

103^D CONGRESS
2^D SESSION

S. 2118

To improve the national crime database and create a Federal cause of action for early release of violent felons.

IN THE SENATE OF THE UNITED STATES

MAY 17 (legislative day, MAY 16), 1994

Mr. DORGAN (for himself and Mr. DASCHLE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To improve the national crime database and create a Federal cause of action for early release of violent felons.

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 “Violent Crime Inter-
5 vention Act of 1994”.

6 **TITLE I—NATIONAL CRIMINAL**
7 **RECORDS DATABASE**

8 **SEC. 101. FINDINGS.**

9 The Congress finds that—

10 (1) nationwide—

1 (A) many State criminal record systems
2 are not up to date and contain incomplete or in-
3 correct information; and

4 (B) less than 20 percent of all criminal
5 records are fully computerized, include court
6 dispositions, and are accessible through the
7 Interstate Identification Index of the Depart-
8 ment of Justice; and

9 (2) a complete and accurate nationwide crimi-
10 nal record database is an essential element in fight-
11 ing crime and development of such a database and
12 is a national urgent priority.

13 **SEC. 102. STATE CRIMINAL RECORD UPGRADES.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of enactment of this Act, the Attorney General shall
16 issue guidelines establishing specific requirements for a
17 State to qualify as a fully participating member of the
18 Interstate Identification Index.

19 (b) MINIMUM REQUIREMENTS.—The guidelines re-
20 ferred to in subsection (a) shall require—

21 (1) that all arrest reports and final disposition
22 orders are submitted to the State records repository
23 within 21 days;

1 (2) the State repository to enter these records
2 and orders into the State database not more than 14
3 days after the repository receives the information;

4 (3) the State to conduct audits, at least annu-
5 ally, of State criminal records to ensure that such
6 records contain correct and complete information
7 about every felony arrest and report the results of
8 each audit to the Attorney General;

9 (4) the State to certify to the Attorney General,
10 on January 1 of each year, that the law enforcement
11 agencies, courts, and records officials of the State
12 are in compliance with this section; and

13 (5) such other conditions as the Attorney Gen-
14 eral determines are necessary.

15 (c) FEES.—A State that does not qualify as a fully
16 participating State, pursuant to the guidelines referred to
17 in subsection (a), within 2 years after the date on which
18 the Attorney General issues such guidelines shall pay a
19 user fee for each identification request made to the Inter-
20 state Identification Index in an amount equal to the aver-
21 age cost of a single Federal database inquiry, as deter-
22 mined by the Attorney General each year.

23 **SEC. 103. AUTHORIZATION.**

24 There are authorized to be appropriated
25 \$100,000,000 for fiscal years 1995 and 1996 to the Attor-

1 ney General for grants to States to establish or improve
2 their criminal record databases to qualify as a fully par-
3 ticipating member of the Interstate Identification Index.

4 **TITLE II—LIABILITY FOR EARLY** 5 **RELEASE OF VIOLENT FELONS**

6 **SEC. 201. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) violent criminals often serve only a small
9 portion of their original sentences;

10 (2) a significant proportion of the most serious
11 violent crimes committed in the United States are
12 committed by criminals who have been released early
13 from a sentence for a previous violent crime;

14 (3) violent criminals who are released early
15 from prison often travel to other States to commit
16 additional violent crimes;

17 (4) the crime and threat of crime committed by
18 violent criminals released early from prison affects
19 tourism, economic development, use of the interstate
20 highway system, federally owned or supported facili-
21 ties, and other commercial activities of individuals;
22 and

23 (5) the policies of one State regarding the early
24 release of criminals sentenced in that State for a
25 violent crime often affects the citizens of other

1 States, who can influence those policies only through
2 Federal law.

3 (b) PURPOSE.—The purpose of this title is to reduce
4 violent crime by requiring States to bear the responsibility
5 for the consequences of releasing violent criminals before
6 they serve the full term for which they were sentenced.

7 **SEC. 202. CAUSE OF ACTION.**

8 (a) IN GENERAL.—The victim (or in the case of a
9 homicide, the family of the victim) of a violent crime shall
10 have a Federal cause of action in any district court against
11 a State if the individual committing the crime—

12 (1) previously had been convicted by the State
13 of a violent offense;

14 (2) was released from incarceration prior to
15 serving his or her full sentence for such offense; and

16 (3) committed the violent crime before the
17 original sentence would have expired.

18 (b) EXCEPTION.—A State shall not be liable under
19 subsection (a) if the State requires a violent criminal to
20 be incarcerated for the entire term of imprisonment to
21 which the criminal is sentenced.

22 (c) DEFINITION.—As used in this title, the term
23 “crime of violence” has the same meaning as in section
24 16 of title 18, United States Code.

1 (d) DAMAGES.—A State shall be liable to the victim
2 in an action brought under this title for the actual dam-
3 ages resulting from the violent crime, but not for punitive
4 damages.

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