of 18 years;

` (2) if the person who recruits, employs, solicits, induces, commands, or causes the participation or remaining in a criminal street gang is incarcerated at the time the offense takes place, be fined under this title, imprisoned not more than 20 years, or both; and

` (3) in any other case, be fined under this title, imprisoned not more than 10 years, or both.

` (c) Consecutive Nature of Penalties- Any term of imprisonment imposed under subsection (b)(2) shall be consecutive to any term imposed for any other offense.

#### **` Sec. 524. Violent crimes in furtherance of criminal street gangs**

` (a) In General- It shall be unlawful for any person, for the purpose of gaining entrance to or maintaining or increasing position in, or in furtherance of, or in association with, a criminal street gang, or as consideration for anything of pecuniary value to or from a criminal street gang, to knowingly commit a crime of violence or threaten to commit a crime of violence against any individual, or attempt or conspire to do so, if the activities of the criminal state gang occur in or affect interstate or foreign commerce.

` (b) Penalty- Any person who violates subsection (a) shall be punished by a fine under this title and--

` (1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, by imprisonment for any term of years or for life;

` (2) for a serious violent felony other than one described in paragraph (1), by imprisonment for not more than 30 years; and

` (3) in any other case, by imprisonment for not more than 20 years.

#### **` Sec. 525. Forfeiture**

`(a) Criminal Forfeiture- A person who is convicted of a violation of this chapter shall forfeit to the United States--

`(1) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation; and

`(2) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the violation.

`(b) Procedures Applicable- Pursuant to section 2461(c) of title 28, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), except subsections (a) and (d) of that section, shall apply to the criminal forfeiture of property under this section.'

(b) Amendment Relating to Priority of Forfeiture Over Orders for Restitution- Section 3663(c)(4) of title 18, United States Code, is amended by striking `chapter 46 or' and inserting `chapter 26, chapter 46, or' .

(c) Money Laundering- Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting `, section 522 (relating to criminal street gang prosecutions), 523 (relating to recruitment of persons to participate in a criminal street gang), and 524 (relating to violent crimes in furtherance of criminal street gangs)' before `, section 541'.

## **TITLE II--VIOLENT CRIME REFORMS TO REDUCE GANG VIOLENCE**

### **SEC. 201. VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.**

Section 1959(a) of title 18, United States Code, is amended--

(1) in the matter preceding paragraph (1)--

(A) by inserting `or in furtherance or in aid of an enterprise engaged in racketeering activity,' before `murders,'; and

(B) by inserting `engages in conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States,' before `maims,';

(2) in paragraph (1), by inserting `conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming,' after `kidnapping,';

(3) in paragraph (2), by striking `maiming' and inserting `assault resulting in serious bodily injury';

(4) in paragraph (3), by striking `or assault resulting in serious bodily

injury';

(5) in paragraph (4)--

(A) by striking 'five years' and inserting '10 years'; and

(B) by adding 'and' at the end; and

(6) by striking paragraphs (5) and (6) and inserting the following:

'(5) for attempting or conspiring to commit any offense under this section, by the same penalties (other than the death penalty) as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.'

## **SEC. 202. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.**

(a) In General- Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

## **'SEC. 424. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.**

'(a) In General- Whoever, during and in relation to any drug trafficking crime, knowingly commits any felony crime of violence against any individual, for which imprisonment for a period longer than 1 year may be imposed, or threatens, attempts or conspires to do so, shall be punished by a fine under title 18, United States Code, and, in addition and consecutive to the punishment provided for the drug trafficking crime--

'(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, by imprisonment for any term of years or for life;

'(2) for a serious violent felony (as defined in section 3559 of title 18, United States Code) other than one described in paragraph (1) by imprisonment for not more than 30 years;

'(3) for a crime of violence that is not a serious violent felony, by imprisonment for not more than 20 years; and

'(4) in any other case by imprisonment for not more than 10 years.

'(b) Venue- A prosecution for a violation of this section may be brought in--

` (1) the judicial district in which the murder or other crime of violence occurred; or

` (2) any judicial district in which the drug trafficking crime may be prosecuted.

` (c) Definitions- In this section--

` (1) the term `crime of violence' has the meaning given that term in section 16 of title 18, United States Code; and

` (2) the term `drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18, United States Code.'

(b) Clerical Amendment- The table of contents for the Controlled Substances Act is amended by inserting after the item relating to section 423, the following:

` Sec. 424. Murder and other violent crimes committed during and in relation to a drug trafficking crime.'

## **SEC. 203. EXPANSION OF REBUTTABLE PRESUMPTION AGAINST RELEASE OF PERSONS CHARGED WITH FIREARMS OFFENSES.**

Section 3142(e) of title 18, United States Code, is amended in the matter following paragraph (3), by inserting after `that the person committed' the following: `an offense under subsection (g)(1) (where the underlying conviction is a drug trafficking crime or crime of violence (as those terms are defined in section 924(c))), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), or (g)(9) of section 922,'.

## **SEC. 204. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.**

(a) In General- Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

### **` Sec. 3299A. Violent crime offenses**

` No person shall be prosecuted, tried, or punished for any noncapital felony crime of violence, including any racketeering activity or gang crime which involves any crime of violence, unless the indictment is found or the information is instituted not later than 10 years after the date on which the alleged violation occurred or the continuing offense was completed.'

(b) Clerical Amendment- The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the

following:

` 3299A. Violent crime offenses.'.

## **SEC. 205. STUDY OF HEARSAY EXCEPTION FOR FORFEITURE BY WRONGDOING.**

The Committee on Rules, Practice, Procedure, and Evidence of the Judicial Conference of the United States shall study the necessity and desirability of amending section 804(b) of the Federal Rules of Evidence to permit the introduction of statements against a party by a witness who has been made unavailable where it is reasonably foreseeable by that party that wrongdoing would make the declarant unavailable.

## **SEC. 206. POSSESSION OF FIREARMS BY DANGEROUS FELONS.**

(a) In General- Section 924(e) of title 18, United States Code, is amended by striking paragraph (1) and inserting the following:

` (1) In the case of a person who violates section 922(g) of this title and has previously been convicted by any court referred to in section 922(g)(1) of a violent felony or a serious drug offense shall--

` (A) in the case of 1 such prior conviction, where a period of not more than 10 years has elapsed since the later of the date of conviction and the date of release of the person from imprisonment for that conviction, be imprisoned for not more than 15 years, fined under this title, or both;

` (B) in the case of 2 such prior convictions, committed on occasions different from one another, and where a period of not more than 10 years has elapsed since the later of the date of conviction and the date of release of the person from imprisonment for the most recent such conviction, be imprisoned for not more than 20 years, fined under this title, or both; and

` (C) in the case of 3 such prior convictions, committed on occasions different from one another, and where a period of not more than 10 years has elapsed since the later of date of conviction and the date of release of the person from imprisonment for the most recent such conviction, be imprisoned for any term of years not less than 15 years or for life and fined under this title, and notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g).'

(b) Amendment to Sentencing Guidelines- Pursuant to its authority under

section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide for an appropriate increase in the offense level for violations of section 922(g) of title 18, United States Code, in accordance with section 924(e) of that title 18, as amended by subsection (a).

## **SEC. 207. CONFORMING AMENDMENT.**

The matter preceding paragraph (1) in section 922(d) of title 18, United States Code, is amended by inserting `, transfer,' after `sell'.

## **SEC. 208. AMENDMENTS RELATING TO VIOLENT CRIME.**

(a) Carjacking- Section 2119 of title 18, United States Code, is amended--

(1) in the matter preceding paragraph (1)--

(A) by striking `, with the intent to cause death or serious bodily harm';

(B) by inserting `in the physical presence of, and causing a reasonable apprehension of fear in, another individual' after `by force and violence'; and

(C) by inserting `or conspires' after `attempts';

(2) in paragraph (1), by striking `15 years' and inserting `20 years'; and

(3) in paragraph (2), by striking `or imprisoned not more than 25 years, or both' and inserting `and imprisoned for any term of years or for life'.

(b) Clarification and Strengthening of Prohibition on Illegal Gun Transfers to Commit Drug Trafficking Crime or Crime of Violence- Section 924(h) of title 18, United States Code, is amended to read as follows:

`(h) Whoever knowingly transfers a firearm that has moved in or that otherwise affects interstate or foreign commerce, knowing that the firearm will be used to commit, or possessed in furtherance of, a crime of violence (as defined in subsection (c)(3)) or drug trafficking crime (as defined in subsection (c)(2)) shall be fined under this title and imprisoned not more than 20 years.'

(c) Amendment of Special Sentencing Provision Relating to Limitations on Criminal Association- Section 3582(d) of title 18, United States Code, is amended--

(1) by inserting `chapter 26 of this title (criminal street gang prosecutions) or in' after `felony set forth in'; and

(2) by inserting `a criminal street gang or' before `an illegal enterprise'.

(d) Conspiracy Penalty- Section 371 of title 18, United States Code, is amended by striking `five years, or both.' and inserting `20 years (unless the maximum penalty for the crime that served as the object of the conspiracy has a maximum penalty of imprisonment of less than 20 years, in which case the maximum penalty under this section shall be the penalty for such crime), or both. This paragraph does not supersede any other penalty specifically set forth for a conspiracy offense.'

**SEC. 209. CRIMES OF VIOLENCE AND DRUG CRIMES COMMITTED BY ILLEGAL ALIENS.**

(a) Offenses- Title 18 of the United States Code, is amended by inserting after chapter 51 the following new chapter:

**CHAPTER 52--ILLEGAL ALIENS**

Sec.

1131. Enhanced penalties for certain crimes committed by illegal aliens.

**Sec. 1131. Enhanced penalties for certain crimes committed by illegal aliens**

(a) In General- Whoever, being an alien who is present in the United States in violation of section 275 or 276 of the Immigration and Nationality Act (8 U.S.C. 1325 and 1326), knowingly commits, conspires, or attempts to commit a felony crime of violence for which imprisonment for a period of more than 1 year may be imposed, or a drug trafficking crime (as defined in section 924(c)), shall be fined under this title, imprisoned not more than 20 years, or both.

(b) Previously Ordered Removed- If the defendant in a prosecution under subsection (a) was previously ordered removed under the Immigration and Nationality Act on the grounds of having committed a crime, the defendant shall be fined under this title, imprisoned not more than 30 years, or both.

(c) Running of Sentence- A term of imprisonment imposed for an offense pursuant to this section may not run concurrently with any other sentence of imprisonment imposed for another offense.'

(b) Clerical Amendment- The table of chapters at the beginning of part I of

title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following new item:

**1131'.**

**SEC. 210. PUBLICITY CAMPAIGN ABOUT NEW CRIMINAL PENALTIES.**

The Attorney General is authorized to conduct media campaigns in any area designated as a high intensity interstate gang activity area under section 301 and any area with existing and emerging problems with gangs, as needed, to educate individuals in that area about the changes in criminal penalties made by this Act, and shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives the amount of expenditures and all other aspects of the media campaign.

**SEC. 211. STATUTE OF LIMITATIONS FOR TERRORISM OFFENSES.**

Section 3286(a) of title 18, United States Code, is amended--

(1) in the subsection heading, by striking 'Eight-Year' and inserting 'Ten-Year'; and

(2) in the first sentence, by striking '8 years' and inserting '10 years'.

**SEC. 212. CRIMES COMMITTED IN INDIAN COUNTRY OR EXCLUSIVE FEDERAL JURISDICTION AS RACKETEERING PREDICATES.**

Section 1961(1)(A) of title 18, United States Code, is amended by inserting ', or would have been so chargeable if the act or threat (other than gambling) had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction,' after 'chargeable under State law'.

**SEC. 213. PREDICATE CRIMES FOR AUTHORIZATION OF INTERCEPTION OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.**

Section 2516(1) of title 18, United States Code, is amended--

(1) by striking 'or' and the end of paragraph (r);

(2) by redesignating paragraph (s) as paragraph (u); and

(3) by inserting after paragraph (r) the following:

`(s) any violation of section 424 of the Controlled Substances Act (relating to murder and other violent crimes in furtherance of a drug trafficking crime);

`(t) any violation of section 522, 523, or 524 (relating to criminal street gangs); or'.

## **SEC. 214. CLARIFICATION OF HOBBS ACT.**

Section 1951(b) of title 18, United States Code, is amended--

(1) in paragraph (1), by inserting `including the unlawful impersonation of a law enforcement officer (as that term is defined in section 245(c) of this title),' after `by means of actual or threatened force,'; and

(2) in paragraph (2), by inserting `including the unlawful impersonation of a law enforcement officer (as that term is defined in section 245(c) of this title),' after `by wrongful use of actual or threatened force,'.

## **TITLE III--INCREASED FEDERAL RESOURCES TO DETER AND PREVENT AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS AND FOR OTHER PURPOSES**

### **SEC. 301. DESIGNATION OF AND ASSISTANCE FOR HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.**

(a) Definitions- In this section:

(1) GOVERNOR- The term `Governor' means a Governor of a State, the Mayor of the District of Columbia, the tribal leader of an Indian tribe, or the chief executive of a Commonwealth, territory, or possession of the United States.

(2) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREA- The term `high intensity interstate gang activity area' or `HIIGAA' means an area within a State or Indian country that is designated as a high intensity interstate gang activity area under subsection (b)(1).

(3) INDIAN COUNTRY- The term `Indian country' has the meaning given the term in section 1151 of title 18, United States Code.

(4) INDIAN TRIBE- The term `Indian tribe' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) STATE- The term `State' means a State of the United States, the

District of Columbia, and any commonwealth, territory, or possession of the United States.

(6) TRIBAL LEADER- The term `tribal leader' means the chief executive officer representing the governing body of an Indian tribe.

(b) High Intensity Interstate Gang Activity Areas-

(1) DESIGNATION- The Attorney General, after consultation with the Governors of appropriate States, may designate as high intensity interstate gang activity areas, specific areas that are located within 1 or more States.

(2) ASSISTANCE- In order to provide Federal assistance to high intensity interstate gang activity areas, the Attorney General shall--

(A) establish local collaborative working groups, which shall include-

(i) criminal street gang enforcement teams, consisting of Federal, State, tribal, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal street gangs and offenders in each high intensity interstate gang activity area;

(ii) school, community, and faith leaders in the area; and

(iii) service providers in the community, including those experienced at reaching youth who have been involved in violence and violent gangs or groups, to provide at-risk youth with positive alternatives to gangs and other violent groups and to address the needs of those who leave gangs and other violent groups;

(B) direct the reassignment or detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to each criminal street gang enforcement team;

(C) provide all necessary funding for the operation of each local collaborative working group in each high intensity interstate gang activity area; and

(D) provide all necessary funding for national and regional meetings of local collaborative working groups, criminal street gang enforcement teams, and all other related organizations, as needed,

to ensure effective operation of such teams through the sharing of intelligence and best practices and for any other related purpose.

(3) COMPOSITION OF CRIMINAL STREET GANG ENFORCEMENT TEAM- Each team established under paragraph (2)(A)(i) shall consist of agents and officers, where feasible, from--

- (A) the Federal Bureau of Investigation;
- (B) the Drug Enforcement Administration;
- (C) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- (D) the United States Marshals Service;
- (E) the Department of Homeland Security;
- (F) the Department of Housing and Urban Development;
- (G) State, local, and, where appropriate, tribal law enforcement;
- (H) Federal, State, and local prosecutors; and
- (I) the Bureau of Indian Affairs, Office of Law Enforcement Services, where appropriate.

(4) CRITERIA FOR DESIGNATION- In considering an area for designation as a high intensity interstate gang activity area under this section, the Attorney General shall consider--

- (A) the current and predicted levels of gang crime activity in the area;
- (B) the extent to which violent crime in the area appears to be related to criminal street gang activity, such as drug trafficking, murder, robbery, assaults, carjacking, arson, kidnapping, extortion, and other criminal activity;
- (C) the extent to which State, local, and, where appropriate, tribal law enforcement agencies have committed resources to--
  - (i) respond to the gang crime problem; and
  - (ii) participate in a gang enforcement team;
- (D) the extent to which a significant increase in the allocation of Federal resources would enhance local response to the gang crime

activities in the area; and

(E) any other criteria that the Attorney General considers to be appropriate.

(5) RELATION TO HIDTAS- If the Attorney General establishes a high intensity interstate gang activity area that substantially overlaps geographically with any existing high intensity drug trafficking area (in this section referred to as a 'HIDTA'), the Attorney General shall direct the local collaborative working group for that high intensity interstate gang activity area to enter into an agreement with the Executive Board for that HIDTA, providing that--

(A) the Executive Board of that HIDTA shall establish a separate high intensity interstate gang activity area law enforcement steering committee, and select (with a preference for Federal, State, and local law enforcement agencies that are within the geographic area of that high intensity interstate gang activity area) the members of that committee, subject to the concurrence of the Attorney General;

(B) the high intensity interstate gang activity area law enforcement steering committee established under subparagraph (A) shall administer the funds provided under subsection (g)(1) for the Criminal Street Gang Enforcement Team, after consulting with, and consistent with the goals and strategies established by, that local collaborative working group;

(C) the high intensity interstate gang activity area law enforcement steering committee established under subparagraph (A) shall select, from Federal, State, and local law enforcement agencies within the geographic area of that high intensity interstate gang activity area, the members of the Criminal Street Gang Enforcement Team; and

(D) the Criminal Street Gang Enforcement Team of that high intensity interstate gang activity area, and its law enforcement steering committee, may, with approval of the Executive Board of the HIDTA with which it overlaps, utilize the intelligence-sharing, administrative, and other resources of that HIDTA.

(c) Reporting Requirements- Not later than February 1 of each year, the Attorney General shall provide a report to Congress which describes, for each designated high intensity interstate gang activity area--

(1) the specific long-term and short-term goals and objectives;

(2) the measurements used to evaluate the performance of the high intensity interstate gang activity area in achieving the long-term and short-term goals;

(3) the age, composition, and membership of gangs;

(4) the number and nature of crimes committed by gangs; and

(5) the definition of the term gang used to compile this report.

(d) National Gang Activity Database-

(1) IN GENERAL- From amounts made available to carry out this section, the Attorney General shall establish a National Gang Activity Database to be housed at and administered by the Federal Bureau of Investigation.

(2) DESCRIPTION- The database required by paragraph (1) shall--

(A) be designed to disseminate gang information to law enforcement agencies throughout the country;

(B) contain critical information on gangs, gang members, firearms, criminal activities, vehicles, and other information useful for investigators in solving gang-related crimes; and

(C) operate in a manner that enables law enforcement agencies to--

(i) identify gang members involved in crimes;

(ii) track the movement of gangs and members throughout the region;

(iii) coordinate law enforcement response to gang violence;

(iv) enhance officer safety;

(v) provide realistic, up to date figures and statistical data on gang crime and violence;

(vi) forecast trends and respond accordingly; and

(vii) more easily solve crimes and prevent violence.

(e) Additional Assistant United States Attorneys- The Attorney General is authorized to hire 94 additional Assistant United States attorneys to carry out the provisions of this section. Each attorney hired under this subsection shall be assigned to a high intensity interstate gang activity area.

(f) National Gang Research, Evaluation, and Policy Institute-

(1) IN GENERAL- The Bureau of Justice Assistance of the Department of Justice, after consulting with relevant with law enforcement officials, practitioners and researchers, shall establish a National Gang Research, Evaluation, and Policy Institute (in this subsection referred to as the 'Institute').

(2) ACTIVITIES- The Institute shall promote and facilitate the implementation of effective gang violence prevention models, including the Operation Ceasefire gang violence prevention strategy and other effective strategies to prevent gang violence. The Institute shall assist jurisdictions in designing and implementing effective local strategies, and shall provide technical assistance and conduct research in support of its mission.

(3) NATIONAL CONFERENCE- Not later than 90 days after the date of its formation, the Institute shall design and conduct a national conference to prevent gang violence, and to teach and promote gang violence prevention strategies. The conference shall be attended by appropriate representatives from criminal street enforcement teams, and local collaborative working groups, including community, religious, and social service organizations.

(4) NATIONAL DEMONSTRATION SITES- Not later than 120 days after the date of its formation, the Institute shall select appropriate HIIGAA areas to serve as primary national demonstration sites, based on the nature, concentration and distribution of various gang types, and the range of particular gang-related issues. The Institute shall thereafter establish such other, secondary sites, to be linked to and receive technical assistance through the primary sites, as it may deem appropriate.

(5) DISSEMINATION OF INFORMATION- Not later than 180 days after the date of its formation, the Institute shall develop and begin dissemination of information, including guides, research and assessment models, case studies, evaluations, and best practices. The Institute shall also create a website, designed to support the implementation of successful gang violence prevention models, and disseminate appropriate information to assist jurisdictions in reducing gang violence.

(6) SUPPORT- The Institute shall obtain initial and continuing support from experienced researchers and practitioners, as it deems necessary, to assist in implementing its strategies nationally, regionally, and locally.

(7) RESEARCH AGENDA- The Institute shall establish and implement a core research agenda designed to address areas of particular challenge,

including--

(A) how best to apply Operation Ceasefire or other successful models to particularly large jurisdictions;

(B) how to foster and maximize the continuing impact of community moral voices in this context;

(C) how to ensure the long-term sustainability of reduced violent crime levels once initial levels of enthusiasm may subside; and

(D) how to apply existing intervention frameworks to emerging regional or national gang problems, such as the emergence of the gang known as MS-13.

(8) EVALUATION- The National Institute of Justice shall evaluate, on a continuing basis, gang violence prevention strategies supported by the Institute, and shall report the results of these evaluations by no later than October 1 each year to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(9) FUNDS- The Attorney General shall use not less than 3 percent, and not more than 5 percent, of the amounts made available under this section to establish and operate the Institute.

(g) Use of Funds- Of amounts made available to a local collaborative working group under this section for each fiscal year that are remaining after the costs of hiring a full time coordinator for the local collaborative effort--

(1) 50 percent shall be used for the operation of criminal street gang enforcement teams; and

(2) 50 percent shall be used--

(A) to provide at-risk youth with positive alternatives to gangs and other violent groups and to address the needs of those who leave gangs and other violent groups through--

(i) service providers in the community, including schools and school districts; and

(ii) faith leaders and other individuals experienced at reaching youth who have been involved in violence and violent gangs or groups;

(B) for the establishment and operation of the National Gang

Research, Evaluation, and Policy Institute; and

(C) to support and provide technical assistance to research in criminal justice, social services, and community gang violence prevention collaborations.

(h) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$100,000,000 for each of fiscal years 2008 through 2012. Any funds made available under this subsection shall remain available until expended.

### **SEC. 302. ENHANCEMENT OF PROJECT SAFE NEIGHBORHOODS INITIATIVE TO IMPROVE ENFORCEMENT OF CRIMINAL LAWS AGAINST VIOLENT GANGS.**

(a) In General- While maintaining the focus of Project Safe Neighborhoods as a comprehensive, strategic approach to reducing gun violence in America, the Attorney General is authorized to expand the Project Safe Neighborhoods program to require each United States attorney to--

(1) identify, investigate, and prosecute significant criminal street gangs operating within their district; and

(2) coordinate the identification, investigation, and prosecution of criminal street gangs among Federal, State, and local law enforcement agencies.

(b) Additional Staff for Project Safe Neighborhoods-

(1) IN GENERAL- The Attorney General may hire Assistant United States attorneys, non-attorney coordinators, or paralegals to carry out the provisions of this section.

(2) ENFORCEMENT- The Attorney General may hire Bureau of Alcohol, Tobacco, Firearms, and Explosives agents for, and otherwise expend additional resources in support of, the Project Safe Neighborhoods/Firearms Violence Reduction program.

(3) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated \$20,000,000 for each of fiscal years 2008 through 2012 to carry out this section. Any funds made available under this paragraph shall remain available until expended.

### **SEC. 303. ADDITIONAL RESOURCES NEEDED BY THE FEDERAL BUREAU OF INVESTIGATION TO INVESTIGATE AND PROSECUTE VIOLENT CRIMINAL STREET GANGS.**

(a) Responsibilities of Attorney General- The Attorney General is authorized to require the Federal Bureau of Investigation to--

- (1) increase funding for the Safe Streets Program; and
- (2) support criminal street gang enforcement teams.

(b) Authorization of Appropriations-

- (1) IN GENERAL- In addition to amounts otherwise authorized, there are authorized to be appropriated to the Attorney General \$10,000,000 for each of fiscal years 2008 through 2012 to carry out the Safe Streets Program.
- (2) AVAILABILITY- Any amounts appropriated under paragraph (1) shall remain available until expended.

**SEC. 304. GRANTS TO PROSECUTORS AND LAW ENFORCEMENT TO COMBAT VIOLENT CRIME.**

(a) In General- Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended--

- (1) in paragraph (3), by striking 'and' at the end;
- (2) in paragraph (4), by striking the period at the end and inserting a semicolon; and
- (3) by adding at the end the following:
  - (5) to hire additional prosecutors to--
    - (A) allow more cases to be prosecuted; and
    - (B) reduce backlogs; and
  - (6) to fund technology, equipment, and training for prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors.'

(b) Authorization of Appropriations- Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

## **SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated \$20,000,000 for each of the fiscal years 2008 through 2012 to carry out this subtitle.'

## **SEC. 305. SHORT-TERM STATE WITNESS PROTECTION SECTION.**

(a) Establishment-

(1) IN GENERAL- Chapter 37 of title 28, United States Code, is amended by adding at the end the following:

### **Sec. 570. Short-Term State Witness Protection Section**

(a) In General- There is established in the United States Marshals Service a Short-Term State Witness Protection Section which shall provide protection for witnesses in State and local trials involving homicide or other major violent crimes pursuant to cooperative agreements with State and local criminal prosecutor's offices and the United States attorney for the District of Columbia.

(b) Eligibility- The Short-Term State Witness Protection Section shall give priority in awarding grants and providing services to criminal prosecutor's offices in States with an average of not less than 100 murders per year during the 5-year period immediately preceding an application for protection, as calculated using the latest available crime statistics from the Federal Bureau of Investigation.'

(2) CHAPTER ANALYSIS- The chapter analysis for chapter 37 of title 28, United States Code, is amended by striking the items relating to sections 570 through 576 and inserting the following:

'570. Short-Term State Witness Protection Section.'

(b) Grant Program-

(1) DEFINITIONS- In this subsection--

(A) the term 'eligible prosecutor's office' means a State or local criminal prosecutor's office or the United States attorney for the District of Columbia that is located in a State with an average of not less than 100 murders per year during the most recent 5-year period, as calculated using the latest available crime statistics from the Federal Bureau of Investigation; and

(B) the term 'serious violent felony' has the same meaning as in

section 3559(c)(2) of title 18, United States Code.

(2) GRANTS AUTHORIZED-

(A) IN GENERAL- The Attorney General is authorized to make grants to eligible prosecutor's offices for the purpose of providing short term protection to witnesses in trials involving homicide or serious violent felony.

(B) ALLOCATION- Each eligible prosecutor's office receiving a grant under this subsection may either--

(i) use the grant to provide witness protection; or

(ii) pursuant to a cooperative agreement with the Short-Term State Witness Protection Section of the United States Marshals Service, credit the grant to the Short-Term State Witness Protection Section to cover the costs to the section of providing witness protection on behalf of the eligible prosecutor's office.

(3) APPLICATION-

(A) IN GENERAL- Each eligible prosecutor's office desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(B) CONTENTS- Each application submitted under subparagraph (A) shall--

(i) describe the activities for which assistance under this subsection is sought; and

(ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this subsection \$90,000,000 for each of fiscal years 2008 through 2010.

## **SEC. 306. WITNESS PROTECTION SERVICES.**

Section 3526 of title 18, United States Code (Cooperation of other Federal agencies and State governments; reimbursement of expenses) is amended by adding at the end the following:

` (c) In any case in which a State government requests the Attorney General to provide temporary protection under section 3521(e) of this title, the costs of providing temporary protection are not reimbursable if the investigation or prosecution in any way relates to crimes of violence committed by a gang, as defined under the laws of the relevant State seeking assistance under this title.'

### **SEC. 307. EXPANSION OF FEDERAL WITNESS RELOCATION AND PROTECTION PROGRAM.**

Section 3521(a)(1) of title 18 is amended by inserting `, criminal street gang, serious drug offense, homicide,' after `organized criminal activity'.

### **SEC. 308. FAMILY ABDUCTION PREVENTION GRANT PROGRAM.**

(a) State Grants- The Attorney General is authorized to make grants to States for projects involving--

- (1) the extradition of individuals suspected of committing a family abduction;
- (2) the investigation by State and local law enforcement agencies of family abduction cases;
- (3) the training of State and local law enforcement agencies in responding to family abductions and recovering abducted children, including the development of written guidelines and technical assistance;
- (4) outreach and media campaigns to educate parents on the dangers of family abductions; and
- (5) the flagging of school records.

(b) Matching Requirement- Not less than 50 percent of the cost of a project for which a grant is made under this section shall be provided by non-Federal sources.

(c) Definitions- In this section:

- (1) FAMILY ABDUCTION- -The term `family abduction' means the taking, keeping, or concealing of a child or children by a parent, other family member, or person acting on behalf of the parent or family member, that prevents another individual from exercising lawful custody or visitation rights.
- (2) FLAGGING- The term `flagging' means the process of notifying law

enforcement authorities of the name and address of any person requesting the school records of an abducted child.

(3) STATE- The term `State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any territory or possession of the United States, and any Indian tribe.

(d) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$500,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 and 2010.

END

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110TH CONGRESS  
1ST SESSION

# S. 144

To provide Federal coordination and assistance in preventing gang violence.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mrs. BOXER (for herself and Mrs. FEINSTEIN) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide Federal coordination and assistance in preventing  
gang violence.

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 “Mynisha’s Law”.

5        **SEC. 2. FINDINGS.**

6        Congress finds—

7            (1) with an estimated 24,500 gangs operating  
8        within the United States, gang violence and drug  
9        trafficking remain serious problems throughout the  
10       country, causing injury and death to innocent vic-  
11       tims, often children;

1           (2) on November 13, 2005, a gang-related dis-  
2       pute broke out in San Bernardino, California, and  
3       gunfire sprayed an apartment building, killing 11-  
4       year old Mynisha Crenshaw and seriously wounding  
5       her 14-year old sister as they ate Sunday dinner  
6       with their family;

7           (3) this tragic shooting symbolizes the struggle  
8       that so many communities across the United States,  
9       like San Bernardino, face in combating gang vio-  
10      lence, and serves as a reminder of the nationwide  
11      problem of protecting children from senseless vio-  
12      lence;

13          (4) according to the National Drug Threat As-  
14      sessment, criminal street gangs are responsible for  
15      the distribution of much of the cocaine, meth-  
16      amphetamine, heroin, and other illegal drugs  
17      throughout the United States;

18          (5) the Federal Government has made an in-  
19      creased commitment to the suppression of gang vio-  
20      lence through enhanced law enforcement and crimi-  
21      nal penalties; and

22          (6) more Federal resources and coordination  
23      are needed to reduce gang violence through proven  
24      and proactive prevention and intervention programs

1 that focus on keeping at-risk youth in school and out  
2 of the criminal justice system.

3 **SEC. 3. DESIGNATION AS A COMPREHENSIVE GANG PRE-**  
4 **VENTION AND RELIEF AREA.**

5 (a) IN GENERAL.—A unit of local government, city,  
6 county, tribal government, or a group of counties (whether  
7 located in 1 or more States) may submit an application  
8 to the Attorney General for designation as a Comprehen-  
9 sive Gang Prevention and Relief Area.

10 (b) CRITERIA.—

11 (1) IN GENERAL.—The Attorney General shall  
12 establish criteria for reviewing applications sub-  
13 mitted under subsection (a).

14 (2) CONSIDERATIONS.—In establishing criteria  
15 under subsection (a) and evaluating an application  
16 for designation as a Comprehensive Gang Prevention  
17 and Relief Area, the Attorney General shall con-  
18 sider—

19 (A) the current and predicted levels of  
20 gang crime activity in the area;

21 (B) the extent to which violent crime in  
22 the area appears to be related to criminal gang  
23 activity;

24 (C) the extent to which the area is already  
25 engaged in local or regional collaboration re-

1           garding, and coordination of, gang prevention  
2           activities; and

3                   (D) such other criteria as the Attorney  
4           General determines to be appropriate.

5 **SEC. 4. PURPOSE OF THE TASK FORCE.**

6           (a) IN GENERAL.—In order to coordinate Federal as-  
7           sistance to Comprehensive Gang Prevention and Relief  
8           Areas, the Attorney General shall establish an Interagency  
9           Gang Prevention Task Force (in this Act referred to as  
10          the “Task Force”), consisting of a representative from—

11                   (1) the Department of Justice;

12                   (2) the Department of Education;

13                   (3) the Department of Labor;

14                   (4) the Department of Health and Human  
15          Services; and

16                   (5) the Department of Housing and Urban De-  
17          velopment.

18           (b) COORDINATION.—For each Comprehensive Gang  
19          Prevention and Relief Area designated by the Attorney  
20          General under section 3, the Task Force shall—

21                   (1) coordinate the activities of the Federal Gov-  
22          ernment to create a comprehensive gang prevention  
23          response, focusing on early childhood intervention,  
24          at-risk youth intervention, literacy, employment,

1 community policing, and comprehensive community-  
2 based programs such as Operation Cease Fire; and

3 (2) coordinate its efforts with local and regional  
4 gang prevention efforts.

5 (c) PROGRAMS.—The Task Force shall prioritize the  
6 needs of Comprehensive Gang Prevention and Relief Areas  
7 for funding under—

8 (1) the Child Care and Development Block  
9 Grant Act of 1990 (42 U.S.C. 9858 et seq.);

10 (2) the Even Start programs under subpart 3  
11 of part B of title I of the Elementary and Secondary  
12 Education Act of 1965 (20 U.S.C. 6381 et seq.);

13 (3) the Healthy Start Initiative under section  
14 330H of the Public Health Services Act (42 U.S.C.  
15 254c-8);

16 (4) the Head Start Act (42 U.S.C. 9831 et  
17 seq.);

18 (5) the 21st Century Community Learning Cen-  
19 ters program under part B of title IV of the Ele-  
20 mentary and Secondary Education Act of 1965 (20  
21 U.S.C. 7171 et seq.);

22 (6) the Job Corps program under subtitle C of  
23 title I of the Workforce Investment Act of 1998 (29  
24 U.S.C. 2881 et seq.);

1           (7) the community development block grant  
2 program under title I of the Housing and Commu-  
3 nity Development Act of 1974 (42 U.S.C. 5301 et  
4 seq.);

5           (8) the Gang Resistance Education and Train-  
6 ing projects under subtitle X of title III of the Vio-  
7 lent Crime Control and Law Enforcement Act of  
8 1994 (42 U.S.C. 13921);

9           (9) any program administered by the Office of  
10 Community Oriented Policing Services;

11           (10) the Juvenile Accountability Block Grant  
12 program under part R of title I of the Omnibus  
13 Crime Control and Safe Streets Act of 1968 (42  
14 U.S.C. 3796ee et seq.);

15           (11) the Edward Byrne Memorial Justice As-  
16 sistance Grant Program under subpart 1 of part E  
17 of title I of the Omnibus Crime Control and Safe  
18 Streets Act of 1968 (42 U.S.C. 3750 et seq.); and

19           (12) any other program that the Task Force  
20 determines to be appropriate.

21 (d) REPORTING REQUIREMENTS.—

22           (1) IN GENERAL.—Not later than February 1  
23 of each year, the Task Force shall submit to Con-  
24 gress and the Attorney General a report on the  
25 funding needs and programmatic outcomes for each

1 area designated as a Comprehensive Gang Preven-  
2 tion and Relief Area.

3 (2) CONTENTS.—Each report under paragraph  
4 (1) shall include—

5 (A) an evidence-based analysis of the best  
6 practices and outcomes among the areas des-  
7 ignated as Comprehensive Gang Prevention and  
8 Relief Areas; and

9 (B) an analysis of the adequacy of Federal  
10 funding to meet the needs of each area des-  
11 ignated as a Comprehensive Gang Prevention  
12 and Relief Area and, if the Task Force identi-  
13 fies any programmatic shortfalls in addressing  
14 gang prevention, a request for new funding or  
15 reprogramming of existing funds to meet such  
16 shortfalls.

17 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated such sums  
19 as are necessary to meet any needs identified by the Task  
20 Force or in any report submitted under section 4(d)(1).

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