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*Gang Prevention and Suppression Legislation in the 109th  
Congress: Side-by-Side Comparison of S. 155, H.R. 1279,  
and H.R. 4472*

Celinda Franco, Domestic Social Policy Division

March 30, 2006

**Abstract.** This report will focus on some of the more comprehensive anti-gang bills under consideration. S. 155, includes numerous revisions to current law regarding gangs, including increased criminal penalties for gang members convicted of serious violent crimes. H.R. 1279, passed by the House of Representatives on May 11, 2005, would amend the federal criminal code to increase penalties for individuals participating in a criminal street gang who have committed certain violent crimes, among other things. H.R. 4472, passed by the House on March 8, 2006, while similar to H.R. 1279, differs by having fewer mandatory minimum prison sentences for gang crimes and providing a new anti-gang program designed to provide services to assist offenders reentering the community. They also would amend current law by increasing penalties for gangs and gang members who use interstate and foreign commerce-related aid to racketeering enterprises using interstate commerce to commit other illegal acts.

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## **Gang Prevention and Suppression Legislation in the 109<sup>th</sup> Congress: Side-by-Side Comparison of S. 155, H.R. 1279, and H.R. 4472**

**Updated March 30, 2006**

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# Gang Prevention and Suppression Legislation in the 109<sup>th</sup> Congress: Side-By-Side Comparison of S. 155, H.R. 1279, and H.R. 4472

## Summary

Youth gangs and the violence associated with them continue to be a pervasive problem in cities across the country. For the most part, gang-related activities have been a state and local law enforcement issue. Until recently, the federal role in stemming illegal gang activities was limited to grant programs to state and local law enforcement, and community-based agencies for prevention and local law enforcement efforts. These types of programs focus on efforts to prevent at-risk youths from joining gangs or from staying in gangs, and community law enforcement efforts to involve communities in dealing with gangs. As gangs expanded the types of illegal activities they engaged in, policy makers responded. Although legislation had been passed throughout the years that criminalized certain gang-related acts, Congress began to specifically address gang-related violence in 1986. More recently, concerns about the growing violence of gangs, as well as the potential threat they may pose to domestic security, has intensified congressional interest.

In the 109<sup>th</sup> Congress, legislation has been introduced to prevent and deter gang members involved in violent criminal behavior. Some of the bills focus narrowly on the gang problem, such as H.R. 283, which would authorize grants to prevent bullying and gang activities. Other bills address aspects of the 'transnational' gang threat of foreign gang members through improved border security (H.R. 1168, H.R. 1225) and immigration law changes (H.R. 2672 and S. 853, H.R.2933, S. 1168).

This report will focus on some of the more comprehensive anti-gang bills under consideration. S. 155, includes numerous revisions to current law regarding gangs, including increased criminal penalties for gang members convicted of serious violent crimes. H.R. 1279, passed by the House of Representatives on May 11, 2005, would amend the federal criminal code to increase penalties for individuals participating in a criminal street gang who have committed certain violent crimes, among other things. H.R. 4472, passed by the House on March 8, 2006, while similar to H.R. 1279, differs by having fewer *mandatory minimum* prison sentences for gang crimes and providing a new anti-gang program designed to provide services to assist offenders reentering the community. They also would amend current law by increasing penalties for gangs and gang members who use interstate and foreign commerce-related aid to racketeering enterprises using interstate commerce to commit other illegal acts.

Arguably, the most controversial provisions in all three of these bills are amendments to current law that would permit the Attorney General to prosecute juveniles (age 16 or over) as adults if they were alleged to have committed, conspired, solicited, or attempted to commit certain serious violent gang offenses. All three bills have many common elements and similar provisions. This report provides a side-by-side comparison of S. 155, H.R. 1279, and H.R. 4472; it will be updated in response to significant legislative activity.

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## Gang Prevention and Suppression Legislation in the 109<sup>th</sup> Congress: Side-by-Side Comparison of S. 155, H.R. 970, and H.R. 1279

Youth gangs and the violent crime associated with them continue to be a pervasive problem in cities across the country. For the most part, gang-related activities have been a state and local law enforcement issue. Until recently, the federal role in stemming illegal gang activities was limited to grant programs to state and local law enforcement, and community-based agencies for prevention and local law enforcement efforts. These types of programs focus on efforts to prevent at-risk youths from joining gangs or from staying in gangs, and community law enforcement efforts to involve communities in dealing with their gang problem. As gangs expanded the types of illegal activities they engaged in, policy makers responded. Although legislation had been passed throughout the years that criminalized certain gang-related acts, Congress began to specifically address gang-related violence in 1986. More recently, concerns about the growing violence of gangs, as well as the potential threat they may pose to domestic security, has intensified congressional interest.

In the 109<sup>th</sup> Congress, several bills have been introduced to address the problem of gangs and gang violence. Over the years, three basic strategies for addressing youth gangs have been most often employed at the federal level: *suppression*, through longer prison sentences and criminal penalties; *intervention*, through programs designed to help individuals leave gangs and get a new start through job training, education, and skills development; and *prevention*, typically through school-based or community-based programs designed to reach out to at-risk children before they can get involved with gangs.

A number of bills targeting the youth gang problem have been introduced in the 109<sup>th</sup> Congress. Most of the bills primarily address the gang problem through methods of suppressing gang crime with longer prison sentences for gang-related crime. H.R. 283 would amend the Safe and Drug-Free Schools and Communities Act of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to prevent bullying and for gang prevention activities. Several other bills address specific aspects of the ‘transnational’ gang threat by providing improvements in criminal background checks to prevent entry of foreign gang members and terrorists (H.R. 1168 and H.R. 1225);<sup>1</sup> by improving border security (H.R. 2672 and S. 853);

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<sup>1</sup> For more information, see CRS Report RL33011, *Terrorist Screening and Brady Background Checks for Firearms*, by William J. Krouse.

by making criminal gang members inadmissible and deportable aliens ( H.R. 2933, and S. 1168);<sup>2</sup> and these gang issues are beyond the scope of this report.

This report will compare S. 155,<sup>3</sup> H.R. 1279, and H.R. 4472, three of the most comprehensive gang-related bills introduced during the first session of the 109<sup>th</sup> Congress. H.R. 1279 was reported out of the House Judiciary Committee, with amendments (H.Rept. 109-74), and passed by the House of Representatives on May 11, 2005. H.R. 4472, including a separate title on gang reduction and prevention provisions, was passed by the House of Representatives on March 8, 2006.

In brief, here are some of the major provisions of the three bills:

- All three bills would increase the penalties for violent gang crimes: S. 155 would increase the statutory *maximum* prison sentences that would apply to certain violent gang crimes, while H.R. 1279 would make all such crimes subject to fines in addition to new mandatory *minimum* sentences with increased imprisonment penalties. H.R. 4472 would also increase the penalties for violent gang crimes, including both statutory *maximum* imprisonment penalties and mandatory *minimum* imprisonment penalties, depending on the severity of the crime.
- All three bills would increase the penalties for carjacking, expand certain racketeering crimes and associated penalties to apply to criminal street gang crimes, and increase penalties for violent crimes committed during and in relation to a drug trafficking crime or crimes committed using firearms.
- S. 155 and H.R. 1279 would authorize the creation of a new High Intensity Gang Activity Area designation, through which multi-agency task forces would join together with state and local law enforcement to bolster their efforts to combat gang crimes.
- All three bills would provide for the transfer of certain juvenile offenders age 16 *and* 17 for federal prosecution as adults.
- S. 155 and H.R. 4472 would authorize appropriations for the Gang Resistance Education and Training (G.R.E.A.T.) program administered by the Department of Justice, Office of Justice Programs, and S. 155 would authorize appropriations for the Safe Streets Program administered by the Federal Bureau of Investigation. In addition, H.R. 4472 would provide grants to state and local courts and related agencies and organizations to develop “reentry courts” designed to assist offenders returning to communities after

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<sup>2</sup> For more information, see CRS Report RL32480, *Immigration Consequences of Criminal Activity*, by Michael John Garcia and Larry M. Eig.

<sup>3</sup> H.R. 970, introduced on Feb. 17, 2005, by Representative Schiff, is very similar to S. 155, differing in a very few provisions on technical points of otherwise identical provisions.

imprisonment. H.R. 1279 would provide grants for prosecutors to help them more effectively prosecute gang crime.

- H.R. 1279 and H.R. 4472 would provide additional criminal penalties for crimes of violence and drug crimes committed by illegal aliens, require immigration violators to be listed in the National Crime Information Center (NCIC), and require the Attorney General and the Secretary of the Department of Homeland Security to conduct a study of the connection between illegal immigration and gang membership and gang activities.



## Side-by-Side Comparison of S. 155, H.R. 1279, and H.R. 4472 in the 109<sup>th</sup> Congress

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
		The Gang Prevention and Effective Deterrence Act of 2005	The Gang Deterrence and Community Protection Act of 2005	Children's Safety and Violent Crime Reduction Act of 2006, Title VIII - Reduction and Prevention of Gang Violence
<b>Findings</b>	No provision.  <a href="http://wikileaks.org/wiki/CRS-RL32443">http://wikileaks.org/wiki/CRS-RL32443</a>	Findings include (1) violent crime and drug trafficking are a pervasive problem at all levels of government; (2) the crime rate is exacerbated by the association of persons in gangs; (3) according to the most recent National Drug Threat Assessment, criminal street gangs are responsible for much of the distribution of illegal drugs in urban and rural areas in the United States; (4) gangs commit acts of violence or drug offenses for many reasons, such as membership in or loyalty to the gang, for protecting gang territory, and for profit; (5) gang presence has a pernicious effect on the free flow of commerce in local businesses and directly affects the freedom and security of communities plagued by gang activity; (6) gangs often recruit and use minors in violent acts or other serious offenses, because	No provision.	No provision.

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Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p style="text-align: center;"><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>the criminal justice systems are more lenient on juvenile offenders; (7) gangs often intimidate and threaten witnesses to prevent successful prosecutions; (8) gang recruitment can be deterred through increased vigilance, strong criminal penalties, equal partnerships with state and local law enforcement, and proactive intervention efforts targeting juveniles before they get involved in gang activities; (9) state and local prosecutors have enlisted the help of Congress in the prevention, investigation, and prosecution of gang crimes and in protecting witnesses and victims of gang crimes; and (10) consultation and coordination between federal, state and local law enforcement is critical for successful prosecutions of criminal street gangs. [Section 100]</p>		

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Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
<p><b>Solicitation or Recruitment of Persons in Criminal Street Gangs</b></p>	<p>No provision.</p> <p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>Amends Chapter 26 of 18 U.S.C., by adding a new §522. Makes it unlawful to recruit, employ, solicit, induce, command, or cause another person to be or remain in a criminal street gang, or conspire to do so, with the intent to cause that person to participate in criminal gang activities. Establishes penalties, in addition to those for the underlying offense, for offenses under this subsection of not more than five years' imprisonment, a fine or both; or if the person who is recruited, solicited, induced, commanded, or caused to participate or remain in a criminal street gang is under the age of 18, establishes a penalty of not more than 10 years' imprisonment, a fine or both. At the discretion of the sentencing judge, makes a person who recruits a minor for a criminal gang liable for any costs incurred by federal, state or local governments for housing, maintaining, and treating the person until the person attains the age of 18 years. [Section 101]</p>	<p>No provision.</p>	<p>No provision.</p>

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
<b>Criminal Street Gang Definitions</b>	18 U.S.C. 521 defines <i>criminal street gang</i> as an ongoing group, club, organization, or association of <i>five</i> or more persons that has as one of its primary purposes the commission of one or more specific criminal offenses, and whose members engage, or have engaged in the past <i>five</i> years, in a continuing series of specific offenses, and whose activities affect interstate or foreign commerce.	Defines <i>criminal street gang</i> as a formal or informal group, club, organization or association of <i>three</i> or more individuals who individually, jointly, or in combination, have committed or attempted to commit at least <i>two</i> separate acts of <i>predicate gang crime</i> , one of which occurs after enactment of the bill, and the last of which occurs not later than 10 years after the commission of the prior <i>predicate gang crime</i> . Also would require that at least one of the predicated gang crimes is a crime of violence. [Section 102]	Would define <i>criminal street gang</i> as a formal or informal group or association of <i>three</i> or more individuals, who commit two or more gang crimes, one of which is a crime of violence other than an offense punishable under 401(b)(1) of the Controlled Substances Act, in two or more separate criminal episodes, in relation to the group or association, if any of the activities of the criminal street gang affects interstate or foreign commerce. [Section 101]	Similar to H.R. 1279, except does not provide an exception for offenses punishable under 401(b)(1) of the Controlled Substances Act. [Section 801]
<b>Circumstances of Gang Crime</b>	18 U.S.C. 521 provides that a person who commits criminal street gang offenses is one who: (1) participates in a criminal street gang with knowledge that its members engage in or have engaged in a continuing series of offenses described as criminal street gang crimes, above; (2) intends to promote or further the felonious activities of the criminal street gang or maintain or increase his or her position in the gang; and (3) has been convicted within the	Amends §521 to require that whoever (1) commits, conspires or attempts to commit, a <i>predicate gang crime</i> in furtherance or in aid of the activities of a criminal street gang, for gaining entrance to or maintaining or increasing position in a gang, or for the direct or indirect benefit of the criminal street gang; or whoever (2) employs, uses, commands, counsels, persuades, induces, entices, or coerces any individual to commit, cause to commit, or facilitate the commission of a predicate gang crime in	Defines <i>criminal street gang crime</i> as whoever commits or conspires, <i>threatens</i> or attempts to commit, a gang crime for the purpose of furthering the activities of a criminal street gang, or gaining entrance to or maintaining or increasing their position in a gang. [Section 101]	Identical to H.R. 1279. [Section 801]

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p>past 5 years for (A) an offense described in 18 U.S.C. 521(c), (B) a state offense involving a controlled substance for which the maximum penalty is not less than five years' imprisonment, or that is a felony crime of violence that has as an element the use or attempted use of physical force against another person; (C) any federal or state felony offense that involves a substantial risk of physical force, or (D) a conspiracy to commit any of the offenses in (A), (B), or (C).</p>	<p>furtherance or in aid of the activities of a criminal street gang, for gaining entrance to or maintaining or increasing position in such a gang, or for the direct or indirect benefit of the criminal street gang or in association with the criminal street gang would be subject to a fine under title 18 and penalties described below. [Section 102]</p>		
<p><b>Offenses</b></p>	<p>18 U.S.C. 521 defines criminal street gang offenses as: (1) a federal felony involving a controlled substance (as defined in §102 of the Controlled Substances Act (21 U.S.C. 802) for which the maximum penalty is not less than five years; (2) a federal felony crime of violence that has as an element the use or attempted use of physical force against another person; and (3) a conspiracy to commit an offense involving interstate or foreign commerce, as described in paragraphs (1) and (2),</p>	<p>Defines <i>predicate gang crime</i> as a crime of violence or one involving manufacturing, importing, distributing, or possessing with intent to distribute, or otherwise dealing with a controlled substance or listed chemicals of the Controlled Substances Act, provided that the activities of the criminal street gang affect interstate or foreign commerce, or involve the use of any facility of, or travel in, interstate or foreign commerce. [Section 102]</p> <p>Predicate gang crime also includes any act, threat, conspiracy, or attempted</p>	<p>Defines gang crime as conduct constituting any federal or state crime punishable by imprisonment for more than one year, in the following categories: (1) a crime of violence other than a crime of violence against the property of another; (2) a crime involving obstruction of justice, including tampering with or retaliating against a witness, victim, or informant, or burglary; (3) a crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical defined in</p>	<p>Identical to H.R. 1279. [Section 101]</p>

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Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p>above.</p> <p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>act, chargeable as a felony under federal or state law involving: (1) murder; (2) manslaughter; (3) maiming; (4) assault with a dangerous weapon; (5) assault resulting in serious bodily injury; (6) gambling; (7) kidnapping; (8) robbery; (9) extortion; (10) arson; (11) obstruction of justice; (12) tampering with or retaliating against a witness, victim, or informant; (13) burglary; (14) sexual assault; (15) carjacking; or (16) manufacturing, importing, distributing, possessing with intent to distribute or dealing in a controlled substance or listed chemicals in the Controlled Substances Act.</p> <p>Predicate gang crime also includes a felony offense under: (1) §844 relating to explosive materials; (2) §922(g)(1) relating to firearm possession by a convicted felon, where the underlying conviction is a violent felony or serious drug offense under 21 U.S.C. 924(e)(2)(A); (3) §924 relating to illegal interstate acquisition, receipt, possession, and transfer of firearms in violation of various subsections; (4) §1028 and §1029</p>	<p>21 U.S.C. 802. Also includes conduct punishable under various subsections of §844, §922, §924, §930, §931, §1028, §1029, §1952, §1956, §1957, or §2313-2315, related to firearms violations. [Section 101]</p>	

CRS-10

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>relating to fraud and related activity in connection with identification documents or access devices; (5) §1503 relating to obstruction of justice; (6) §1510 relating to obstruction of criminal investigations; (7) §1512 relating to tampering with a witness, victim, or informant, or §1513 relating to retaliating against a witness, victim, or informant; (8) §1708 relating to theft of stolen mail matter; (9) §1951 relating to interference with commerce, robbery or extortion; (10) §1952 relating to racketeering; (11) §1956 relating to money laundering; (12) §1957 relating to engaging in monetary transactions in property derived from unlawful activity; (13) §1958 relating to use of interstate commerce facilities in the commission of murder-for-hire; or (14) §2312-§2315 relating to interstate transportation of stolen motor vehicles or stolen property.</p> <p>Also, predicate gang crime includes offenses under the Immigration and Nationality Act, including (1) §274 relating to harboring certain aliens; (2) §277 relating to aiding or assisting</p>		

CRS-11

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
		<p>certain aliens to enter the United States; or (3) §278 relating to importation of aliens for immoral purposes. [Section 102]</p>		
<p><b>Penalties</b></p>	<p>18 U.S.C. 521 provides penalties for criminal street gang crimes involving activities that affect interstate or foreign commerce to increase by up to 10 years. Includes the following crimes: (1) a federal felony involving a controlled substance; (2) a federal felony crime of violence; and (3) a conspiracy to commit certain offenses. Provides penalties, if convicted, of up to 10 additional years of imprisonment to the sentence for the underlying federal crime.</p>	<p>For predicate gang crime, establishes the following penalties: (1) a fine under Title 18, imprisonment for not more than 30 years, or both; and (2) if the violation is based on a predicate gang crime for which the maximum penalty includes life imprisonment, a fine under Title 18, imprisonment for any term of years or for life, or both. [Section 102]</p>	<p>Establishes penalties for gang crimes: (1) if crime results in death of any person, death or life imprisonment; (2) if crime is kidnapping, aggravated sexual abuse, or maiming, life imprisonment or any term of years not less than 30; (3) if crime is assault resulting in serious bodily injury, life imprisonment or any term of years not less than 20; and in any other case, life imprisonment or for any term of years not less than 10 years. [Section 101]</p>	<p>Identical to H.R. 1279. [Section 801]</p>



CRS-12

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
<b>Forfeiture</b>	<p>No provision.</p> <p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>Requires the court, in imposing sentence on a person convicted of such an offense, to require that the defendant forfeit to the United States government any property, real or personal, constituting or traceable to gross proceeds obtained from such offense; and any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violation. Such criminal forfeitures would be governed by procedures set out in §413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d), and rule 32.2 of the Federal Rules of Criminal Procedure. The same property would be subject to civil confiscation under the procedures found in Chapter 46 of 18 U.S.C. 981, 986, on Civil Forfeiture. [Section 102]</p>	<p>Similar to S. 155, except authorizes criminal forfeiture, but not civil confiscation. [Section 101]</p>	<p>Identical to H.R. 1279. [Section 801]</p>

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
<b>Money Laundering</b>	18 U.S.C. 1956(c)(7)(D) provides, among other things, that it is unlawful for whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct a financial transaction which in fact involves the proceeds of a specified unlawful activity, and could be subject to penalties that include a fine of not more than \$500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than 20 years, or both. Proceeds traceable to money laundering offenses are subject to civil confiscation under 18 U.S.C. 981.	No provision.	Amends §1956(c)(7)(D) by adding “§521 (relating to criminal street gang prosecutions)” to the existing list of unlawful activities punishable under this section of the law. [Section 101(c)]	Identical to H.R. 1279. [Section 801(c)]
<b>Definition of State</b>	Defines ‘state’ as a state of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States.	Defines ‘state’ as <i>the several</i> states of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States. [Section 102]	Identical to S. 155. [Section 101]	Identical to H.R. 1279. [Section 801]

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
<b>Carjacking</b>	18 U.S.C. 2119 defines carjacking as taking a car from someone by force and violence or intimidation with the intent to cause death or serious bodily harm. Provides the following penalties: (1) a fine under Title 18 or imprisonment for not more than 15 years, or both; (2) if serious bodily injury occurs, a fine, imprisonment for not more than 25 years, or both; and (3) if death occurs, a fine or imprisonment for any number of years up to life, or both, or sentenced to death.	No provision. (See Section 105(e), below)	Amends § 2119 (carjacking) similarly to S. 155, except adds that it is unlawful to <i>conspire</i> to take a motor vehicle in a carjacking. Increases penalties to a fine under Title 18 or not more than 20 years' imprisonment, or both; and if serious bodily injury occurs, a fine under Title 18, imprisonment of not less than 10 years nor more than 30 years' imprisonment, or both. [Section 103(a)]	Similar to H.R. 1279, except provides that if serious bodily injury occurs, penalties include a fine under Title 18 and imprisonment for any term of years or for life. [Section 803(a)]
<b>Violent Crimes in Furtherance or in Aid of Criminal Street Gangs</b>	No provision. <a href="http://wikileaks.org/wiki/CRS-14">http://wikileaks.org/wiki/CRS-14</a>	Amends Chapter 26 Title 18 U.S.C., as amended by section 101 of the bill, by adding at the end a new "§523. Violent Crimes Related to Criminal Street Gangs." Requires that any person who is in a criminal street gang or involved in various direct and indirect manners, or that profits from such an association, and who commits certain violent crimes, be subject to certain additional and consecutive penalties provided for any other criminal street gang violations: (1) for murder, by death or imprisonment for	No provision. (See "Penalties," Section 101, above.)	No provision. (See "Penalties," Section 801, above.)

CRS-15

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>any term of years or for life, a fine under Title 18, or both; (2) for kidnapping or sexual assault, by imprisonment for any term of years or for life, a fine, or both; (3) for maiming, by imprisonment for any term of years or life, a fine , or both; (4) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years, a fine, or both; (5) for any other crime of violence, by imprisonment for not more than 20 years, a fine, or both; (6) for threatening to commit a crime of violence listed in items 1-4 of this section of the bill, by imprisonment for not more than 10 years, a fine, or both; (7) for attempting or conspiring to commit murder, kidnapping, maiming, or sexual assault, by imprisonment for not more than 30 years, a fine, or both; and (8) for attempting or conspiring to commit a crime involving assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 20 years, a fine, or both. [Section 103]</p>		

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
<p><b>Interstate and Foreign Travel or Transportation in Aid of Racketeering Enterprises and Criminal Street Gangs</b></p>	<p>18 U.S.C. 1952 establishes the definitions and penalties for crimes related to racketeering that apply to any individual who travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce with the <i>intent</i> to: (1) distribute the proceeds of any unlawful activity; (2) commit any crime of violence to further any unlawful activity; or (3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and thereafter performs or attempts to perform an act described in (1) or (3), above; or an act described in (2), above, are subject to the following penalties: for offenses described under (1) and (3), offenders are subject to a fine under Title 18, imprisonment for not more than five years or both, and for violent crimes under (2), a fine under Title 18, imprisonment of not more than 20 years, or both, and if death occurs, imprisonment for any term of years or life</p>	<p>Amends §1952 by expanding the conditions under which it is unlawful to use interstate and foreign travel or transportation in aid of racketeering enterprises to include anyone who performs or <i>conspires</i> to perform an unlawful act under §1952. Increases the penalty for distribution of proceeds and promoting, managing, establishing, carrying on, or facilitating the promotion, management, establishment, or carrying on of any unlawful activity. Penalties for such unlawful activity would be a fine under Title 18, not more than 10 years' imprisonment, or both for non-violent crimes; and for violent crimes, if death results, the penalty for such a crime could be punishable by death, would be imprisonment for any term of years or life, or both.</p> <p>Adds that anyone who travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce with the intent to kill assault, bribe, force, intimidate, or threaten any person to delay or influence the testimony of, or prevent</p>	<p>Similar to S. 155, except makes it unlawful to <i>conspire</i> to commit crimes relating to racketeering. Increases the penalties for distributing the proceeds of any unlawful activity, and promoting, managing, or facilitating the promotion, management, establishment, or carrying on, of any unlawful activity, to imprisonment for not less than five and not more than 20 years. For violations where the offender travels in interstate or foreign commerce or uses the mail or any facility of interstate commerce with the intent to commit any crime of violence to further any unlawful activity, the penalty would be a fine under Title 18 and imprisonment for not less than 10 nor more than 30 years. If death results, the offender would be required to be sentenced to death or imprisonment for any term of years or for life. [Section 102]</p>	<p>Identical to H.R. 1279. [Section 807]</p>

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	imprisonment.	them from testifying as a witness in a state criminal proceeding, if found guilty, would be fined and imprisoned for any term of years, or both. If death results, the penalty could be death or imprisonment for any term of years or life. Makes the intimidation of, or retaliation against, a witness, victim, juror, or informant unlawful activities under this section. [Section 104]		
<b>Assault</b> (Area of Exclusive Federal Jurisdiction)	18 U.S.C. 113(a)(3) specifies that assault with a dangerous weapon, with intent to do bodily harm, and without just cause or excuse is punishable by a fine under Title 18 or imprisonment for not more than 10 years, or both.	Amends §113(a)(3) by striking the requirement “with intent to do bodily harm and without just cause or excuse” from the description of assault with a dangerous weapon. Penalties for this offense remain the same. [Section 105(a)]	No provision.	No provision.
<b>Aggravated Sexual Abuse</b> (Area of Exclusive Federal Jurisdiction)	No provision.	No provision.	Defines <i>aggravated sexual abuse</i> as an offense that, if committed in the special maritime and territorial jurisdictions would be an offense under 18 U.S.C. 2241(a), which provides penalties for knowingly causing another person to engage in a sexual act by force or threat or fear of serious bodily injury or kidnapping, or by rendering another person unconscious or administering a drug,	Identical provision. [Section 801]

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Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
			intoxicant or other similar substance that impairs the ability to control their conduct. [Section 101]	
<b>Manslaughter</b> (Area of Exclusive Federal Jurisdiction)	18 U.S.C. 1112(b) provides the penalties for manslaughter within the special maritime and territorial jurisdictions. For voluntary manslaughter, a fine under Title 18 or imprisonment of not more than 10 years, or both. For involuntary manslaughter, a fine or imprisonment of not more than six years, or both.	Amends §1112(b) by increasing the imprisonment maximum penalty for voluntary manslaughter from 10 to 20 years, and for involuntary manslaughter from 6 to 10 years. [Section 105(b)]	No provision.	No provision.
<b>Offenses Committed Within Indian Country</b> (Area of Exclusive Federal Jurisdiction)	18 U.S.C. 1153(a) provides for the application of exclusive federal jurisdiction of offenses committed within Indian Country and the penalties for such offenses.	Amends §1153(a) by adding that for willfully or maliciously destroying or injuring or attempting to destroy or cause injury to the real or personal property of another where the property is a dwelling or a life is jeopardized. [Section 105(c)]	No provision.	No provision.
<b>Racketeer Influenced and Corrupt Organizations</b> (Area of Exclusive Federal Jurisdiction)	18 U.S.C. 1961(1) relating to Racketeer Influenced and Corrupt Organizations (RICO), defines <i>racketeering activity</i> as (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in	Amends §1961(1)(A) by adding certain crimes that would have been included within the definition had they not been committed in Indian Country or some other area of exclusive federal jurisdiction.  Amends §1961(1)(B) by adding §1123	Identical to S. 155. [Section 108]	Identical to S. 155 and H.R. 1279. [Section 808]

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p>controlled substances which are chargeable under state law and punishable by imprisonment for more than one year; (B) any act which is indictable under certain offenses provided for under Title 18.</p> <p>18 U.S.C. 1154 defines <i>Indian country</i> as all land within the limits of any Indian reservation under the jurisdiction of the United States government, and dependent Indian communities within the borders of the United States, and all Indian allotments.</p>	<p>(relating to multiple interstate murder) to the list of crimes that are indictable under Chapter 96 of Title 18 (RICO). [Section 105(d)]</p>		
<p><b>Carjacking</b> (Area of Exclusive Federal Jurisdiction)</p>	<p>18 U.S.C. 2119 defines carjacking as taking a car from someone by force and violence or intimidation with the intent to cause death or serious bodily harm. Provides the following penalties: (1) a fine under Title 18 or imprisonment for not more than 15 years, or both; (2) if serious bodily injury occurs, a fine, imprisonment for not more than 25 years, or both; and (3) if death occurs, a fine or imprisonment for any number of</p>	<p>Amends §2119 by striking the requirement that in the commission of the crime of carjacking there must be intent to cause death or serious bodily harm. [Section 105(e)]</p>	<p>No provision. (See Section 103(a), above)</p>	<p>No provision. (See Section 803(a), above)</p>



Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	years up to life, or both, or sentenced to death.			
<b>Conspiracy</b> (Area of Exclusive Federal Jurisdiction)	18 U.S.C. 371 provides that if two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or for any agency thereof in any manner or for any purpose, each shall be fined under Title 18, imprisoned not more than five years, or both. If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.	No provision.	Amends §371 to increase the penalty to a fine or imprisonment of not more than 20 years, or both. [Section 103(d)]	Identical to H.R. 1279. [Section 803(d)]
<b>Illegal Gun Transfers</b> (Area of Exclusive Federal Jurisdiction)	18 U.S.C. 924(h) provides penalties of not more than 10 years' imprisonment, a fine, or both, for anyone who knowingly transfers a firearm for use in the commission or furtherance of a crime of violence or drug trafficking.	Amends §924(h) to add anyone who knowingly transfers a firearm knowing that it will be used to commit, or <i>possessed in furtherance of</i> , a crime of violence or drug trafficking crime. [Section 105(f)]	Amends §924(h) similarly to S. 155, except includes language that provides that whoever <i>in, or affecting, interstate or foreign commerce</i> knowingly transfers a firearm; and provides penalties for illegal gun transfers that require that the individual be fined <i>and</i> imprisoned not less than 5 years, and not more than 20 years. [Section 103(b)]	Similar to H.R. 1279, except the penalty is, in addition to the fine, imprisonment for not more than 20 years. [Section 803(b)]

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
<p><b>Special Sentencing</b> (Area of Exclusive Federal Jurisdiction)</p>	<p>18 U.S.C. 3582(d) permits the courts to impose on defendants, at sentencing, who are convicted of a felony under Chapter 95 (Racketeering) or Chapter 96 (RICO), an order to limit criminal association of organized crime and drug offenders, which is intended to keep defendants from associating or communicating with certain persons while in prison, because that might enable a defendant to control, manage, direct, finance, or otherwise participate in an illegal enterprise from prison.</p>	<p>Amends §3582 by permitting that an order to limit criminal association of organized and drug offenders could be included by the court when imposing imprisonment sentences on individuals convicted under §521 (criminal street gangs) or §522 (violent crimes in furtherance or in aid of criminal street gangs) created by the bill, so that criminal street gang defendants also could be prohibited from associating or communicating with any individuals who also might help such defendant run a criminal street gang from prison. [Section 105(g)]</p>	<p>Similar to S. 155, except amends §3582 on special sentencing provisions relating to criminal association, but includes the defendants' attorneys among those who may be included on the "no contact" list. [Section 103(c)]</p>	<p>Identical to H.R. 1279. [Section 803(c)]</p>
<p><b>Conforming Amendment on Orders of Restitution</b> (Area of Exclusive Federal Jurisdiction)</p>	<p>18 U.S.C. 3663(a) permits the court, when sentencing a defendant, to order that the defendant make restitution to any victim of such offense, or if the victim is deceased, to the victim's estate, in misdemeanor cases. §3663(c)(4) prohibits the court from making an award in cases when there is no identifiable victim and such an award would interfere with a forfeiture under Chapter 46 (Forfeiture) or Chapter 96 (RICO)</p>	<p>Makes a conforming amendment to §3663 to replace the references to Chapters 46 and 96 and inserts the new "§521 (Criminal Street Gangs), under Chapter 46 or 96," so that orders of restitution in criminal street gang cases must yield to government forfeiture interests under Chapter 46 or 96. [Section 105(h)]</p>	<p>Identical to S. 155. [Section 101(b)]</p>	<p>Identical to H.R. 1279. [Section 803(b)]</p>

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	of Title 18.			
<b>Special Provisions for Indian Country</b>	<p>18 U.S.C. 3559(e) provides a mandatory minimum life imprisonment penalty for repeated sexual offenses against children.</p> <p><a href="https://wikileaks.org/wiki/CRS-RL32943">https://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>Provides a special provision for Indian country requiring that no person subject to the criminal jurisdiction of an Indian tribal government would be subject to 18 U.S.C. 3559(e) for any offense for which federal jurisdiction is solely predicated on Indian country and which occurs within the boundaries of such Indian country unless the governing body of such Indian tribe elects to subject persons under the criminal jurisdiction of the tribe provided in 18 U.S.C. 3559(e). [Section 105(I)]</p>	<p>No provision.</p>	<p>No provision.</p>
<b>Penalties For Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire and Other Felony Crimes of Violence</b>	<p>18 U.S.C. 1958 specifies that it is unlawful for anyone to travel in, or cause another (including the intended victim) to travel in interstate or foreign commerce, or use or cause another to use the mail or any facility of interstate or foreign commerce, with the intent to commit murder-for-hire and other violent felonies-for-hire violations. Penalties for such violations are (1) a fine under Title 18 or imprisonment for not more</p>	<p>Amends §1958 to require that individuals found guilty under this section may be: (1) fined under Title 18 <i>and</i> required to be imprisoned for not more than 20 years; (2) if personal injury results, fined and required to be imprisoned for not more than 30 years, and (3) if death results, fined not more than \$250,000 and required to be punished by death or imprisoned for any term of years or for life, or both. [Section 106]</p>	<p>Amends §1958 to make it unlawful to travel or cause another to travel with the intent to commit another crime of violence that is a felony. Requires that defendants be fined and in addition subject to imprisonment as follows: (1) if the crime of violence or conspiracy results in death, sentenced to death or life in prison; (2) if the crime of violence is kidnapping, aggravated sexual abuse, maiming, or conspiracy to commit such crimes of violence, imprisonment for life or any</p>	<p>Similar to H.R. 1279, except the penalties differ as follows: (2) if the crime of violence is kidnapping, aggravated sexual abuse, maiming, or conspiracy to commit such crimes of violence, imprisonment for any term or years or for life; (3) if the crime of violence is an assault, or conspiracy to commit assault, that results in serious bodily injury, imprisonment for not more than 30 years or for life; and (4) in any other case, imprisonment for not more than 20 years. [Section 804]</p>

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p>than 10 years, or both; (2) if personal injury results, the defendant is required to be fined or imprisoned for not more than 20 years, or both; (3) if death results, the defendant is required to be punished by death or life imprisonment, or be fined not more than \$250,000, or both.</p>		<p>term of years not less than 30; (3) if the crime of violence is an assault, or conspiracy to commit assault, that results in serious bodily injury, imprisonment for life or any term of years not less than 20; and (4) in any other case, imprisonment for life or for any term of years not less than 10. [Section 104]</p>	
<p><b>Penalties For Violent Crimes in Aid of Racketeering Activity</b></p>	<p>18 U.S.C. 1959(a) provides penalties for whomever, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in an enterprise engaged in racketeering activity, and as part of that activity murders, kidnaps, maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon any individual, or threatens to commit a crime of violence against any individual in violation of state or federal laws. Penalties for such offenses are: (1) for murder, by</p>	<p>Amends §1959 making it unlawful for any person who, for the receipt of, or as consideration for a promise or agreement to pay, to engage in racketeering activity <i>in furtherance or in aid of an enterprise engaged in racketeering activity</i>, commits murder, kidnapping, maiming, assault, or other specified violent crimes. Adds <i>sexual assault</i> to the list of violent crimes under this subsection. Requires that the penalties provided by this section of the bill are <i>in addition and consecutive to the punishments provided for any other violation in this Chapter</i> (Chapter 95, Racketeering). Increases the penalties to: (1) for murder, by death or imprisonment for any term of years or for life, a fine, or both; (2) for kidnapping, sexual</p>	<p>Similar to S. 155, except adds that it is unlawful to <i>conspire</i> to commit or threaten or attempt to commit a crime of violence for any type of consideration or pay from any enterprise involved in racketeering. Requires increased penalties that subject those convicted to a fine under Title 18, unless the death penalty is imposed. Requires, in addition to the fine, the following penalties: (1) if the crime of violence results in death of any person, the sentence is death or life in prison; (2) if the crime of violence is kidnapping, aggravated sexual abuse, as defined in the bill, or maiming, the sentence is life imprisonment or any term of years not less than 30; (3) if the crime of violence is assault resulting in serious</p>	<p>Similar to H.R. 1279, except requires, in addition to the fine, the following penalties: (2) if the crime of violence is kidnapping, aggravated sexual abuse, as defined in the bill, or maiming, imprisonment or any term of years or for life; (3) if the crime of violence is assault resulting in serious bodily injury, defined in 18 U.S.C. 1365, imprisonment for not more than 30 years or for life; and (4) in any other case, imprisonment for not more than 20 years. [Section 805]</p>

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p>death or life imprisonment, or both; and for kidnapping, by imprisonment for any term of years or for life, a fine, or both; (2) for maiming, imprisonment for not more than 30 years, a fine, or both; (3) for assault with a dangerous weapon or assault resulting in serious bodily injury, imprisonment for not more than 20 years, a fine, or both; (4) threatening to commit a crime of violence, imprisonment for not more than five years, a fine, or both; (5) attempting or conspiring to commit murder or kidnapping, by imprisonment for not more than 10 years, a fine, or both; and (6) for attempting or conspiring to commit a crime involving maiming, assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than three years, a fine, or both.</p>	<p>assault, or maiming, by imprisonment for any term of years or for life, a fine, or both; (3) for assault with a dangerous weapon or assault resulting in serious bodily injury, or for attempting or conspiring to commit murder, kidnapping, maiming, or sexual assault, by imprisonment for not more than 30 years, a fine, or both; (4) for threatening to commit a crime of violence, by imprisonment for not more than 10 years, a fine, or both; and (5) for attempting or conspiring to commit assault with a dangerous weapon or assault which would result in serious bodily injury, by imprisonment for not more than 20 years, a fine, or both. [Section 107]</p>	<p>bodily injury, defined in 18 U.S.C. 1365, imprisonment for life or for any term of years not less than 20; and (4) in any other case, imprisonment for life or any term of years not less than 10. [Section 105]</p> <p>Adds a new section regarding venue requiring that prosecution for a violation under this section would permit the case to be brought in the judicial district in which the crime of</p>	<p>Identical to H.R. 1279. [Section 805]</p>

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
			violence occurred, or in any judicial district in which racketeering activity of the enterprise occurred. [Section 105]	
<b>Murder and Other Violent Crimes Committed During and in Relation to a Drug Trafficking Crime</b>	21 U.S.C. 841 et seq. defines unlawful acts and penalties related to drug trafficking offenses.  <a href="http://wikileaks.org/wiki/CRS-RL33744">http://wikileaks.org/wiki/CRS-RL33744</a>	Amends Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) by adding a new section on violent crimes committed during and in relation to a drug trafficking crime. Requires that any person, who during and in relation to any drug trafficking crime, commits, conspires to commit, or threatens to commit murder, kidnapping, sexual assault, maiming, assault with a dangerous weapon, assault resulting in serious bodily injury, any other crime or threat to commit a crime of violence against any individual, or attempts or conspires to do so, is subject to penalties, in addition and consecutive, to any penalties imposed for the drug trafficking crime. Such additional penalties include (1) for murder, by death or imprisonment for any term of years or for life, a fine under Title 18, or both; (2) in the case of kidnapping or sexual assault, by imprisonment for any term of years or for life, a fine	Similar to S. 155, except requires that, for committing violent crimes during and in relation to a drug trafficking crime, defendants be subject to a fine under Title 18 unless the death penalty is imposed. Establishes increased penalties for such crimes that require (1) if the crime of violence results in death of any person, by death or life in prison; (2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in the bill), or maiming, by life imprisonment or any term of years not less than 30; (3) if the crime of violence is assault resulting in serious bodily injury (defined in 18 U.S.C. 1365), by imprisonment for life or for any term of years not less than 20; and (4) in any other case, by imprisonment for life or any term of years not less than 10. [Section 106]	Identical to H.R. 1279. [Section 806]

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Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>under Title 18, or both; (3) for maiming, by imprisonment for any term of years or for life, a fine under Title 18, or both; (4) in the case of assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment not more than 30 years, a fine under Title 18, or both; (5) in the case of committing any other crime of violence, by imprisonment for not more than 20 years, a fine under Title 21, or both; (6) in the case of threatening to commit a crime of violence specified, listed above, in items (1) through (4), by imprisonment for not more than 10 years, a fine under Title 18, or both; (7) in the case of attempting or conspiring to commit murder, kidnapping, maiming, or sexual assault, by imprisonment for not more than 30 years, a fine under Title 18, or both; and (8) in case of attempting or conspiring to commit a crime involving assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 20 years, a fine under Title 18, or both.</p>		

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p style="text-align: center;"><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>Permits prosecution for a violation under this section to be brought to trial in the judicial district in which the murder or other crime of violence occurred, or in any judicial district in which the drug trafficking crime could be prosecuted.</p> <p>Requires that a defendant who is found guilty of an offense under this section for which a death sentence is provided be subject to the provisions of Chapter 228 of Title 18 (Sentence of Death).</p> <p>Provides definitions of (1) <i>crime of violence</i> to be the same as that in 18 U.S.C. 16, an offense where an individual would use or attempt to use or threaten to use physical force against the person or property of another, or any other offense that is a felony and involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense; and (2) 'drug trafficking crime' has the meaning given the term in 18 U.S.C. 924(c)(2), any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled</p>	<p>No explicit provision on applicable death penalty procedures.</p> <p>Amends 18 U.S.C. 16(b) to include a definition of <i>crime of violence</i> as any offense punishable by imprisonment for more than one year and that, by its nature, involves a substantial risk that physical injury may result to the person or property of another, or is an offense punishable under §401(b)(1)(A), (B), or (C) of the Controlled Substances Act. [Section 112]</p>	<p>No explicit provision on applicable death penalty procedures.</p> <p>Similar to S. 155, uses definition in current law for <i>crime of violence</i> at 18 U.S.C. 16. [Section 806]</p>



Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).</p> <p>Includes a clerical amendment to add the new §424 to the table of contents for the Controlled Substances Act. [Section 108]</p>		
<p><b>Designation of and Assistance for “High Intensity” Interstate Gang Activity Areas</b></p>	<p>No provision.</p> <p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>Creates a new designation which authorizes the Attorney General, after consultation with the Governors of appropriate states, to designate high intensity interstate gang activity areas (HIGAA) that are located within one or more states. If HIGAA goals and high intensity drug trafficking area (HIDTA) goals overlap in an area, permits the Attorney General to merge the two designations to serve as a dual purpose entity. Requires the Attorney General to consult with local elected officials of the communities on the proposed designations.</p> <p>Requires the Attorney General to establish criminal street gang enforcement teams made up of federal,</p>	<p>Similar to S. 155, except does not include provision regarding instances where an HIGAA overlaps with an HIDTA.</p> <p>Requires the Attorney General to provide all necessary funding for national and regional meetings of criminal street gang enforcement teams, and all other related organizations, as needed, to ensure effective operation of such teams through sharing of intelligence, best practices, and for any other related purposes.</p> <p>Includes the Directorate of Border and Transportation Security of the Department of Homeland Security to provide agents and officers, where</p>	<p>No provision.</p>

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p style="text-align: center;"><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>state, and local law enforcement authorities to coordinate the investigation, disruption, apprehension, and prosecution of criminal street gangs and offenders in each HIGAA. Requires the Attorney General to direct the reassignment or detailing from any federal department or agency personnel to each criminal enforcement team and provide all necessary funding for the operation of the team in each HIGAA.</p> <p>To provide federal assistance to HIGAAAs, requires the establishment of criminal street gang enforcement teams consisting of agents and officers from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); the Department of Homeland Security (DHS); the Department of Housing and Urban Development (HUD); the Drug Enforcement Administration (DEA); the Internal Revenue Service (IRS); the Federal Bureau of Investigation (FBI); the U.S. Marshal's Service (USMS); the United States Postal Service (USPS); state and local law enforcement; and federal, state and local prosecutors.</p>	<p>feasible for the criminal street gang enforcement teams.</p> <p>Authorizes the Attorney General, acting through the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), to hire 100 additional inspectors and 100 additional agents, and require that each inspector and agent hired be assigned to a HIGAA.</p> <p>Authorizes: (1) \$60 million for each of the fiscal years 2006-2010 to carry out the HIGAAAs; (2) \$7.5 million for each of the fiscal years 2006-2010 to carry out the hiring of 94 additional Assistant U.S. Attorneys; and (3) \$20 million for each of fiscal years 2006-2010 to carry out the hiring of 100 additional inspectors and 100 additional agents for ATF. [Section 201]</p>	

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p style="text-align: center;"><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>In considering an area for HIGAA designation, requires the Attorney General to consider the current and predicted levels of gang crime activity in an area; the extent to which violent crime in the area appears to be related to criminal street gang activity; the extent to which state and local law enforcement agencies have committed resources to respond to the gang crime problem and participate in a gang enforcement team; the extent to which a significant increase in the allocation of federal resources would enhance local response to gang crime activities in the area; and other criteria the Attorney General considers appropriate.</p> <p>Authorizes appropriations of \$100 million for each of the fiscal years 2005 to 2009 for the HIGAA program. Requires that amounts made available in each fiscal year be allocated so that 50% is used to fund criminal street gang enforcement teams, and 50% is used to make grants available for community-based programs to provide crime prevention, research, and intervention services designed for</p>		

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p>The <i>Consolidated Appropriations Act, 2005</i>, P.L. 108-447, authorized the establishment of a National Gang Intelligence Center (NGIC) administered by the FBI. The NGIC is designed to serve as a “clearinghouse” for information on gang intelligence of national and international significance to help address the most violent gangs throughout the country. The NGIC will collect intelligence from the FBI, ATF, and other affected federal agencies. P.L. 108-447 provides funding for FY2005 of \$1.754 million to establish the center and provides \$8.246 million for additional agents, analysts, and support staff.</p>	<p>gang members and at-risk youth in these HIGAAAs.</p> <p>Requires the Attorney General to report to Congress by February 1<sup>st</sup> of each year describing each HIGAA long-term and short-term goals and objectives; the measurements used to evaluate the performance of each HIGAA in achieving long-term and short-term goals; the age, composition, and membership of gangs; and the definition of the term <i>gang</i> used to compile the report. [Section 110]</p>	<p>Requires the Attorney General to establish a National Gang Intelligence Center to be housed and administered by the FBI to collect, analyze, and disseminate gang activity information from the FBI, and all of the federal bureaus and agencies participating in a HIGAA criminal street gang enforcement team. Requires the Center to annually submit to Congress a report on gang activity.</p> <p>Requires the Attorney General to establish national and regional gang activity databases, with funds authorized for appropriation under this section, for each region with a designated HIGAA and a national database that replicates the information in the regional databases. [Section 201]</p>	

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
<p><b>Publicity Campaign About New Criminal Penalties</b></p>	<p>No provision.</p> <p><a href="http://wiki.crs.org/wiki/CRS-RL32943">http://wiki.crs.org/wiki/CRS-RL32943</a></p>	<p>No provision.</p>	<p>Authorizes the Attorney General to conduct media campaigns in those areas designated as HIGAAAs and in those areas with existing and emerging gang problems to help educate individuals about changes to the criminal penalties made by the bill; and to report to the Committee on the Judiciary of the House of Representatives on the amount of expenditures and all other aspects of the media campaign. [Section 116]</p>	<p>No provision.</p>
<p><b>Enhancement of Project Safe Neighborhoods Initiative to Improve Enforcement of Criminal Laws Against Violent Gangs</b></p>	<p>Project Safe Neighborhoods (PSN) is a national program designed to reduce gun crime by linking federal, state, and local law enforcement, prosecutors, and community leaders. PSN task forces develop strategies to reduce gun crime by prosecuting violent gun offenders, intensifying federal gun law enforcement using technology and intelligence-gathering techniques to map crime, identify gun hotspots, trace seized crime guns, and use ballistics technology. Prevention, education, community outreach and public awareness are essential elements of</p>	<p>Requires the Attorney General to expand the PSN program while maintaining its focus as a comprehensive, strategic approach to reducing gun violence in the United States. Requires that each U.S. Attorney: (1) identify, investigate, and prosecute significant criminal street gangs operating within their district; (2) coordinate the identification, investigation, and prosecution of criminal street gangs among federal, state, and local law enforcement agencies; and (3) coordinate and establish criminal street gang enforcement teams within each U.S. Attorney's district.</p>	<p>No provision on PSN, except authorizes the Attorney General to hire 94 additional Assistant U.S. Attorneys to carry out the provisions of the HIGAAAs, described above in Section 201 of the bill. [Section 201(e)]</p>	<p>No provision on PSN, except authorizes grants to state and local prosecutors to fight violent crime and protect witnesses and victims of crime. (See Section 901 of the bill, described below.)</p>

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	the program.	Authorizes the Attorney General to hire Assistant U.S. Attorneys, non-attorney coordinators, or paralegals for the PSN program. Authorizes appropriations of \$7.5 million for each of the fiscal years 2005-2009. [Section 111]		
<b>Additional Resources For the FBI to Investigate and Prosecute Violent Criminal Street Gangs</b> (Area of Exclusive Federal Jurisdiction)	The Safe Streets Program aligns FBI agents with local law enforcement investigators, and federal and state prosecutors, to reduce violent crime. Safe Streets task forces are focused on violent gangs, crimes of violence, drug-related crimes, and the apprehension and prosecutions of violent fugitives.	Authorizes the Attorney General to require the FBI to increase funding for the Safe Streets Program and support the criminal street gang enforcement teams established under section 110(b) of the bill on HIGAAAs.  Authorizes appropriations of \$5 million for each of the fiscal years 2005-2009. Any amounts appropriated would remain available until expended. [Section 112]	No provision.	No provision.
<b>Grants to Prosecutors and Law Enforcement to Combat Violent Crime and to Protect</b>	The Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862), includes the Community-Based Justice Grants for Prosecutors program in §31702.	Amends §31702 to permit funds under this program to be used to hire additional prosecutors so that more cases could be prosecuted and to reduce of cases; fund technology, equipment, and training for prosecutors and law enforcement to	Similar provision to S. 155, except permits grant funds to be used to fund technology, equipment, and training for prosecutors to increase the accurate identification and successful prosecution of young violent offenders; and does not include	Similar provision to H.R. 1279. [Section 901]

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
<p><b>Witnesses and Victims of Crimes</b> (Area of Exclusive Federal Jurisdiction)</p>	<p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>increase the accurate identification of gang members and violent offenders, and maintain databases of this information to facilitate coordination among law enforcement and prosecutors; and create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.</p> <p>Authorizes appropriations of \$20 million for each of the fiscal years 2005-2009, and specifies that in each fiscal year 60% of the appropriated funds are required to be used for the victim and witness protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes. [Section 113]</p>	<p>provisions related to the witness and victim protection programs.</p>	
<p><b>Reauthorization of the Gang Resistance Education and Training Projects Program</b></p>	<p>The Gang Resistance Education and Training (G.R.E.A.T.) program is a school-based prevention program targeting middle-school students which is administered by ATF.</p>	<p>Amends the Violent Crime Control Act of 1994, which originally authorized the G.R.E.A.T. program, to authorize appropriations of \$20 million for each of the fiscal years 2005-2009. [Section 114]</p>	<p>No provision.</p>	<p>Similar to S. 155, except authorizes \$20 million for each of the fiscal years 2006 through 2010. [Section 902]</p>

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
<p><b>Multiple Interstate Murder</b></p>	<p>Chapter 51 of 18 U.S.C. provides for homicide offenses and the penalties for such crimes.</p> <p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>Amends Chapter 51 of Title 18, adding a new “§1123. Multiple murders in furtherance of common scheme of purpose.” Establishes penalties for homicides in which individuals who had committed one or more murders, then move or travel in interstate or foreign commerce with the intent to commit one or more murders, and thereafter commit one or more murders in the furtherance of a common scheme or purpose. This provision also applies to individuals who conspire to do so. Establishes penalties for such a crime as a fine under Title 18, imprisonment for not more than 30 years, or both for each murder committed. If death results, the penalty applied would include a fine of not more than \$250,000, and punishment by death or imprisonment for any term of years or life imprisonment for each murder. [Section 201]</p>	<p>Similar to S. 155, except establishes penalties for whoever travels in or causes another, including the intended victim, to use the mail or any facility of interstate or foreign commerce, or attempts to do so, with the intent that <i>two</i> or more intentional homicides be committed. Such individuals would be subject to a fine under Title 18 and, (1) if the offense results in death of any person, sentenced to death or life in prison; (2) if the offense results in serious bodily injury (as defined in §1365), imprisonment for life or any term of years not less than 20; and (3) in any other case, imprisonment for life or for any term of years not less than 10. [Section 107]</p>	<p>Similar to H.R. 1279, except establishes different penalties that include, (2) if the offense results in serious bodily injury (as defined in §1365), imprisonment for any term of years or life; and (3) in any other case, imprisonment for not more than 20 years. [Section 807]</p>



Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
<p><b>Rebuttable Presumption Against Release of Persons Charged with Firearms Offenses</b></p>	<p>18 U.S.C. 3142 provides for conditions under which a defendant can be released or detained prior to trial.</p> <p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>Amends §3142 to create a presumption against the release prior to trial of persons committing an offense under §922(g)(1), related to the unlawful possession of a firearm by a convicted felon, where the underlying conviction was for a serious drug offense under 18 U.S.C. 924(e)(2)(A), for which not more than 10 years have elapsed since the date of conviction or release from prison, whichever is later; or for a serious violent felony under 18 U.S.C. 3559(c)(2)(F). Expands the list of offenses to include illegal firearm receipt or possession under 18 U.S.C. 922(g) for which a judicial officer is required to hold a pre-trial detention hearing upon the request of the government’s attorney. Expands the list of factors to be considered by a judicial officer at a hearing to determine whether pre-trial detention is appropriate, to include whether a non-narcotic drug, firearm, explosive, or destructive devise was involved in the crime. [Section 202]</p>	<p>Amends current law to create a presumption against release prior to trial of persons charged with a crime of violence rather than a serious violent felony. [Section 109]</p>	<p>Similar provision to H.R. 1279. [Section 809]</p>

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
<b>Venue in Capital Cases</b>	<p>18 U.S.C. 3235 requires that if an individual is on trial for committing offenses that are punishable by death, the trial is required to be heard in the <i>county</i> where the offense was committed as long as it could be done without great inconvenience.</p> <p><a href="https://www.legis.la.gov/legis/RS/RS_3000/RS_3200/RS_3235.aspx">https://www.legis.la.gov/legis/RS/RS_3000/RS_3200/RS_3235.aspx</a></p>	<p>Amends §3235, to require that trials for offenses punishable by death be held in the <i>district</i> where the offense was committed or in any district in which the offense began, continued, or was completed. If the offense or related conduct involves activities which affect interstate or foreign commerce or the importation of an object or person into the United States, would permit the case to be prosecuted in <i>any district</i> in which the activities occurred. [Section 203]</p>	<p>Identical to S. 155. [Section 110]</p>	<p>Identical to S. 155 and H.R. 1279. [Section 810]</p>
<b>Statute of Limitations for Violent Crime</b>	<p>Chapter 213 of Title 18 sets the statute of limitations for various felony offenses.</p> <p><a href="http://www.pacourts.us/rules/crimes/">http://www.pacourts.us/rules/crimes/</a></p>	<p>Amends Chapter 214 of Title 18, to establish a statute of limitations for violent crimes that are non-capital felonies, crimes of violence, including any racketeering activity or gang crime which involves any violent crime. Requires that no person be prosecuted, tried, or punished for such crimes unless the indictment was found or the information was instituted by the later of: (1) 10 years after the date on which the alleged violation occurred, (2) 10 years after the date on which the continuing offense was completed, or (3) eight years after the date on which the alleged violation</p>	<p>Similar to S. 155, except amends Chapter 213 of Title 18 adding a new §3298 that requires that no person be prosecuted, tried, or punished for any noncapital felony, crime of violence, including any racketeering activity or gang crime which involves any crime of violence, unless the indictment is found or the information is instituted not later than 15 years after the date on which the alleged violation occurred or the continuing offense was completed. [Section 111]</p>	<p>Identical to H.R. 1279. [Section 811]</p>

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
		was first discovered. [Section 204]		
<b>Predicate Crimes for Authorization of Interception of Wire, Oral, and Electronic Communications</b>	<p>18 U.S.C. 2516 authorizes the interception of wire, oral, or electronic communications in certain circumstances for use by the FBI or other federal agencies in investigating certain serious criminal offenses.</p> <p><a href="http://wikileaks.org/wiki/CRS-113384">http://wikileaks.org/wiki/CRS-113384</a></p>	<p>Amends §2516(1) to authorize that the use of interception of wire, oral, or electronic communications if the investigation is of (1) any violation of §424 of the Controlled Substances Act relating to murder and other violent crimes in furtherance of a drug trafficking crime (established in §108 of the bill); (2) any violation of 18 U.S.C. 1123, which relates to multiple interstate murder (established under Section 201 of the bill); and (3) any violation of §521, 522, 523 relating to criminal street gangs (established under Sections 101, 102, 103 of the bill). [Section 205]</p>	<p>No provision.</p>	<p>No provision.</p>
<b>Clarification to Hearsay Exception for Forfeiture by Wrongdoing</b>	<p>Rule 804 of the Federal Rules of Evidence provides exceptions to the hearsay rule of evidence. Provides that a statement of hearsay evidence can be offered against a party that has engaged or acquiesced in wrongdoing that was intended to, and did procure the unavailability of the declarant as a witness.</p>	<p>Amends rule 804(b)(6) of the Federal Rules of Evidence to permit a hearsay statement to be used as evidence against a party that had engaged, acquiesced, or conspired in wrongdoing intended to, and did, make a declarant unavailable as a witness. [Section 206]</p>	<p>Amends rule 804(b)(6) to permit a hearsay statement to be offered against a party who engaged or acquiesced in wrongdoing, or <i>who could reasonably foresee such wrongdoing would take place</i>, if the wrongdoing was intended to, and did, procure the unavailability of the declarant as a witness. [Section 113]</p>	<p>Identical to H.R. 1279. [Section 812]</p>

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
<b>Clarification of Venue for Retaliation Against a Witness</b>	18 U.S.C. 1513 provides the circumstances and penalties for retaliating against a witness, victim, or informant.  <a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a>	Amends 18 U.S.C. 1513 and makes a technical correction by designating the second §1513(e) as §1513(f) because the section is duplicative (P.L. 107-273). Adds a new subsection (g) permitting that prosecution under this section (retaliation against a witness) to be brought in the district in which the official proceeding was intended to be effected or was completed, or in which the conduct constituting the alleged offense occurred. [Section 207]	No provision.	No provision.

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
<p><b>Amendment of Sentencing Guidelines Relating to Certain Gang and Violent Crimes</b></p>	<p>28 U.S.C. 994 establishes the duties and responsibilities of the U.S. Sentencing Commission.</p> <p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>Amends, in accordance with §994(p), the sentencing guidelines for certain gang and violent crimes, requiring the U.S. Sentencing Commission to review and, if appropriate, amend its guidelines and policy statements to conform to the provisions of Titles I and II of the bill. Requires the Commission to (1) establish new guidelines and policy statements in order to implement new or revised criminal offenses created in Title II; (2) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses and penalties set forth by the bill, the growing incidence of serious gang and violent crimes, and the need to modify the sentencing guidelines and policy statements to deter, prevent, and punish such offenses; (3) consider the extent to which the guidelines and policy statements adequately address whether the guideline offense levels and enhancements for gang and violent crimes are sufficient to deter and punish such offenses and are adequate in view of the statutory increases in penalties contained in the bill, and</p>	<p>No provision.</p>	<p>No provision.</p>

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Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>whether any existing or new specific offense characteristics should be added to reflect congressional intent to increase gang and violent crime penalties, punish offenders, and deter gang and violent crime; (4) assure reasonable consistency with other relevant directives and with other sentencing guidelines; (5) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges; (6) make any necessary conforming changes to the sentencing guidelines; and (7) assure that the guidelines adequately meet the purposes of sentencing under 18 U.S.C. 3553(a)(2), which provides the purposes of a criminal sentence to reflect the seriousness of the offense, promote respect for the law, provide just punishment, adequately deter criminal conduct, and other purposes. [Section 208]</p>		

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
<p><b>Penalties for Criminal Use of Firearms in Crimes of Violence and Drug Trafficking</b></p>	<p>18 U.S.C. 924 establishes the penalties associated with firearm offenses. §924(c)(1)(A) provides for additional mandatory minimum sentences for crimes of violence or drug trafficking offenses using a deadly or dangerous weapon.</p> <p><a href="http://wikileaks.org/wiki/CRS-RL32996">http://wikileaks.org/wiki/CRS-RL32996</a></p>	<p>Amends §924(c)(1)(A) to require that, if a person commits or conspires to commit any crime of violence or drug trafficking, for each instance in which the firearm was used, carried or possessed, up to an additional seven years (currently five years) would be added to their sentence of imprisonment.</p> <p>Strikes the clause that provides for not less than seven years to be added if the firearm was brandished during the commission of a crime of violence or a drug trafficking crime.</p> <p>Makes conforming amendments to the section, one of which strikes subsection (o). Subsection (o) now makes conspiracy to violate §924 punishable by imprisonment for not more than 20 years (or for any term of years or life if the firearm involved is a machine gun or destructive device or is equipped with a silencer). [Section 209]</p>	<p>Similar to S. 155, except further amends §924 to require that if the firearm is discharged, the sentence would be a term of imprisonment of not less than 15 years; and if the firearm is used to wound, injure, or maim another person, the sentence be a term of imprisonment of not less than 20 years. [Section 114]</p>	<p>No provision.</p>

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
<p><b>Possession of Firearms by Dangerous Felons</b></p>	<p>18 U.S.C. 924(e) provides an enhanced penalty for persons found in violation of 18 U.S.C. 922(g) for illegal firearm possession and who have previously been convicted on three occasions for violent felonies or serious drug offenses (as defined in §924(e)(2)(A) and (B)). Such persons are subject to a fine under Title 18, not less than 15 years' imprisonment, and notwithstanding any other provision of law, the court is prohibited from suspending the sentence or granting a probationary sentence to persons convicted of such offenses.</p>	<p>Amends §924(e), to require that persons with one, two, or three previous violent felony or serious drug offense convictions, or both, who are subsequently convicted of violating §922(g) by illegally possessing or receiving a firearm, be subject to the following penalties: (1) in the case of one prior conviction, where not more than 10 years have elapsed since the date of prior conviction or release from prison, the defendant would be subject to imprisonment for not more than 15 years, fined under Title 18, or both; (2) in the case of a defendant with two such prior convictions, committed on different occasions, where a period of not more than 10 years has elapsed since the latest conviction or release from prison, the defendant would be subject to imprisonment for not more than 20 years, fined, or both; and (3) in the case of three such prior convictions, committed on different occasions, the defendant would be subject to not less than 15 years, a fine, or both, and the court would be prohibited from suspending the sentence of, or granting a probationary sentence to, such a</p>	<p>No provision.</p>	<p>No provision.</p>



CRS-44

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>person. The amount of the fines in each case would be not more than \$250,000 (\$500,000 for an organization ), as provided under 18 U.S.C. 3571.</p> <p>Continues to define the term <i>serious drug offense</i> as an offense under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), punishable by a maximum term of imprisonment not less than 10 years; or an offense under state law involving manufacturing, distributing, or possessing with intent to manufacture or distribute a controlled substance (as defined in §102 of the Controlled Substances Act (21 U.S.C. 802)), punishable by a maximum term of imprisonment of not less than 10 years. Continues to define the term <i>violent felony</i> to include crimes punishable by a term of imprisonment exceeding one year, or any act of juvenile delinquency involving the use or carrying of a firearm, knife, or destructive device</p>		

CRS-45

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p style="text-align: center;"><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>that would be punishable by a maximum term of imprisonment for the same term that would apply if the crime had been committed by an adult that (1) has, as an element of the crime or act, the use, attempted use, or threatened use of physical force against the person of another; or (2) is burglary, arson, extortion, involves the use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another. Defines the term <i>conviction</i> to include the finding that a person has committed the act of juvenile delinquency involving a violent felony.</p> <p>Requires the U.S. Sentencing Commission to amend the Federal Sentencing Guidelines to provide for the appropriate increase in the offense level for violations under this amended Section 922(g) and in accordance with §924 (e). [Section 210]</p>		
<b>Conforming Amendment</b>	18 U.S.C. 922(d) provides numerous conditions under which it is unlawful for any person to sell or otherwise dispose of any firearm	Makes a conforming amendment to §922(d), to apply these requirements to any person who <i>transfers</i> any firearm or ammunition to any person	No provision.	No provision.

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	or ammunition to another person.	unlawfully under this section. [Section 211]		
<b>Treatment of Federal Juvenile Offenders</b>	<p>18 U.S.C. 5032 establishes delinquency proceedings in district courts and transfers of juveniles for federal criminal prosecution for certain crimes if the juvenile cannot be treated in state proceedings or is alleged to have committed certain firearms or drug trafficking offenses.</p> <p><a href="http://wikileaks.org/wiki/CRS-16-3344">http://wikileaks.org/wiki/CRS-16-3344</a></p>	<p>Amends §5032 to revise and reorganize the section, dividing the section into subsections with headings, making modifications to existing provisions on juvenile delinquency proceedings, and making conforming amendments for new provisions of the bill which would amend provisions related to how juvenile offenders could be transferred and tried as adults. As in current law, for determining whether to transfer a 13 or 15 year old alleged felony offender for federal prosecution, requires the Attorney General to consider whether prosecution of the juvenile as an adult <i>would protect public safety</i>.</p> <p>Adds a new subsection which would adjust the procedures for transfer and permit the transfer of a juvenile age 16 or 17 to be prosecuted as an adult if the juvenile was alleged to have committed, conspired, solicited or attempted to commit, the most serious violent felony offenses including (1) murder; (2) manslaughter; (3) assault</p>	<p>Amends §5032 to permit the Attorney General to prosecute a juvenile as an adult who is alleged to have committed certain crimes after the juvenile's 16<sup>th</sup> birthday, which if committed by an adult would be a felony crime of violence, including certain firearm offenses in §922; or certain other felony offenses whose penalties are in §924; §930 related to possession of firearms and dangerous weapons in federal facilities; or §931 relating to purchase, ownership, or possession of body armor by violent felons.</p>	<p>Identical to H.R. 1279. [Section 813]</p>

CRS-47

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>with intent to commit murder; (4) sexual assault; (5) robbery; (6) carjacking with a dangerous weapon; (7) extortion; (8) arson; (9) illegal firearms use; (10) firearms possession; (11) drive-by shooting; (12) kidnapping; (13) maiming; (14) assault resulting in serious bodily injury; or (15) obstruction of justice (including tampering with a witness, victim, or an informant) on or after the day the juvenile attains age 16.</p> <p>Provides that a juvenile can be prosecuted as an adult if the juvenile was alleged to have committed, on or after the day the juvenile turns 16 years of age, crimes that are Class B and Class C felonies (carrying sentences of 25 years or more, and less than 25 years but more than 10 years, respectively).</p>		
		<p>Provides that in a prosecution under this subsection, the juvenile can be prosecuted and convicted as an adult for any other offense “properly joined” under the Federal Rules of Criminal Procedure, and can also be convicted as an adult for a lesser included</p>		

CRS-48

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>offense.</p> <p>Sets out that a decision to transfer a juvenile for prosecution as an adult for a serious violent felony is not reviewable by any court. In any prosecution of a juvenile as an adult under this section, requires the court in which the criminal charges had been filed to have a hearing to determine whether to issue an order that the defendant should be transferred back to juvenile status.</p> <p>Requires the defendant to file a motion no later than 30 days after initially appearing in court through counsel or expressly waives the right to counsel and elects to proceed <i>pro se</i>.</p> <p>Prohibits the court from ordering the transfer of a defendant to juvenile status unless the defendant established by <i>clear and convincing evidence</i> that removal to juvenile status would be in the interest of justice. Requires an order of the court made in ruling on a motion by a defendant to transfer a defendant to juvenile status under this</p>	<p>Similar to S. 155, on “non-reviewability” of the decision of the Attorney General to transfer a juvenile for prosecution as an adult. [Section 115]</p>	<p>Identical to H.R. 1279. [Section 813]</p>

CRS-49

Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>section to issue a final order for the purpose of enabling an appeal. Upon receipt of a notice of appeal of an order, requires a court of appeals to hear and determine the appeal on an expedited basis. Requires the court of appeals to give due regard to the opportunity of the district court to judge the credibility of the witnesses and requires the court to accept the findings of fact of the district court unless they were clearly erroneous. Requires the court of appeals to review the district court's application of the law to the facts in the case.</p> <p>Continues to require that once a juvenile has entered a plea of guilty or the proceeding has reached the stage that evidence has begun to be taken that is based on allegations of crime or juvenile delinquency, that subsequent criminal prosecution or juvenile proceedings upon such alleged act of delinquency be barred. Statements made by a juvenile prior to or during a transfer hearing would still not be admissible at subsequent criminal prosecutions, but may be used for impeachment purposes or in a</p>		

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Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
	<p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>prosecution for perjury or making a false statement.</p> <p>As is now the case, whenever a juvenile is transferred to district court for federal prosecution as a juvenile and is not convicted of the offense for which the juvenile was transferred or another crime that would have warranted transfer if the juvenile had been initially charged with that crime, further proceedings are required to be conducted according to the juvenile provisions of the Chapter 403 of Title 18 (Juvenile Delinquency). Continues to prohibit the transfer of a juvenile to federal prosecution or for disposition after a finding of juvenile delinquency until any prior juvenile records have been received by the court or the clerk of the juvenile court has certified in writing that the juvenile has no prior record or why the juvenile's record is not available. The provisions for parental notification of juvenile transfer proceedings now found in law would disappear. [Section 301]</p>		

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Short Title	Current Law	S. 155	H.R. 1279	H.R. 4472
<b>Notification After Arrest</b>	18 U.S.C. 5033 provides for custody of a juvenile prior to appearance before a magistrate judge and requires that the Attorney General and the juvenile's parent or guardian be notified immediately.	Amends §5033 to reflect that notification of the Attorney General be immediate, or <i>as soon as practicable</i> thereafter and requires that reasonable steps be taken to notify the juvenile's parent or guardian. [Section 302]	No provision.	No provision.
<b>Release and Detention Prior to Disposition</b>	<p>18 U.S.C. 5033, provides for the release and detention of juveniles prior to disposition.</p> <p>Section 3147 provides that a defendant who is found to have committed a felony offense while on release can be sentenced to not more than 10 additional years of imprisonment if they commit a felony, and not more than one year of additional imprisonment if they commit an offense that is a misdemeanor.</p> <p>Section 5035 provides the conditions under which a juvenile alleged to be delinquent may be detained prior to disposition.</p>	<p>Requires that a juvenile who is to be prosecuted as an adult be released pending trial in accordance with Chapter 207 of Title 18, which provides the conditions and requirements for the release and detention of adult defendants.</p> <p>Applies the penalties provided in §3147 for adult defendants to any juvenile being tried as an adult who is alleged to have committed an offense while on pre-trial release (i.e., 10 years for a felony or one year for a misdemeanor).</p> <p>Amends §5035 to add an exception for a juvenile who is being prosecuted as an adult. [Section 303]</p>	No provision.	No provision.



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<p><b>Speedy Trial Section</b></p>	<p>18 U.S.C. 5036 provides that if an alleged juvenile delinquent in detention pending trial is not brought to trial within 30 days of the beginning of the detention, then the information related to the alleged crime is required to be dismissed with prejudice unless the delay is for certain specified reasons.</p> <p><a href="http://wikileaks.org/wiki/CRS-11-094">http://wikileaks.org/wiki/CRS-11-094</a></p>	<p>Amends §5036 for juveniles to require that if the defendant is not brought to trial within 70 days of the beginning of the detention, then the information would be dismissed on motion of the alleged delinquent or at the direction of the court. Provides that the same periods of exclusion and speedy time limits on detention that apply to adult defendants under 18 U.S.C. 3161(h), apply to juveniles pending a delinquency determination. Requires certain judicial considerations for determining whether information should be dismissed with or without prejudice. Requires the court to consider the seriousness of the alleged act of juvenile delinquency; the facts and circumstances of the case that led to the dismissal; and the impact of a reprosecution on the administration of justice. [Section 304]</p>	<p>No provision.</p>	<p>No provision.</p>
<p><b>Federal Sentencing Guidelines</b></p>	<p>28 U.S.C. 994(h) instructs the U.S. Sentencing Commission in the establishment of guidelines for sentences of imprisonment at or near the statutory maximum in case of defendants who are 18 years of age or older and convicted</p>	<p>Amends §994(h) the U.S. Sentencing Commission’s guidelines in §994(h) to add juveniles transferred for trial as adults to the coverage of §994(h).</p> <p>Requires the Commission to promulgate and distribute sentencing</p>	<p>No provision.</p>	<p>No provision.</p>

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	<p>on three occasions of violent crimes or drug trafficking charges.</p>	<p>guidelines for cases where juveniles would be tried as adults to all U.S. courts by May 1, 2006. [Section 305]</p>		
<p><b>Listing of Immigration Violators in the National Crime Information Center Database</b></p>	<p>28 U.S.C. 534 requires the Attorney General to acquire, collect, classify, and preserve identification, criminal identification, crime, and other records of immigration violators and share the information with other authorized officials of federal agencies and state and local agencies.</p> <p><a href="http://wikileaks.org/wiki/103-3871">http://wikileaks.org/wiki/103-3871</a></p>	<p>No provision.</p>	<p>Requires the Under Secretary for Border and Transportation Security of the Department of Homeland Security to provide the National Crime Information Center (NCIC) of the Department of Justice with such information as the Director may have on any and all aliens against whom a final order of removal has been issued; any and all aliens who have signed a voluntary departure agreement; and any and all aliens who have overstayed their visa. Requires the information to be provided not later than 180 days after enactment of the bill.</p> <p>Amends §534(a) of Title 28 U.S.C. to require the inclusion of such information by the NCIC. [Section 117]</p> <p><i>N.B.:</i> This section is repeated in Section 119 of the bill.</p>	<p>Identical provision to H.R. 1279. [Section 815]</p>

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<b>Crimes of Violence and Drug Crimes Committed by Illegal Aliens</b>	No provision.  <a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a>	No provision.	Amends Title 18 by inserting after Chapter 51 a new Chapter 52 entitled “Illegal Aliens” which provides for additional penalties for certain crimes committed by illegal aliens. Requires that if a defendant was previously ordered removed under the Immigration and Nationality Act on the grounds of having committed a crime, to be sentenced to not less than 15 years in prison. Requires that the sentence of imprisonment imposed under this section run consecutively to any other sentence of imprisonment imposed for any other crime. [Section 118]	Identical provision to H.R. 1279. [Section 801]
<b>Study</b>	No provision.	No provision.	Requires the Attorney General and the Secretary of Homeland Security to jointly conduct a study on the connection between illegal immigration and gang membership and activity, including how many of those arrested nationwide for gang membership and violence are aliens illegally present in the United States Requires that the results of the study be reported to Congress not later than one year after enactment. [Section 120]	Identical provision to H.R. 1279. [Section 816]

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<p><b>State and Local Reentry Courts</b></p>	<p>No provision.</p> <p><a href="http://wikileaks.org/wiki/CRS-RL32943">http://wikileaks.org/wiki/CRS-RL32943</a></p>	<p>No provision.</p>	<p>No provision.</p>	<p>Authorizes a grant program under which the Attorney General awards grants of up to \$500,000 to state and local courts or related agencies and organizations to monitor offenders returning to the community. Funds could be used to (1) monitor offenders returning to the community; (2) provide returning offenders with drug and alcohol testing and treatment and mental and medical health assessment and services; (3) convene community impact panels, victim impact panels, or victim impact educational classes; (4) provide and coordinate the delivery of other community services to offenders; and (5) establish and implement graduated sanctions and incentives for participants.</p> <p>Requires the federal share of the grant to be limited to 75% of the costs of funded project.</p> <p>Authorizes appropriations \$10 million for each of the fiscal years 2006 through 2009. [Section 902]</p>