

S 456

Gang Abatement and Prevention Act of 2007

Congress: 110 (2007–2009, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Jan 31, 2007

Current Status: Referred to the Subcommittee on Healthy Families and Communities.

Latest Action: Referred to the Subcommittee on Healthy Families and Communities. (Oct 17, 2007)

Official Text: <https://www.congress.gov/bill/110th-congress/senate-bill/456>

Sponsor

Name: Sen. Feinstein, Dianne [D-CA]

Party: Democratic • **State:** CA • **Chamber:** Senate

Cosponsors (44 total)

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Sen. Kyl, Jon [R-AZ]	R · AZ		Jan 31, 2007
Sen. Mikulski, Barbara A. [D-MD]	D · MD		Jan 31, 2007
Sen. Murray, Patty [D-WA]	D · WA		Jan 31, 2007
Sen. Pryor, Mark L. [D-AR]	D · AR		Jan 31, 2007
Sen. Salazar, Ken [D-CO]	D · CO		Jan 31, 2007
Sen. Schumer, Charles E. [D-NY]	D · NY		Jan 31, 2007
Sen. Specter, Arlen [R-PA]	R · PA		Jan 31, 2007
Sen. Stevens, Ted [R-AK]	R · AK		Jan 31, 2007
Sen. Warner, John [R-VA]	R · VA		Feb 8, 2007
Sen. Lincoln, Blanche L. [D-AR]	D · AR		May 8, 2007
Sen. Boxer, Barbara [D-CA]	D · CA		Jun 14, 2007
Sen. Domenici, Pete V. [R-NM]	R · NM		Jun 14, 2007
Sen. Durbin, Richard J. [D-IL]	D · IL		Jun 14, 2007
Sen. Kennedy, Edward M. [D-MA]	D · MA		Jun 14, 2007
Sen. Lautenberg, Frank R. [D-NJ]	D · NJ		Jun 14, 2007
Sen. Menendez, Robert [D-NJ]	D · NJ		Jun 14, 2007
Sen. Hutchison, Kay Bailey [R-TX]	R · TX		Jun 19, 2007
Sen. Murkowski, Lisa [R-AK]	R · AK		Jun 20, 2007
Sen. Kerry, John F. [D-MA]	D · MA		Jul 9, 2007
Sen. Roberts, Pat [R-KS]	R · KS		Jul 10, 2007
Sen. Johnson, Tim [D-SD]	D · SD		Jul 11, 2007
Sen. Akaka, Daniel K. [D-HI]	D · HI		Jul 12, 2007
Sen. Webb, Jim [D-VA]	D · VA		Jul 12, 2007
Sen. Bingaman, Jeff [D-NM]	D · NM		Jul 13, 2007
Sen. Inouye, Daniel K. [D-HI]	D · HI		Jul 13, 2007
Sen. Martinez, Mel [R-FL]	R · FL		Jul 17, 2007
Sen. Nelson, Bill [D-FL]	D · FL		Jul 17, 2007
Sen. Bayh, Evan [D-IN]	D · IN		Jul 23, 2007
Sen. Tester, Jon [D-MT]	D · MT		Jul 30, 2007
Sen. Landrieu, Mary L. [D-LA]	D · LA		Aug 2, 2007

Cosponsor	Party / State	Role	Date Joined
Sen. Lieberman, Joseph I. [ID-CT]	ID · CT		Aug 2, 2007
Sen. Dodd, Christopher J. [D-CT]	D · CT		Aug 3, 2007
Sen. Hagel, Chuck [R-NE]	R · NE		Aug 3, 2007

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred to	Oct 17, 2007
Energy and Commerce Committee	House	Referred to	Sep 24, 2007
Judiciary Committee	Senate	Reported By	Jul 30, 2007
Judiciary Committee	House	Referred To	Sep 25, 2007

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
110 HR 3922	Related bill	Nov 14, 2007: Referred to the Subcommittee on Healthy Families and Communities.
110 HR 3547	Related bill	Oct 17, 2007: Referred to the Subcommittee on Healthy Families and Communities.
110 HR 1582	Identical bill	Apr 20, 2007: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.

Gang Abatement and Prevention Act of 2007 - **Title I: New Federal Criminal Laws Needed To Fight Violent National, International, Regional, And Local Gangs That Affect Interstate And Foreign Commerce** - (Sec. 101) Amends the federal criminal code to expand prohibitions against criminal street gangs. Defines "criminal street gang" as a formal or informal group, organization, or association of five or more individuals: (1) each of whom has committed at least one gang crime; and (2) who collectively commit three or more gang crimes (at least one of which is a serious violent felony), in separate criminal episodes.

Defines "gang crime" as a federal criminal offense punishable by imprisonment for more than one year or a state felony offense punishable by imprisonment of five years or more, involving: (1) physical force against another, burglary, arson, kidnapping, or extortion; (2) obstruction of justice or tampering or retaliating against a witness, victim, or informant; (3) drug trafficking; (4) illegal possession of firearms or explosives, racketeering, money laundering, or interstate transportation of stolen property; (5) harboring illegal aliens; or (6) aggravated sexual abuse, exploitation, or other sex crime.

Imposes criminal penalties on individuals who: (1) knowingly commit, or conspire, threaten, or attempt to commit, a gang crime in furtherance of a criminal street gang; (2) recruit persons to participate in a criminal street gang; and (3) commit other violent crimes in furtherance of a criminal street gang. Provides for criminal forfeiture of property used in the commission of a gang crime.

Title II: Violent Crime Reforms To Reduce Gang Violence - (Sec. 201) Amends the federal criminal code to: (1) expand the prohibition against committing violent crimes in aid of racketeering activity to include an enterprise engaged in racketeering activity; and (2) increase criminal penalties for threats to commit a violent crime and for attempts or conspiracies to commit crimes of violence.

(Sec. 202) Amends the Controlled Substances Act to impose criminal penalties on individuals who commit murder and other violent crimes during and in relation to a drug trafficking crime.

(Sec. 203) Expands restrictions on the release of persons charged with using firearms in a drug trafficking crime or a crime of violence.

(Sec. 204) Establishes a 10-year limitation period for prosecutions of any noncapital felony crime of violence, including any racketeering activity or gang crime which involves any crime of violence.

(Sec. 205) Directs the Judicial Conference of the United States to study changing the Federal Rules of Evidence to allow the admission into evidence of statements of a witness who is unavailable to testify due to a party's wrongdoing.

(Sec. 206) Increases criminal penalties for possession of firearms by felons with one or more prior convictions for a violent felony or serious drug offense. Directs the U.S. Sentencing Commission to amend federal sentencing guidelines to reflect increases in penalties for possession of firearms by felons with multiple felony convictions.

(Sec. 208) Amends the federal criminal code to: (1) redefine the crime of carjacking and increase penalties for such crime; (2) redefine and increase penalties for transfers of firearms to commit a crime of violence or drug trafficking; (3) apply criminal association restrictions to members of criminal street gangs; and (4) increase criminal penalties for conspiracy to commit a criminal offense or to defraud the United States.

(Sec. 209) Authorizes the Attorney General to conduct media campaigns in any area designated as a high intensity gang activity area to educate residents of such area about changes in criminal penalties made by this Act. Requires the Attorney General to report to the Judiciary Committees of Congress on such media campaigns.

(Sec. 210) Extends from 8 to 10 years the limitation period for prosecuting certain federal crimes of terrorism.

(Sec. 211) Establishes crimes committed in Indian country or in any other area of exclusive federal jurisdiction as a predicate for invoking federal racketeering laws.

(Sec. 212) Establishes as a predicate for a wiretap authorization violations of the Controlled Substances Act relating to murder and other violent crimes in furtherance of a drug trafficking crime and certain criminal street gang activity.

(Sec. 213) Expands the prohibition against impeding commerce by threats or violence to include robbery or extortion attempts committed by a person unlawfully impersonating a law enforcement officer.

(Sec. 214) Prohibits travel in interstate or foreign commerce, or use of the mail, to tamper with or retaliate against a witness, victim, or informant in a state criminal proceeding.

(Sec. 215) Directs the U.S. Sentencing Commission to review and amend its guidelines and policy statements to conform with the amendments made by this Title.

Title III: Increased Federal Resources To Deter and Prevent Seriously At-Risk Youth From Joining Illegal Street Gangs And For Other Purposes - (Sec. 301) Authorizes the Attorney General to designate state high intensity gang activity areas and provide assistance to such areas in combating gang activity. Establishes criteria for the designation of a high intensity gang activity area.

Requires the Attorney General to submit a report to Congress, the Director of the Office of Management and Budget (OMB), and the Domestic Policy Council on gangs in high intensity gang activity areas.

Authorizes the Attorney General and the Director of the Administrative Office of the U.S. Courts to hire additional personnel, including 94 assistant U.S. attorneys, to assist in anti-gang initiatives.

Directs the Office of Justice Programs to establish a National Gang Research, Evaluation, and Policy Institute to design anti-gang programs, conduct research, and evaluate existing anti-gang programs. Authorizes appropriations for FY2008-FY2012.

(Sec. 302) Authorizes the Office of Justice Programs of the Department of Justice (DOJ) to make grants to states, local and tribal governments, and private entities to develop community-based programs that provide crime prevention, research, and intervention services designed for gang members and at-risk youth. Requires grant recipients to submit annual reports to the Attorney General on their activities and their strategic plans. Authorizes appropriations for FY2008-FY2012.

(Sec. 303) Authorizes the Attorney General to expand the Project Safe Neighborhoods program to require each U.S. attorney to: (1) identify, investigate, and prosecute significant criminal street gangs operating within his or her district; (2) coordinate the identification, investigation, and prosecution of criminal street gangs among federal, state, and local law enforcement agencies; and (3) hire additional personnel to support the expansion of the program. Authorizes appropriations for FY2008-FY2012.

(Sec. 304) Authorizes the Attorney General to expand the Safe Streets Program of the Federal Bureau of Investigation (FBI) to support criminal street gang enforcement teams.

Directs the Attorney General to: (1) establish a National Gang Activity Database to disseminate information to law enforcement agencies about gang activities and gang members; and (2) provide funding to the Regional Information Sharing Systems to use RISSNET (secure intranet) to connect existing gang information systems with the National Gang Activity Database. Authorizes appropriations for FY2008-FY2012.

(Sec. 305) Amends the Violent Crime Control and Law Enforcement Act of 1994 to provide grants to assist prosecutors and law enforcement agencies in identifying gang members and violent offenders. Authorizes appropriations for FY2008-FY2012 for community-based justice grants for prosecutors.

(Sec. 306) Amends the Juvenile Justice and Delinquency Prevention Act of 1974 to direct the Administrator of the Office of Juvenile Justice and Delinquency Prevention to expand the number of sites receiving juvenile delinquency reduction grants from 4 to 12. Authorizes appropriations for FY2008-FY2012.

(Sec. 307) Authorizes the Attorney General to make grants to public or nonprofit private entities (including faith-based organizations) to carry out projects involving innovative approaches to combat gang activity. Requires the Attorney General to submit annual reports to Congress on the success of innovative approaches in local communities. Authorizes appropriations for FY2008-FY2012.

(Sec. 308) Establishes in the U.S. Marshals Service a Short-Term State Witness Protection Section to provide protection for witnesses in state and local trials involving homicide or other major violent crimes. Authorizes the Attorney General to make grants to prosecutor's offices to identify witnesses in need of protection. Authorizes appropriations for FY2008-FY2010.

(Sec. 309) Allows nonreimbursable federal payments to states for the costs of investigating and prosecuting crimes of violence committed by a criminal street gang.

(Sec. 310) Specifies that the federal witness relocation and protection program includes witnesses in cases involving criminal street gangs, serious drug offenses, and homicide, as well as organized criminal activity.

(Sec. 311) Authorizes the Attorney General to make grants to states for projects to prevent family abductions. Authorizes appropriations for FY2009-FY2010.

(Sec. 312) Directs the U.S. Sentencing Commission to study and report to Congress on the appropriateness of sentences for minors in the federal criminal justice system. Authorizes the Commission to establish or revise sentencing guidelines and policy statements relating to the sentencing of minors, based on study results.

(Sec. 313) Amends the Office of National Drug Control Policy Reauthorization Act of 1998 to require the Director of National Drug Control Policy to promote prevention of youth heroin use, including cheese heroin, in advertising and other activities.

(Sec. 314) Authorizes the National District Attorneys Association to use the National Advocacy Center in Columbia, South Carolina, for a training program to improve the professional skills of state and local prosecutors. Authorizes appropriations for FY2008-FY2011.

Title IV: Crime Prevention and Intervention Strategies - Prevention Resources for Eliminating Criminal Activity Using

Tailored Interventions in Our Neighborhoods Act of 2007 or PRECAUTION Act - (Sec. 404) Establishes the National Commission on Public Safety Through Crime Prevention. Directs the Commission to: (1) conduct a study of the effectiveness of crime and delinquency prevention and intervention strategies, organized around specified subcategories (i.e., family and community settings, law enforcement settings, and school settings); (2) make recommendations to the Director of the National Institute of Justice for the dissemination of innovative crime prevention and intervention strategy grants; and (3) report to the President, Congress, and other federal and state officials on its findings and conclusions.

(Sec. 405) Authorizes the Director of the National Institute of Justice to make grants to public and private entities for the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies. Requires grant recipients to set aside grant funds for a rigorous study of the effectiveness of prevention or intervention strategies. Authorizes appropriations.

Actions Timeline

- **Oct 17, 2007:** Referred to the Subcommittee on Healthy Families and Communities.
- **Sep 24, 2007:** Referred to the Subcommittee on Health.
- **Sep 24, 2007:** Received in the House.
- **Sep 24, 2007:** Message on Senate action sent to the House.
- **Sep 24, 2007:** Referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Sep 21, 2007:** Measure laid before Senate by unanimous consent. (consideration: CR S11954-11965; text of measure as reported in Senate: CR S11955-11964)
- **Sep 21, 2007:** The committee substitute as amended agreed to by Unanimous Consent.
- **Sep 21, 2007:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Sep 21, 2007:** Passed Senate with an amendment by Unanimous Consent.
- **Sep 30, 2007:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Jul 30, 2007:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 290.
- **Jun 14, 2007:** Committee on the Judiciary. Ordered to be reported with amendments favorably.
- **Jun 5, 2007:** Committee on the Judiciary. Hearings held. Hearings printed: S.Hrg. 110-444.
- **Jan 31, 2007:** Introduced in Senate
- **Jan 31, 2007:** Sponsor introductory remarks on measure. (CR S1434-1436)
- **Jan 31, 2007:** Read twice and referred to the Committee on the Judiciary.

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