

104TH CONGRESS
1ST SESSION

S. 1427

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

NOVEMBER 28, 1995

Mr. DORGAN 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 1995”.

6 **TITLE I—NATIONAL CRIME**
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 is a
12 national 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 of
16 the United States shall issue guidelines establishing spe-
17 cific requirements for a State to qualify as a fully partici-
18 pating member of the 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 7 days;

1 (2) the State repository to enter these records
2 and orders into the State database not more than 24
3 hours 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 of the United
9 States;

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

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

17 (c) LIMITATIONS ON USE OF FILES.—The Attorney
18 General may establish limitations on the purposes for
19 which the Interstate Identification Index may be used and
20 may allow a State to prohibit the use of information pro-
21 vided by the State for searches unrelated to law enforce-
22 ment.

23 (d) FEES.—A State that does not qualify as a fully
24 participating State, pursuant to the guidelines referred to
25 in subsection (a), within 2 years after the date on which

1 the Attorney General of the United States issues such
2 guidelines shall pay a user fee for each identification re-
3 quest made to the Interstate Identification Index in an
4 amount equal to the average cost of a single Federal
5 database inquiry, as determined by the Attorney General
6 each year.

7 **TITLE II—LIABILITY FOR EARLY** 8 **RELEASE OF VIOLENT FELONS**

9 **SEC. 201. FINDINGS AND PURPOSE.**

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

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

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

17 (3) violent criminals who are released early
18 from prison often travel to other States to commit
19 additional violent crimes;

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

1 (5) the policies of one State regarding the early
2 release of criminals sentenced in that State for a
3 violent crime often affect the citizens of other
4 States, who can influence those policies only through
5 Federal law.

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

10 **SEC. 202. CAUSE OF ACTION.**

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

15 (1) had previously been convicted by the State
16 of a violent offense;

17 (2) was released prior to serving his or her full
18 sentence for such offense; and

19 (3) committed the violent crime before the
20 original sentence would have expired.

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

24 (c) DAMAGES.—A State shall be liable to the victim
25 in an action brought under this title for the actual dam-

- 1 ages (direct and indirect) resulting from the violent crime,
- 2 but not for punitive damages.

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