

106TH CONGRESS
2D SESSION

S. 2390

To establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 2000

Mr. DEWINE (for himself, Mr. WARNER, Mr. HUTCHINSON, Mr. SESSIONS, Mr. HELMS, and Mr. ABRAHAM) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

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 “Project Exile: The Safe
5 Streets and Neighborhoods Act of 2000”.

6 **SEC. 2. FIREARMS SENTENCING INCENTIVE GRANTS.**

7 (a) PROGRAM ESTABLISHED.—Title II of the Violent
8 Crime Control and Law Enforcement Act of 1994 (Public
9 Law 103–322; 108 Stat. 1815) is amended—

1 (1) by redesignating subtitle D as subtitle E;
2 and

3 (2) by inserting after subtitle C the following:

4 **“Subtitle D—Firearms Sentencing**
5 **Incentive Grants**

6 **“SEC. 20351. DEFINITIONS.**

7 “In this subtitle:

8 “(1) FIREARM.—The term ‘firearm’ has the
9 meaning given the term in section 921(a) of title 18,
10 United States Code.

11 “(2) PART 1 VIOLENT CRIME.—The term ‘part
12 1 violent crime’ means murder and nonnegligent
13 manslaughter, forcible rape, robbery, and aggravated
14 assault, as reported to the Federal Bureau of Inves-
15 tigation for purposes of the Uniform Crime Reports.

16 “(3) SERIOUS DRUG TRAFFICKING CRIME.—The
17 term ‘serious drug trafficking crime’ means an of-
18 fense under State law for the manufacture or dis-
19 tribution of a controlled substance, for which State
20 law authorizes to be imposed a sentence to a term
21 of imprisonment of not less than 10 years.

22 “(4) STATE.—The term ‘State’ means a State
23 of the United States, the District of Columbia, the
24 Commonwealth of Puerto Rico, the United States

1 Virgin Islands, American Samoa, Guam, and the
2 Northern Mariana Islands.

3 “(5) UNIT OF LOCAL GOVERNMENT.—The term
4 ‘unit of local government’ has the meaning given the
5 term in section 901(a) of title I of the Omnibus
6 Crime Control and Safe Streets Act of 1968 (42
7 U.S.C. 3791(a)).

8 “(6) VIOLENT CRIME.—The term ‘violent crime’
9 means murder and nonnegligent manslaughter, forc-
10 ible rape, robbery, and aggravated assault, or a
11 crime in a reasonably comparable class of serious
12 violent crimes, as approved by the Attorney General.

13 **“SEC. 20352. AUTHORIZATION OF GRANTS.**

14 “(a) IN GENERAL.—From amounts made available to
15 carry out this subtitle, the Attorney General shall award
16 Firearms Sentencing Incentive Grants to eligible States
17 in accordance with this subtitle.

18 “(b) ALLOWABLE USES.—Grants awarded under this
19 subtitle may be used by a State only—

20 “(1) to support—

21 “(A) law enforcement agencies;

22 “(B) prosecutors;

23 “(C) courts;

24 “(D) probation officers;

25 “(E) correctional officers;

1 “(F) the juvenile justice system;

2 “(G) the expansion, improvement, and co-
3 ordination of criminal history records; or

4 “(H) case management programs involving
5 the sharing of information about serious offend-
6 ers;

7 “(2) to carry out a public awareness and com-
8 munity support program described in section
9 20353(a)(2); or

10 “(3) to build or expand correctional facilities.

11 “(c) SUBGRANTS.—A State may use grants awarded
12 under this subtitle directly or by making subgrants to
13 units of local government within that State.

14 **“SEC. 20353. FIREARMS SENTENCING INCENTIVE GRANTS.**

15 “(a) ELIGIBILITY.—Except as provided in subsection
16 (b), to be eligible to receive a grant award under this sec-
17 tion, a State shall submit an application to the Attorney
18 General, which shall comply with the following require-
19 ments:

20 “(1) FIREARMS SENTENCING LAWS.—The ap-
21 plication shall demonstrate that the State has imple-
22 mented firearms sentencing laws requiring 1 or both
23 of the following:

24 “(A) Any person who, during and in rela-
25 tion to any violent crime or serious drug traf-

1 ficking crime, uses or carries a firearm, shall,
2 in addition to the punishment provided for that
3 crime of violence or serious drug trafficking
4 crime, be sentenced to a term of imprisonment
5 of not less than 5 years (without the possibility
6 of parole during that term).

7 “(B) Any person who, having not less than
8 1 prior conviction for a violent crime, possesses
9 a firearm, shall, for such possession, be sen-
10 tenced to a term of imprisonment of not less
11 than 5 years (without the possibility of parole
12 during that term).

13 “(2) PUBLIC AWARENESS AND COMMUNITY
14 SUPPORT PROGRAM.—The application shall dem-
15 onstrate that the State has implemented, or will im-
16 plement not later than 6 months after receiving a
17 grant under this subtitle, a public awareness and
18 community support program that seeks to build sup-
19 port for, and warns potential violators of, the fire-
20 arms sentencing laws implemented under paragraph
21 (1).

22 “(3) COORDINATION WITH FEDERAL GOVERN-
23 MENT; CRIME REDUCTION IN HIGH-CRIME AREAS.—
24 The application shall provide assurances that the
25 State—

1 “(A) will coordinate with Federal prosecu-
2 tors and Federal law enforcement agencies
3 whose jurisdictions include the State, so as to
4 promote Federal involvement and cooperation in
5 the enforcement of laws within that State; and

6 “(B) will allocate its resources in a manner
7 calculated to reduce crime in the high-crime
8 areas of the State.

9 “(b) ALTERNATE ELIGIBILITY REQUIREMENT.—

10 “(1) IN GENERAL.—A State that is unable to
11 demonstrate in its application that the State meets
12 the requirement of subsection (a)(1) shall be eligible
13 to receive a grant award under this subtitle notwith-
14 standing that inability, if that State, in such applica-
15 tion, provides assurances that the State has in effect
16 an equivalent Federal prosecution agreement.

17 “(2) EQUIVALENT FEDERAL PROSECUTION
18 AGREEMENT.—For purposes of paragraph (1), an
19 equivalent Federal prosecution agreement is an
20 agreement with appropriate Federal authorities that
21 ensures that 1 or more of the following:

22 “(A) If a person engages in the conduct
23 specified in subsection (a)(1)(A), but the con-
24 viction of that person under State law for that
25 conduct is not certain to result in the imposi-

1 tion of an additional sentence as specified in
2 that subsection, that person is prosecuted for
3 that conduct under Federal law.

4 “(B) If a person engages in the conduct
5 specified in subsection (a)(1)(B), but the con-
6 viction of that person under State law for that
7 conduct is not certain to result in the imposi-
8 tion of a sentence as specified in that sub-
9 section, that person is prosecuted for that con-
10 duct under Federal law.

11 **“SEC. 20354. FORMULA FOR GRANTS.**

12 “(a) IN GENERAL.—The amount available for grants
13 under this subtitle for any fiscal year shall be allocated
14 to each eligible State, in the ratio that the number of part
15 1 violent crimes reported by the State to the Federal Bu-
16 reau of Investigation for the 3 years preceding the year
17 in which the determination is made, bears to the average
18 annual number of part 1 violent crimes reported by all
19 eligible States to the Federal Bureau of Investigation for
20 the 3 years preceding the year in which the determination
21 is made.

22 “(b) UNAVAILABLE DATA.—If data regarding part 1
23 violent crimes in any State is substantially inaccurate or
24 is unavailable for the 3 years preceding the year in which
25 the determination is made, the Attorney General shall uti-

1 lize the best available comparable data regarding the num-
2 ber of violent crimes for the previous year for the State
3 for the purposes of the allocation of funds under this sub-
4 title.

5 **“SEC. 20355. AUTHORIZATION OF APPROPRIATIONS.**

6 “(a) AUTHORIZATIONS.—There are authorized to be
7 appropriated to carry out this subtitle—

8 “(1) \$10,000,000 for fiscal year 2001;

9 “(2) \$15,000,000 for fiscal year 2002;

10 “(3) \$20,000,000 for fiscal year 2003;

11 “(4) \$25,000,000 for fiscal year 2004; and

12 “(5) \$30,000,000 for fiscal year 2005.

13 “(b) LIMITATIONS ON FUNDS.—

14 “(1) USES OF FUNDS.—Funds made available
15 pursuant to this subtitle shall be used only to carry
16 out the purposes described in section 20352(b).

17 “(2) NONSUPPLANTING REQUIREMENT.—Funds
18 made available pursuant to this section shall not be
19 used to supplant State funds, but shall be used to
20 increase the amount of funds that would, in the ab-
21 sence of Federal funds, be made available from
22 State sources.

23 “(3) ADMINISTRATIVE COSTS.—Not more than
24 3 percent of the funds made available pursuant to
25 this section for a fiscal year shall be available to the

1 Attorney General for purposes of administration, re-
2 search and evaluation, technical assistance, and data
3 collection.

4 “(4) CARRYOVER OF APPROPRIATIONS.—Funds
5 appropriated pursuant to this section during any fis-
6 cal year shall remain available until expended.

7 “(5) MATCHING FUNDS.—The Federal share of
8 a grant awarded under this subtitle may not exceed
9 90 percent of the costs of a proposal as described in
10 an application approved under this subtitle.

11 **“SEC. 20356. REPORT BY THE ATTORNEY GENERAL.**

12 “Beginning on October 1, 2001, and on each subse-
13 quent July 1 thereafter, the Attorney General shall submit
14 to the Committee on the Judiciary of the Senate and the
15 Committee on the Judiciary of the House of Representa-
16 tives a report on the implementation of this subtitle. The
17 report shall include information regarding the eligibility
18 of States under section 20353 and the distribution and
19 use of funds under this subtitle.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in section 2 of the Violent Crime Control and Law En-
22 forcement Act of 1994 (Public Law 103–322; 108 Stat.
23 1796) is amended—

1 (1) by redesignating the item relating to sub-
2 title D of title II as an item relating to subtitle E
3 of that title; and

4 (2) by inserting after the item relating to sub-
5 title C of title II the following:

“Subtitle D—Firearms Sentencing Incentive Grants

“Sec. 20351. Definitions.

“Sec. 20352. Authorization of grants.

“Sec. 20353. Firearms sentencing incentive grants.

“Sec. 20354. Formula for grants.

“Sec. 20355. Authorization of appropriations.

“Sec. 20356. Report by the Attorney General.”.

