



Legislative Bulletin.....May 11, 2005

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H.R. 1279—Amendments to the Gang Deterrence and Community Protection Act

H.R. 1279, the Gang Deterrence and Community Protection Act (sponsored by Rep. Forbes), is scheduled to be considered on the House floor on Wednesday, May 11th, subject to a structured rule (H.Res.268). Below are the summaries of the 10 amendments made in order under the rule. Note: summaries are based on RSC staff's review of actual amendment text. For a summary of the underlying bill, see a separate RSC document released earlier in the week.

1. Sensenbrenner #1

Manager's Amendment. Excludes property crimes from crime of violence definition for Gang Crimes as revised by H.R. 1279, and adds conspiracy as a possible violation under Interstate and Foreign Travel in Aid of Racketeering Enterprises, increasing penalties for such violations. Additionally, the amendment modifies the definition of "crime of violence," clarifying that the act, by its nature, creates substantial risk that physical injury may result to person or property of another. The amendment also clarifies an exception to ban on possession of handguns by juveniles, permitting juveniles to possess firearms while in the presence of parent or guardian who is not prohibited from possessing such a firearm by Federal, State or local law, and does not require that juvenile have written authorization from such parent or guardian. **(10 minutes)**

2. Cuellar #6: Increases the authorization for the establishment of High Intensity Interstate Gang Activity Areas from \$50 million each year to \$60 million (from \$250 million to \$300 million over five years). The amendment authorizes the establishment of a National Gang Intelligence Center at the Federal Bureau of Investigation. While the amendment sponsor claims that the FY05 Omnibus Appropriations provided a \$10 million appropriation for the Intelligence Center, according to the Omnibus Committee Report, the Center received a one-time, unauthorized earmark of \$1.754 million in FY05, with the remaining \$8.246 million appropriated for "additional agents, analysts and support staff to address the most violent gangs throughout the country." IT is unclear from the amendment text if the sponsor intends for the additional \$50 million authorized over five years to be directed exclusively toward the National Center. **(10 minutes)**

3. Johnson, E.B. #16: Directs the U.S. Attorney General to utilize some of the authorized funds to establish regional databases that track gang activity in high intensity gang areas. The amendment details specific items required to be tracked in the database including, "contain critical information

on gangs, gang members, **firearms**, criminal activities, vehicles, and other information useful for investigators in solving gang-related crimes...”(emphasis added). **(10 minutes)**

4. Watson #3: Requires the Attorney General to seek input from local elected officials before designating an area as a "High-Intensity Interstate Gang Activity Area." **(10 minutes)**

5. Watson #4: Authorizes an additional \$20 million each year, for five years (\$100 million over five years) for the addition of 100 new inspectors and 100 new agents for the Bureau of Alcohol, Tobacco, Firearms and Explosives. The additional inspectors and agents would be assigned to the new High Intensity Interstate Gang Activity Areas. **(10 minutes)**

6. Wynn #19 Authorizes the U.S. Attorney General to conduct media campaigns in the High Intensity Interstate Gang Activity Areas and areas with “emerging problems with gangs” regarding changes in penalties for gang-related crime. The amendment defines neither “media campaigns” nor “emerging problems” and does not include any authorized level of funding. The Attorney General is to report to the House Judiciary Committee all costs associated with the campaigns. **(10 minutes)**

7. Goodlatte #5: Adds five years to any sentence for violent crimes or drug trafficking offenses when the violator is an illegal alien. Also adds 15 years to any such sentence if the illegal alien has been previously deported on the grounds of a criminal offense and has re-entered the country. Requires the Department of Homeland Security (DHS) to send all the names of individuals who are subject to deportation orders or who have signed voluntary deportation papers to the National Crime Information Center (NCIC). **(20 minutes)**

8. Norwood #18: Requires DHS to provide to the National Crime Information Center of the Department of Justice information on three categories of illegal aliens: those with a final order of removal, those who have signed a voluntary departure agreement, and those who have overstayed their visa. **(10 minutes)**

9. Norwood #17: Requires a study to be conducted by the Department of Justice and the Department of Homeland Security on the link of illegal aliens and gang membership. The report is to be given to Congress within one year. The amendment does not include any authorized level of funding. **(10 minutes)**

10. Waters/Scott (VA) #20 Strikes all sections of the bill that sets mandatory minimum sentences for gang-related crime (sections 102, 103, 104, 105, 106 and 107). **(20 minutes)**

According to the bill sponsor, who is opposing this amendment, “Mandatory minimum penalties send a clear message to violent gang offenders: if you commit the crime, you will do the time. Such an approach has proven effective in other gun violence reduction programs such as Project Exile in Virginia and in the Administration’s Project Safe Neighborhoods. A similar approach is needed here now with our national effort against violent gangs.”

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