

108TH CONGRESS  
1ST SESSION

# H. R. 1238

To authorize the Attorney General to carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments for costs associated with certain criminal activities, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2003

Mr. LARSEN of Washington (for himself, Mr. DICKS, Mr. STUPAK, Mr. POMEROY, Mr. NETHERCUTT, Mr. HASTINGS of Washington, Mr. SMITH of Washington, and Mr. BAIRD) introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To authorize the Attorney General to carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments for costs associated with certain criminal activities, 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 “Northern Border Pros-  
5 ecutiion Initiative Reimbursement Act” .

1 **SEC. 2. NORTHERN BORDER PROSECUTION INITIATIVE.**

2 (a) INITIATIVE REQUIRED.—From amounts made  
3 available to carry out this section, the Attorney General,  
4 acting through the Director of the Bureau of Justice As-  
5 sistance of the Office of Justice Programs, shall carry out  
6 a program, to be known as the Northern Border Prosecu-  
7 tion Initiative, to provide funds to reimburse eligible  
8 northern border entities for costs incurred by those enti-  
9 ties for handling case dispositions of criminal cases that  
10 are federally initiated but federally declined-referred. This  
11 program shall be modeled after the Southwestern Border  
12 Prosecution Initiative and shall serve as a partner pro-  
13 gram to that initiative to reimburse local jurisdictions for  
14 processing Federal cases.

15 (b) PROVISION AND ALLOCATION OF FUNDS.—  
16 Funds provided under the program shall be provided in  
17 the form of direct reimbursements and shall be allocated  
18 in a manner consistent with the manner under which  
19 funds are allocated under the Southwestern Border Pros-  
20 ecution Initiative.

21 (c) USE OF FUNDS.—Funds provided to an eligible  
22 northern border entity may be used by the entity for any  
23 lawful purpose, including the following purposes:

- 24 (1) Prosecution and related costs.  
25 (2) Court costs.  
26 (3) Costs of courtroom technology.

1 (4) Costs of constructing holding spaces.

2 (5) Costs of administrative staff.

3 (6) Costs of defense counsel for indigent de-  
4 fendants.

5 (7) Detention costs, including pre-trial and  
6 post-trial detention.

7 (d) DEFINITIONS.—In this section:

8 (1) The term “eligible northern border entity”  
9 means—

10 (A) any of the following States: Alaska,  
11 Idaho, Maine, Michigan, Minnesota, Montana,  
12 New Hampshire, New York, North Dakota,  
13 Ohio, Pennsylvania, Vermont, Washington, and  
14 Wisconsin; or

15 (B) any unit of local government within a  
16 State referred to in subparagraph (A).

17 (2) The term “federally initiated” means, with  
18 respect to a criminal case, that the case results from  
19 a criminal investigation or an arrest involving Fed-  
20 eral law enforcement authorities for a potential vio-  
21 lation of Federal criminal law, including investiga-  
22 tions resulting from multijurisdictional task forces.

23 (3) The term “federally declined-referred”  
24 means, with respect to a criminal case, that a deci-  
25 sion has been made in that case by a United States

1 Attorney or a Federal law enforcement agency dur-  
2 ing a Federal investigation to no longer pursue Fed-  
3 eral criminal charges against a defendant and to  
4 refer of the investigation to a State or local jurisdic-  
5 tion for possible prosecution. The term includes a  
6 decision made on an individualized case-by-case  
7 basis as well as a decision made pursuant to a gen-  
8 eral policy or practice or pursuant to prosecutorial  
9 discretion.

10 (4) The term “case disposition”, for purposes  
11 of the Northern Border Prosecution Initiative, refers  
12 to the time between a suspect’s arrest and the reso-  
13 lution of the criminal charges through a county or  
14 State judicial or prosecutorial process. Disposition  
15 does not include incarceration time for sentenced of-  
16 fenders, or time spent by prosecutors on judicial ap-  
17 peals.

18 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to carry out  
20 this section \$28,000,000 for fiscal year 2004 and such  
21 sums as may be necessary for fiscal years after fiscal year  
22 2004.

○