

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2892

To provide for Federal-State partnerships in order to provide sufficient prison space for particularly dangerous State offenders.

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IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1993

Mr. McCOLLUM introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide for Federal-State partnerships in order to provide sufficient prison space for particularly dangerous State offenders.

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 Control  
5        and Regional Prison Partnership Act of 1993”.

6        **SEC. 2. FEDERAL-STATE PARTNERSHIPS FOR REGIONAL**  
7        **PRISONS.**

8        (a) PLAN CREATED BY ATTORNEY GENERAL.—The  
9        Attorney General shall—

1 (1) establish a Regional Prison Task Force  
2 comprised of—

3 (A) the Director of the Federal Bureau of  
4 Prisons; and

5 (B) a senior correctional officer of each  
6 State wishing to participate, who is designated  
7 for this purpose by the Governor of the State;  
8 and

9 (2) create a plan, in consultation with the Re-  
10 gional Prison Task Force for the establishment of a  
11 nationwide regional prison system, and report that  
12 plan to the Committees on the Judiciary and Appro-  
13 priations of the House of Representatives and the  
14 Senate not later than 180 days after the date of the  
15 enactment of this Act.

16 (b) SCOPE OF PLAN.—The plan shall—

17 (1) define the boundaries and number of re-  
18 gions in which regional prisons will be placed;

19 (2) establish the terms of the partnership  
20 agreements that States must enter into with the At-  
21 torney General in order to participate in the regional  
22 prison system;

23 (3) set forth the extent of the role of the Fed-  
24 eral Bureau of Prisons in administering the prisons;

1           (4) determine the way 2 or more States in a re-  
2           gion will share responsibility for the activities associ-  
3           ated with the regional prisons; and

4           (5) specify both the Federal responsibility and  
5           the State responsibility (which shall not be less than  
6           50 percent) for construction costs and operating  
7           costs of the regional prisons.

8           (c) STATE ELIGIBILITY.—No State may send any  
9           prisoner to be held at a regional prison established under  
10          this section unless such State, as determined by the Attor-  
11          ney General—

12           (1) enters into a partnership agreement under  
13           this section and abides substantially by its terms;

14           (2) establishes minimum mandatory sentences  
15           of 10 years for persons who are convicted of a seri-  
16           ous felony and are subsequently convicted of a crime  
17           of violence involving the use of a firearm or a crime  
18           of violence involving a sexual assault;

19           (3) establishes a truth in sentencing policy  
20           under which offenders will serve no less than 85 per-  
21           cent of the term of imprisonment to which they are  
22           sentenced—

23           (A) after the date the State enters into the  
24           partnership agreement, with respect to crimes

1 of violence involving the use of a firearm or a  
2 crime of violence involving a sexual assault; and

3 (B) after a date set by the State which is  
4 not later than 2 years after that State enters  
5 into such agreement, with respect to all other  
6 crimes of violence and serious drug trafficking  
7 offenses;

8 (4) provides pretrial detention similar to that  
9 provided in the Federal system under section 3142  
10 of title 18, United States Code;

11 (5) takes steps to eliminate court imposed limi-  
12 tations on its prison capacity resulting from consent  
13 decrees or statutory provisions; and

14 (6) provides adequate assurances that—

15 (A) such State will not use the regional  
16 prison system to supplant any part of its own  
17 system; and

18 (B) funds provided by the State for the  
19 construction of regional prisons under this sec-  
20 tion will be in addition to what would otherwise  
21 have been made available for the construction  
22 and operation of prisons by the State.

23 (d) PRISONER ELIGIBILITY.—A State which is eligi-  
24 ble under this section may send prisoners convicted of

1 State crimes to serve their prison sentence in the regional  
2 prison established under this section if—

3 (1) the prisoner has been convicted of not less  
4 than 2 crimes of violence or serious drug trafficking  
5 offenses and then commits a crime of violence in-  
6 volving the use of a firearm or a crime of violence  
7 involving a sexual assault; or

8 (2) the prisoner is an illegal alien convicted of  
9 a felony offense punishable by more than 1 year’s  
10 imprisonment.

11 (e) DEFINITIONS.—As used in this section—

12 (1) the term “crime of violence” is a felony of-  
13 fense that is—

14 (A) punishable by imprisonment for a term  
15 exceeding one year; and

16 (B) a crime of violence as defined in sec-  
17 tion 16 of title 18, United States Code;

18 (2) the term “serious drug trafficking offense”  
19 is a felony offense that is—

20 (A) punishable by imprisonment for a term  
21 exceeding one year; and

22 (B) defined in section 924(e)(2)(A) of title  
23 18, United States Code;

24 (3) the term “serious felony” means a felony  
25 punishable by imprisonment for a term exceeding 1

1 year, or any act of juvenile delinquency involving the  
2 use or carrying of a firearm, knife, or destructive de-  
3 vice that would be punishable by imprisonment for  
4 such term if committed by an adult, that—

5 (A) has as an element the use, attempted  
6 use, or threatened use of physical force against  
7 the person of another;

8 (B) is burglary, arson, or extortion, in-  
9 volves use of explosives, or otherwise involves  
10 conduct that presents a serious potential risk of  
11 physical injury to another; or

12 (C) involves conduct in violation of section  
13 401 of the Controlled Substances Act that con-  
14 sists of illegal distribution of a controlled sub-  
15 stance;

16 (4) the term “crime of violence involving a sex-  
17 ual assault” is a crime of violence that is an offense  
18 as defined in chapter 109A of title 18, United States  
19 Code; and

20 (5) the term “State” includes the District of  
21 Columbia, Puerto Rico, and any other territory or  
22 possession of the United States.

23 (f) REGIONAL PRISON FUND.—There is established  
24 in the Treasury the Regional Prison Fund. The Regional  
25 Prison Fund shall consist of—

1 (1) sums appropriated to it by Act of Congress;

2 (2) notwithstanding section 1401 of the Victims  
3 of Crime Act of 1984 (42 U.S.C. 10601) or any  
4 other provision of law, the total of criminal fines de-  
5 posited in the Crime Victims Fund during each fis-  
6 cal year (beginning after the date of the enactment  
7 of this Act) that exceeds \$150,000,000;

8 (3) notwithstanding any other provision of law,  
9 any portion of the Department of Justice Asset For-  
10 feiture Fund that the Attorney General determines  
11 is remaining after distributions of—

12 (A) funds to be shared with State and  
13 local law enforcement;

14 (B) funds to pay warehouse and appraisal  
15 fees and innocent lien holders; and

16 (C) funds for Federal law enforcement.

17 (g) TRANSFERS.—The Secretary of the Treasury  
18 shall from time to time make appropriate transfers be-  
19 tween funds to implement subsection (f).

20 (h) USE OF REGIONAL PRISON FUND.—The Attor-  
21 ney General may use any sums in the Regional Prison  
22 Fund to carry out this section.

23 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated to the Regional Prison  
25 Fund—

1           (1) \$1,000,000,000 for each of fiscal years  
2           1994 through 1996; and

3           (2) such sums as may be necessary thereafter  
4           through fiscal year 2004.

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