

96TH CONGRESS
1ST SESSION

S. 565

To provide for financial assistance to improve the capabilities of units of local government to deal with career criminals, to establish the Office of Repeat Offenders Prosecution Projects within the Law Enforcement Assistance Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 7 (legislative day, FEBRUARY 22), 1979

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

X A BILL

To provide for financial assistance to improve the capabilities of units of local government to deal with career criminals, to establish the Office of Repeat Offenders Prosecution Projects within the Law Enforcement Assistance Administration, 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 That this Act may be cited as the "Repeat Offenders Pros-
4 ecution Act".

5 STATEMENT OF FINDINGS AND DECLARATION OF PURPOSE

6 SEC. 2. (a) The Congress finds that—

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1 (2) "Director" means the Director of the Office of
2 Repeat Offenders Prosecution Projects;

3 (3) "Office" means the Office of Repeat Offenders
4 Prosecution Projects established within the Law En-
5 forcement Assistance Administration; and

6 (4) "eligible units of general local government"
7 means any such units of general local government de-
8 fined in section 601 of the Omnibus Crime Control and
9 Safe Streets Act of 1968 having a population of two
10 hundred and fifty thousand or more individuals on the
11 basis of the most satisfactory current data available to
12 the Administrator.

13 FINANCIAL ASSISTANCE AUTHORIZED

14 SEC. 4. The Administrator is authorized to make grants
15 to eligible units of general local government and to provide
16 technical assistance to such units of general local government
17 to assist such units in establishing and operating programs
18 designed to identify and expedite the prosecution and convic-
19 tion of career criminal offenders.

20 APPLICATION

21 SEC. 5. (a) A grant may be made under this Act only
22 pursuant to an application submitted to the Administrator at
23 such time, in such manner, and containing or accompanied by
24 such information as the Administrator deems reasonably nec-
25 essary. Each such application shall—

1 (1) designate or establish a local agency or office
2 to implement and administer the repeat offender prosecution
3 program for which assistance is sought;

4 (2) set forth the rate of crime in the area served
5 by the eligible unit of local government including the
6 number of repeat offenders and a detailed description of
7 the existing components of the criminal justice system
8 of the eligible unit of general local government, including
9 but not limited to, police agencies, prosecutors,
10 courts, correctional agencies and public defenders, and
11 how each of the components so described will be utilized,
12 altered, or reformed to implement the repeat offender
13 prosecution program for which assistance is
14 sought under this Act;

15 (3) contain satisfactory assurances of the actual
16 and continuing cooperation of all the components of the
17 criminal justice system of the eligible unit of general
18 local government in such a repeat offender prosecution
19 program;

20 (4) set forth criteria to be used in the selection of
21 career criminal offenders to be prosecuted under such
22 repeat offender prosecution programs;

23 (5) provide for the collection of information necessary
24 to identify career recidivists to classify such
25 career recidivists, as career criminal offenders, and to

1 follow the cases of such criminal offenders through the
2 criminal justice system of such eligible unit of general
3 local government subject to the provisions of section
4 524(b) of the Omnibus Crime Control and Safe Streets
5 Act of 1968;

6 (6) provide for the collection and submission of
7 such information as the Director may reasonably re-
8 quire;

9 (7) provide for procedures to protect the rights
10 and privacy of accused individuals and to assure that
11 the information collected regarding such individuals
12 will be used only for law enforcement and criminal jus-
13 tice purposes in accordance with the provisions of sec-
14 tion 524(b) of the Omnibus Crime Control and Safe
15 Streets Act of 1968;

16 (8) set forth a description of the anticipated
17 impact of the repeat offender prosecution program as-
18 sisted under this Act on detention facilities and a de-
19 scription of actions to be taken by the eligible unit of
20 general local government to address the problems
21 raised by such anticipated impact;

22 (9) provide an itemized estimated cost for the im-
23 plementation and operation of the repeat offender pros-
24 ecution program for which assistance is sought under
25 this Act;

1 (10) provide for continuing coordination between
2 the repeat offender prosecution program assisted under
3 this Act and related law enforcement activities assisted
4 under title I of the Omnibus Crime Control and Safe
5 Streets Act of 1968;

6 (11) set forth policies and procedures which
7 assure that Federal funds made available under this
8 Act for any fiscal year will be so used to supplement
9 and, to the extent practical, increase the level of funds
10 that would, in the absence of such Federal funds, be
11 made available by the eligible unit of general local
12 government for the purposes described in the applica-
13 tion, and in no case supplant such funds; and

14 (12) provide for such fiscal control and fund ac-
15 counting procedures as may be necessary to assure the
16 proper disbursement of and accounting for Federal
17 funds paid to the eligible unit of general local govern-
18 ment under this Act.

19 (b) An application by an eligible unit of general local
20 government for financial assistance under this Act may be
21 approved by the Administrator only if it meets the require-
22 ments set forth in subsection (a) of this section.

23 (c) Amendments of applications shall, except as the Ad-
24 ministrator may otherwise provide, be subject to the approval
25 in the same manner as original applications.

1

TECHNICAL ASSISTANCE

2

SEC. 6. The Administrator is authorized to undertake
3 such activities as he determines are necessary to provide
4 either directly or by way of grants, contracts, or other ar-
5 rangements, technical assistance to eligible units of general
6 local government in planning, developing, and administering
7 repeat offender prosecution programs for which assistance is
8 provided under this Act.

9

LIMITATIONS ON PAYMENTS

10

SEC. 7. (a) No payment may be made under this Act to
11 any single eligible unit of general local government in any
12 fiscal year in an amount less than \$100,000.

13

(b) No payment for any fiscal year under this Act to the
14 eligible units of general local government in a single State
15 shall exceed 12½ per centum of the aggregate payments to
16 all eligible units of general local government in that year
17 under this Act.

18

PAYMENTS

19

SEC. 8. (a) The Administrator shall pay in any fiscal
20 year to each eligible unit of general local government which
21 has an application approved pursuant to this Act for that
22 fiscal year the amount necessary to carry out such applica-
23 tion as determined by him.

24

(b) Payments under this section may be made in install-
25 ments, in advance or by way of reimbursement, with neces-

1 sary adjustments on account of overpayments or underpay-
2 ments.

3 (c) The Administrator shall give due consideration to
4 providing financial assistance for the continued funding of
5 programs of demonstrated effectiveness which otherwise
6 meet the requirements of this Act.

7

CONSULTATION

8 SEC. 9. In carrying out the provisions of this Act, the
9 Administrator shall consult with the Attorney General and
10 the heads of such other Federal agencies as he determines
11 will assist in carrying out the provisions of this Act.

12 OFFICE OF REPEAT OFFENDERS PROSECUTION PROJECTS

13

ESTABLISHED

14 SEC. 10. (a) There is established within the Law En-
15 forcement Administration of the Department of Justice, the
16 Office of Repeat Offenders Prosecution Projects.

17 (b) The programs authorized by this Act, unless other-
18 wise specifically provided in this Act, shall be administered
19 by the Office established under this section.

20 (c)(1) The Office shall be headed by a Director, who
21 shall be appointed by the President, by and with the advice
22 and consent of the Senate. Under the general supervision and
23 direction of the Administrator, the Director shall exercise all
24 of the functions of the Office under this Act.

1 (2) There shall be in the Office a Deputy Director who
2 shall be appointed by the Administrator. The Deputy Direc-
3 tor shall perform such functions as the Director may pre-
4 scribe and shall be Acting Director during the absence or
5 disability of the Director or in the event of a vacancy in the
6 office of the Director.

7

FUNCTIONS OF THE OFFICE

8 SEC. 11. In order to carry out the purposes of this Act,
9 the Administrator shall—

10 (1) make grants to eligible units of general local
11 government for special prosecution programs for career
12 criminal offenders in accordance with this Act;

13 (2) provide technical assistance to eligible units of
14 general local government in the planning, establish-
15 ment, and operation of such programs;

16 (3) provide for the widest practicable and appro-
17 priate dissemination of information including an analy-
18 sis and evaluation of the performance and results ob-
19 tained from the operation of repeat offender prosecu-
20 tion programs for career criminal offenders assisted
21 under this Act; and

22 (4) prepare and submit a report to the President
23 for transmittal to the Congress at least once each year
24 on the activities of the Office and programs assisted by
25 the Office, together with such recommendations, includ-

1 ing recommendations for legislation, as the Administra-
2 tor deems appropriate.

3 ADMINISTRATIVE PROVISIONS

4 SEC. 12. (a) The Administrator is authorized, in carry-
5 ing out his functions under this Act, to—

6 (1) appoint and fix the compensation of such per-
7 sonnel as he deems necessary;

8 (2) employ experts and consultants in accordance
9 with section 3109 of title 5, United States Code;

10 (3) appoint one or more advisory committees com-
11 posed of such private citizens and officials of Federal,
12 State, and local governments as he deems desirable to
13 advise him with respect to his functions under this Act;

14 (4) promulgate such rules, regulations, and proce-
15 dures as may be necessary to carry out his functions,
16 including the establishment of priorities to be applied in
17 the approval of applications under this Act;

18 (5) utilize, with their consent, the services, equip-
19 ment, personnel, information, and facilities of other
20 Federal, State, local, and private agencies and instru-
21 mentalities, with or without reimbursement therefor;

22 (6) without regard to section 529 of title 31,
23 United States Code, to enter into and perform such
24 contracts, leases, cooperative agreements, and other

1 transactions as may be necessary to carry out his func-
2 tions under this Act with any public agency, with any
3 person, firm, association, corporation, or educational
4 institution, and make grants to any public agency or
5 private nonprofit organization;

6 (7) accept voluntary and uncompensated services,
7 notwithstanding the provisions of section 665(b) of title
8 31, United States Code;

9 (8) request such information, data, and reports
10 from any Federal agency as the Administrator may
11 from time to time require and as may be produced con-
12 sistent with other provisions of law; and

13 (9) arrange with the heads of other Federal agen-
14 cies for the performance of any of his functions under
15 this Act with or without reimbursement, and with the
16 approval of the Attorney General, delegate and author-
17 ize the redelegation of any of his functions under this
18 Act.

19 (b) Upon request made by the Administrator each Fed-
20 eral Agency is authorized and directed to make its services,
21 equipment, personnel, facilities, and information (including
22 suggestions, estimates and statistics) available to the greatest
23 practical extent to the office in the performance of its func-
24 tions.

1 (c) Each member of the committee appointed pursuant
2 to paragraph (3) of subsection (a) of this section shall receive
3 \$120 a day including traveltime, for each day he is engaged
4 in the actual performance of his duties as a member of the
5 committee. Each such member shall also be reimbursed for
6 travel, subsistence, and other necessary expenses incurred in
7 the performance of his duties.

8 COMPENSATION OF THE DIRECTOR

9 SEC. 13. Section 5316 of title 5, United States Code, is
10 amended by adding at the end thereof the following new
11 paragraph:

12 “(152) Director, Office of Repeat Offenders Pros-
13 ecution Projects, Law Enforcement Assistance Admin-
14 stration.”.

15 WITHHOLDING OF GRANTS

16 SEC. 14. Whenever the Administrator, after reasonable
17 notice and opportunity for a hearing to any eligible unit of
18 general local government, finds—

19 (1) that there has been a failure to comply sub-
20 stantially with any requirement set forth in the applica-
21 tion of an eligible unit of general local government ap-
22 proved under section 5; or

23 (2) that in the operation of any program or project
24 assisted under this Act there is a failure to comply
25 substantially with any applicable provision of this Act;

1 the Administrator shall notify such eligible unit of general
2 local government of his findings and that no further payments
3 may be made to such local government under this Act until
4 he is satisfied that there is no longer any such failure to
5 comply, or the noncompliance will be promptly corrected.
6 The Administrator may authorize the continuance of pay-
7 ments with respect to any program or project assisted under
8 this Act which is being carried out pursuant to such applica-
9 tion and which is not involved in the noncompliance.

10

REVIEW AND AUDIT

11 SEC. 15. The Administrator and the Comptroller Gen-
12 eral of the United States, or any of their duly authorized
13 representatives, shall have access for the purpose of audit
14 and examination, to any books, documents, papers, and rec-
15 ords of a grant made under this Act that are pertinent to the
16 grant received.

17

SAVINGS PROVISION

18 SEC. 16. Nothing contained in this Act shall be con-
19 strued to prevent or impair the enforcement of any other pro-
20 vision of Federal law.

21

AUTHORIZATION OF APPROPRIATIONS

22 SEC. 17. There are authorized to be appropriated
23 \$40,000,000 for the fiscal year 1979, \$35,000,000 for the
24 fiscal year 1980, and \$30,000,000 for the fiscal year 1981 to
25 carry out the provisions of this Act.

END