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S. 829 COMPREHENSIVE CRIME CONTROL ACT  
OF 1983:

INTRODUCED MARCH 16, 1983, BY SENATOR THURMOND; FOR THE ADMINISTRATION WITH SENATOR LAXALT AS A COSPONSOR.

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TITLE I - BAIL REFORM (SUBSTANTIALLY THE SAME AS S. 215, INTRODUCED 1-27-83 BY THURMOND)

- PERMIT COURTS TO CONSIDER DANGER TO THE COMMUNITY IN MAKING BAIL DETERMINATIONS;
- TIGHTEN THE CRITERIA FOR POST-CONVICTION RELEASE PENDING SENTENCING AND APPEAL;
- PROVIDE FOR REVOCATION OF RELEASE AND INCREASED PENALTIES FOR CRIMES COMMITTED WHILE ON RELEASE; AND
- INCREASE PENALTIES FOR BAIL JUMPING.

(OVER)

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(OVER)

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TITLE II - SENTENCING REFORM (SUBSTANTIALLY  
THE SAME S. 608 INTRODUCED 5-3-83  
BY SENATOR KENNEDY WITH THURMOND  
AS COSPONSOR)

- ESTABLISH A DETERMINATE SENTENCING SYSTEM WITH NO PAROLE AND LIMITED "GOOD TIME" CREDITS;
- PROMOTE MORE UNIFORM SENTENCING BY ESTABLISHING A COMMISSION TO SET A NARROW SENTENCING RANGE FOR EACH FEDERAL CRIMINAL OFFENSE;
- REQUIRE COURTS TO EXPLAIN IN WRITING ANY DEPARTURE FROM SENTENCING GUIDELINES; AND
- AUTHORIZE DEFENDANTS TO APPEAL SENTENCES HARSHER AND THE GOVERNMENT TO APPEAL SENTENCES MORE LENIENT THAN THE SENTENCING COMMISSION GUIDELINES.

TITLE III - EXCLUSIONARY RULE REFORM

- WOULD CREATE AN EXCEPTION TO THE APPLICATION OF THE EXCLUSIONARY RULE TO PREVENT SUPPRESSION OF EVIDENCE WHERE IT CAN BE SHOWN THAT OFFICERS WERE PROCEEDING IN A GOOD FAITH AND OBJECTIVELY REASONABLE BELIEF THAT THEY WERE ACTING IN COMPLIANCE WITH THE LAW.

TITLE IV - FORFEITURE REFORM (SAME AS SENATE  
PASSED S. 2320 OCT. 1, 1982 -  
INTRODUCED BY THURMOND)

- FORFEITURE OF PROFITS AND PROCEEDS OF ORGANIZED CRIME ENTERPRISES;
- CRIMINAL FORFEITURE IN ALL NARCOTICS TRAFFICKING CASES;
- EXPANDED PROCEDURES FOR "FREEZING" FORFEITABLE PROPERTY PENDING JUDICIAL PORCEEDINGS;
- FORFEITURE OF SUBSTITUTE ASSETS WHERE OTHER ASSETS HAVE BEEN REMOVED FROM THE REACH OF THE GOVERNMENT;

(CONTINUED ON NEXT PAGE)

TITLE IV - FORFEITURE (CONTINUED)

- A BROADER SCOPE OF PROPERTY SUBJECT TO CRIMINAL FORFEITURE; AND
- EXPANDED USE OF ADMINISTRATIVE FORFEITURE IN NONCONTESTED CASES.

TITLE V - INSANITY DEFENSE REFORM (SUBSTANTIALLY THE SAME AS S. 105, INTRODUCED 1-26-83 BY THURMOND)

- LIMIT THE DEFENSE TO THOSE WHO ARE UNABLE TO APPRECIATE THE NATURE OR WRONGFULNESS OF THEIR ACTS;
- PLACE THE BURDEN ON THE DEFENDANT TO ESTABLISH THE DEFENSE BY CLEAR AND CONVINCING EVIDENCE;
- PREVENT EXPERT TESTIMONY ON THE ULTIMATE ISSUE OF WHETHER THE DEFENDANT HAD A PARTICULAR MENTAL STATE OR CONDITION; AND
- ESTABLISH PROCEDURES FOR FEDERAL CIVIL COMMITMENT OF PERSONS FOUND GUILTY BY REASON OF INSANITY IF NO STATE WILL COMMIT HIM.

TITLE VI - REFORM OF FEDERAL INTERVENTION IN STATE PROCEEDINGS (SAME AS S. 217, INTRODUCED 1-27-83 BY THURMOND)

- REQUIRING FEDERAL DEFERENCE TO "FULL AND FAIR" STATE COURT PROCEEDINGS;
- LIMIT THE TIME WITHIN WHICH STATE ADJUDICATIONS MAY BE CHALLENGED IN FEDERAL COURT; AND
- MAKE OTHER IMPROVEMENTS IN FEDERAL HABEAS CORPUS LAWS.

TITLE VII - DRUG ENFORCEMENT AMENDMENTS (SUBSTANTIALLY SAME AS S. 2572 PROVISIONS WHICH PASSED SENATE 9-30-82 INTRODUCED BY THURMOND)

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TITLE VII - DRUG ENFORCEMENT AMENDMENTS

(CONTINUED)

- STRENGTHEN FEDERAL PENALTIES APPLICABLE TO NARCOTICS OFFENSES;
- REDUCE THE REGULATORY BURDEN ON LAW-ABIDING MANUFACTURERS AND DISTRIBUTORS OF LEGITIMATE CONTROLLED SUBSTANCES; AND
- STRENGTHEN THE ABILITY OF THE DRUG ENFORCEMENT ADMINISTRATION TO PREVENT DIVERSION OF LEGITIMATE CONTROLLED SUBSTANCES TO ILLEGAL USES.

TITLE VIII - JUSTICE ASSISTANCE ACT

- AUTHORIZE A MODEST PROGRAM OF FINANCIAL ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT TO HELP FINANCE ANTI-CRIME PROGRAMS OF PROVEN EFFECTIVENESS; AND
- STREAMLINE THE COMPONENTS OF THE DEPT. OF JUSTICE RESPONSIBLE FOR STATISTICAL, RESEARCH AND OTHER ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT.

TITLE IX - SURPLUS PROPERTY AMENDMENTS (SAME AS S. 2572 INTRODUCED BY THURMOND AND PASSED SENATE 9-30-82)

- WOULD FACILITATE DONATION OF SURPLUS FEDERAL PROPERTY TO STATE AND LOCAL GOVERNMENTS FOR URGENTLY NEEDED PRISON SPACE.

TITLE X - REINSTITUTION OF CAPITAL PUNISHMENT (SAME AS S. 538, INTRODUCED BY THURMOND 2-22-83)

- WOULD ESTABLISH CONSTITUTIONALLY PERMISSIBLE PROCEDURES FOR IMPOSITION OF THE DEATH PENALTY IN CERTAIN HOMICIDE, TREASON AND ESPIONAGE CASES.

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TITLE XI - LABOR RACKETEERING AMENDMENTS

- RAISE FROM FIVE TO TEN YEARS THE PERIOD OF TIME THAT A CORRUPT OFFICIAL CAN BE DEBARRED FROM UNION OR TRUST FUND POSITIONS; AND
- MAKE DEBARMENT EFFECTIVE UPON THE DATE OF CONVICTION RATHER THAN THE DATE ALL APPEALS ARE EXHAUSTED.

TITLE XII - FOREIGN CURRENCY TRANSACTION AMENDMENTS (SAME AS S. 2572

- INTRODUCED BY THURMOND AND PASSED SENATE 9-30-82)
- ADD AN "ATTEMPT" PROVISION TO EXISTING LAWS PROHIBITING TRANSPORTATION OF CURRENCY OUT OF THE UNITED STATES IN VIOLATION OF REPORTING REQUIREMENTS;
- STRENGTHEN PENALTIES FOR CURRENCY VIOLATIONS AND AUTHORIZE PAYMENT OF REWARDS FOR INFORMATION LEADING TO THE CONVICTION OF MONEY LAUNDERERS; AND
- CLARIFY THE AUTHORITY OF U.S. CUSTOMS AGENTS TO CONDUCT BORDER SEARCHES RELATED TO CURRENCY OFFENSES.

TITLE XIII - FEDERAL TORT CLAIMS ACT AMENDMENTS

- WOULD MAKE THE UNITED STATES, RATHER THAN INDIVIDUAL FEDERAL LAW ENFORCEMENT AGENTS, CIVILLY LIABLE FOR COMMON LAW AND CONSTITUTIONAL TORTS INVOLVING INJURY TO PROPERTY OR PERSONS.

(OVER)

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TITLE XIV - VIOLENT CRIME AMENDMENTS (10 out  
of 13 points included in S. 2572  
introduced by Thurmond and  
passed Senate 9-30-82)

MISCELLANEOUS TITLE CONSISTING OF 13 IMPROVE-  
MENTS IN FEDERAL LAWS AS FOLLOWS:

- P.330 -- FEDERAL JURISDICTION OVER MURDER-FOR-  
HIRE AND CRIMES IN AID OF RACKETEERING  
ACTIVITY;
- P.334 -- SOLICITATION TO COMMIT A CRIME OF  
VIOLENCE;
- P.335 -- STRENGTHENING OF THE FEDERAL FELONY-  
MURDER RULE;
- P.336 -- MINIMUM MANDATORY SENTENCES FOR USE OF  
FIREARMS IN THE COURSE OF FEDERAL CRIMES;
- P.336 -- ADDITIONAL MINIMUM MANDATORY SENTENCES  
FOR USE OF ARMOR-PIERCING BULLETS IN  
THE COURSE OF FEDERAL CRIMES;
- P.338 -- CRIMINAL PENALTIES FOR KIDNAPING OF  
FEDERAL OFFICIALS;
- P.339 -- CRIMINAL PENALTIES FOR CRIMES DIRECTED  
AT FAMILY MEMBERS OF FEDERAL OFFICIALS;
- P.341 -- ADDITION OF THE CRIMES OF MAIMING AND  
SODOMY TO THE MAJOR CRIMES ACT;
- P.342 -- STRENGTHENING OF PENALTIES FOR VIOLENCE  
DIRECTED AT INTERSTATE TRUCKERS;
- P.342 -- IMPROVEMENTS IN FEDERAL LAWS TO PROTECT  
ENERGY FACILITIES;
- P.343 -- EXPANSION OF THE LIST OF OFFICIALS  
PROTECTED BY THE FEDERAL ASSAULT STATUTE;
- P.344 -- CRIMINAL PENALTIES FOR ESCAPE FROM CIVIL  
COMMITMENT; AND
- P.345 -- COMPREHENSIVE AMENDMENTS TO THE PROCE-  
DURES GOVERNING EXTRADITION OF FOREIGN  
CRIMINALS FOUND IN THE UNITED STATES.

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TITLE XV - SERIOUS NON-VIOLENT OFFENSES IS  
A COMPILATION OF 9 MISCELLANEOUS AMENDMENTS  
TO STRENGTHEN FEDERAL LAWS GOVERNING SERIOUS  
BUT NON-VIOLENT CRIMES INCLUDING:

- P. 363 -- PRODUCT TAMPERING;
- P. 366 -- CHILD PORNOGRAPHY;
- P. 367 -- OBSTRUCTION OF JUSTICE BY GIVING WARNING  
OF THE IMPENDING EXECUTION OF A SEARCH  
WARRANT;
- P. 368 -- FRAUD AND BRIBERY RELATED TO FEDERAL  
PROGRAMS;
- P. 370 -- COUNTERFEITING OF STATE AND CORPORATE  
SECURITIES AND FORGED ENDORSEMENTS OF  
FEDERAL SECURITIES;
- P. 374 -- RECEIPT OF STOLEN BANK PROPERTY;
- P. 375 -- BRIBERY RELATED TO FEDERALLY REGULATED  
BANKS;
- P. 378 -- BANK FRAUD; AND
- P. 379 -- POSSESSION OF CONTRABAND IN PRISON.

TITLE XVI - PROCEDURAL AMENDMENTS IS A SERIES  
OF 7 PROCEDURAL AMENDMENTS TO FEDERAL CRIMI-  
NAL JUSTICE LAWS AS FOLLOWS:

- P. 380 -- PROSECUTION OF CERTAIN JUVENILES AS  
ADULTS;
- P. 384 -- WIRETAP AMENDMENTS;
- P. 385 -- EXPANSION OF VENUE FOR THREAT OFFENSES;
- P. 386 -- INJUNCTIONS AGAINST FRAUD;
- P. 387 -- GOVERNMENT APPEAL OF POST-CONVICTION  
NEW TRIAL ORDERS;
- P. 387 -- WITNESS SECURITY PROGRAM IMPROVEMENTS;  
AND
- P. 390 -- CLARIFICATION OF VENUE FOR CERTAIN  
CRIMINAL TAX PROSECUTIONS.

(END)

S. 829

# COMPREHENSIVE CRIME CONTROL ACT (ADMINISTRATION)

SBILLO0829 DOCUMENT= 1 OF 1 NUMBER OF LINES = 356  
BD BILL DIGEST ..... Mar 16, 83. Comprehensive Crime Control Act of  
1983 - Title I: Bail - Bail Reform Act of 1983 - Repeals the  
Bail Reform Act of 1966 and sets forth new bail procedures.  
Retains execution of a money bond as a condition for pretrial  
release.

Authorizes a judicial officer to consider the safety of any  
person or the community when making a pretrial release  
determination.

Establishes as a mandatory release condition that the person  
not commit a Federal, State, or local crime during release.  
Expands the discretionary release conditions to include that the  
defendant: (1) maintain employment or an educational program; (2)  
avoid contact with an alleged victim or potential witness; (3)  
report to a law enforcement or pretrial service agency; (4) comply  
with a curfew; (5) refrain from possessing a firearm or using  
alcohol or narcotic drugs; (6) undergo medical treatment; (7) agree  
to forfeit designated property, including money, upon failure to  
appear; and (8) return to custody at specified hours.

Prohibits a judicial officer from imposing financial conditions  
that result in the pretrial detention of a person.

Authorizes a judicial officer to order detention for up to ten  
days: (1) if a person who is presently on pretrial release for a  
felony under Federal, State, or local law or on probation or  
parole or release pending sentencing or appeal for any offense,  
upon a determination that such person may flee or pose a danger to  
any person or the community; or (2) if such person is not a U.S.  
citizen.

Requires that a detention hearing be held in any case  
involving: (1) a crime of violence; (2) any offense punishable by  
life imprisonment or death; (3) a narcotics offense punishable by  
at least ten years' imprisonment; (4) a serious risk of flight or  
obstruction of justice; or (5) any felony committed after the  
person has been convicted of two or more offenses for which a  
hearing is mandated.

Authorizes a judicial officer after such a hearing to order the  
pretrial detention of a person upon finding that no condition will  
reasonably assure such person's appearance and the safety of  
any other person and the community.

Enumerates additional factors to be considered by the judicial  
officer in making a release determination, including the

defendant's past conduct, history of drug or alcohol abuse, criminal history, and the nature and seriousness of the danger to the community or any person.

Requires the detention of a person who has appealed his conviction unless the judicial officer finds by clear and

convincing evidence that: (1) such person is not likely to flee or pose a danger to another person or property; and (2) the appeal raises a substantial question of law or fact. Requires the detention of a person awaiting sentencing unless the officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community.

Authorizes a U.S. attorney to appeal a release order.

Makes a person guilty of an offense for failing to appear after having been released. Provides increased penalties for persons charged with more serious offenses. Makes it an affirmative defense to such crime that uncontrollable circumstances prevented the person from appearing.

Establishes mandatory additional penalties for commission of an offense while on pretrial release.

Subjects a person who has been conditionally released and violates a condition of release to revocation or release and prosecution for contempt of court.

Authorizes a surety to arrest a person charged with an offense who is released upon execution of an appearance bond with such surety. Requires such person to be delivered promptly to a judicial officer for a revocation determination.

Grants new authority to law enforcement officers to arrest a person who violates pretrial release conditions.

#### Title II: Sentencing Reform - Sentencing Reform Act of 1983

- Sets forth a new sentencing structure applicable to a defendant who is found guilty of an offense under any Federal statute. Permits an individual to be sentenced to a term of imprisonment or probation and a fine, and to receive additional sanctions, including: (1) forfeiture for certain racketeering crimes and drug-related offenses; (2) an order of notice to victims of crimes in cases involving fraud or deceptive practices; or (3) an order of restitution in cases involving bodily injury or property damage. Permits an organization to receive these penalties, with the exception of imprisonment.

6 Creates the United States Sentencing Commission. Specifies factors to be considered by a sentencing court, including the guidelines and policy statements issued by the United States Sentencing Commission.

7 Requires the court to impose a sentence within the range set forth by the Commission unless aggravating or mitigating circumstances exist that were not adequately considered by the Commission in formulating the guidelines. Requires the court to state in open court at the time of sentencing the reason for imposing a sentence at a point within the prescribed range, or the

specific reason for imposing a sentence outside of such range.

1 Authorizes the imposition of a term of probation, unless

specifically prohibited, for all but the most serious class of felonies. Requires as a mandatory condition of probation that a defendant not commit another crime. Enumerates 20 discretionary conditions.

2 Sets forth a fine schedule for the categories of offenses generally at higher levels than current law. Includes higher maximums for organizational defendants. Directs the court to consider the defendant's financial status in determining the amount

of a fine and the method of payment.

3 Sets maximum terms of imprisonment for five classes of felonies (A to E), three classes of misdemeanors (A to C), and an infraction (five day maximum). Allows the court, in imposing a sentence of imprisonment for a felony or misdemeanor, to include a term of supervised release after imprisonment.

8 4 Eliminates the special sentencing provisions under current law for dangerous special offenders, youth offenders, young adult offenders, and drug addicts, but provides for these categories of offenders under the proposed sentencing guidelines.

9 Excludes capital punishment as an authorized penalty, but leaves unaffected the current death penalty and procedures for aircraft hijackings.

4 Eliminates the parole system. Permits a defendant to petition for a sentence reduction upon a showing of extraordinary and compelling reasons. Limits this motion for defendants who are sentenced to six or more years of imprisonment.

5 Allows the defendant or the government to file a notice of appeal in the district court for review of a final sentence.

10 Provides for congressional review of the operation of the sentencing system after receipt of a study by the General Accounting Office.

Title III: Limitation of the Exclusionary Rule - Exclusionary Rule Limitation Act of 1982. Amends the Federal criminal code to provide that evidence obtained by a search or seizure shall not be excluded in a Federal proceeding if the seizure was undertaken in a reasonable good faith believed in its conformity with the Fourth Amendment to the Constitution.

Provides that evidence obtained in accordance with a warrant is prima facie evidence of good faith, absent intentional and material misrepresentation.

Title IV: Criminal Forfeiture - Comprehensive Criminal Forfeiture Act of 1982 - Amends the Racketeer Influenced and Corrupt Organizations Act (RICO) to specify that property subject to forfeiture for racketeering activity includes: (1) all proceeds obtained directly or indirectly from racketeering activity; (2) real and tangible and intangible personal property; and (3) positions, offices, appointments, and benefits obtained through illegal activity.

Makes property forfeitable to the United States upon the commission of the act giving rise to forfeiture. Permits the forfeiture of property which has been transferred to a third party, but includes a provision protecting innocent bona fide purchasers.

Authorizes a court to order the forfeiture of substitute assets of the defendant where the original property cannot be located or traced.

Authorizes a court to take appropriate action preserving the availability of property during the pre-indictment period effective for up to 90 days. Specifies the circumstances under which a temporary restraining order may be issued without notice to the affected party.

Authorizes the Attorney General to grant petitions for remission or mitigation of forfeiture. Directs the Attorney General to establish regulations governing the restitution and disposition of forfeited property.

Amends the Comprehensive Drug Abuse Prevention and Control Act of 1970 to establish general criminal forfeiture provisions for felony violations under titles II and III. Includes provisions similar to the RICO amendments of this Act, relating to property subject to forfeiture, third party transfers, asset substitution, pre-indictment orders, and remission.

Authorizes a court to issue a warrant authorizing the seizure of property subject to forfeiture in the same manner provided for a search warrant, if other injunctive relief would not assure the availability of the property.

Provides that a criminal forfeiture proceeding shall stay any civil forfeiture proceeding with respect to the same property.

Establishes in the Treasury of the United States, the "Drug Assets Forfeiture Fund" and the "Customs Forfeiture Fund." Transfers the proceeds from the sale or other disposition of the forfeited property into these accounts. Grants law enforcement authority to customs agents.

**Title V: Offenders with Mental Disease or Defect - Insanity Defense Reform Act of 1983** - Amends the Federal criminal code to make it an affirmative defense to a Federal prosecution, that at the time of the commission of the acts constituting the offense, the defendant, as a result of mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts. Authorizes a special verdict of "not guilty only by reason of insanity" for any criminal defendant who raises the issue of insanity by notice as currently provided. Establishes a new civil commitment procedure for persons found not guilty only by reason of insanity.

**Title VI: Reform of Federal Intervention in State**

**Proceedings - Reform of Federal Intervention in State Proceedings Act of 1983** - Conditions consideration of a habeas corpus claim by a State prisoner on a showing of actual prejudice resulting from the Federal right violated and a showing that: (1) State action precluded assertion of the right; (2) the Federal right did not previously exist; or (3) the factual basis of the claim could not have been discovered by reasonable diligence.

Establishes a one-year statute of limitations for habeas corpus actions brought by State prisoners.

Vests authority to issue certificates for probable cause for appeal or habeas corpus orders exclusively in the courts of appeals.

Permits denial on the merits of habeas corpus writs notwithstanding the failure to exhaust State remedies.

Prohibits the granting of a habeas corpus writ with respect to any claim which has been fully and fairly adjudicated in State proceedings.

**Title VII: Drug Enforcement Amendments - Controlled Substances Penalties Amendments Act of 1983** - Increases the fine levels for drug trafficking. Increases the penalties for trafficking in large amounts of controlled substances. Amends the Controlled Substances Act to allow the Attorney General to place an uncontrolled substance under temporary controls which provide

for registration, recordkeeping and criminal penalties.

Provides for administrative charges in the registration of practitioners.

**Title VIII: Justice Assistance** - Amends title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Justice System Improvement) to eliminate the Law Enforcement Assistance Administration, including the Office of Community Anti-Crime Programs and the Office of Justice Assistance, Research, and Statistics. Retains the Bureau of Justice Statistics and the National Institute of Justice. Establishes a new Office of Justice Assistance (OJA), to be headed by an Assistant Attorney General. Places the National Institute of Justice and the Bureau of Justice Statistics within the new Office of Justice Assistance.

Establishes a Justice Assistance Board to: (1) advise and make recommendations to the Assistant Attorney General on research,

statistics and program priorities; (2) review and evaluate demonstration programs and (3) undertake additional tasks the board deems necessary.

Authorizes grants to States for programs that address critical problems of violent and serious crime and for programs which have been certified successful. Enumerates 12 criteria for the awarding of these grants.

Limits the Federal share of the grant programs to a period of three years and includes a cash match requirement.

Eliminates the current national priority grant programs.

Retains the discretionary grant program. Limits the purposes of discretionary grants to: (1) educational and training programs for criminal justice personnel; (2) the provision of technical assistance; and (3) national demonstration programs which are likely to be successful but unlikely to be funded.

Authorizes a State to apply for emergency Federal law enforcement assistance in the event that a crime problem of serious and epidemic proportions exists.

Authorizes appropriations for law enforcement assistance for each of FY 1984 through 1987.

**Title IX: Surplus Federal Property Amendments** - Amends the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of the General Services Administration to transfer to any State or local government surplus property determined by the Attorney General to be required for correctional facility use.

Requires the Administrator to report annually to Congress on the acquisition cost of all donated personal property and real property disposed of during the preceding fiscal year.

**Title X: Reinstitution of Capital Punishment** - Establishes procedures for imposition of the death penalty in certain homicide, treason and espionage cases.

**Title XI: Labor Racketeering Amendments** - Amends the Labor Management Relations Act, 1947 (Taft-Hartley Act) to increase penalties for specified violations of restrictions on financial transactions. Makes violations involving more than \$1,000 felonies punishable by up to \$15,000 fines and/or five years' imprisonment.

Adds intent to benefit a person not permitted to receive payments, loans, or delivery of money or other thing of value to a labor organization in payment of membership dues, to a joint labor-management trust fund, or to a plant, area, or industry-wide labor-management committee as an element of violations involving those transactions. Grants civil jurisdiction to U.S. district courts over suits brought by: (1) the United States alleging a violation involving those transactions; or (2) any person directly affected by violations by restrictions on financial transactions under such Act.

Amends the Employee Retirement Income Security Act of 1974 (ERISA) and the Labor-Management Reporting and Disclosure Act of 1959 to revise prohibitions against persons guilty of criminal offenses holding specified offices or positions involving employee benefit plans, labor organizations, or labor relations consultation to employer organizations. Increases the types of positions from which an individual is barred upon conviction of enumerated

crimes. Requires immediate removal of such individual upon conviction (rather than after appeal) of enumerated crimes and crimes relating to the position. Increases, from five years to ten years, the time during which a convicted individual is prohibited from holding such offices or positions, but permits a lesser period to be set by the sentencing court under specified circumstances.

Prohibits any person from knowingly hiring, retaining, employing, or otherwise placing any other person to serve in a capacity in violation of such prohibitions.

Raises, from one year to five years, the maximum time of imprisonment for violations of such prohibitions.

Provides that any salary payable but for such prohibitions shall be placed in escrow pending final disposition of any appeal.

**Title XII: Currency and Foreign Transactions Reporting Act Amendments** - Increases penalties for currency violations and authorizes payments of rewards for information leading to the recovery of a criminal fine, civil penalty or forfeiture. Allows U.S. Customs agents to conduct border searches relating to currency offenses.

**Title XIII: Federal Tort Claims Act Amendments** - Amends the Federal Tort Claims Act to make the United States rather than the individual Federal employee civilly liable for common law and constitutional torts involving injury to property or persons.

**Title XIV: Miscellaneous Violent Crime Amendments** - Provides Federal jurisdiction over murder-for-hire and crimes in aid of racketeering activity.

Makes it a Federal offense to solicit an individual to commit a crime of violence.

Revises the felony-murder rule.

Provides minimum mandatory sentences for the use of firearms during a Federal crime of violence. Allows for an additional mandatory sentence for the use of armorpiercing bullets in the course of Federal crimes.

Makes it a Federal offense to kidnap or assault Federal officers or employees, in the performance of their duties or to commit a crime against any family members of Federal officials.

Amends the Major Crimes Act to include the crimes of maiming and sodomy.

Includes trucks in the definition of "motor vehicle" for purposes of the prohibition against destruction of Motor vehicles.

Makes it a federal offense to knowingly and willfully damage the property of an energy facility.

Provides for criminal penalties for any individual who escapes from civil commitment.

Makes changes in the procedure governing interstate rendition and extradition of foreign criminals found in the United States.

**Title XV: Serious Nonviolent Offenses** - Amends the Federal criminal code to make it a Federal offense to cause injury or death to any person by adulterating a food, drug, cosmetic or other product. Establishes separate offenses, for any person who conveys false information concerning an attempt at such adulteration.

Amends the Sexual Exploitation of Children Act of 1977 to prohibit the transfer of any materials involving the sexual exploitation of minors, even if they are found not to be obscene.

Makes it a Federal offense for any person to give warning of an impending execution of a search warrant.

Establishes a Federal offense regarding fraud or bribery in programs receiving Federal funds.

Makes it a Federal crime to counterfeit or forge state or corporate securities.

Revises provisions relating receipt of stolen bank property, bribery and fraud.

Provides penalties for any inmate in a Federal penal or correctional institution who possesses any contraband article.

**Title XVI: Procedural Amendments** - Makes certain procedural amendments allowing certain juveniles to be prosecuted as adults.

Amends the Omnibus Crime Control and Safe Streets Act to

provide for emergency interception of wire or oral communications before an order authorizing such interception can be obtained.

Modifies the venue statute for threat offenses, and certain tax offenses.

Authorizes the Attorney General to initiate a civil proceeding in a district court to enjoin a violation of the mail fraud statutes.

Authorizes a government appeal after any decision, judgment or order in a district court granting a new trial.

Amends the provisions dealing with witness relocation and protection.

R0601 \* END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.



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83. Amends the Federal criminal  
code to establish criteria for the imposition of the death penalty  
for Federal crimes.  
Requires the Government, for any offense punishable by death,  
to

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RESULT (EXTENDED) 1 OCCURRENCE 1 DOCUMENT  
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SBILL00538 DOCUMENT= 1 OF 1 NUMBER OF LINES = 58  
BD BILL DIGEST ..... Feb 22, 83. Amends the Federal criminal  
code to establish criteria for the imposition of the death penalty  
for Federal crimes.  
Requires the Government, for any offense punishable by death,  
to serve notice upon the defendant a reasonable time before trial  
or acceptance of a plea that it intends to seek the death penalty  
and the aggravating factors upon which it will rely.  
Requires a separate sentencing hearing before a jury, or the  
court upon motion by the defendant, when the defendant is found  
guilty or pleads guilty to an offense punishable by death.  
Allows the defendant and the Government to present any  
information relevant to sentencing, without regard to the rules of  
evidence, but permits information to be excluded where its

probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury.

Specifies mitigating factors which the defendant must establish by a preponderance of the information and aggravating factors which the Government must prove beyond a reasonable doubt.

Includes as threshold, aggravating factors for homicide that the defendant: (1) intentionally killed the victim; (2) intentionally inflicted serious bodily injury which resulted in

death of the victim; (3) intentionally participated in an act which he reasonably should have known would create grave risk of death to a person and the victim did die as a direct result of the act; or (4) attempted to kill the President of the United States.

Sets forth special aggravating factors with respect to the crimes of treason, espionage, homicide, and attempted murder of the President.

Includes among the mitigating factors that the defendant was less than 18 years old at the time of the crime.

Directs the court, or the jury by unanimous vote, to impose the death penalty upon a finding that such sentence is justified based on consideration of both the aggravating and mitigating factors.

Requires the court to instruct the jury not to consider the race, color, national origin, creed, or sex of the defendant in its consideration of the sentence.

Limits the circumstances under which the offense of delivering defense information to aid foreign governments is punishable by death. Allows the death penalty to be imposed for the murder of foreign officials and for an offense of kidnapping resulting in the death of any person. Eliminates the death penalty for the crime of rape.

Authorizes the death penalty for the crime of attempting to kill the President of the United States if the attempt results in

bodily injury to the President or otherwise comes dangerously close to causing his death.

Establishes procedures for appeal from a death sentence. Requires the Court of Appeals, upon considering the record and the information and procedures of the sentencing hearing, to affirm the decision if: (1) the sentence was not imposed under influence of passion, prejudice, or arbitrariness; and (2) the information supports the finding of aggravating factors or the absence of mitigating factors. Requires the court to provide a written explanation of its determination.

R0601 \* END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

S. 668

KENNEDY SENTENCING BILL

SBILL00668 DOCUMENT= 1 OF 1 NUMBER OF LINES = 56  
BD BILL DIGEST ..... Mar 3, 83. Sentencing Reform Act of 1983 -  
Sets forth a new sentencing structure applicable to a defendant who is found guilty of an offense under any Federal statute. Permits an individual to be sentenced to a term of imprisonment or probation and a fine, and to receive additional sanctions, including: (1) forfeiture for certain racketeering crimes and drug-related offenses; (2) an order of notice to victims of crimes in cases involving fraud or deceptive practices; or (3) an order of restitution in cases involving bodily injury or property damage. Permits an organization to receive these penalties, with the exception of imprisonment.

1 Authorizes the imposition of a term of probation, unless specifically prohibited, for all but the most serious class of felonies. Requires as a mandatory condition of probation that a defendant not commit another crime. Enumerates 20 discretionary conditions.

2 Sets forth a fine schedule for the categories of offenses generally at higher levels than current law. Includes higher maximums for organizational defendants. Directs the court to consider the defendant's financial status in determining the amount of a fine and the method of payment.

3 Sets maximum terms of imprisonment for five classes of felonies (A to E), three classes of misdemeanors (A to C), and an infraction (five day maximum). Allows the court, in imposing a sentence of imprisonment for a felony or misdemeanor, to include a term of supervised release after imprisonment.

4 Eliminates the parole system. Permits a defendant to petition for a sentence reduction upon a showing of extraordinary and compelling reasons. Limits this motion for defendants who are sentenced to six or more years of imprisonment.

5 Allows the defendant or the government to file a notice of appeal in the district court for review of a final sentence.

6 Creates the United States Sentencing Commission. Specifies factors to be considered by a sentencing court, including the guidelines and policy statements issued by the United States Sentencing Commission.

7B Requires the court to impose a sentence within the range set forth by the Commission unless aggravating or mitigating circumstances exist that were not adequately considered by the Commission in formulating the guidelines. Requires the court to state in open court at the time of sentencing the reason for imposing a sentence at a point within the prescribed range, or the specific reason for imposing a sentence outside of such range.

8 Eliminates the special sentencing provisions under current law for dangerous special offenders, youth offenders, young adult

offenders, and drug addicts, but provides for these categories of offenders under the proposed sentencing guidelines.

9 Excludes capital punishment as an authorized penalty, but leaves unaffected the current death penalty and procedures for aircraft hijacking.

10 Provides for congressional review of the operation of the sentencing system after receipt of a study by the General Accounting Office.

R0601 \* END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

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