

103^D CONGRESS
1ST SESSION

S. 1511

To eliminate the crediting of “good time” for violent and repeat offenders in Federal and State prisons, authorize funding for boot camps and the conversion of military facilities to regional prisons, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30 (legislative day, SEPTEMBER 27), 1993

Mr. DORGAN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To eliminate the crediting of “good time” for violent and repeat offenders in Federal and State prisons, authorize funding for boot camps and the conversion of military facilities to regional prisons, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Violent Crime Preven-
5 tion Act of 1993”.

1 **TITLE I—ELIMINATION OF**
2 **“GOOD TIME” FOR VIOLENT**
3 **AND REPEAT OFFENDERS**

4 **SEC. 101. FEDERAL PRISONERS.**

5 Section 3624(b) of title 18, United States Code, is
6 amended in the first sentence by inserting “(other than
7 a prisoner who has been convicted of a crime of violence
8 or has been convicted of more than 1 felony)” after “pris-
9 oner”.

10 **SEC. 102. STATE PRISONERS.**

11 (a) IN GENERAL.—Section 506(f) of the Omnibus
12 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
13 3756(f)), as amended by subsection (c), is amended by
14 adding at the end the following new paragraph:

15 “(2)(A) If, on the first day of a fiscal year, a State
16 does not meet the requirement of subparagraph (B), the
17 Director shall reduce the amount of funds that would oth-
18 erwise be allocated to the State under subsection (a) by
19 100 percent.

20 “(B)(i) The requirement of this subparagraph is met
21 if the law of a State does not permit the crediting of any
22 amount of time toward service of a sentence by a prisoner
23 described in clause (ii) as a reward for having been in com-
24 pliance with prison disciplinary regulations or otherwise
25 having been on good behavior during any period of time.

1 “(ii) A prisoner is described in this clause if the pris-
2 oner has been convicted of a crime of violence (as defined
3 in section 16 of title 18, United States Code) or has been
4 convicted of more than 1 felony.”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall take effect with respect to the first
7 fiscal year that begins after the date that is 3 years after
8 the date of enactment of this Act and each fiscal year
9 thereafter.

10 (c) TECHNICAL AMENDMENT OF EXISTING LAW TO
11 ACCOMODATE FURTHER AMENDMENT.—Section 506(f) of
12 title I of the Omnibus Crime Control and Safe Streets Act
13 of 1968 (42 U.S.C. 3756(f)) is amended—

14 (1) in subsection (a) by striking “Of” and in-
15 serting “Subject to subsection (f), of”;

16 (2) in subsection (e) by striking “or (e)”; and

17 (3) by amending subsection (f) to read as fol-
18 lows:

19 “(f)(1)(A) If, on the first day of a fiscal year, a State
20 does not meet the requirements of subparagraph (B), the
21 Director shall reduce the amount of funds that would oth-
22 erwise be allocated to the State under subsection (a) by
23 10 percent.

24 “(B)(i) The requirements of this subparagraph are
25 met if a State has in effect a law that requires State offi-

1 cials, at the request of the victim of an offense involving
2 the commission of a sexual act—

3 “(I) to administer to a defendant convicted
4 under State law of such an offense (or adjudicated
5 in juvenile proceedings to have committed such an
6 offense), a test to detect in the defendant the pres-
7 ence of the etiologic agent for acquired immune defi-
8 ciency syndrome;

9 “(II) to disclose the results of the test to the
10 defendant and the victim; and

11 “(III) to provide the victim counseling regard-
12 ing HIV disease, HIV testing in accordance with ap-
13 plicable law, and referral for appropriate health care
14 and support services,

15 and it is the policy and practice of the State to comply
16 with that law.

17 “(ii) In this paragraph, the term ‘sexual act’ means
18 a sexual act within the meaning of subparagraph (A) or
19 (B) of the definition of ‘sexual act’ in section 2245 of title
20 18, United States Code.”.

21 **TITLE II—BOOT CAMPS AND** 22 **PRISONS**

23 **SEC. 201. BOOT CAMPS.**

24 (a) IN GENERAL.—

1 (1) ESTABLISHMENT.—Not later than 1 year
2 after the date of enactment of this Act, the Attorney
3 General shall establish within the Bureau of Prisons
4 10 military-style boot camp prisons (referred to as
5 “boot camps”).

6 (2) LOCATION.—The boot camps shall be lo-
7 cated on closed military installations on sites to be
8 chosen by the Director of the Bureau of Prisons,
9 after consultation with the Director of National
10 Drug Control Policy.

11 (3) REGIMEN.—The boot camps shall provide—

12 (A) a highly regimented schedule of strict
13 discipline, physical training, work, drill, and
14 ceremony characteristic of military basic train-
15 ing; and

16 (B) remedial education and treatment for
17 substance abuse.

18 (b) CAPACITY.—

19 (1) TOTAL NUMBER.—Each boot camp shall be
20 designed to accommodate between 200 and 300 pris-
21 oners for periods of not less than 90 days and not
22 greater than 120 days.

23 (2) MIX OF FEDERAL AND STATE PRIS-
24 ONERS.—Of the inmates held in the boot camps—

1 (A) not more than 20 percent shall be
2 Federal prisoners; and

3 (B) the remainder shall be State prisoners
4 who are accepted for participation in the boot
5 camp program pursuant to subsection (d).

6 (c) FEDERAL PRISONERS.—Section 3582 of title 18,
7 United States Code, is amended by adding at the end the
8 following new subsection:

9 “(e) BOOT CAMP PRISON AS A SENTENCING ALTER-
10 NATIVE.—(1) The court, in imposing sentence in the cir-
11 cumstances described in paragraph (2), may designate the
12 defendant as a prisoner eligible for placement in a boot
13 camp prison. The Director of the Bureau of Prisons shall
14 determine whether a defendant so designated will be as-
15 signed to a boot camp prison.

16 “(2) A defendant may be designated as a prisoner
17 eligible for placement in boot camp prison if—

18 “(A) the defendant—

19 “(i) is under 25 years of age;

20 “(ii) has no prior conviction for which the
21 defendant has served more than 10 days’ incar-
22 ceration; and

23 “(iii) has been convicted of—

24 “(I) an offense involving a controlled
25 substance punishable under the Controlled

1 Substances Act (21 U.S.C. 801 et seq.) or
2 the Controlled Substances Export and Im-
3 port Act (21 U.S.C. 951 et seq.); or

4 “(II) any other offense if the defend-
5 ant, at the time of arrest or at any time
6 thereafter, tested positive for the presence
7 of a controlled substance in his or her
8 blood or urine; and

9 “(B) the court finds that the defendant’s total
10 offense level under the sentencing guidelines is level
11 15 or less.

12 “(3) If the Director of the Bureau of Prisons finds
13 that a prisoner placed in a boot camp prison pursuant to
14 this subsection has willfully refused to comply with the
15 conditions of confinement in the boot camp, the Director
16 may transfer the inmate to any other correctional facility
17 in the Federal prison system.

18 “(4) Successful completion of assignment to a boot
19 camp shall constitute satisfaction of any period of active
20 incarceration, but shall not affect any aspect of a sentence
21 relating to a fine, restitution, or supervised release.”.

22 (d) STATE PRISONERS.—

23 (1) APPLICATION.—The head of a State correc-
24 tions department or the head’s designee may apply
25 for boot camp placement for a defendant who has

1 been convicted of a criminal offense in that State, or
2 who anticipates entering a plea of guilty of such of-
3 fense, but who has not yet been sentenced.

4 (2) FORM.—An application under paragraph
5 (1) shall—

6 (A) be made to the Director of the Bureau
7 of Prisons;

8 (B) be in the form designated by the Di-
9 rector of the Bureau of Prisons; and

10 (C) contain a statement certified by the
11 head of the State corrections department or the
12 head's designee that at the time of sentencing
13 the defendant is likely to be eligible for assign-
14 ment to a boot camp pursuant to paragraph
15 (2).

16 (3) RESPONSE.—The Director of the Bureau of
17 Prisons shall respond to an application under para-
18 graph (1) within 30 days so that the sentencing
19 court is aware of the result of the application at the
20 time of sentencing.

21 (4) DETERMINATION OF ASSIGNMENT.—In re-
22 sponding to an application under paragraph (1), the
23 Director of the Bureau of Prisons shall determine,
24 on the basis of the availability of space, whether a
25 defendant who becomes eligible for assignment to a

1 boot camp prison at the time of sentencing will be
2 assigned to a boot camp.

3 (5) ELIGIBILITY.—A defendant who is con-
4 victed of a State criminal offense shall be eligible for
5 assignment to a boot camp if the defendant—

6 (A) is under 25 years of age;

7 (B) has no prior conviction for which the
8 defendant has served more than 10 days' incar-
9 ceration;

10 (C) has been sentenced to a term of im-
11 prisonment that will be satisfied under the law
12 of the sentencing State if the defendant suc-
13 cessfully completes a term of not less than 90
14 days nor more than 120 days in a boot camp;

15 (D) has been designated by the court as a
16 prisoner eligible for assignment to a boot camp;
17 and

18 (E) has been convicted of—

19 (i) an offense involving a controlled
20 substance (as defined in section 102 of the
21 Controlled Substances Act (21 U.S.C.
22 802)); or

23 (ii) any other offense if the defendant
24 is eligible for assignment to a boot camp
25 under State law.

1 (6) RETURN OF PRISONER FOR FAILURE TO
2 COMPLY WITH CONDITIONS OF CONFINEMENT.—If
3 the Director of the Bureau of Prisons finds that a
4 prisoner placed in a boot camp prison pursuant to
5 this subsection has willfully refused to comply with
6 the conditions of confinement in the boot camp, the
7 Director may return the prisoner to the jurisdiction
8 of the State sentencing court.

9 (7) REIMBURSEMENT OF COSTS OF INCARCER-
10 ATION.—(A) A State that refers a prisoner to a boot
11 camp shall reimburse the Bureau of Prisons for the
12 full cost of the incarceration of the prisoner, except
13 that if the prisoner successfully completes the boot
14 camp program, the Director of the Bureau of Pris-
15 ons shall return to the State 20 percent of the
16 amount paid for the prisoner.

17 (B) The amount returned to a State under sub-
18 paragraph (A) in each fiscal year shall be used by
19 the State to provide the aftercare supervision and
20 services required by subsection (e).

21 (e) POSTRELEASE SUPERVISION.—

22 (1) STATE AFTERCARE PLAN.—A State that
23 seeks to refer a State prisoner to a boot camp prison
24 shall submit to the Director of the Bureau of Pris-
25 ons an aftercare plan setting forth—

1 (A) the provisions that the State will make
2 for the continued supervision of the prisoner
3 following release; and

4 (B) provisions for educational and voca-
5 tional training and drug or other counseling
6 and treatment where appropriate.

7 (2) FEDERAL AFTERCARE PLAN.—The Director
8 of the Bureau of Prisons shall develop an aftercare
9 plan setting forth—

10 (A) the provisions that will be made for
11 the continued supervision of Federal prisoners
12 following release; and

13 (B) provisions for educational and voca-
14 tional training and drug or other counseling
15 and treatment where appropriate.

16 (f) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There are authorized to be
18 appropriated \$150,000,000 for fiscal year 1995, to
19 remain available until expended, of which—

20 (A) not more than \$12,500,000 shall be
21 used to convert each closed military base to a
22 boot camp prison; and

23 (B) not more than \$2,500,000 shall be
24 used to operate each boot camp for a fiscal
25 year.

1 (2) AMOUNTS IN ADDITION.—Amounts appro-
2 priated under paragraph (1) shall be in addition to
3 any other amounts authorized to be appropriated to
4 the Bureau of Prisons.

5 **SEC. 202. CONVERSION OF PROPERTY AND FACILITIES AT**
6 **CLOSED OR REALIGNED MILITARY INSTALLA-**
7 **TIONS INTO REGIONAL PRISONS.**

8 (a) DEFINITION.—In this section, “base closure law”
9 means—

10 (1) title II of the Defense Authorization
11 Amendments and Base Closure and Realignment
12 Act (10 U.S.C. 2687 note);

13 (2) the Defense Base Closure and Realignment
14 Act of 1990 (part A of title XXIX of Public Law
15 101–510; 10 U.S.C. 2687 note);

16 (3) section 2687 of title 10, United States
17 Code; and

18 (4) any other similar law.

19 (b) TRANSFER OF MILITARY INSTALLATIONS.—

20 (1) DETERMINATION OF SUITABILITY FOR CON-
21 VERSION.—Notwithstanding any base closure law,
22 the Secretary of Defense may not take any action to
23 dispose of or transfer any real property or facility lo-
24 cated at a military installation to be closed or re-
25 aligned under a base closure law until the Secretary

1 notifies the Attorney General of any property or fa-
2 cility at that installation that is suitable for conver-
3 sion for use as a minimum-to-medium security re-
4 gional prison. The Secretary of Defense shall en-
5 deavor to identify at least 10 such properties or fa-
6 cilities located in various regions of the country.

7 (2) TRANSFER.—The Secretary of Defense
8 shall, upon the request of the Attorney General,
9 transfer to the Attorney General, without reimburse-
10 ment, the property or facilities covered by the notifi-
11 cation referred to in paragraph (1) in order to per-
12 mit the Attorney General to convert the property or
13 facilities for use as a regional prison.

14 (3) APPLICABILITY.—This subsection shall
15 apply with respect to property or facilities located at
16 military installations the closure or realignment of
17 which commences after the date of enactment of this
18 Act.

19 (c) CONVERSION AND OPERATION OF REGIONAL
20 PRISONS.—The Attorney General shall—

21 (1) acquire from the Secretary of Defense at
22 least 10 former military facilities that are suitable
23 for conversion to minimum-to-medium security pris-
24 ons; and

25 (2) convert and operate such prisons.

1 (d) PRISON POPULATIONS.—Each regional prison
2 shall be used to accommodate a population consisting of
3 approximately 20 percent Federal prisoners and 80 per-
4 cent State prisoners.

5 (e) GOAL IN SELECTION OF PRISONERS.—In select-
6 ing from among prisoners those who will be transferred
7 to a regional prison, the Director of the Bureau of Prisons
8 and a State shall endeavor to select nonviolent, minimum-
9 to-medium security risk prisoners whose continued con-
10 finement will have the greatest impact on the crime rate
11 and future prison overcrowding.

12 (f) PAYMENT OF COSTS.—A State that transfers a
13 prisoner to a regional prison shall reimburse the Director
14 of the Bureau of Prisons for the full cost of the incarcer-
15 ation of the prisoner.

16 (g) DETERMINATIONS BY THE DIRECTOR.—

17 (1) PRISONER ELIGIBILITY.—The Director of
18 the Bureau of Prisons shall have the exclusive right
19 to determine, after the staff of a regional prison has
20 had an opportunity to interview a Federal or State
21 prisoner in person, whether, in view of any cir-
22 cumstances that the Director considers to be rel-
23 evant, a transfer of the prisoner should be accepted.

24 (2) PRISONER COMPLIANCE WITH CONDI-
25 TIONS.—The Director of the Bureau of Prisons shall

1 have the exclusive right to place conditions on the
2 continued incarceration of a prisoner in a regional
3 prison and to determine whether a prisoner in a re-
4 gional prison is complying with those conditions.

5 (h) RETURN OF NONCOMPLIANT PRISONER.—Upon
6 determining that a prisoner in a regional prison is not in
7 compliance with a condition for continued incarceration in
8 a regional prison, the Director may, upon notification to
9 the transferring State of that determination, return the
10 prisoner to the transferring State.

11 (i) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this section,
13 in addition to any other amounts authorized to be appro-
14 priated to the Bureau of Prisons, \$700,000,000 for fiscal
15 year 1995, to remain available until expended.

16 **TITLE III—SENTENCING** 17 **REPORTS**

18 **SEC. 301. FEDERAL DEFENDANTS.**

19 (a) IN GENERAL.—For each year, the Attorney Gen-
20 eral shall prepare and make available to the public an an-
21 nual report on the sentences that were imposed by each
22 Federal judge during the preceding year on defendants
23 convicted of felonies under Federal law.

1 (b) CONTENTS.—A report under subsection (a) shall
2 include for each defendant and each offense of which the
3 defendant was convicted—

4 (1) the name of the court and judge that im-
5 posed the sentence;

6 (2) the provision of law in which the offense is
7 stated and sentence is authorized;

8 (3) the range of the sentence that the court was
9 authorized to impose under that provision of law;

10 (4) a brief description of the circumstances of
11 the offense sufficient to inform a person concerning
12 the severity of the offense, including any salient ag-
13 gravating and mitigating factors; and

14 (5) the sentence that was imposed.

15 **SEC. 302. STATE PRISONERS.**

16 (a) IN GENERAL.—Section 506(f) of title I of the
17 Omnibus Crime Control and Safe Streets Act of 1968 (42
18 U.S.C. 3756(f)), as amended by section 101(a), is amend-
19 ed by adding at the end the following new paragraph:

20 “(3)(A) If, on the first day of a fiscal year, a State
21 does not meet the requirements of subparagraph (B), the
22 Director shall reduce the amount of funds that would oth-
23 erwise be allocated to the State under subsection (a) by
24 100 percent.

1 “(B)(i) The requirements of this subparagraph are
2 met if the law of a State provides that for each year an
3 appropriate official shall prepare and make available to
4 the public an annual report, meeting the requirements of
5 clause (ii), on the sentences that were imposed by each
6 State judge during the preceding year on defendants con-
7 victed of felonies under State law.

8 “(ii) A report under clause (i) meets the requirements
9 of this paragraph if the report includes for each defendant
10 and each offense of which the defendant was convicted—

11 “(I) the name of the court and judge that im-
12 posed the sentence;

13 “(II) the provision of law in which the offense
14 is stated and sentence is authorized;

15 “(III) the range of the sentence that the court
16 was authorized to impose under that provision of
17 law;

18 “(IV) a brief description of the circumstances
19 of the offense sufficient to inform a person concern-
20 ing the severity of the offense, including any salient
21 aggravating and mitigating factors; and

22 “(V) the sentence that was imposed.”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect with respect to the first
25 fiscal year that begins after the date that is 3 years after

1 the date of enactment of this Act and each fiscal year
2 thereafter.

3 **TITLE IV—VICTIM’S RIGHT OF**
4 **ALLOCATION**

5 **SEC. 401. FEDERAL PRISONERS.**

6 Rule 32 of the Federal Rules of Criminal Procedure
7 is amended—

8 (1) by striking “and” at the end of subdivision
9 (a)(1)(B);

10 (2) by striking the period at the end of subdivi-
11 sion (a)(1)(C) and inserting “; and”;

12 (3) by inserting after subdivision (a)(1)(C) the
13 following:

14 “(D) if sentence is to be imposed for a crime
15 of violence or sexual abuse, address the victim per-
16 sonally if the victim is present at the sentencing
17 hearing and determine if the victim wishes to make
18 a statement and to present any information in rela-
19 tion to the sentence.”;

20 (4) in the penultimate sentence of subdivision
21 (a)(1) by striking “equivalent opportunity” and in-
22 sserting “opportunity equivalent to that of the de-
23 fendant’s counsel”;

1 (5) in the last sentence of subdivision (a)(1) by
2 inserting “the victim,” before “, or the attorney for
3 the Government.”; and

4 (6) by adding at the end the following new sub-
5 division:

6 “(f) DEFINITIONS.—For purposes of this rule—

7 “(1) ‘crime of violence or sexual abuse’ means
8 a crime that involved the use or attempted or threat-
9 ened use of physical force against the person or
10 property of another, or a crime under chapter 109A
11 of title 18, United States Code; and

12 “(2) ‘victim’ means an individual against whom
13 an offense for which a sentence is to be imposed has
14 been committed, but the right of allocution under
15 subdivision (a)(1)(D) may be exercised instead by—

16 “(A) a parent or legal guardian if the vic-
17 tim is below the age of 18 years or incompetent;
18 or

19 “(B) one or more family members or rel-
20 atives designated by the court if the victim is
21 deceased or incapacitated,

22 if such person or persons are present at the sentenc-
23 ing hearing, regardless of whether the victim is
24 present.”.

1 **SEC. 402. STATE PRISONERS.**

2 (a) IN GENERAL.—Section 506(f) of title I of the
3 Omnibus Crime Control and Safe Streets Act of 1968 (42
4 U.S.C. 3756(f)), as amended by section 102(a), is amend-
5 ed by adding at the end the following new paragraph:

6 “(3)(A) If, on the first day of a fiscal year, a State
7 does not meet the requirements of subparagraph (B), the
8 Director shall reduce the amount of funds that would oth-
9 erwise be allocated to the State under subsection (a) by
10 100 percent.

11 “(B) The requirements of this subparagraph are met
12 if the law of a State (including rules of court or any other
13 source of law) provides for a crime victim’s right of allocu-
14 tion at a sentencing hearing at least in the circumstances
15 and at least to the extent that that right is afforded under
16 rule 32(a)(1)(D) of the Federal Rules of Criminal Proce-
17 dure, and in addition provides a similar right at any subse-
18 quent parole hearing.”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall take effect with respect to the first
21 fiscal year that begins after the date that is 3 years after
22 the date of enactment of this Act and each fiscal year
23 thereafter.

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