

109TH CONGRESS
1ST SESSION

H. R. 1751

To amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2005

Mr. GOHMERT (for himself and Mr. WEINER) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, 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 “Secure Access to Jus-
5 tice and Court Protection Act of 2005”.

1 **SEC. 2. PENALTIES FOR INFLUENCING, IMPEDING, OR RE-**
2 **TALIATING AGAINST JUDGES AND OTHER OF-**
3 **FICIALS BY THREATENING OR INJURING A**
4 **FAMILY MEMBER.**

5 Section 115 of title 18, United States Code, is
6 amended—

7 (1) in subsection (a)(1)(B), by inserting “as-
8 saults, kidnaps, or murders, or attempts or conspires
9 to kidnap or murder, or” after “(B)”; and

10 (2) so that subsection (b) reads as follows:

11 “(b)(1) The punishment for an assault in violation
12 of this section is a fine under this title and—

13 “(A) if the assault consists of a simple assault,
14 a term of imprisonment for not more than one year,
15 or both;

16 “(B) if the assault resulted in bodily injury (as
17 defined in section 1365), a term of imprisonment for
18 not less than 5 nor more than 20 years;

19 “(C) if the assault resulted in serious bodily in-
20 jury (as defined in section 1365), a term of impris-
21 onment for any term of years not less than 10 or
22 life;

23 “(D) if a dangerous weapon was used or pos-
24 sessed during and in relation to the offense, a term
25 of imprisonment for any term of years not less than
26 15 nor life; and

1 “(E) in any other case, not less than 2 nor
2 more than 10 years.

3 “(2) The punishment for a kidnaping, attempted kid-
4 napping, or conspiracy to kidnap in violation of this sec-
5 tion is a fine under this title and imprisonment for any
6 term of years not less than 30, or for life.

7 “(3) The punishment for a murder, attempted mur-
8 der, or conspiracy to murder in violation of this section
9 is a fine under this title and imprisonment for any term
10 of years not less than 30, or for life, or the death penalty.

11 “(4) A threat made in violation of this section shall
12 be punished by a fine under this title and imprisonment
13 for a term of not less than 5 years nor more than 20 years.

14 “(5) Each punishment for criminal conduct under
15 this section shall be in addition to any other punishment,
16 whether imposed for a conviction under this section or oth-
17 erwise, for other criminal conduct during the same crimi-
18 nal episode.”.

19 **SEC. 3. PROTECTION OF FEDERALLY FUNDED PUBLIC**
20 **SAFETY OFFICERS.**

21 (a) OFFENSE.—Chapter 51 of title 18, United States
22 Code, is amended by adding at the end the following:

1 **“§ 1123. Killing of federally funded public safety offi-**
2 **cers**

3 “(a) OFFENSE.—Whoever kills, or attempts or con-
4 spires to kill, a federally funded public safety officer while
5 that officer is engaged in official duties, or arising out of
6 the performance of official duties, or kills a former feder-
7 ally funded public safety officer arising out of the perform-
8 ance of official duties, shall be punished as is provided
9 in this chapter for the like offense against a person des-
10 ignated in section 1114. Any other killing or attempted
11 killing or conspiracy to kill that occurs in the same crimi-
12 nal episode shall also be subject to the punishment pro-
13 vided in this chapter for the like offense against a person
14 designated in section 1114.

15 “(b) DEFINITION.—As used in this section—

16 “(1) the term ‘federally funded public safety of-
17 ficer’ means a public safety officer for a public agen-
18 cy (including a court system) that receives Federal
19 financial assistance, of an entity that is a State of
20 the United States, the District of Columbia, the
21 Commonwealth of Puerto Rico, the Virgin Islands of
22 the United States, Guam, American Samoa, the
23 Trust Territory of the Pacific Islands, the Common-
24 wealth of the Northern Mariana Islands, or any ter-
25 ritory or possession of the United States, an Indian
26 tribe, or a unit of local government of that entity;

1 “(2) the term ‘public safety officer’ means an
2 individual serving a public agency in an official ca-
3 pacity, with or without compensation, as a judicial
4 officer, as a firefighter, as a chaplain, or as a mem-
5 ber of a rescue squad or ambulance crew;

6 “(3) the term ‘judicial officer’ means a judge or
7 other officer or employee of a court, including pros-
8 ecutors, court security, and corrections, probation,
9 and parole officers; and

10 “(4) the term ‘firefighter’ includes an individual
11 serving as an official recognized or designated mem-
12 ber of a legally organized volunteer fire department
13 and an officially recognized or designated public em-
14 ployee member of a rescue squad or ambulance
15 crew.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 51 of title 18, United States
18 Code, is amended by adding at the end the following new
19 item:

“1123. Killing of federally public safety officers.”.

20 **SEC. 4. GENERAL MODIFICATIONS OF FEDERAL MURDER**
21 **CRIME AND RELATED CRIMES.**

22 (a) MURDER AMENDMENTS.—Section 1111 of title
23 18, United States Code, is amended—

24 (1) in subsection (b), by inserting “not less
25 than 30” after “any term of years”; and

1 (2) in subsection (c), by striking paragraph (4).

2 (b) MANSLAUGHTER AMENDMENTS.—Section
3 1112(b) of title 18, United States Code, is amended—

4 (1) by striking “ten years” and inserting “20
5 years”; and

6 (2) by striking “six years” and inserting “10
7 years”.

8 (c) ATTEMPT AMENDMENT.—Section 1113 of title
9 18, United States Code, is amended by striking “shall, for
10 an attempt to commit murder” and all that follows
11 through the period at the end of the section and inserting
12 “shall be punished as is provided for a completed offense.”

13 (d) CONSPIRACY AMENDMENT.—Section 1117 of title
14 18, United States Code, is amended by striking “by im-
15 prisonment for any term of years or for life” and inserting
16 “as is provided for the violation which is the object of the
17 conspiracy”.

18 **SEC. 5. MODIFICATION OF DEFINITION OF OFFENSE AND**
19 **OF THE PENALTIES FOR, INFLUENCING OR**
20 **INJURING OFFICER OR JUROR GENERALLY.**

21 Section 1503 of title 18, United States Code, is
22 amended—

23 (1) so that subsection (a) reads as follows:

24 “(a)(1) Whoever—

1 “(A) corruptly, or by threats of force or force,
2 endeavors to influence, intimidate, or impede a juror
3 or officer in a judicial proceeding in the discharge of
4 that juror or officer’s duty;

5 “(B) injures a juror or an officer in a judicial
6 proceeding arising out of the performance of official
7 duties as such juror or officer; or

8 “(C) corruptly, or by threats of force or force,
9 obstructs, or impedes, or endeavors to influence, ob-
10 struct, or impede, the due administration of justice;
11 or attempts to do so, shall be punished as provided in sub-
12 section (b).

13 “(2) As used in this section, the term ‘juror or officer
14 in a judicial proceeding’ means a grand or petit juror, or
15 other officer in or of any court of the United States, or
16 an officer who may be serving at any examination or other
17 proceeding before any United States magistrate judge or
18 other committing magistrate.”;

19 (2) in subsection (b)—

20 (A) in paragraph (2)—

21 (i) by striking “class A or B”; and

22 (ii) by striking “not more than 20
23 years, a fine under this title, or both” and
24 inserting “for any term of years not less

1 than 20, or for life, and a fine under this
2 title”; and

3 (B) so that paragraph (3) reads as follows:

4 “(3) in any other case, a fine under this title
5 and imprisonment for not less than 10 years nor
6 more than 30 years.”.

7 **SEC. 6. MODIFICATION OF TAMPERING WITH A WITNESS,**
8 **VICTIM, OR AN INFORMANT OFFENSE.**

9 (a) **CHANGES IN PENALTIES.**—Section 1512 of title
10 18, United States Code, is amended—

11 (1) in subsection (a)(3)—

12 (A) by striking subparagraph (B); and

13 (B) in subparagraph (C), by striking “not
14 more than 10 years” and inserting “not less
15 than 5 years nor more than 20 years”;

16 (2) in subsection (b), by striking “or impris-
17 oned not more than ten years, or both” and insert-
18 ing “not less than 5 years nor more than 20 years”;

19 (3) in subsection (c), by striking “or imprisoned
20 not more than twenty years, or both” and inserting
21 “and imprisoned not less than 5 years nor more
22 than 20 years”;

23 (4) in subsection (d), by striking “or impris-
24 oned not more than one year, or both” and inserting

1 “and imprisoned not less than 5 years nor more
2 than 20 years”; and

3 (5) in subsection (k)—

4 (A) by inserting “attempts or” before
5 “conspires”; and

6 (B) by inserting “attempted or” before
7 “the commission”.

8 **SEC. 7. MODIFICATION OF RETALIATION OFFENSE.**

9 Section 1513 of title 18, United States Code, is
10 amended—

11 (1) in subsection (a)(1)(B)—

12 (A) by inserting a comma after “proba-
13 tion”; and

14 (B) by striking the comma which imme-
15 diately follows another comma;

16 (2) in subsection (a)(2), by striking subpara-
17 graph (B);

18 (3) in subsection (b), by striking “or impris-
19 oned not more than ten years, or both” and insert-
20 ing “and imprisoned not less than 10 years nor
21 more than 30 years”;

22 (4) in the first subsection (e), by striking “or
23 imprisoned not more than 10 years, or both” and in-
24 serting “and imprisoned not less than 10 years nor
25 more than 30 years”;

1 (5) by redesignating the second subsection (e)
2 as subsection (f); and

3 (6) in subsection (f) as so redesignated by para-
4 graph (5)—

5 (A) by inserting “attempts or” before
6 “conspires”; and

7 (B) by inserting “attempted or” before
8 “the commission”.

9 **SEC. 8. INCLUSION OF INTIMIDATION AND RETALIATION**
10 **AGAINST WITNESSES IN STATE PROSECU-**
11 **TIONS AS BASIS FOR FEDERAL PROSECU-**
12 **TION.**

13 Section 1952 of title 18, United States Code, is
14 amended in subsection (b)(2), by inserting “intimidation
15 of, or retaliation against, a witness, victim, juror, or in-
16 formant,” after “extortion, bribery,”.

17 **SEC. 9. CLARIFICATION OF VENUE FOR RETALIATION**
18 **AGAINST A WITNESS.**

19 Section 1513 of title 18, United States Code, is
20 amended by adding at the end the following:

21 “(g) A prosecution under this section may be brought
22 in the district in which the official proceeding (whether
23 or not pending, about to be instituted or was completed)
24 was intended to be affected or was completed, or in which
25 the conduct constituting the alleged offense occurred.”.

1 **SEC. 10. ENSURING FAIR AND EXPEDITIOUS FEDERAL COL-**
2 **LATERAL REVIEW OF CONVICTIONS FOR**
3 **KILLING A STATE JUDGE OR OTHER PUBLIC**
4 **SAFETY OFFICER.**

5 (a) LIMITS ON CASES.—Section 2254 of title 28,
6 United States Code, is amended by adding at the end the
7 following:

8 “(j)(1) A court, justice, or judge shall not have juris-
9 diction to consider any claim relating to the judgment or
10 sentence in an application described under paragraph (2),
11 unless the applicant shows that the claim qualifies for con-
12 sideration on the grounds described in subsection (e)(2).
13 Any such application that is presented to a court, justice,
14 or judge other than a district court shall be transferred
15 to the appropriate district court for consideration or dis-
16 missal in conformity with this subsection, except that a
17 court of appeals panel must authorize any second or suc-
18 cessive application in conformity with section 2244 before
19 any consideration by the district court.

20 “(2) This subsection applies to an application for a
21 writ of habeas corpus on behalf of a person in custody
22 pursuant to the judgment of a State court for a crime
23 that involved the killing of a public safety officer while
24 the public safety officer was engaged in the performance
25 of official duties, or arising out of the public safety offi-

1 cer's performance of official duties or status as a public
2 safety officer.

3 “(3) For an application described in paragraph (2),
4 the following requirements shall apply in the district court:

5 “(A) Any motion by either party for an evi-
6 dentiary hearing shall be filed and served not later
7 than 90 days after the State files its answer or, if
8 no timely answer is filed, the date on which such an-
9 swer is due.

10 “(B) Any motion for an evidentiary hearing
11 shall be granted or denied not later than 30 days
12 after the date on which the party opposing such mo-
13 tion files a pleading in opposition to such motion or,
14 if no timely pleading in opposition is filed, the date
15 on which such pleading in opposition is due.

16 “(C) Any evidentiary hearing shall be—

17 “(i) convened not less than 60 days after
18 the order granting such hearing; and

19 “(ii) completed not more than 150 days
20 after the order granting such hearing.

21 “(D) A district court shall enter a final order,
22 granting or denying the application for a writ of ha-
23 beas corpus, not later than 15 months after the date
24 on which the State files its answer or, if no timely
25 answer is filed, the date on which such answer is

1 due, or not later than 60 days after the case is sub-
2 mitted for decision, whichever is earlier.

3 “(E) If the district court fails to comply with
4 the requirements of this paragraph, the State may
5 petition the court of appeals for a writ of mandamus
6 to enforce the requirements. The court of appeals
7 shall grant or deny the petition for a writ of man-
8 damus not later than 30 days after such petition is
9 filed with the court.

10 “(4) For an application described in paragraph (2),
11 the following requirements shall apply in the court of ap-
12 peals:

13 “(A) A timely filed notice of appeal from an
14 order issuing a writ of habeas corpus shall operate
15 as a stay of that order pending final disposition of
16 the appeal.

17 “(B) The court of appeals shall decide the ap-
18 peal from an order granting or denying a writ of ha-
19 beas corpus—

20 “(i) not later than 120 days after the date
21 on which the brief of the appellee is filed or, if
22 no timely brief is filed, the date on which such
23 brief is due; or

24 “(ii) if a cross-appeal is filed, not later
25 than 120 days after the date on which the ap-

1 pellant files a brief in response to the issues
2 presented by the cross-appeal or, if no timely
3 brief is filed, the date on which such brief is
4 due.

5 “(C)(i) Following a decision by a panel of the
6 court of appeals under subparagraph (B), a petition
7 for panel rehearing is not allowed, but rehearing by
8 the court of appeals en banc may be requested. The
9 court of appeals shall decide whether to grant a peti-
10 tion for rehearing en banc not later than 30 days
11 after the date on which the petition is filed, unless
12 a response is required, in which case the court shall
13 decide whether to grant the petition not later than
14 30 days after the date on which the response is filed
15 or, if no timely response is filed, the date on which
16 the response is due.

17 “(ii) If rehearing en banc is granted, the court
18 of appeals shall make a final determination of the
19 appeal not later than 120 days after the date on
20 which the order granting rehearing en banc is en-
21 tered.

22 “(D) If the court of appeals fails to comply
23 with the requirements of this paragraph, the State
24 may petition the Supreme Court or a justice thereof
25 for a writ of mandamus to enforce the requirements.

1 “(5)(A) The time limitations under paragraphs (3)
2 and (4) shall apply to an initial application described in
3 paragraph (2), any second or successive application de-
4 scribed in paragraph (2), and any redetermination of an
5 application described in paragraph (2) or related appeal
6 following a remand by the court of appeals or the Supreme
7 Court for further proceedings.

8 “(B) In proceedings following remand in the district
9 court, time limits running from the time the State files
10 its answer under paragraph (3) shall run from the date
11 the remand is ordered if further briefing is not required
12 in the district court. If there is further briefing following
13 remand in the district court, such time limits shall run
14 from the date on which a responsive brief is filed or, if
15 no timely responsive brief is filed, the date on which such
16 brief is due.

17 “(C) In proceedings following remand in the court of
18 appeals, the time limit specified in paragraph (4)(B) shall
19 run from the date the remand is ordered if further briefing
20 is not required in the court of appeals. If there is further
21 briefing in the court of appeals, the time limit specified
22 in paragraph (4)(B) shall run from the date on which a
23 responsive brief is filed or, if no timely responsive brief
24 is filed, from the date on which such brief is due.

1 “(6) The failure of a court to meet or comply with
2 a time limitation under this subsection shall not be a
3 ground for granting relief from a judgment of conviction
4 or sentence, nor shall the time limitations under this sub-
5 section be construed to entitle a capital applicant to a stay
6 of execution, to which the applicant would otherwise not
7 be entitled, for the purpose of litigating any application
8 or appeal.

9 “(7) In this subsection—

10 “(A) the term ‘public safety officer’ has the
11 meaning given such term in section 1123 of title 18
12 and also includes a law enforcement officer; and

13 “(B) the term ‘law enforcement officer’ means
14 an individual involved in crime and juvenile delin-
15 quency control or reduction, or enforcement of the
16 laws, including police, prosecutors, corrections, pro-
17 bation, parole, and judicial officers.”.

18 (b) APPLICATION TO PENDING CASES.—

19 (1) IN GENERAL.—The amendment made by
20 subsection (a) applies to cases pending on the date
21 of the enactment of this Act as well as to cases com-
22 menced on and after that date.

23 (2) SPECIAL RULE FOR TIME LIMITS.—In a
24 case pending on the date of the enactment of this
25 Act, if the amendment made by subsection (a) pro-

1 vides that a time limit runs from an event or time
2 that has occurred before that date, the time limit
3 shall instead run from that date.

4 **SEC. 11. WITNESS PROTECTION GRANT PROGRAM.**

5 Title I of the Omnibus Crime Control and Safe
6 Streets Act of 1968 is amended by inserting after part
7 BB (42 U.S.C. 3797j et seq.) the following new part:

8 **“PART CC—WITNESS PROTECTION GRANTS**

9 **“SEC. 2811. PROGRAM AUTHORIZED.**

10 “(a) IN GENERAL.—From amounts made available to
11 carry out this part, the Attorney General may make grants
12 to States, units of local government, and Indian tribes to
13 create and expand witness protection programs in order
14 to prevent threats, intimidation, and retaliation against
15 victims of, and witnesses to, crimes.

16 “(b) USES OF FUNDS.—Grants awarded under this
17 part shall be—

18 “(1) distributed directly to the State, unit of
19 local government, or Indian tribe; and

20 “(2) used for the creation and expansion of wit-
21 ness protection programs in the jurisdiction of the
22 grantee.

23 “(c) PREFERENTIAL CONSIDERATION.—In awarding
24 grants under this part, the Attorney General may give

1 preferential consideration, if feasible, to an application
2 from a jurisdiction that—

3 “(1) has the greatest need for witness and vic-
4 tim protection programs;

5 “(2) has a serious violent crime problem in the
6 jurisdiction; and

7 “(3) has had, or is likely to have, instances of
8 threats, intimidation, and retaliation against victims
9 of, and witnesses to, crimes.

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section
12 \$20,000,000 for each of fiscal years 2006 through 2010.”.

13 **SEC. 12. GRANTS TO STATES TO PROTECT WITNESSES AND**
14 **VICTIMS OF CRIMES.**

15 (a) IN GENERAL.—Section 31702 of the Violent
16 Crime Control and Law Enforcement Act of 1994 (42
17 U.S.C. 13862) is amended—

18 (1) in paragraph (3), by striking “and” at the
19 end;

20 (2) in paragraph (4), by striking the period at
21 the end and inserting a semicolon; and

22 (3) by adding at the end the following:

23 “(5) to create and expand witness and victim
24 protection programs to prevent threats, intimidation,

1 and retaliation against victims of, and witnesses to,
2 violent crimes.”.

3 (b) **AUTHORIZATION OF APPROPRIATIONS.**—Section
4 31707 of the Violent Crime Control and Law Enforcement
5 Act of 1994 (42 U.S.C. 13867) is amended to read as
6 follows:

7 **“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

8 “There are authorized to be appropriated
9 \$20,000,000 for each of the fiscal years 2006 through
10 2010 to carry out this subtitle.”.

11 **SEC. 13. JUDICIAL BRANCH SECURITY REQUIREMENTS.**

12 (a) **ENSURING CONSULTATION AND COORDINATION**
13 **WITH THE ADMINISTRATIVE OFFICE OF THE UNITED**
14 **STATES COURTS.**—Section 566 of title 28, United States
15 Code, is amended by adding at the end the following:

16 “(i) The United States Marshals Service shall consult
17 and coordinate with the Administrative Office of the
18 United States Courts on a continuing basis regarding the
19 security requirements for the Judicial Branch.”.

20 (b) **CONFORMING AMENDMENT.**—Section 604(a) of
21 title 28, United States Code, is amended—

22 (1) by redesignating existing paragraph (24) as
23 paragraph (25);

24 (2) by striking “and” at the end of paragraph
25 (23); and

1 (3) by inserting after paragraph (23) the fol-
2 lowing:

3 “(24) Consult and coordinate with the United
4 States Marshals Service on a continuing basis re-
5 garding the security requirements for the Judicial
6 Branch; and”.

7 **SEC. 14. PROTECTIONS AGAINST MALICIOUS RECORDING**
8 **OF FICTITIOUS LIENS AGAINST FEDERAL**
9 **JUDGES AND ATTORNEYS.**

10 (a) OFFENSE.—Chapter 73 of title 18, United States
11 Code, is amended by adding at the end the following:

12 **“§ 1521. Retaliating against a federal judge or attor-**
13 **ney by false claim or slander of title**

14 “(a) Whoever files or attempts to file, in any public
15 record or in any private record which is generally available
16 to the public, any false lien or encumbrance against the
17 real or personal property of a Federal judge, Federal at-
18 torney, or a public safety officer, shall be fined under this
19 title or imprisoned for not more than 10 years, or both.

20 “(b) As used in this section—

21 “(1) the term ‘Federal judge’ means a justice
22 or judge of the United States as defined in 28
23 U.S.C. § 451, a judge of the United States Court of
24 Federal Claims, a United States bankruptcy judge,
25 a United States magistrate judge, and a judge of the

1 United States Court of Appeals for the Armed
2 Forces, United States Court of Appeals for Veterans
3 Claims, United States Tax Court, District Court of
4 Guam, District Court of the Northern Mariana Is-
5 lands, or District Court of the Virgin Islands;

6 “(2) the term ‘Federal attorney’ means an at-
7 torney who is an officer or employee of the United
8 States in the executive branch of the Government;

9 “(3) the term ‘public safety officer’ has the
10 meaning given that term in section 1123 of title 18
11 and also includes a law enforcement officer; and

12 “(4) the term ‘law enforcement officer’ means
13 an individual involved in crime and juvenile delin-
14 quency control or reduction, or enforcement of the
15 laws, including police, prosecutors, corrections, pro-
16 bation, parole, and judicial officers.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 73 of title 18, United States
19 Code, is amended by adding at the end the following new
20 item:

“1521. Retaliating against a federal judge or attorney by false claim or slander
of title.”.

1 **SEC. 15. EMERGENCY AUTHORITY TO CONDUCT COURT**
2 **PROCEEDINGS OUTSIDE THE TERRITORIAL**
3 **JURISDICTION OF THE COURT.**

4 (a) **CIRCUIT COURTS.**—Section 48 of title 28, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 “(e) Each court of appeals may hold special sessions
8 at any place outside the circuit as the nature of the busi-
9 ness may require and upon such notice as the court orders,
10 upon a finding by either the chief judge of the court of
11 appeals (or, if the chief judge is unavailable, the most sen-
12 ior available active judge of the court of appeals) or the
13 judicial council of the circuit that, because of emergency
14 conditions, no location within the circuit is reasonably
15 available where such special sessions could be held. The
16 court may transact any business at a special session out-
17 side the circuit which it might transact at a regular ses-
18 sion.”.

19 (b) **DISTRICT COURTS.**—Section 141 of title 28,
20 United States Code, is amended—

21 (1) by inserting “(a)(1)” before “Special”;

22 (2) by inserting “(2)” before “Any”; and

23 (3) by adding at the end the following:

24 “(b) Special sessions of the district court may be held
25 at such places outside the district as the nature of the
26 business may require and upon such notice as the court

1 orders, upon a finding by either the chief judge of the dis-
2 trict court (or, if the chief judge is unavailable, the most
3 senior available active judge of the district court) or the
4 judicial council of the circuit that, because of emergency
5 conditions, no location within the district is reasonably
6 available where such special sessions could be held. Any
7 business may be transacted at a special session outside
8 the district which might be transacted at a regular session.
9 The district court may summon jurors from within the dis-
10 trict to serve in any case in which special sessions are con-
11 ducted outside the district pursuant to the provisions of
12 this section.”.

13 (c) BANKRUPTCY COURTS.—Section 152(c) of title
14 28, United States Code, is amended—

15 (1) by inserting “(1)” after “(c)”;

16 (2) by adding at the end the following:

17 “(2) Bankruptcy judges may hold court at such
18 places outside the judicial district as the nature of
19 the business of the court may require, and upon
20 such notice as the court orders, upon a finding by
21 either the chief judge of the bankruptcy court (or,
22 if the chief judge is unavailable, the most senior
23 available bankruptcy judge) or by the judicial council
24 of the circuit that, because of emergency conditions,
25 no location within the district is reasonably available

1 where the bankruptcy judges could hold court.
2 Bankruptcy judges may transact any business at
3 special sessions of court held outside the district
4 that might be transacted at a regular session.”.

5 **SEC. 16. PROHIBITION OF POSSESSION OF DANGEROUS**
6 **WEAPONS IN FEDERAL COURT FACILITIES.**

7 Section 930(e) of title 18, United States Code, is
8 amended by inserting “or other dangerous weapon” after
9 “firearm”.

10 **SEC. 17. REPEAL OF SUNSET PROVISION.**

11 Section 105(b)(3) of the Ethics in Government Act
12 of 1978 (5 U.S.C. App) is amended by striking subpara-
13 graph (E).

14 **SEC. 18. PROTECTION OF INDIVIDUALS PERFORMING CER-**
15 **TAIN FEDERAL AND FEDERALLY ASSISTED**
16 **FUNCTIONS.**

17 (a) OFFENSE.—Chapter 7 of title 18, United States
18 Code, is amended by adding at the end the following:

19 **“§ 117. Protection of individuals performing certain**
20 **Federal and federally assisted functions**

21 “(a) Whoever knowingly makes restricted personal in-
22 formation about a covered official publicly available
23 through the Internet shall be fined under this title and
24 imprisoned not more than 5 years, or both.

1 “(b) It is a defense to a prosecution under this sec-
2 tion that—

3 “(1) the defendant is a provider of Internet
4 services and did not knowingly participate in the of-
5 fense; or

6 “(2) the covered official gave permission to
7 make the restricted personal information publicly
8 available.

9 “(c) As used in this section—

10 “(1) the term ‘restricted personal information’
11 means, with respect to an individual, the Social Se-
12 curity number, the home address, home phone num-
13 ber, mobile phone number, personal email, or home
14 fax number of, and identifiable to, that individual;
15 and

16 “(2) the term ‘covered official’ means—

17 “(A) an individual designated in section
18 1114;

19 “(B) a public safety officer (as that term
20 is defined in section 1521); or

21 “(C) a grand or petit juror, witness, or
22 other officer in or of, any court of the United
23 States, or an officer who may be serving at any
24 examination or other proceeding before any

1 United States magistrate judge or other com-
2 mitting magistrate.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 7 of title 18, United States
5 Code, is amended by adding at the end the following new
6 item:

“117. Protection of individuals performing certain Federal and federally as-
sisted functions.”.

7 **SEC. 19. ELIGIBILITY OF STATE COURTS FOR CERTAIN FED-**
8 **ERAL GRANTS.**

9 (a) PURPOSE OF GRANTS.—Section 510(b) of the
10 Omnibus Crime Control and Safe Streets Act of 1968 (42
11 U.S.C. 3760) is amended by inserting “State courts,”
12 after “institutions”.

13 (b) CORRECTIONAL OPTIONS GRANTS.—Section 515
14 of the Omnibus Crime Control and Safe Streets Act of
15 1968 (42 U.S.C. 3760) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (2), by striking “and” at
18 the end;

19 (B) in paragraph (3), by striking the pe-
20 riod and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(4) grants to State courts to improve security
23 for State and local court systems.”; and

1 (2) in subsection (b), by inserting after the pe-
2 riod the following: “Priority shall be given to State
3 court applicants under subsection (a)(4) that have
4 the greatest demonstrated need to provide security
5 in order to administer justice.”.

6 (c) ALLOCATIONS.—Section 516(a) of the Omnibus
7 Crime Control and Safe Streets Act of 1968 is amended—

8 (1) strike “80” and insert “70”;

9 (2) strike “and” before “10”; and

10 (3) by inserting before the period the following:

11 “, and 10 percent for section 515(a)(4)”.

12 **SEC. 20. APPOINTMENTS OF UNITED STATES MARSHALS.**

13 (a) APPOINTMENTS OF MARSHALS.—

14 (1) IN GENERAL.—Chapter 37 of title 28,
15 United States Code, is amended—

16 (A) in section 561(c)—

17 (i) by striking “The President shall
18 appoint, by and with the advice and con-
19 sent of the Senate,” and inserting “The
20 Attorney General shall appoint”; and

21 (ii) by inserting “United States mar-
22 shals shall be appointed subject to the pro-
23 visions of title 5 governing appointments in
24 the competitive civil service, and shall be
25 paid in accordance with the provisions of

1 chapter 51 and subchapter III of chapter
2 53 of such title relating to classification
3 and pay rates.” after the first sentence;

4 (B) by striking subsection (d) of section
5 561;

6 (C) by redesignating subsections (e), (f),
7 (g), (h), and (i) of section 561 as subsections
8 (d), (e), (f), (g), and (h), respectively; and

9 (D) by striking section 562.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions for chapter 37 of title 28, United States Code,
12 is amended by striking the item relating to section
13 562.

14 (b) MARSHALS IN OFFICE BEFORE EFFECTIVE
15 DATE.—Notwithstanding the amendments made by this
16 Act, each marshal appointed under chapter 37 of title 28,
17 United States Code, before the effective date of this Act
18 shall, unless that marshal resigns or is removed by the
19 President, continue to perform the duties of that office
20 until the expiration of that marshal’s term and the ap-
21 pointment of a successor.

22 (c) EFFECTIVE DATE.—This section and the amend-
23 ments made by this section shall take effect on January

1 20, 2005, and shall apply to appointments made on and
2 after that date.

○