

PUBLIC LAW 110-177—JAN. 7, 2008

COURT SECURITY IMPROVEMENT
ACT OF 2007

Public Law 110–177
110th Congress

An Act

Jan. 7, 2008
[H.R. 660]

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

Court Security
Improvement Act
of 2007.
28 USC 1 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Court Security Improvement Act of 2007”.

**TITLE I—JUDICIAL SECURITY
IMPROVEMENTS AND FUNDING**

SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) **ENSURING CONSULTATION WITH THE JUDICIARY.**—Section 566 of title 28, United States Code, is amended by adding at the end the following:

“(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term ‘judicial security’ includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.”.

(b) **CONFORMING AMENDMENT.**—Section 331 of title 28, United States Code, is amended by adding at the end the following:

“The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term ‘judicial security’ includes the security of buildings housing the judiciary, the personal security of judicial

officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.”.

SEC. 102. PROTECTION OF UNITED STATES TAX COURT.

(a) **IN GENERAL.**—Section 566(a) of title 28, United States Code, is amended by striking “and the Court of International Trade” and inserting “, the Court of International Trade, and the United States Tax Court, as provided by law”.

(b) **INTERNAL REVENUE CODE.**—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting “and may otherwise provide, when requested by the chief judge of the Tax Court, for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened persons in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding. The United States Marshals Service retains final authority regarding security requirements for the Tax Court.”.

26 USC 7456.

(c) **REIMBURSEMENT.**—The United States Tax Court shall reimburse the United States Marshals Service for protection provided under the amendments made by this section.

26 USC 7456
note.

SEC. 103. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

Appropriation
authorization.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service \$20,000,000 for each of fiscal years 2007 through 2011 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary, assistant United States attorneys, and other attorneys employed by the Federal Government; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

SEC. 104. FINANCIAL DISCLOSURE REPORTS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking “2009” each place it appears and inserting “2011”.

TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

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

“§ 1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title

“Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

“1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.”.

SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

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

“§ 119. Protection of individuals performing certain official duties

“(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered person, or a member of the immediate family of that covered person, publicly available—

“(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered person, or a member of the immediate family of that covered person; or

“(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered person, or a member of the immediate family of that covered person,

shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) DEFINITIONS.—In this section—

“(1) the term ‘restricted personal information’ means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

“(2) the term ‘covered person’ means—

“(A) an individual designated in section 1114;

“(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be, or was, serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

“(C) an informant or witness in a Federal criminal investigation or prosecution; or

“(D) a State or local officer or employee whose restricted personal information is made publicly available

because of the participation in, or assistance provided to, a Federal criminal investigation by that officer or employee;
“(3) the term ‘crime of violence’ has the meaning given the term in section 16; and

“(4) the term ‘immediate family’ has the meaning given the term in section 115(c)(2).”

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

“119. Protection of individuals performing certain official duties.”

SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting “or other dangerous weapon” after “firearm”.

SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

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

“(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.”

SEC. 205. MODIFICATION OR TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)(3)—

(A) by amending subparagraph (A) to read as follows:

“(A) in the case of a killing, the punishment provided in sections 1111 and 1112;”;

(B) in the matter following clause (ii) of subparagraph

(B) by striking “20 years” and inserting “30 years”; and

(C) in subparagraph (C), by striking “10 years” and inserting “20 years”;

(2) in subsection (b), by striking “ten years” and inserting “20 years”; and

(3) in subsection (d), by striking “one year” and inserting “3 years”.

SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

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

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after “probation”; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking “20 years” and inserting “30 years”;

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after “probation”; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking “ten years” and inserting “20 years”; and

(4) by redesignating the second subsection (e) as subsection (f).

SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code, is amended—
 (1) by striking “ten years” and inserting “15 years”; and
 (2) by striking “six years” and inserting “8 years”.

SEC. 208. ASSAULT PENALTIES.

(a) **IN GENERAL.**—Section 115(b) of title 18, United States Code, is amended by striking “(1)” and all that follows through the end of paragraph (1) and inserting the following: “(1) The punishment for an assault in violation of this section is—

“(A) a fine under this title; and

“(B)(i) if the assault consists of a simple assault, a term of imprisonment for not more than 1 year;

“(ii) if the assault involved physical contact with the victim of that assault or the intent to commit another felony, a term of imprisonment for not more than 10 years;

“(iii) if the assault resulted in bodily injury, a term of imprisonment for not more than 20 years; or

“(iv) if the assault resulted in serious bodily injury (as that term is defined in section 1365 of this title, and including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title) or a dangerous weapon was used during and in relation to the offense, a term of imprisonment for not more than 30 years.”

(b) **CONFORMING AMENDMENT.**—Section 111(a) of title 18, United States Code, is amended by striking “in all other cases” and inserting “where such acts involve physical contact with the victim of that assault or the intent to commit another felony”.

28 USC 994 note.

SEC. 209. DIRECTION TO THE SENTENCING COMMISSION.

The United States Sentencing Commission is directed to review the Sentencing Guidelines as they apply to threats punishable under section 115 of title 18, United States Code, that occur over the Internet, and determine whether and by how much that circumstance should aggravate the punishment pursuant to section 994 of title 28, United States Code. In conducting the study, the Commission shall take into consideration the number of such threats made, the intended number of recipients of such threats, and whether the initial senders of such threats were acting in an individual capacity or as part of a larger group.

TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

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

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

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.”

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

“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated \$20,000,000 for each of the fiscal years 2008 through 2012 to carry out this subtitle.”.

SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) **CORRECTIONAL OPTIONS GRANTS.**—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

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

(B) in paragraph (3), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

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

(2) in subsection (b), by adding at the end the following:

“Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.”.

(b) **ALLOCATIONS.**—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended—

(1) by striking “80” and inserting “70”;

(2) by striking “and 10” and inserting “10”; and

(3) by inserting before the period the following: “, and 10 percent for section 515(a)(4)”.

(c) **STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.**—42 USC 3702.
The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) **ARMOR VESTS.**—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a), by inserting “and State and local court officers” after “tribal law enforcement officers”; and

(2) in subsection (b)(1), by inserting “State or local court,” after “government,”.

42 USC 3714a.

SEC. 303. GRANTS TO STATES FOR THREAT ASSESSMENT DATABASES.

(a) **IN GENERAL.**—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts to establish and maintain a threat assessment database described in subsection (b).

(b) **DATABASE.**—For purposes of subsection (a), a threat assessment database is a database through which a State can—

(1) analyze trends and patterns in domestic terrorism and crime;

(2) project the probabilities that specific acts of domestic terrorism or crime will occur; and

(3) develop measures and procedures that can effectively reduce the probabilities that those acts will occur.

(c) **CORE ELEMENTS.**—The Attorney General shall define a core set of data elements to be used by each database funded by this section so that the information in the database can be effectively shared with other States and with the Department of Justice.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2008 through 2011.

TITLE IV—LAW ENFORCEMENT OFFICERS

SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) **CONTENTS.**—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

“(f) The Commission may—

“(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l);

“(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

“(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent

as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).”

28 USC 995 note.

(b) SUNSET.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

SEC. 502. MAGISTRATE JUDGES LIFE INSURANCE.

(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after “hold office during good behavior”, the following: “magistrate judges appointed under section 631 of this title,”

5 USC 8701 note.

(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Magistrate judges appointed under section 631 of title 28, United States Code.

(2) Magistrate judges retired under section 377 of title 28, United States Code.

28 USC 604 note.

(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: “However, a district judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, having performed in the preceding calendar year an amount of work equal to or greater than the amount of work an average judge in active service on that court would perform in 6 months, and having elected to exercise such powers, shall have the powers of a judge of that court to participate in appointment of court officers and magistrate judges, rulemaking, governance, and administrative matters.”

SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATE JUDGES.

Section 631(a) of title 28, United States Code, is amended by striking “Northern Mariana Islands” the first place it appears and inserting “Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)”.

SEC. 505. GUARANTEEING COMPLIANCE WITH PRISONER PAYMENT COMMITMENTS.

Notification.

Section 3624(e) of title 18, United States Code, is amended by striking the last sentence and inserting the following: “Upon the release of a prisoner by the Bureau of Prisons to supervised release, the Bureau of Prisons shall notify such prisoner, verbally and in writing, of the requirement that the prisoner adhere to an installment schedule, not to exceed 2 years except in special circumstances, to pay for any fine imposed for the offense committed

by such prisoner, and of the consequences of failure to pay such fines under sections 3611 through 3614 of this title.”.

SEC. 506. STUDY AND REPORT.

The Attorney General shall study whether the generally open public access to State and local records imperils the safety of the Federal judiciary. Not later than 18 months after the enactment of this Act, the Attorney General shall report to Congress the results of that study together with any recommendations the Attorney General deems necessary.

SEC. 507. REAUTHORIZATION OF FUGITIVE APPREHENSION TASK FORCES.

Section 6(b) of the Presidential Threat Protection Act of 2000 (28 U.S.C. 566 note; Public Law 106–544) is amended—

(1) by striking “and” after “fiscal year 2002,”; and

(2) by inserting “, and \$10,000,000 for each of fiscal years 2008 through 2012” before the period.

SEC. 508. INCREASED PROTECTION OF FEDERAL JUDGES.

49 USC 30301
note.

(a) MINIMUM DOCUMENT REQUIREMENTS.—

(1) MINIMUM REQUIREMENTS.—For purposes of section 202(b)(6) of the REAL ID Act of 2005 (49 U.S.C. 30301 note), a State may, in the case of an individual described in subparagraph (A) or (B) of paragraph (2), include in a driver’s license or other identification card issued to that individual by the State, the address specified in that subparagraph in lieu of the individual’s address of principle residence.

(2) INDIVIDUALS AND INFORMATION.—The individuals and addresses referred to in paragraph (1) are the following:

(A) In the case of a Justice of the United States, the address of the United States Supreme Court.

(B) In the case of a judge of a Federal court, the address of the courthouse.

(b) VERIFICATION OF INFORMATION.—For purposes of section 202(c)(1)(D) of the REAL ID Act of 2005 (49 U.S.C. 30301 note), in the case of an individual described in subparagraph (A) or (B) of subsection (a)(2), a State need only require documentation of the address appearing on the individual’s driver’s license or other identification card issued by that State to the individual.

SEC. 509. FEDERAL JUDGES FOR COURTS OF APPEALS.

(a) IN GENERAL.—Section 44(a) of title 28, United States Code, is amended in the table—

(1) in the item relating to the District of Columbia Circuit, by striking “12” and inserting “11”; and

(2) in the item relating to the Ninth Circuit, by striking “28” and inserting “29”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)(2) shall take effect on January 21, 2009.

28 USC 44 note.

SEC. 510. NATIONAL INSTITUTE OF JUSTICE STUDY AND REPORT.

(a) STUDY REQUIRED.—The Director of the National Institute of Justice (referred to in this section as the “Director”) shall conduct a study to determine and compile the collateral consequences of convictions for criminal offenses in the United States, each of the 50 States, each territory of the United States, and the District of Columbia.

(b) **ACTIVITIES UNDER STUDY.**—In conducting the study under subsection (a), the Director shall identify any provision in the Constitution, statutes, or administrative rules of each jurisdiction described in that subsection that imposes collateral sanctions or authorizes the imposition of disqualifications, and any provision that may afford relief from such collateral sanctions and disqualifications.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Director shall submit to Congress a report on the activities carried out under this section.

(2) **CONTENTS.**—The report submitted under paragraph (1) shall include a compilation of citations, text, and short descriptions of any provision identified under subsection (b).

(3) **DISTRIBUTION.**—The report submitted under paragraph (1) shall be distributed to the legislature and chief executive of each of the 50 States, each territory of the United States, and the District of Columbia.

(d) **DEFINITIONS.**—In this section:

(1) **COLLATERAL CONSEQUENCE.**—The term “collateral consequence” means a collateral sanction or a disqualification.

(2) **COLLATERAL SANCTION.**—The term “collateral sanction”—

(A) means a penalty, disability, or disadvantage, however denominated, that is imposed by law as a result of an individual’s conviction for a felony, misdemeanor, or other offense, but not as part of the judgment of the court; and

(B) does not include a term of imprisonment, probation, parole, supervised release, fine, assessment, forfeiture, restitution, or the costs of prosecution.

(3) **DISQUALIFICATION.**—The term “disqualification” means a penalty, disability, or disadvantage, however denominated, that an administrative agency, official, or a court in a civil proceeding is authorized, but not required, to impose on an individual convicted of a felony, misdemeanor, or other offense on grounds relating to the conviction.

SEC. 511. TECHNICAL AMENDMENT.

Section 2255 of title 28, United States Code, is amended by designating the 8 undesignated paragraphs as subsections (a) through (h), respectively.

Approved January 7, 2008.

LEGISLATIVE HISTORY—H.R. 660 (S. 378):

HOUSE REPORTS: No. 110–218, Pt. 1 (Comm. on the Judiciary).

SENATE REPORTS: No. 110–42 accompanying S. 378 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 153 (2007):

July 10, considered and passed House.

Dec. 17, considered and passed Senate, amended.

Dec. 19, House concurred in Senate amendment.

