

109TH CONGRESS
1ST SESSION

H. R. 1279

To amend title 18, United States Code, to reduce violent gang crime and protect law-abiding citizens and communities from violent criminals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2005

Mr. FORBES (for himself, Mr. WOLF, Mr. GOODLATTE, Mr. GOODE, Mrs. JO ANN DAVIS of Virginia, Mrs. DRAKE, Mr. TOM DAVIS of Virginia, and Mr. ALEXANDER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to reduce violent gang crime and protect law-abiding citizens and communities from violent criminals, 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 “Gang Deterrence and
5 Community Protection Act of 2005”.

1 **TITLE I—CRIMINAL LAW RE-**
 2 **FORMS AND ENHANCED PEN-**
 3 **ALTIES TO DETER AND PUN-**
 4 **ISH ILLEGAL STREET GANG**
 5 **ACTIVITY AND RELATED**
 6 **CRIMINAL LAW REFORMS**

7 **SEC. 101. REVISION AND EXTENSION OF PENALTIES RE-**
 8 **LATED TO CRIMINAL STREET GANG ACTIV-**
 9 **ITY.**

10 (a) IN GENERAL.—Chapter 26 of title 18, United
 11 States Code, is amended to read as follows:

12 **“CHAPTER 26—CRIMINAL STREET GANGS**

“521. Criminal street gang prosecutions.

13 **“§ 521. Criminal street gang prosecutions**

14 “(a) STREET GANG CRIME.—Whoever commits, or
 15 conspires, threatens or attempts to commit, a gang crime
 16 in order to further the activities of a criminal street gang,
 17 or in order to gain entrance to or maintain or increase
 18 position in such a gang, shall, in addition to being subject
 19 to a fine under this title—

20 “(1) if the gang crime results in the death of
 21 any person, be sentenced to death or life in prison;

22 “(2) if the gang crime is kidnapping, aggra-
 23 vated sexual abuse, or maiming, be imprisoned for
 24 life or any term of years not less than 30;

1 “(3) if the gang crime is assault resulting in se-
2 rious bodily injury (as defined in section 1365), be
3 imprisoned for life or any term of years not less
4 than 20; and

5 “(4) in any other case, be imprisoned for life or
6 for any term of years not less than 10.

7 “(b) FORFEITURE.—

8 “(1) IN GENERAL.—Whoever violates this sec-
9 tion shall, in addition to any other penalty, forfeit to
10 the United States—

11 “(A) any property constituting, or derived
12 from, any proceeds the person obtained, directly
13 or indirectly, as a result of the violation; and

14 “(B) any property used, or intended to be
15 used, in any manner or part, to commit, or to
16 facilitate the commission of, the violation.

17 “(2) APPLICATION OF CONTROLLED SUB-
18 STANCES ACT.—Subsections (b), (c), (e), (f), (g),
19 (h), (i), (j), (k), (l), (m), (n), (o), and (p) of section
20 413 of the Controlled Substances Act (21 U.S.C.
21 853) shall apply to a forfeiture under this section as
22 though it were a forfeiture under that section.

23 “(c) DEFINITIONS.—The following definitions apply
24 in this section:

1 “(1) CRIMINAL STREET GANG.—The term
2 ‘criminal street gang’ means a formal or informal
3 group or association of 3 or more individuals, who
4 commit 2 or more gang crimes (one of which is a
5 crime of violence other than an offense punishable
6 under subparagraphs (A), (B), or (C) of section
7 401(b)(1) of the Controlled Substances Act), in 2 or
8 more separate criminal episodes, in relation to the
9 group or association, if any of the activities of the
10 criminal street gang affects interstate or foreign
11 commerce.

12 “(2) GANG CRIME.—The term ‘gang crime’
13 means conduct constituting any Federal or State
14 crime, punishable by imprisonment for more than
15 one year, in any of the following categories:

16 “(A) A crime of violence.

17 “(B) A crime involving obstruction of jus-
18 tice, tampering with or retaliating against a
19 witness, victim, or informant, or burglary.

20 “(C) A crime involving the manufacturing,
21 importing, distributing, possessing with intent
22 to distribute, or otherwise dealing in a con-
23 trolled substance or listed chemical (as those
24 terms are defined in section 102 of the Con-
25 trolled Substances Act (21 U.S.C. 802)).

1 “(D) Any conduct punishable under sec-
2 tion 844 (relating to explosive materials), sub-
3 section (d), (g)(1) (where the underlying convic-
4 tion is a violent felony (as defined in section
5 924(e)(2)(B) of this title) or is a serious drug
6 offense (as defined in section 924(e)(2)(A)), (i),
7 (j), (k), (o), (p), (q), (u), or (x) of section 922
8 (relating to unlawful acts), or subsection (b),
9 (c), (g), (h), (k), (l), (m), or (n) of section 924
10 (relating to penalties), section 930 (relating to
11 possession of firearms and dangerous weapons
12 in Federal facilities), section 931 (relating to
13 purchase, ownership, or possession of body
14 armor by violent felons), sections 1028 and
15 1029 (relating to fraud and related activity in
16 connection with identification documents or ac-
17 cess devices), section 1952 (relating to inter-
18 state and foreign travel or transportation in aid
19 of racketeering enterprises), section 1956 (re-
20 lating to the laundering of monetary instru-
21 ments), section 1957 (relating to engaging in
22 monetary transactions in property derived from
23 specified unlawful activity), or sections 2312
24 through 2315 (relating to interstate transpor-

1 tation of stolen motor vehicles or stolen prop-
2 erty).

3 “(E) Any conduct punishable under section
4 274 (relating to bringing in and harboring cer-
5 tain aliens), section 277 (relating to aiding or
6 assisting certain aliens to enter the United
7 States), or section 278 (relating to importation
8 of alien for immoral purpose) of the Immigra-
9 tion and Nationality Act.

10 “(3) AGGRAVATED SEXUAL ABUSE.—The term
11 ‘aggravated sexual abuse’ means an offense that, if
12 committed in the special maritime and territorial ju-
13 risdiction would be an offense under section 2241(a).

14 “(4) STATE.—The term ‘State’ means each of
15 the several States of the United States, the District
16 of Columbia, and any commonwealth, territory, or
17 possession of the United States.”.

18 (b) AMENDMENT RELATING TO PRIORITY OF FOR-
19 FEITURE OVER ORDERS FOR RESTITUTION.—Section
20 3663(c)(4) of title 18, United States Code, is amended
21 by striking “chapter 46 or chapter 96 of this title” and
22 inserting “section 521, under chapter 46 or 96,”.

1 **SEC. 102. INCREASED PENALTIES FOR INTERSTATE AND**
2 **FOREIGN TRAVEL OR TRANSPORTATION IN**
3 **AID OF RACKETEERING.**

4 (a) SUBSTANTIVE CHANGES TO OFFENSE.—Section
5 1952(a) of title 18, United States Code, is amended—

6 (1) so that the heading for the section reads as
7 follows:

8 **“§ 1952. Interstate or foreign commerce-related aid to**
9 **racketeering”;**

10 (2) by inserting “(1)” after “(a)”;

11 (3) by striking “travels” and all that follows
12 through “intent to” and inserting “in or affecting
13 interstate or foreign commerce”;

14 (4) by striking “ (1) distribute” and inserting
15 “(A) distributes”;

16 (5) by striking “(2) commit” and inserting
17 “(B) commits”;

18 (6) by striking “(3) otherwise promote, manage,
19 establish, carry on, or facilitate” and inserting “(C)
20 otherwise promotes, manages, establishes, carries on,
21 or facilitates”; and

22 (7) by striking “and thereafter” and all that
23 follows through the end of the subsection and insert-
24 ing the following:

25 “or attempts or conspires to do so, shall be punished as
26 provided in paragraph (2).

1 “(2) The punishment for an offense under this
2 subsection is—

3 “(A) in the case of a violation of subpara-
4 graph (A) or (C) of paragraph (1), a fine under
5 this title and imprisonment for not less than 5
6 nor more than 20 years; and

7 “(B) in the case of a violation of subpara-
8 graph (B) of paragraph (1), a fine under this
9 title and imprisonment for not less than 10 nor
10 more than 30 years, but if death results the of-
11 fender shall be sentenced to death, or to impris-
12 onment for any term of years or for life.”.

13 (b) CLERICAL AMENDMENT.—The item relating to
14 section 1952 in the table of sections at the beginning of
15 chapter 95 of title 18, United States Code. is amended
16 to read as follows:

17 **SEC. 103. AMENDMENTS RELATING TO VIOLENT CRIME.**

18 (a) CARJACKING.—Section 2119 of title 18, United
19 States Code, is amended—

20 (1) by striking “, with the intent to cause death
21 or serious bodily harm”;

22 (2) by inserting “or conspires” after “at-
23 tempts”;

24 (3) by striking “15” and inserting “20”; and

1 (4) by striking “or imprisoned not more than
2 25 years, or both” and inserting “and imprisoned
3 not less than 10 years nor more than 30 years”.

4 (b) CLARIFICATION OF ILLEGAL GUN TRANSFERS TO
5 COMMIT DRUG TRAFFICKING CRIME OR CRIMES OF VIO-
6 LENCE.—Section 924(g) of title 18, United States Code,
7 is amended to read as follows:

8 “(g) Whoever knowingly transfers a firearm, knowing
9 or intending that the firearm will be used to commit, or
10 possessed in furtherance of, a crime of violence or drug
11 trafficking crime, shall be fined under this title and im-
12 prisoned not less than 5 years nor more than 20 years.”.

13 (c) AMENDMENT OF SPECIAL SENTENCING PROVI-
14 SION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIA-
15 TION.—Section 3582(d) of title 18, United States Code,
16 is amended—

17 (1) by inserting “section 521 (criminal street
18 gang prosecutions), in” after “felony set forth in”;

19 (2) by striking “specified person, other than his
20 attorney, upon” and inserting “specified person
21 upon”; and

22 (3) by inserting “a criminal street gang or” be-
23 fore “an illegal enterprise”.

1 (d) CONSPIRACY PENALTY.—Section 371 of title 18,
2 United States Code, is amended by striking “five” and
3 inserting “20”.

4 **SEC. 104. INCREASED PENALTIES FOR USE OF INTERSTATE**
5 **COMMERCE FACILITIES IN THE COMMISSION**
6 **OF MURDER-FOR-HIRE AND OTHER FELONY**
7 **CRIMES OF VIOLENCE.**

8 Section 1958 of title 18, United States Code, is
9 amended—

10 (1) by striking the section heading and insert-
11 ing the following:

12 **“§ 1958. Use of interstate commerce facilities in the**
13 **Commission of murder-for-hire and other**
14 **felony crimes of violence”;**

15 (2) by inserting “or other crime of violence,
16 punishable by imprisonment for more than one
17 year,” after “intent that a murder”; and

18 (3) by striking “shall be fined” the first place
19 it appears and inserting the following:

20 “shall, in addition to being subject to a fine under this
21 title

22 “(1) if the crime of violence results in the death
23 of any person, be sentenced to death or life in pris-
24 on;

1 “(2) if the crime of violence is kidnapping, ag-
2 gravated sexual abuse (as defined in section 521), or
3 maiming, be imprisoned for life or any term of years
4 not less than 30;

5 “(3) if the crime of violence is assault resulting
6 in serious bodily injury (as defined in section 1365),
7 be imprisoned for life or any term of years not less
8 than 20; and

9 “(4) in any other case, be imprisoned for life or
10 for any term of years not less than 10.”.

11 **SEC. 105. INCREASED PENALTIES FOR VIOLENT CRIMES IN**
12 **AID OF RACKETEERING ACTIVITY.**

13 Section 1959(a) of title 18, United States Code, is
14 amended to read as follows:

15 “(a) Whoever commits, or conspires, threatens, or at-
16 tempts to commit, a crime of violence in order to further
17 the activities of an enterprise engaged in racketeering ac-
18 tivity, or in order to gain entrance to or maintain or in-
19 crease position in, such an enterprise, shall, unless the
20 death penalty is otherwise imposed, in addition and con-
21 secutive to the punishment provided for any other violation
22 of this chapter and in addition to being subject to a fine
23 under this title—

1 “(1) if the crime of violence results in the death
2 of any person, be sentenced to death or life in pris-
3 on;

4 “(2) if the crime of violence is kidnapping, ag-
5 gravated sexual abuse (as defined in section 521), or
6 maiming, be imprisoned for life or any term of years
7 not less than 30;

8 “(3) if the crime of violence is assault resulting
9 in serious bodily injury (as defined in section 1365),
10 be imprisoned for life or for any term of years not
11 less than 20; and

12 “(4) in any other case, be imprisoned for life or
13 for any term of years not less than 10.”.

14 **SEC. 106. MURDER AND OTHER VIOLENT CRIMES COM-**
15 **MITTED DURING AND IN RELATION TO A**
16 **DRUG TRAFFICKING CRIME.**

17 (a) IN GENERAL.—Part D of the Controlled Sub-
18 stances Act (21 U.S.C. 841 et seq.) is amended by adding
19 at the end the following:

20 “MURDER AND OTHER VIOLENT CRIMES COMMITTED
21 DURING AND IN RELATION TO A DRUG TRAFFICKING
22 CRIME

23 “SEC. 424. (a) IN GENERAL.—Whoever commits, or
24 conspires, or attempts to commit, a crime of violence dur-
25 ing and in relation to a drug trafficking crime, shall, un-
26 less the death penalty is otherwise imposed, in addition

1 and consecutive to the punishment provided for the drug
2 trafficking crime and in addition to being subject to a fine
3 under this title—

4 “(1) if the crime of violence results in the death
5 of any person, be sentenced to death or life in pris-
6 on;

7 “(2) if the crime of violence is kidnapping, ag-
8 gravated sexual abuse (as defined in section 521), or
9 maiming, be imprisoned for life or any term of years
10 not less than 30;

11 “(3) if the crime of violence is assault assault
12 resulting in serious bodily injury (as defined in sec-
13 tion 1365), be imprisoned for life or any term of
14 years not less than 20; and

15 “(4) in any other case, be imprisoned for life or
16 for any term of years not less than 10.

17 “(b) VENUE.—A prosecution for a violation of this
18 section may be brought in—

19 “(1) the judicial district in which the murder or
20 other crime of violence occurred; or

21 “(2) any judicial district in which the drug traf-
22 ficking crime may be prosecuted.

23 “(c) DEFINITIONS.—As used in this section—

1 “(1) the term ‘crime of violence’ has the mean-
2 ing given that term in section 16 of title 18, United
3 States Code; and

4 “(2) the term ‘drug trafficking crime’ has the
5 meaning given that term in section 924(c)(2) of title
6 18, United States Code.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 for the Controlled Substances Act is amended by inserting
9 after the item relating to section 423, the following:

 “Sec. 424. Murder and other violent crimes committed during and in relation
 to a drug trafficking crime.”.

10 **SEC. 107. MULTIPLE INTERSTATE MURDER.**

11 Part I of chapter 51 of title 18, United States Code,
12 is amended by adding at the end the following new section:

13 **“§ 1123. Use of interstate commerce facilities in the**
14 **Commission of multiple murder**

15 “(a) IN GENERAL.—Whoever travels in or causes an-
16 other (including the intended victim) to travel in interstate
17 or foreign commerce, or uses or causes another (including
18 the intended victim) to use the mail or any facility of inter-
19 state or foreign commerce, or who conspires or attempts
20 to do so, with intent that 2 or more intentional homicides
21 be committed in violation of the laws of any State or the
22 United States shall, in addition to being subject to a fine
23 under this title—

1 “(1) if the offense results in the death of any
2 person, be sentenced to death or life in prison;

3 “(2) if the offense results is assault resulting in
4 serious bodily injury (as defined in section 1365), be
5 imprisoned for life or any term of years not less
6 than 20; and

7 “(3) in any other case, be imprisoned for life or
8 for any term of years not less than 10.

9 “(b) DEFINITION.—The term ‘State’ means each of
10 the several States of the United States, the District of
11 Columbia, and any commonwealth, territory, or possession
12 of the United States.”.

13 **SEC. 108. ADDITIONAL RACKETEERING ACTIVITY.**

14 Section 1961(1) of title 18, United States Code, is
15 amended—

16 (1) in subparagraph (A), by inserting “, or
17 would have been so chargeable if the act or threat
18 had not been committed in Indian country (as de-
19 fined in section 1151) or in any other area of exclu-
20 sive Federal jurisdiction,” after “chargeable under
21 State law”; and

22 (2) in subparagraph (B), by inserting “section
23 1123 (relating to interstate murder),” after “section
24 1084 (relating to the transmission of wagering infor-
25 mation),”.

1 **SEC. 109. EXPANSION OF REBUTTABLE PRESUMPTION**
2 **AGAINST RELEASE OF PERSONS CHARGED**
3 **WITH FIREARMS OFFENSES.**

4 Section 3142 of title 18, United States Code, is
5 amended—

6 (1) in subsection (e), in the matter following
7 paragraph (3)—

8 (A) by inserting “an offense under section
9 922(g)(1) where the underlying conviction is a
10 drug trafficking crime (as defined in section
11 924(c)) or a crime of violence,” after “that the
12 person committed”; and

13 (B) by inserting “or” before “the Mari-
14 time”; and

15 (2) in subsection (g), by amending paragraph
16 (1) to read as follows:

17 “(1) the nature and circumstances of the of-
18 fense charged, including whether the offense is a
19 crime of violence, or involves a controlled substance,
20 firearm, explosive, or destructive devise;”.

21 **SEC. 110. VENUE IN CAPITAL CASES.**

22 Section 3235 of title 18, United States Code, is
23 amended to read as follows:

24 **“§ 3235. Venue in capital cases**

25 “(a) The trial for any offense punishable by death
26 shall be held in the district where the offense was com-

1 mitted or in any district in which the offense began, con-
2 tinued, or was completed.

3 “(b) If the offense, or related conduct, under sub-
4 section (a) involves activities which affect interstate or for-
5 eign commerce, or the importation of an object or person
6 into the United States, such offense may be prosecuted
7 in any district in which those activities occurred.”.

8 **SEC. 111. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.**

9 (a) IN GENERAL.—Chapter 214 of title 18, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 **“§ 3296. Violent crime offenses**

13 “No person shall be prosecuted, tried, or punished
14 for any noncapital felony, crime of violence, including any
15 racketeering activity or gang crime which involves any
16 crime of violence, unless the indictment is found or the
17 information is instituted not later than 15 years after the
18 date on which the alleged violation occurred or the con-
19 tinuing offense was completed.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 214 of title 18, United States
22 Code, is amended by adding at the end the following:

“3296. Violent crime offenses.”.

1 **SEC. 112. MODIFICATION OF DEFINITION OF CRIME OF VIO-**
2 **LENCE.**

3 Section 16(b) of title 18, United States Code, is
4 amended to read as follows:

5 “(b) any other offense that is an offense punishable
6 by imprisonment for more than one year and that, by its
7 nature, involves a substantial risk that physical force may
8 be used against the person or property of another, or is
9 an offense punishable under subparagraphs (A), (B), or
10 (C) of section 401(b)(1) of the Controlled Substances
11 Act.”.

12 **SEC. 113. CLARIFICATION TO HEARSAY EXCEPTION FOR**
13 **FORFEITURE BY WRONGDOING.**

14 Rule 804(b)(6) of the Federal Rules of Evidence is
15 amended to read as follows:

16 “(6) FORFEITURE BY WRONGDOING.—A state-
17 ment offered against a party who has engaged or ac-
18 quiesced in wrongdoing, or who could reasonably
19 foresee such wrongdoing would take place, if the
20 wrongdoing was intended to, and did, procure the
21 unavailability of the declarant as a witness.”.

22 **SEC. 114. INCREASED PENALTIES FOR CRIMINAL USE OF**
23 **FIREARMS IN CRIMES OF VIOLENCE AND**
24 **DRUG TRAFFICKING.**

25 (a) IN GENERAL.—Section 924(c)(1)(A) of title 18,
26 United States Code, is amended—

1 (1) in paragraph (1)(A)—

2 (A) by striking “shall” and inserting “or
3 conspires to commit any of the above acts,
4 shall, for each instance in which the firearm is
5 used, carried, or possessed”;

6 (B) in clause (i), by striking “5 years” and
7 inserting “7 years”; and

8 (C) by striking clauses (ii) and (iii) and in-
9 serting the following:

10 “(ii) if the firearm is discharged, be
11 sentenced to a term of imprisonment of
12 not less than 15 years; and

13 “(iii) if the firearm is used to wound,
14 injure, or maim another person, be sen-
15 tenced to a term of imprisonment of not
16 less than 20 years.”; and

17 (2) by striking paragraph (4).

18 (b) CONFORMING AMENDMENT.—Section 924 of title
19 18, United States Code, is amended by striking subsection
20 (o).

21 **SEC. 115. TRANSFER OF JUVENILES.**

22 The 4th undesignated paragraph of section 5032 of
23 title 18, United States Code, is amended—

24 (1) by striking “A juvenile” where it appears at
25 the beginning of the paragraph and inserting “Ex-

1 cept as otherwise provided in this chapter, a juve-
2 nile” ;

3 (2) by striking “as an adult, except that, with”
4 and inserting “as an adult. With”; and

5 (3) by striking “However, a juvenile” and all
6 that follows through “criminal prosecution.” at the
7 end of the paragraph and inserting “The Attorney
8 General may prosecute as an adult a juvenile who is
9 alleged to have committed an act after that juve-
10 nile’s 16th birthday which if committed by an adult
11 would be a crime of violence that is a felony, an of-
12 fense described in subsection (d), (i), (j), (k), (o),
13 (p), (q), (u), or (x) of section 922 (relating to unlaw-
14 ful acts), or subsection (b), (c), (g), (h), (k), (l), (m),
15 or (n) of section 924 (relating to penalties), section
16 930 (relating to possession of firearms and dan-
17 gerous weapons in Federal facilities), or section 931
18 (relating to purchase, ownership, or possession of
19 body armor by violent felons). The decision whether
20 or not to prosecute a juvenile as an adult under the
21 immediately preceding sentence is not subject to ju-
22 dicial review in any court. In a prosecution under
23 that sentence, the juvenile may be prosecuted and
24 convicted as an adult for any other offense which is
25 properly joined under the Federal Rules of Criminal

1 Procedure, and may also be convicted as an adult of
2 any lesser included offense.”.

3 **TITLE II—INCREASED FEDERAL**
4 **RESOURCES TO DETER AND**
5 **PREVENT AT-RISK YOUTH**
6 **FROM JOINING ILLEGAL**
7 **STREET GANGS**

8 **SEC. 201. DESIGNATION OF AND ASSISTANCE FOR “HIGH IN-**
9 **TENSITY” INTERSTATE GANG ACTIVITY**
10 **AREAS.**

11 (a) DEFINITIONS.—In this section the following defi-
12 nitions shall apply:

13 (1) GOVERNOR.—The term “Governor” means
14 a Governor of a State or the Mayor of the District
15 of Columbia.

16 (2) HIGH INTENSITY INTERSTATE GANG ACTIV-
17 ITY AREA.—The term “high intensity interstate
18 gang activity area” means an area within a State
19 that is designated as a high intensity interstate gang
20 activity area under subsection (b)(1).

21 (3) STATE.—The term “State” means a State
22 of the United States, the District of Columbia, and
23 any commonwealth, territory, or possession of the
24 United States.

1 (b) HIGH INTENSITY INTERSTATE GANG ACTIVITY
2 AREAS.—

3 (1) DESIGNATION.—The Attorney General,
4 after consultation with the Governors of appropriate
5 States, may designate as high intensity interstate
6 gang activity areas, specific areas that are located
7 within 1 or more States.

8 (2) ASSISTANCE.—In order to provide Federal
9 assistance to high intensity interstate gang activity
10 areas, the Attorney General shall—

11 (A) establish criminal street gang enforce-
12 ment teams, consisting of Federal, State, and
13 local law enforcement authorities, for the co-
14 ordinated investigation, disruption, apprehen-
15 sion, and prosecution of criminal street gangs
16 and offenders in each high intensity interstate
17 gang activity area;

18 (B) direct the reassignment or detailing
19 from any Federal department or agency (sub-
20 ject to the approval of the head of that depart-
21 ment or agency, in the case of a department or
22 agency other than the Department of Justice)
23 of personnel to each criminal street gang en-
24 forcement team;

1 (C) provide all necessary funding for the
2 operation of the criminal street gang enforce-
3 ment team in each high intensity interstate
4 gang activity area; and

5 (D) provide all necessary funding for na-
6 tional and regional meetings of criminal street
7 gang enforcement teams, and all other related
8 organizations, as needed, to ensure effective op-
9 eration of such teams through the sharing of
10 intelligence, best practices and for any other re-
11 lated purpose.

12 (3) COMPOSITION OF CRIMINAL STREET GANG
13 ENFORCEMENT TEAM.—The team established pursu-
14 ant to paragraph (2)(A) shall consist of agents and
15 officers, where feasible, from—

- 16 (A) the Federal Bureau of Investigation;
17 (B) the Drug Enforcement Administration;
18 (C) the Bureau of Alcohol, Tobacco, Fire-
19 arms, and Explosives;
20 (D) the United States Marshals Service;
21 (E) the Directorate of Border and Trans-
22 portation Security of the Department of Home-
23 land Security;
24 (F) the Department of Housing and Urban
25 Development;

1 (G) State and local law enforcement; and

2 (H) Federal, State, and local prosecutors.

3 (4) CRITERIA FOR DESIGNATION.—In consid-
4 ering an area for designation as a high intensity
5 interstate gang activity area under this section, the
6 Attorney General shall consider—

7 (A) the current and predicted levels of
8 gang crime activity in the area;

9 (B) the extent to which violent crime in
10 the area appears to be related to criminal street
11 gang activity, such as drug trafficking, murder,
12 robbery, assaults, carjacking, arson, kidnap-
13 ping, extortion, and other criminal activity;

14 (C) the extent to which State and local law
15 enforcement agencies have committed resources
16 to—

17 (i) respond to the gang crime prob-
18 lem; and

19 (ii) participate in a gang enforcement
20 team;

21 (D) the extent to which a significant in-
22 crease in the allocation of Federal resources
23 would enhance local response to the gang crime
24 activities in the area; and

1 (E) any other criteria that the Attorney
2 General considers to be appropriate.

3 (c) ADDITIONAL ASSISTANT U.S. ATTORNEYS.—The
4 Attorney General is authorized to hire 94 additional As-
5 sistant United States attorneys to carry out the provisions
6 of this section. Each attorney hired under this subsection
7 shall be assigned to a high intensity interstate gang activ-
8 ity area.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated—

11 (1) \$50,000,000 for each of the fiscal years
12 2006 through 2010 to carry out subsection (b); and

13 (2) \$7,500,000 for each of the fiscal years 2006
14 through 2010 to carry out subsection (c).

15 **SEC. 202. GRANTS TO STATE AND LOCAL PROSECUTORS TO**
16 **COMBAT VIOLENT CRIME AND TO PROTECT**
17 **WITNESSES AND VICTIMS OF CRIMES.**

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

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

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

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

1 “(5) to hire additional prosecutors to—

2 “(A) allow more cases to be prosecuted;

3 and

4 “(B) reduce backlogs;

5 “(6) to fund technology, equipment, and train-
6 ing for prosecutors and law enforcement in order to
7 increase accurate identification of gang members
8 and violent offenders, and to maintain databases
9 with such information to facilitate coordination
10 among law enforcement and prosecutors; and

11 “(7) to fund technology, equipment, and train-
12 ing for prosecutors to increase the accurate identi-
13 fication and successful prosecution of young violent
14 offenders.”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
16 31707 of the Violent Crime Control and Law Enforcement
17 Act of 1994 (42 U.S.C. 13867) is amended to read as
18 follows:

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

20 “There are authorized to be appropriated
21 \$20,000,000 for each of the fiscal years 2006 through
22 2010 to carry out this subtitle.”.

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