

103^D CONGRESS
1ST SESSION

S. 1628

To encourage each State to adopt Truth in Sentencing laws and to help fund additional spaces in the State correctional programs as needed.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 4 (legislative day, NOVEMBER 2), 1993

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

A BILL

To encourage each State to adopt Truth in Sentencing laws and to help fund additional spaces in the State correctional programs as needed.

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 “Truth in Sentencing
5 Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) it is the responsibility of the Federal Gov-
9 ernment to provide States with assistance in reduc-
10 ing violent crime;

1 (2) the responsibility for protecting citizens
2 against most violent crime and for punishing most
3 violent criminal offenders is primarily a matter of
4 State and local governance;

5 (3) the incidence of violent crime nationwide
6 has risen dramatically and constitutes a national pri-
7 ority of the highest order; and

8 (4) the United States Sentencing Guidelines
9 have proven to be an effective means of achieving,
10 at the Federal level, a more uniform, proportionate,
11 predictable and appropriately punitive criminal sen-
12 tencing system by incorporating Truth in Sentencing
13 provisions which restrict release of a convicted crimi-
14 nal until at least 85 percent of the sentence which
15 has been imposed by a judge or jury has been
16 served.

17 **SEC. 3. DEFINITION.**

18 **CRIME OF VIOLENCE.—**

19 (1) an offense that is a felony and has an ele-
20 ment the use, attempted use, or threatened use of
21 physical force against the person or property of an-
22 other, or

23 (2) any other offense that is a felony and that,
24 by its nature, involves a substantial risk that phys-

1 ical force against the person or property of another
2 may be used in the course of committing the offense.
3 Such crimes shall include, but not be limited to, murder,
4 arson, burglary, assault, rape, kidnapping, extortion, and
5 robbery.

6 **SEC. 4. GRANTS FOR TRUTH IN SENTENCING.**

7 (a) GRANT AUTHORIZATION.—The Director of the
8 Bureau of Justice Assistance is authorized to provide
9 grants to States to build and/or operate space in correc-
10 tional facilities in order to implement Truth in Sentencing
11 requirements.

12 (b) ELIGIBILITY.—In order to be eligible for funding
13 under this Act, a State must have enacted and imple-
14 mented Truth in Sentencing requirements which include—

15 (1) a provision in its criminal code which re-
16 stricts parole, good-time credit release, or other
17 forms of early release to require that criminals con-
18 victed of crimes of violence serve at least 85 percent
19 of the sentence imposed by a judge or jury;

20 (2) a provision which requires the sentencing
21 authority to allow the defendant's victims or the
22 family of victims the opportunity to be heard regard-
23 ing the issue of sentencing;

24 (3) a provision which requires that a "life sen-
25 tence" means life without possibility of parole; and

1 (4) a provision which provides that the victim
2 and victim's family shall be notified whenever that
3 defendant is to be released.

4 (c) EXCEPTION.—The sentencing requirements under
5 paragraphs (b)(1) and (b)(4) of subsection (b) shall apply
6 except that the State may provide that the Governor of
7 the State may allow for the release of a prisoner after a
8 public hearing in which representatives of the public and
9 the prisoner's victims shall have an opportunity to be
10 heard regarding a proposed release.

11 (d) A State shall also be eligible for funding under
12 this Act when that State has enacted legislation that pro-
13 vides for the State to be in compliance with this section
14 within three years of the enactment of such state legisla-
15 tion.

16 **SEC. 5. FEDERAL FUNDS.**

17 (a) DISTRIBUTION OF FUNDS.—Of the total amount
18 of funds appropriated under this Act in any fiscal year,
19 there shall be allocated to each participating State an
20 amount which bears the same ratio to the amount of funds
21 appropriated pursuant to this Act as the number of pris-
22 oners convicted of violent crimes serving sentences during
23 the previous fiscal year in that State bears to the number
24 of prisoners convicted of violent crimes serving sentences
25 during the previous fiscal year in all the participating

1 States. (Such numbers of prisoners to be determined by
2 the Bureau of Justice Statistics.)

3 (b) AUTHORIZATION OF APPROPRIATIONS.—In order
4 to build and/or operate the spaces in correctional facilities
5 necessary to implement the required Truth in Sentencing
6 provisions, there is authorized to be appropriated—

7 (1) \$500 million in fiscal year 1994;

8 (2) \$1 billion in fiscal year 1995;

9 (3) \$2 billion in fiscal year 1996;

10 (4) \$3 billion in fiscal year 1997; and

11 (5) \$4 billion in fiscal year 1998.

12 (c) LIMITATIONS ON FUNDS.—

13 (1) NONSUPPLANTING REQUIREMENT.—Funds
14 made available under this section shall not be used
15 to supplant State funds, but shall be used to in-
16 crease the amount of funds that would, in the ab-
17 sence of Federal funds, be made available from
18 State sources.

19 (2) ADMINISTRATIVE COSTS.—No more than 5
20 percent of the funds available under this section may
21 be used for administrative costs.

22 (3) MATCHING FUNDS.—The portion of the
23 costs of a program provided by a grant under this
24 section may not exceed 75 percent of the total cost
25 of the program as described in the application.

1 (4) 1,963,593 during fiscal year 1997;

2 (5) 1,923,339 during fiscal year 1998; and

3 (6) 1,883,086 during fiscal year 1999.

4 (c) MONITORING AND NOTIFICATION.—The Office of
5 Management and Budget, after consultation with the Of-
6 fice of Personnel Management, shall—

7 (1) continuously monitor all agencies and make
8 a determination on the first date of each quarter of
9 each applicable fiscal year of whether the require-
10 ments under subsection (b) are met, and

11 (2) notify the President and the Congress on
12 the first date of each quarter of each applicable fis-
13 cal year of any determination that any requirement
14 of subsection (b) is not met.

15 (d) COMPLIANCE.—If at any time during a fiscal
16 year, the Office of Management and Budget notifies the
17 President and the Congress that any requirement under
18 subsection (b) is not met, no agency may hire any em-
19 ployee for any position in such agency until the Office of
20 Management and Budget notifies the President and the
21 Congress that the total number of full-time equivalent po-
22 sitions for all agencies equals or is less than the applicable
23 number required under subsection (b).

24 (e) WAIVER.—Any provision of this section may be
25 waived upon—

1 (1) a determination by the President of the ex-
2 istence of war or a national security requirement; or

3 (2) the enactment of a joint resolution upon an
4 affirmative vote of three-fifths of the Members of
5 each House of the Congress duly chosen and sworn.

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