

HR 1279

Gang Deterrence and Community Protection Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: Mar 14, 2005

Current Status: Received in the Senate and Read twice and referred to the Committee on the Judiciary.

Latest Action: Received in the Senate and Read twice and referred to the Committee on the Judiciary. (May 12, 2005)

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Sponsor

Name: Rep. Forbes, J. Randy [R-VA-4]

Party: Republican • State: VA • Chamber: House

Cosponsors (15 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Alexander, Rodney [R-LA-5]	R · LA		Mar 14, 2005
Rep. Davis, Jo Ann [R-VA-1]	R · VA		Mar 14, 2005
Rep. Davis, Tom [R-VA-11]	R · VA		Mar 14, 2005
Rep. Drake, Thelma D. [R-VA-2]	R · VA		Mar 14, 2005
Rep. Goode, Virgil H., Jr. [R-VA-5]	R · VA		Mar 14, 2005
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Mar 14, 2005
Rep. Wolf, Frank R. [R-VA-10]	R · VA		Mar 14, 2005
Rep. Cantor, Eric [R-VA-7]	R · VA		Apr 5, 2005
Rep. Gallegly, Elton [R-CA-24]	R · CA		Apr 13, 2005
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		Apr 21, 2005
Rep. Green, Gene [D-TX-29]	D · TX		Apr 21, 2005
Rep. Souder, Mark E. [R-IN-3]	R · IN		Apr 21, 2005
Rep. Etheridge, Bob [D-NC-2]	D · NC		Apr 26, 2005
Rep. King, Peter T. [R-NY-3]	R · NY		Apr 28, 2005
Rep. Tiberi, Patrick J. [R-OH-12]	R · OH		May 5, 2005

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported by	Apr 12, 2005
Judiciary Committee	Senate	Referred To	May 12, 2005

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
109 HRES 268	Procedurally related	<b>May 11, 2005:</b> Motion to reconsider laid on the table Agreed to without objection.

**Gang Deterrence and Community Protection Act of 2005 - Title I: Criminal Law Reforms and Enhanced Penalties to Deter and Punish Illegal Street Gang Activity and Related Criminal Law Reforms** - (Sec. 101) Amends the federal criminal code to modify and expand prohibitions against, and penalties for, criminal street gang activity, including expansion of applicability of the death penalty.

Provides for mandatory minimum sentences for committing, or conspiring, threatening, or attempting to commit, a gang crime for the purpose of furthering the activities of a criminal street gang or gaining entrance to or maintaining or increasing position in such a gang, including: (1) life imprisonment or death if the gang crime results in the death of any person; (2) 30 years' imprisonment if the gang crime is kidnapping, aggravated sexual abuse, or maiming; (3) 20 years' imprisonment if the gang crime is assault resulting in serious bodily injury; and (4) ten years' imprisonment in any other case. Provides for fines and forfeiture of property used to commit or facilitate commission of the offense or of property constituting or derived from any proceeds of the offense.

Expands the scope of provisions regarding and/or increases penalties for: (1) interstate or foreign travel or transportation in aid of racketeering enterprises; (2) carjacking; (3) using interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence; (4) violent crimes in aid of racketeering activity (authorizes prosecution to be brought in the judicial district in which the crime of violence occurred or in which racketeering activity of the enterprise occurred); (5) murder and other violent crimes committed during and in relation to a drug trafficking crime; (6) using interstate commerce facilities to commit multiple murder; and (7) the use of firearms in crimes of violence and drug trafficking.

(Sec. 108) Amends the Racketeer Influenced and Corrupt Organizations Act (RICO) to expand the definition of "racketeering activity" to cover interstate murder.

(Sec. 109) Expands: (1) the rebuttable presumption against release of persons charged with firearms offenses; (2) venue in capital cases (directs that the trial for an offense punishable by death be held in the district where the offense was committed or in any district in which the offense began, continued, or was completed and provides that an offense or related conduct that involves activities which affect interstate or foreign commerce or the importation of an object or person into the United States may be prosecuted in any district in which those activities occurred); and (3) the definition of "crime of violence."

(Sec. 111) Sets a 15-year statute of limitations for non-capital felony crimes of violence.

(Sec. 115) Authorizes the Attorney General to prosecute as an adult a juvenile who is alleged to have committed, after that juvenile's 16th birthday, an act that would be a felony crime of violence if committed by an adult or that is one of specified listed offenses, including offenses relating to the possession of firearms and dangerous weapons in federal facilities and relating to the purchase, ownership, or possession of body armor by violent felons. Declares that: (1) the decision whether to prosecute a juvenile as an adult is not subject to judicial review; and (2) the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure and may be convicted as an adult of any lesser included offense.

(Sec. 116) Authorizes the Attorney General to conduct media campaigns in areas designated as high intensity interstate gang activity areas (HIIGAAAs) and areas with existing and emerging problems with gangs to educate individuals about the changes in criminal penalties made by this Act.

(Sec. 117) Directs the Department of Homeland Security's Under Secretary for Border and Transportation Security to provide the Department of Justice's National Crime Information Center (NCIC) with information on all aliens: (1) against whom a final order of removal has been issued; (2) who have signed a voluntary departure agreement; and (3) who have overstayed their visa. Requires such information to be provided to NCIC regardless of whether the alien received notice of a final order of removal, even if the alien has already been removed. Amends the federal judicial code to direct the Attorney General to acquire, collect, classify, and preserve records of immigration law violations, regardless of whether the alien has received notice of the violation, even if the alien has already been removed.

(Sec. 118) Amends the code to provide for a mandatory minimum sentence of five years' imprisonment for any illegal alien who commits, conspires, or attempts to commit a crime of violence or drug trafficking offense (15 years' imprisonment if the defendant was previously ordered removed for committing a crime), to run consecutively to any other sentence of imprisonment imposed for any other crime.

(Sec. 120) Directs the Attorney General and the Secretary of Homeland Security to jointly study and report to Congress on the connection between illegal immigration and gang membership and activity, including on how many of those arrested nationwide for gang membership and violence are illegal aliens.

## **Title II: Increased Federal Resources to Deter and Prevent At-Risk Youth From Joining Illegal Street Gangs -**

(Sec. 201) Authorizes the Attorney General to designate specific areas that are located within one or more States as HIIGAA. Directs the Attorney General to: (1) establish criminal street gang enforcement teams, consisting of federal, state, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal street gangs and offenders in each HIIGAA; (2) direct the reassignment or detailing of personnel from any federal agency to each team; (3) provide all necessary funding for the operation of the team in each HIIGAA; and (4) provide all necessary funding for national and regional meetings of teams and related organizations, including for sharing intelligence and best practices.

Includes among criteria for the designation of HIIGAA the current and predicted levels of gang crime activity in the area and the extent to which: (1) violent crime in the area appears to be related to criminal street gang activity; (2) State and local law enforcement agencies have committed resources to respond to the gang crime problem and participate in a gang enforcement team; and (3) a significant increase in the allocation of federal resources would enhance local response to the gang crime activities in the area.

Prohibits the Attorney General from designating an HIIGAA without first consulting with and receiving comment from local elected officials.

Directs the Attorney General to establish a National Gang Intelligence Center to be housed at and administered by the Federal Bureau of Investigation (FBI) to collect, analyze, and disseminate gang activity information from the FBI and specified agencies and sources. Requires the Center to: (1) make that information available to federal, state, and local law enforcement agencies, corrections agencies and penal institutions, and prosecutorial agencies; and (2) annually submit to Congress a report on gang activity. Directs the Attorney General to establish: (1) for each HIIGAA, a regional gang activity database; and (2) a national gang activity database that replicates the information in the regional databases.

Authorizes the Attorney General: (1) to hire 94 additional Assistant U.S. attorneys, with each assigned to an HIIGAA; and (2) acting through the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), to hire 100 additional inspectors and 100 additional agents for ATF, with each assigned to an HIIGAA (to assist local law enforcement to provide more accurate and complete reports of weapons used by gangs in the area). Authorizes appropriations.

(Sec. 202) Amends the Violent Crime Control and Law Enforcement Act of 1994 to authorize the use of community-based justice grants to: (1) hire additional prosecutors; and (2) fund technology, equipment, and training for prosecutors and law enforcement to increase the accurate identification of gang members and violent offenders, to maintain databases with such information to facilitate coordination among law enforcement and prosecutors, and to increase the accurate identification and successful prosecution of young violent offenders. Authorizes appropriations.

## Actions Timeline

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- **May 12, 2005:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **May 11, 2005:** Rule H. Res. 268 passed House.
- **May 11, 2005:** Considered under the provisions of rule H. Res. 268. (consideration: CR H3134-3161)
- **May 11, 2005:** Rule provides for consideration of H.R. 1279 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order.
- **May 11, 2005:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 268 and Rule XVIII.
- **May 11, 2005:** The Speaker designated the Honorable Candice S. Miller to act as Chairwoman of the Committee.
- **May 11, 2005:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 1279.
- **May 11, 2005:** DEBATE - Pursuant to H. Res. 268, the Committee of the Whole proceeded with 10 minutes of debate on the Sensenbrenner amendment, as modified.
- **May 11, 2005:** DEBATE - Pursuant to H. Res. 268, the Committee of the Whole proceeded with 10 minutes of debate on the Cuellar amendment.
- **May 11, 2005:** DEBATE - Pursuant to H. Res. 268, the Committee of the Whole proceeded with 10 minutes of debate on the E.B. Johnson (TX) amendment.
- **May 11, 2005:** DEBATE - Pursuant to H. Res. 268, the Committee of the Whole proceeded with 10 minutes of debate on the Watson amendment.
- **May 11, 2005:** DEBATE - Pursuant to H. Res. 268, the Committee of the Whole proceeded with 10 minutes of debate on the Watson amendment.
- **May 11, 2005:** DEBATE - Pursuant to H. Res. 268, the Committee of the Whole proceeded with 10 minutes of debate on the Wynn amendment.
- **May 11, 2005:** DEBATE - Pursuant to H. Res. 268, the Committee of the Whole proceeded with 20 minutes of debate on the Goodlatte amendment.
- **May 11, 2005:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Goodlatte amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Goodlatte demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **May 11, 2005:** DEBATE - Pursuant to H. Res. 268, the Committee of the Whole proceeded with 10 minutes of debate on the Norwood amendment.
- **May 11, 2005:** DEBATE - Pursuant to H. Res. 268, the Committee of the Whole proceeded with 10 minutes of debate on the Norwood amendment.
- **May 11, 2005:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Norwood amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Norwood demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **May 11, 2005:** DEBATE - Pursuant to H. Res. 268, the Committee of the Whole proceeded with 20 minutes of debate on the Waters amendment.
- **May 11, 2005:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of the amendments which had been debated earlier and on which further proceedings had been postponed.
- **May 11, 2005:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 1279.
- **May 11, 2005:** The previous question was ordered pursuant to the rule.
- **May 11, 2005:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text: CR H3144-3146)
- **May 11, 2005:** Mr. Tierney moved to recommit with instructions to Judiciary.
- **May 11, 2005:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the Tierney motion to recommit with instructions.
- **May 11, 2005:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H3160)
- **May 11, 2005:** On motion to recommit with instructions Failed by recorded vote: 198 - 227 (Roll no. 167). (consideration: CR H3159-3161; text: CR H3159)

- **May 11, 2005:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 279 - 144 (Roll no. 168).
- **May 11, 2005:** On passage Passed by the Yeas and Nays: 279 - 144 (Roll no. 168).
- **May 11, 2005:** Motion to reconsider laid on the table Agreed to without objection.
- **May 10, 2005:** Rules Committee Resolution H. Res. 268 Reported to House. Rule provides for consideration of H.R. 1279 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order.
- **May 5, 2005:** Mr. Dreier asked unanimous consent that the Committee on Judiciary have until midnight on May 5 to file a report on H.R. 1279. Agreed to without objection.
- **May 5, 2005:** Reported (Amended) by the Committee on Judiciary. H. Rept. 109-74. Filed late, pursuant to previous special order.
- **May 5, 2005:** Reported (Amended) by the Committee on Judiciary. H. Rept. 109-74. Filed late, pursuant to previous special order.
- **May 5, 2005:** Placed on the Union Calendar, Calendar No. 35.
- **Apr 20, 2005:** Ordered to be Reported (Amended) by the Yeas and Nays: 16 - 11.
- **Apr 13, 2005:** Committee Consideration and Mark-up Session Held.
- **Apr 12, 2005:** Subcommittee Consideration and Mark-up Session Held.
- **Apr 12, 2005:** Forwarded by Subcommittee to Full Committee by the Yeas and Nays: 5 - 3.
- **Apr 5, 2005:** Subcommittee Hearings Held.
- **Apr 4, 2005:** Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.
- **Mar 14, 2005:** Introduced in House
- **Mar 14, 2005:** Introduced in House
- **Mar 14, 2005:** Referred to the House Committee on the Judiciary.