

109TH CONGRESS
1ST SESSION

H. R. 1751

IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 2005

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Secure Access to Jus-
3 tice and Court Protection Act of 2005”.

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

8 Section 115 of title 18, United States Code, is
9 amended—

10 (1) in each of subparagraphs (A) and (B) of
11 subsection (a)(1), by inserting “federally funded
12 public safety officer (as defined for the purposes of
13 section 1123)” after “Federal law enforcement offi-
14 cer,”;

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

16 “(b)(1) Except as provided in paragraph (2), the
17 punishment for an offense under this section is as follows:

18 “(A) The punishment for an assault in violation
19 of this section is the same as that provided for a like
20 offense under section 111.

21 “(B) The punishment for a kidnapping, at-
22 tempted kidnapping, or conspiracy to kidnap in vio-
23 lation of this section is the same as provided for a
24 like violation in section 1201.

25 “(C) The punishment for a murder, attempted
26 murder, or conspiracy to murder in violation of this

1 section is the same as provided for a like offense
2 under section 1111, 1113, and 1117.

3 “(D) A threat made in violation of this section
4 shall be punished by a fine under this title or impris-
5 onment for not more than 10 years, or both.

6 “(2) If the victim of the offense under this section
7 is an immediate family member of a United States judge,
8 a Federal law enforcement officer (as defined for the pur-
9 poses of section 1114) or of a federally funded public safe-
10 ty officer (as defined for the purposes of section 1123),
11 in lieu of the punishments otherwise provided by para-
12 graph (1), the punishments shall be as follows:

13 “(A) The punishment for an assault in violation
14 of this section is as follows:

15 “(i) If the assault is a simple assault, a
16 fine under this title or a term of imprisonment
17 for not more than one year, or both.

18 “(ii) If the assault resulted in bodily injury
19 (as defined in section 1365), a fine under this
20 title and a term of imprisonment for not less
21 than one year nor more than 10 years.

22 “(iii) If the assault resulted in substantial
23 bodily injury (as defined in section 113), a fine
24 under this title and a term of imprisonment for
25 not less than 3 years nor more than 12 years.

1 “(iv) If the assault resulted in serious bod-
2 ily injury (as defined in section 2119), a fine
3 under this title and a term of imprisonment for
4 not less than 10 years nor more than 30 years.

5 “(B) The punishment for a kidnapping, at-
6 tempted kidnapping, or conspiracy to kidnap in vio-
7 lation of this section is a fine under this title and
8 imprisonment for any term of years not less than
9 30, or for life.

10 “(C) The punishment for a murder, attempted
11 murder, or conspiracy to murder in violation of this
12 section is a fine under this title and imprisonment
13 for any term of years not less than 30, or for life,
14 or, if death results and the offender is prosecuted as
15 a principal, the offender may be sentenced to death.

16 “(D) A threat made in violation of this section
17 shall be punished by a fine under this title and im-
18 prisonment for not less than one year nor more than
19 10 years.

20 “(E) If a dangerous weapon was used during
21 and in relation to the offense, the punishment shall
22 include a term of imprisonment of 5 years in addi-
23 tion to that otherwise imposed under this para-
24 graph.”.

1 **SEC. 3. PENALTIES FOR CERTAIN ASSAULTS.**

2 (a) INCLUSION OF FEDERALLY FUNDED PUBLIC
3 SAFETY OFFICERS.—Section 111(a) of title 18, United
4 States Code, is amended—

5 (1) in paragraph (1), by inserting “or a feder-
6 ally funded public safety officer (as defined in sec-
7 tion 1123)” after “1114 of this title”; and

8 (2) in paragraph (2), by inserting “or a feder-
9 ally funded public safety officer (as defined in sec-
10 tion 1123)” after “1114”.

11 (b) ALTERNATE PENALTY WHERE VICTIM IS A
12 UNITED STATES JUDGE, A FEDERAL LAW ENFORCE-
13 MENT OFFICER, OR FEDERALLY FUNDED PUBLIC SAFE-
14 TY OFFICER.—Section 111 of title 18, United States
15 Code, is amended by adding at the end the following:

16 “(c) ALTERNATE PENALTY WHERE VICTIM IS A
17 UNITED STATES JUDGE, A FEDERAL LAW ENFORCE-
18 MENT OFFICER, OR FEDERALLY FUNDED PUBLIC SAFE-
19 TY OFFICER.—(1) Except as provided in paragraph (2),
20 if the offense is an assault and the victim of the offense
21 under this section is a United States judge, a Federal law
22 enforcement officer (as defined for the purposes of section
23 1114) or of a federally funded public safety officer (as de-
24 fined for the purposes of section 1123), in lieu of the pen-
25 alties otherwise set forth in this section, the offender shall
26 be subject to a fine under this title and—

1 ance of official duties, or kills a former federally funded
2 public safety officer arising out of the performance of offi-
3 cial duties, shall be punished by a fine under this title and
4 imprisonment for any term of years not less than 30, or
5 for life, or, if death results and the offender is prosecuted
6 as a principal, may be sentenced to death.

7 “(b) As used in this section—

8 “(1) the term ‘federally funded public safety of-
9 ficer’ means a public safety officer for a public agen-
10 cy (including a court system, the National Guard of
11 a State to the extent the personnel of that National
12 Guard are not in Federal service, and the defense
13 forces of a State authorized by section 109 of title
14 32) that receives Federal financial assistance, of an
15 entity that is a State of the United States, the Dis-
16 trict of Columbia, the Commonwealth of Puerto
17 Rico, the Virgin Islands of the United States, Guam,
18 American Samoa, the Trust Territory of the Pacific
19 Islands, the Commonwealth of the Northern Mar-
20 iana Islands, or any territory or possession of the
21 United States, an Indian tribe, or a unit of local
22 government of that entity;

23 “(2) the term ‘public safety officer’ means an
24 individual serving a public agency in an official ca-
25 pacity, as a judicial officer, as a law enforcement of-

1 ficer, as a firefighter, as a chaplain, or as a member
2 of a rescue squad or ambulance crew;

3 “(3) the term ‘judicial officer’ means a judge or
4 other officer or employee of a court, including pros-
5 ecutors, court security, pretrial services officers,
6 court reporters, and corrections, probation, and pa-
7 role officers; and

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

14 “(5) the term ‘law enforcement officer’ means
15 an individual involved in crime and juvenile delin-
16 quency control or reduction, or enforcement of the
17 laws.”.

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

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

1 **SEC. 5. GENERAL MODIFICATIONS OF FEDERAL MURDER**
2 **CRIME AND RELATED CRIMES.**

3 (a) MURDER AMENDMENTS.—Section 1111 of title
4 18, United States Code, is amended in subsection (b), by
5 inserting “not less than 30” after “any term of years”.

6 (b) MANSLAUGHTER AMENDMENTS.—Section
7 1112(b) of title 18, United States Code, is amended—

8 (1) by striking “ten years” and inserting “20
9 years”; and

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

12 **SEC. 6. MODIFICATION OF DEFINITION OF OFFENSE AND**
13 **OF THE PENALTIES FOR, INFLUENCING OR**
14 **INJURING OFFICER OR JUROR GENERALLY.**

15 Section 1503 of title 18, United States Code, is
16 amended—

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

18 “(a)(1) Whoever—

19 “(A) corruptly, or by threats of force or force,
20 endeavors to influence, intimidate, or impede a juror
21 or officer in a judicial proceeding in the discharge of
22 that juror or officer’s duty;

23 “(B) injures a juror or an officer in a judicial
24 proceeding arising out of the performance of official
25 duties as such juror or officer; or

1 “(C) corruptly, or by threats of force or force,
2 obstructs, or impedes, or endeavors to influence, ob-
3 struct, or impede, the due administration of justice;
4 or attempts or conspires to do so, shall be punished as
5 provided in subsection (b).

6 “(2) As used in this section, the term ‘juror or officer
7 in a judicial proceeding’ means a grand or petit juror, or
8 other officer in or of any court of the United States, or
9 an officer who may be serving at any examination or other
10 proceeding before any United States magistrate judge or
11 other committing magistrate.”; and

12 (2) in subsection (b), by striking paragraphs
13 (1) through (3) and inserting the following:

14 “(1) in the case of a killing, or an attempt or
15 a conspiracy to kill, the punishment provided in sec-
16 tion 1111, 1112, 1113, and 1117; and

17 “(2) in any other case, a fine under this title
18 and imprisonment for not more than 30 years.”.

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

21 (a) **CHANGES IN PENALTIES.**—Section 1512 of title
22 18, United States Code, is amended—

23 (1) in each of paragraphs (1) and (2) of sub-
24 section (a), insert “or conspires” after “attempts”;

1 (2) so that subparagraph (A) of subsection
2 (a)(3) reads as follows:

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

5 (3) in subsection (a)(3)—

6 (A) in the matter following clause (ii) of
7 subparagraph (B) by striking “20 years” and
8 inserting “30 years” ; and

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

11 (4) in subsection (b), by striking “ten years”
12 and inserting “30 years”; and

13 (5) in subsection (d), by striking “one year”
14 and inserting “20 years”.

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

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

18 (1) in subsection (a)(1), by inserting “or con-
19 spires” after “attempts”;

20 (2) in subsection (a)(1)(B)—

21 (A) by inserting a comma after “proba-
22 tion”; and

23 (B) by striking the comma which imme-
24 diately follows another comma;

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

3 (4) in subsection (b), by striking “ten years”
4 and inserting “30 years”;

5 (5) in the first subsection (e), by striking “10
6 years” and inserting “30 years”; and

7 (6) by redesignating the second subsection (e)
8 as subsection (f).

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

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

17 **SEC. 10. CLARIFICATION OF VENUE FOR RETALIATION**
18 **AGAINST A WITNESS.**

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

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

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

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

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

6 **“SEC. 2811. PROGRAM AUTHORIZED.**

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

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

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

17 “(2) used for the creation and expansion of wit-
18 ness protection programs in the jurisdiction of the
19 grantee.

20 “(c) PREFERENTIAL CONSIDERATION.—In awarding
21 grants under this part, the Attorney General may give
22 preferential consideration, if feasible, to an application
23 from a jurisdiction that—

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

1 “(2) has a serious violent crime problem in the
2 jurisdiction;

3 “(3) has had, or is likely to have, instances of
4 threats, intimidation, and retaliation against victims
5 of, and witnesses to, crimes; and

6 “(4) shares an international border and faces a
7 demonstrable threat from cross border crime and vi-
8 olence.

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

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

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

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

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

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

22 “(5) to create and expand witness and victim
23 protection programs to prevent threats, intimidation,
24 and retaliation against victims of, and witnesses to,
25 violent crimes.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
2 31707 of the Violent Crime Control and Law Enforcement
3 Act of 1994 (42 U.S.C. 13867) is amended to read as
4 follows:

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

6 “There are authorized to be appropriated
7 \$20,000,000 for each of the fiscal years 2006 through
8 2010 to carry out this subtitle.”.

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

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

14 “(i) The United States Marshals Service shall consult
15 with the Administrative Office of the United States Courts
16 on a continuing basis regarding the security requirements
17 for the Judicial Branch, and inform the Administrative
18 Office of the measures the Marshals Service intends to
19 take to meet those requirements.”.

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

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

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

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

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

6 **SEC. 14. PROTECTIONS AGAINST MALICIOUS RECORDING**
7 **OF FICTITIOUS LIENS AGAINST A FEDERAL**
8 **EMPLOYEE.**

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

11 **“§ 1521. Retaliating against a Federal employee by**
12 **false claim or slander of title**

13 “Whoever, with the intent to harass a person des-
14 ignated in section 1114 on account of the performance of
15 official duties, files, in any public record or in any private
16 record which is generally available to the public, any false
17 lien or encumbrance against the real or personal property
18 of that person, or attempts or conspires to do so, shall
19 be fined under this title or imprisoned not more than 10
20 years, or both.”.

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

 “1521. Retaliating against a Federal employee by false claim or slander of
 title.”.

1 **SEC. 15. PROHIBITION OF POSSESSION OF DANGEROUS**
2 **WEAPONS IN FEDERAL COURT FACILITIES.**

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

6 **SEC. 16. REPEAL OF SUNSET PROVISION.**

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

10 **SEC. 17. PROTECTION OF INDIVIDUALS PERFORMING CER-**
11 **TAIN FEDERAL AND OTHER FUNCTIONS.**

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

14 **“§ 117. Protection of individuals performing certain**
15 **Federal and federally assisted functions**

16 “(a) Whoever knowingly, and with intent to harm, in-
17 timidate, or retaliate against a covered official makes re-
18 stricted personal information about that covered official
19 publicly available through the Internet shall be fined under
20 this title and imprisoned not more than 5 years, or both.

21 “(b) It is a defense to a prosecution under this sec-
22 tion that the defendant is a provider of Internet services
23 and did not knowingly participate in the offense.

24 “(c) As used in this section—

25 “(1) the term ‘restricted personal information’
26 means, with respect to an individual, the Social Se-

1 security number, the home address, home phone num-
2 ber, mobile phone number, personal email, or home
3 fax number of, and identifiable to, that individual;
4 and

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

6 “(A) an individual designated in section
7 1114;

8 “(B) a public safety officer (as that term
9 is defined in section 1204 of the Omnibus
10 Crime Control and Safe Streets Act of 1968);
11 or

12 “(C) a grand or petit juror, witness, or
13 other officer in or of, any court of the United
14 States, or an officer who may be serving at any
15 examination or other proceeding before any
16 United States magistrate judge or other com-
17 mitting magistrate.”.

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

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

1 **SEC. 18. ELIGIBILITY OF COURTS TO APPLY DIRECTLY FOR**
2 **LAW ENFORCEMENT DISCRETIONARY**
3 **GRANTS AND REQUIREMENT THAT STATE**
4 **AND LOCAL GOVERNMENTS CONSIDER**
5 **COURTS WHEN APPLYING FOR GRANT**
6 **FUNDS.**

7 (a) COURTS TREATED AS UNITS OF LOCAL GOVERN-
8 MENTS FOR PURPOSES OF DISCRETIONARY GRANTS.—
9 Section 901 of the Omnibus Crime Control and Safe
10 Streets Act of 1968 (42 U.S.C. 3791) is amended in sub-
11 section (a)(3)—

12 (1) by redesignating subparagraphs (C) and
13 (D) as subparagraphs (D) and (E), respectively; and

14 (2) by inserting after subparagraph (B) the fol-
15 lowing new subparagraph:

16 “(C) the judicial branch of a State or of a
17 unit of local government within the State or of
18 an Indian tribe, for purposes of discretionary
19 grants;”.

20 (b) STATE AND LOCAL GOVERNMENTS TO CONSIDER
21 COURTS.—The Attorney General shall ensure that when-
22 ever a State or unit of local government or Indian tribe
23 applies for a grant from the Department of Justice, the
24 State, unit, or tribe demonstrate that, in developing the
25 application and distributing funds, the State, unit, or
26 tribe—

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

3 (2) consulted with the chief judicial officer of
4 the highest court of the State, unit, or tribe, as the
5 case may be.

6 **SEC. 19. REPORT ON SECURITY OF FEDERAL PROSECU-**
7 **TORS.**

8 Not later than 90 days after the date of the enact-
9 ment of this Act, the Attorney General shall submit to
10 the Committee on the Judiciary of the House of Rep-
11 resentatives and the Committee on the Judiciary of the
12 Senate a report on the security of assistant United States
13 attorneys and other Federal attorneys arising from the
14 prosecution of terrorists, violent criminal gangs, drug traf-
15 fickers, gun traffickers, white supremacists, and those who
16 commit fraud and other white-collar offenses. The report
17 shall describe each of the following:

18 (1) The number and nature of threats and as-
19 saults against attorneys handling those prosecutions
20 and the reporting requirements and methods.

21 (2) The security measures that are in place to
22 protect the attorneys who are handling those pros-
23 ecutions, including measures such as threat assess-
24 ments, response procedures, availability of security
25 systems and other devices, firearms licensing (depu-

1 tations), and other measures designed to protect the
2 attorneys and their families.

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

7 (4) For each measure covered by paragraphs
8 (1) through (3), when the report or measure was developed
9 and who was responsible for developing and
10 implementing the report or measure.

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

17 (6) The measures that are taken to provide the
18 attorneys with secure parking facilities, and how priorities
19 for such facilities are established—

20 (A) among Federal employees within the
21 facility;

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

24 (C) among attorneys within the facility.

1 (7) The frequency such attorneys are called
2 upon to work beyond standard work hours and the
3 security measures provided to protect attorneys at
4 such times during travel between office and available
5 parking facilities.

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

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

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

13 (C) equipment and training provided to fa-
14 cilitate safe storage at Department of Justice
15 facilities.

16 (9) The offices in the Department of Justice
17 that are responsible for ensuring the security of the
18 attorneys, the organization and staffing of the of-
19 fices, and the manner in which the offices coordinate
20 with offices in specific districts.

21 (10) The role, if any, that the United States
22 Marshals Service or any other Department of Jus-
23 tice component plays in protecting, or providing se-
24 curity services or training for, the attorneys.

1 **SEC. 20. FLIGHT TO AVOID PROSECUTION FOR KILLING**
2 **PEACE OFFICERS.**

3 (a) FLIGHT.—Chapter 49 of title 18, United States
4 Code, is amended by adding at the end the following:

5 **“§ 1075. Flight to avoid prosecution for killing peace**
6 **officers**

7 “Whoever moves or travels in interstate or foreign
8 commerce with intent to avoid prosecution, or custody or
9 confinement after conviction, under the laws of the place
10 from which he flees or under section 1114 or 1123, for
11 a crime consisting of the killing, an attempted killing, or
12 a conspiracy to kill, an individual involved in crime and
13 juvenile delinquency control or reduction, or enforcement
14 of the laws or for a crime punishable by section 1114 or
15 1123, shall be fined under this title and imprisoned, in
16 addition to any other imprisonment for the underlying of-
17 fense, for any term of years not less than 10.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of chapter 49 of title 18, United States
20 Code, is amended by adding at the end the following new
21 item:

“1075. Flight to avoid prosecution for killing peace officers.”.

1 **SEC. 21. SPECIAL PENALTIES FOR MURDER, KIDNAPPING,**
2 **AND RELATED CRIMES AGAINST FEDERAL**
3 **JUDGES AND FEDERAL LAW ENFORCEMENT**
4 **OFFICERS.**

5 (a) MURDER.—Section 1114 of title 18, United
6 States Code, is amended—

7 (1) by inserting “(a)” before “Whoever”; and

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

9 “(b) If the victim of a murder punishable under this
10 section is a United States judge (as defined in section
11 115) or a Federal law enforcement officer (as defined in
12 115) the offender shall be punished by a fine under this
13 title and imprisonment for any term of years not less than
14 30, or for life, or, if death results, may be sentenced to
15 death.”.

16 (b) KIDNAPPING.—Section 1201(a) of title 18,
17 United States Code, is amended by adding at the end the
18 following: “If the victim of the offense punishable under
19 this subsection is a United States judge (as defined in sec-
20 tion 115) or a Federal law enforcement officer (as defined
21 in 115) the offender shall be punished by a fine under
22 this title and imprisonment for any term of years not less
23 than 30, or for life, or, if death results, may be sentenced
24 to death.”.

1 **SEC. 22. MEDIA COVERAGE OF COURT PROCEEDINGS.**

2 (a) FINDINGS.—The Congress makes the following
3 findings:

4 (1) The right of the people of the United States
5 to freedom of speech, particularly as it relates to
6 comment on governmental activities, as protected by
7 the first amendment to the Constitution, cannot be
8 meaningfully exercised without the ability of the
9 public to obtain facts and information about the
10 Government upon which to base their judgments re-
11 garding important issues and events. As the United
12 States Supreme Court articulated in *Craig v. Har-*
13 *ney*, 331 U.S. 367 (1947), “A trial is a public event.
14 What transpires in the court room is public prop-
15 erty.”.

16 (2) The right of the people of the United States
17 to a free press, with the ability to report on all as-
18 pects of the conduct of the business of government,
19 as protected by the first amendment to the Constitu-
20 tion, cannot be meaningfully exercised without the
21 ability of the news media to gather facts and infor-
22 mation freely for dissemination to the public.

23 (3) The right of the people of the United States
24 to petition the Government to redress grievances,
25 particularly as it relates to the manner in which the
26 Government exercises its legislative, executive, and

1 judicial powers, as protected by the first amendment
2 to the Constitution, cannot be meaningfully exer-
3 cised without the availability to the public of infor-
4 mation about how the affairs of government are
5 being conducted. As the Supreme Court noted in
6 Richmond Newspapers, Inc. v. Commonwealth of
7 Virginia (1980), “People in an open society do not
8 demand infallibility from their institutions, but it is
9 difficult for them to accept what they are prohibited
10 from observing.”.

11 (4) In the twenty-first century, the people of
12 the United States obtain information regarding judi-
13 cial matters involving the Constitution, civil rights,
14 and other important legal subjects principally
15 through the print and electronic media. Television,
16 in particular, provides a degree of public access to
17 courtroom proceedings that more closely approxi-
18 mates the ideal of actual physical presence than
19 newspaper coverage or still photography.

20 (5) Providing statutory authority for the courts
21 of the United States to exercise their discretion in
22 permitting televised coverage of courtroom pro-
23 ceedings would enhance significantly the access of
24 the people to the Federal judiciary.

1 (6) Inasmuch as the first amendment to the
2 Constitution prevents Congress from abridging the
3 ability of the people to exercise their inherent rights
4 to freedom of speech, to freedom of the press, and
5 to petition the Government for a redress of griev-
6 ances, it is good public policy for the Congress af-
7 firmatively to facilitate the ability of the people to
8 exercise those rights.

9 (7) The granting of such authority would assist
10 in the implementation of the constitutional guar-
11 antee of public trials in criminal cases, as provided
12 by the sixth amendment to the Constitution. As the
13 Supreme Court stated in *In re Oliver* (1948),
14 “Whatever other benefits the guarantee to an ac-
15 cused that his trial be conducted in public may con-
16 fer upon our society, the guarantee has always been
17 recognized as a safeguard against any attempt to
18 employ our courts as instruments of persecution.
19 The knowledge that every criminal trial is subject to
20 contemporaneous review in the forum of public opin-
21 ion is an effective restraint on possible abuse of judi-
22 cial power.”.

23 (b) AUTHORITY OF PRESIDING JUDGE TO ALLOW
24 MEDIA COVERAGE OF COURT PROCEEDINGS.—

1 (1) AUTHORITY OF APPELLATE COURTS.—Not-
2 withstanding any other provision of law, the pre-
3 siding judge of an appellate court of the United
4 States may, in his or her discretion, permit the
5 photographing, electronic recording, broadcasting, or
6 televising to the public of court proceedings over
7 which that judge presides.

8 (2) AUTHORITY OF DISTRICT COURTS.—

9 (A) IN GENERAL.—Notwithstanding any
10 other provision of law, any presiding judge of a
11 district court of the United States may, in his
12 or her discretion, permit the photographing,
13 electronic recording, broadcasting, or televising
14 to the public of court proceedings over which
15 that judge presides.

16 (B) OBSCURING OF WITNESSES AND JU-
17 RORS.—(i) Upon the request of any witness
18 (other than a party) or a juror in a trial pro-
19 ceeding, the court shall order the face and voice
20 of the witness or juror (as the case may be) to
21 be disguised or otherwise obscured in such man-
22 ner as to render the witness or juror unrecog-
23 nizable to the broadcast audience of the trial
24 proceeding.

1 (ii) The presiding judge in a trial pro-
2 ceeding shall inform—

3 (I) each witness who is not a party
4 that the witness has the right to request
5 that his or her image and voice be ob-
6 scured during the witness' testimony; and

7 (II) each juror that the juror has the
8 right to request that his or her image be
9 obscured during the trial proceeding.

10 (3) ADVISORY GUIDELINES.—The Judicial Con-
11 ference of the United States is authorized to promul-
12 gate advisory guidelines to which a presiding judge,
13 in his or her discretion, may refer in making deci-
14 sions with respect to the management and adminis-
15 tration of photographing, recording, broadcasting, or
16 televising described in paragraphs (1) and (2).

17 (c) DEFINITIONS.—In this section:

18 (1) PRESIDING JUDGE.—The term “presiding
19 judge” means the judge presiding over the court
20 proceeding concerned. In proceedings in which more
21 than one judge participates, the presiding judge
22 shall be the senior active judge so participating or,
23 in the case of a circuit court of appeals, the senior
24 active circuit judge so participating, except that—

1 (A) in en banc sittings of any United
2 States circuit court of appeals, the presiding
3 judge shall be the chief judge of the circuit
4 whenever the chief judge participates; and

5 (B) in en banc sittings of the Supreme
6 Court of the United States, the presiding judge
7 shall be the Chief Justice whenever the Chief
8 Justice participates.

9 (2) APPELLATE COURT OF THE UNITED
10 STATES.—The term “appellate court of the United
11 States” means any United States circuit court of ap-
12 peals and the Supreme Court of the United States.

13 (d) SUNSET.—The authority under subsection (b)(2)
14 shall terminate on the date that is 3 years after the date
15 of the enactment of this Act.

16 **SEC. 23. FUNDING FOR STATE COURTS TO ASSESS AND EN-**
17 **HANCE COURT SECURITY AND EMERGENCY**
18 **PREPAREDNESS.**

19 (a) IN GENERAL.—The Attorney General, through
20 the Office of Justice Programs, shall make grants under
21 this section to the highest State courts in States partici-
22 pating in the program, for the purpose of enabling such
23 courts—

1 (1) to conduct assessments focused on the es-
2 sential elements for effective courtroom safety and
3 security planning; and

4 (2) to implement changes deemed necessary as
5 a result of the assessments.

6 (b) ESSENTIAL ELEMENTS.—As used in subsection
7 (a)(1), the essential elements include, but are not limited
8 to—

9 (1) operational security and standard operating
10 procedures;

11 (2) facility security planning and self-audit sur-
12 veys of court facilities;

13 (3) emergency preparedness and response and
14 continuity of operations;

15 (4) disaster recovery and the essential elements
16 of a plan;

17 (5) threat assessment;

18 (6) incident reporting;

19 (7) security equipment;

20 (8) developing resources and building partner-
21 ships; and

22 (9) new courthouse design.

23 (c) APPLICATIONS.—To be eligible for a grant under
24 this section, a highest State court shall submit to the At-
25 torney General an application at such time, in such form,

1 and including such information and assurances as the At-
2 torney General shall require.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 \$20,000,000 for each of fiscal years 2006 through 2010.

6 **SEC. 24. ADDITIONAL AMOUNTS FOR UNITED STATES MAR-**
7 **SHALS SERVICE TO PROTECT THE JUDICI-**
8 **ARY.**

9 In addition to any other amounts authorized to be
10 appropriated for the United States Marshals Service,
11 there are authorized to be appropriated for the United
12 States Marshals Service to protect the judiciary,
13 \$20,000,000 for each of fiscal years 2006 through 2010
14 for—

15 (1) hiring entry-level deputy marshals for pro-
16 viding judicial security;

17 (2) hiring senior-level deputy marshals for in-
18 vestigating threats to the judiciary and providing
19 protective details to members of the judiciary and
20 Assistant United States Attorneys; and

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

1 **SEC. 25. GRANTS TO STATES FOR THREAT ASSESSMENT**
2 **DATABASES.**

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

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

12 (1) analyze trends and patterns in domestic ter-
13 rorism and crime;

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

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

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

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to carry out this section

1 such sums as may be necessary for each of fiscal years
2 2006 through 2009.

3 **SEC. 26. GRANTS FOR YOUNG WITNESS ASSISTANCE.**

4 (a) DEFINITIONS.—For purposes of this section:

5 (1) DIRECTOR.—The term “Director” means
6 the Director of the Bureau of Justice Assistance.

7 (2) JUVENILE.—The term “juvenile” means an
8 individual who is 17 years of age or younger.

9 (3) YOUNG ADULT.—The term “young adult”
10 means an individual who is between the ages of 18
11 and 21.

12 (4) STATE.—The term “State” means any
13 State of the United States, the District of Columbia,
14 the Commonwealth of Puerto Rico, the Virgin Is-
15 lands, American Samoa, Guam, and the Northern
16 Mariana Islands.

17 (b) PROGRAM AUTHORIZATION.—The Director may
18 make grants to State and local prosecutors and law en-
19 forcement agencies in support of juvenile and young adult
20 witness assistance programs, including State and local
21 prosecutors and law enforcement agencies that have exist-
22 ing juvenile and adult witness assistance programs.

23 (c) ELIGIBILITY.—To be eligible to receive a grant
24 under this section, State and local prosecutors and law
25 enforcement officials shall—

1 (1) submit an application to the Director in
2 such form and containing such information as the
3 Director may reasonably require; and

4 (2) give assurances that each applicant has de-
5 veloped, or is in the process of developing, a witness
6 assistance program that specifically targets the
7 unique needs of juvenile and young adult witnesses
8 and their families.

9 (d) USE OF FUNDS.—Grants made available under
10 this section may be used—

11 (1) to assess the needs of juvenile and young
12 adult witnesses;

13 (2) to develop appropriate program goals and
14 objectives; and

15 (3) to develop and administer a variety of wit-
16 ness assistance services, which includes—

17 (A) counseling services to young witnesses
18 dealing with trauma associated in witnessing a
19 violent crime;

20 (B) pre- and post-trial assistance for the
21 youth and their family;

22 (C) providing education services if the
23 child is removed from or changes their school
24 for safety concerns;

1 (D) support for young witnesses who are
2 trying to leave a criminal gang and information
3 to prevent initial gang recruitment.

4 (E) protective services for young witnesses
5 and their families when a serious threat of
6 harm from the perpetrators or their associates
7 is made; and

8 (F) community outreach and school-based
9 initiatives that stimulate and maintain public
10 awareness and support.

11 (e) REPORTS.—

12 (1) REPORT.—State and local prosecutors and
13 law enforcement agencies that receive funds under
14 this section shall submit to the Director a report not
15 later than May 1st of each year in which grants are
16 made available under this section. Reports shall de-
17 scribe progress achieved in carrying out the purpose
18 of this section.

19 (2) REPORT TO CONGRESS.—The Director shall
20 submit to Congress a report by July 1st of each year
21 which contains a detailed statement regarding grant
22 awards, activities of grant recipients, a compilation
23 of statistical information submitted by applicants,
24 and an evaluation of programs established under
25 this section.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 \$3,000,000 for each of fiscal years 2006, 2007, and 2008.

4 **SEC. 27. STATE AND LOCAL COURT ELIGIBILITY.**

5 (a) BUREAU GRANTS.—Section 302(e)(1) of title I
6 of the Omnibus Crime Control and Safe Streets Act of
7 1968 (42 U.S.C. 3732(e)(1)) is amended by inserting
8 “State and local courts,” after “contracts with”.

9 (b) EDWARD BRYNE GRANTS.—

10 (1) FORMULA GRANTS.—Section 501 of title I
11 of the Omnibus Crime Control and Safe Streets Act
12 of 1968 (42 U.S.C. 3751) is amended—

13 (A) in subsection (a), by striking “and
14 units of local government” and inserting “,
15 units of local government, and State and local
16 courts”; and

17 (B) in subsection (b), by inserting “, State
18 and local courts,” after “use by States”.

19 (2) DISCRETIONARY GRANTS.—Section 510(a)
20 of title I of the Omnibus Crime Control and Safe
21 Streets Act of 1968 (42 U.S.C. 3760(a)) is amended
22 by inserting “, State and local courts,” after “pri-
23 vate agencies,”.

1 (c) ARMOR VESTS.—Section 2501 of title I of the
2 Omnibus Crime Control and Safe Streets Act of 1968
3 (3796ii) is amended—

4 (1) in subsection (a), by inserting “State and
5 local court,” after “local,”; and

6 (2) in subsection (b), by inserting “State and
7 local court” after “government,”.

8 (d) CHILD ABUSE PREVENTION.—Section 105 of the
9 Child Abuse Prevention and Treatment Act (42 U.S.C.
10 5106) is amended—

11 (1) in the section heading, by inserting “**STATE**
12 **AND LOCAL COURTS,**” after “**AGENCIES**”;

13 (2) in subsection (a), by inserting “and State
14 and local courts” after “such agencies or organiza-
15 tions)”;

16 (3) in subsection (a)(1), by inserting “and
17 State and local courts” after “organizations”.

18 **SEC. 28. AUTHORITY OF FEDERAL JUDGES AND PROSECU-**
19 **TORS TO CARRY FIREARMS.**

20 (a) IN GENERAL.—Chapter 203 of title 18, United
21 States Code, is amended by inserting after section 3053
22 the following:

1 **“§ 3054. Authority of Federal judges and prosecutors**
2 **to carry firearms**

3 “Any justice of the United States or judge of the
4 United States (as defined in section 451 of title 28), any
5 judge of a court created under article I of the United
6 States Constitution, any bankruptcy judge, any magistrate
7 judge, any United States attorney, and any other officer
8 or employee of the Department of Justice whose duties
9 include representing the United States in a court of law,
10 may carry firearms, subject to such regulations as the At-
11 torney General shall prescribe. Such regulations shall pro-
12 vide for training and regular certification in the use of
13 firearms and shall, with respect to justices, judges, bank-
14 ruptcy judges, and magistrate judges, be prescribed after
15 consultation with the Judicial Conference of the United
16 States.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 for such chapter is amended by inserting after the item
19 relating to section 3053 the following:

“3054. Authority of Federal judges and prosecutors to carry firearms.”.

Passed the House of Representatives November 9,
2005.

Attest:

JEFF TRANDAHL,

Clerk.