

Calendar No. 107110TH CONGRESS
1ST SESSION**S. 378****[Report No. 110-42]**

To amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2007

Mr. LEAHY (for himself, Mr. SPECTER, Mr. REID, Mr. DURBIN, Mr. CORNYN, Mr. KENNEDY, Ms. COLLINS, Mr. HATCH, Mr. SCHUMER, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MARCH 29, 2007

Reported by Mr. LEAHY, with an amendment

[Insert the part printed in italic]

A BILL

To amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Court Security Im-
3 provement Act of 2007”.

4 **TITLE I—JUDICIAL SECURITY**
5 **IMPROVEMENTS AND FUNDING**

6 **SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.**

7 (a) ENSURING CONSULTATION WITH THE JUDICI-
8 ARY.—Section 566 of title 28, United States Code, is
9 amended by adding at the end the following:

10 “(i) The Director of the United States Marshals
11 Service shall consult with the Judicial Conference of the
12 United States on a continuing basis regarding the security
13 requirements for the judicial branch of the United States
14 Government, to ensure that the views of the Judicial Con-
15 ference regarding the security requirements for the judi-
16 cial branch of the Federal Government are taken into ac-
17 count when determining staffing levels, setting priorities
18 for programs regarding judicial security, and allocating ju-
19 dicial security resources. In this paragraph, the term ‘judi-
20 cial security’ includes the security of buildings housing the
21 judiciary, the personal security of judicial officers, the as-
22 sessment of threats made to judicial officers, and the pro-
23 tection of all other judicial personnel. The United States
24 Marshals Service retains final authority regarding security
25 requirements for the judicial branch of the Federal Gov-
26 ernment.”.

1 (b) CONFORMING AMENDMENT.—Section 331 of title
2 28, United States Code, is amended by adding at the end
3 the following:

4 “The Judicial Conference shall consult with the Di-
5 rector of United States Marshals Service on a continuing
6 basis regarding the security requirements for the judicial
7 branch of the United States Government, to ensure that
8 the views of the Judicial Conference regarding the security
9 requirements for the judicial branch of the Federal Gov-
10 ernment are taken into account when determining staffing
11 levels, setting priorities for programs regarding judicial se-
12 curity, and allocating judicial security resources. In this
13 paragraph, the term ‘judicial security’ includes the secu-
14 rity of buildings housing the judiciary, the personal secu-
15 rity of judicial officers, the assessment of threats made
16 to judicial officers, and the protection of all other judicial
17 personnel. The United States Marshals Service retains
18 final authority regarding security requirements for the ju-
19 dicial branch of the Federal Government.”.

20 **SEC. 102. PROTECTION OF FAMILY MEMBERS.**

21 Section 105(b)(3) of the Ethics in Government Act
22 of 1978 (5 U.S.C. App.) is amended—

23 (1) in subparagraph (A), by inserting “or a
24 family member of that individual” after “that indi-
25 vidual”; and

1 (2) in subparagraph (B)(i), by inserting “or a
2 family member of that individual” after “the re-
3 port”.

4 **SEC. 103. FINANCIAL DISCLOSURE REPORTS.**

5 (a) **EXTENSION OF AUTHORITY.**—Section 105(b)(3)
6 of the Ethics in Government Act of 1978 (5 U.S.C. App)
7 is amended by striking “2005” each place that term ap-
8 pears and inserting “2009”.

9 (b) **REPORT CONTENTS.**—Section 105(b)(3)(C) of
10 the Ethics in Government Act of 1978 (5 U.S.C. App)
11 is amended—

12 (1) in clause (ii), by striking “and” at the end;

13 (2) in clause (iii), by striking the period at the
14 end and inserting a semicolon; and

15 (3) by adding at the end the following:

16 “(iv) the nature or type of information re-
17 dacted;

18 “(v) what steps or procedures are in place to
19 ensure that sufficient information is available to liti-
20 gants to determine if there is a conflict of interest;

21 “(vi) principles used to guide implementation of
22 redaction authority; and

23 “(vii) any public complaints received in regards
24 to redaction.”.

1 **SEC. 104. PROTECTION OF UNITED STATES TAX COURT.**

2 (a) IN GENERAL.—Section 566(a) of title 28, United
3 States Code, is amended by striking “and the Court of
4 International Trade” and inserting “, the Court of Inter-
5 national Trade, and any other court, as provided by law”.

6 (b) INTERNAL REVENUE CODE.—Section 7456(c) of
7 the Internal Revenue Code of 1986 (relating to incidental
8 powers of the Tax Court) is amended in the matter fol-
9 lowing paragraph (3), by striking the period at the end,
10 and inserting “and may otherwise provide for the security
11 of the Tax Court, including the personal protection of Tax
12 Court judges, court officers, witnesses, and other threat-
13 ened person in the interests of justice, where criminal in-
14 timidation impedes on the functioning of the judicial proc-
15 ess or any other official proceeding.”.

16 **SEC. 105. ADDITIONAL AMOUNTS FOR UNITED STATES MAR-**
17 **SHALS SERVICE TO PROTECT THE JUDICI-**
18 **ARY.**

19 In addition to any other amounts authorized to be
20 appropriated for the United States Marshals Service,
21 there are authorized to be appropriated for the United
22 States Marshals Service to protect the judiciary,
23 \$20,000,000 for each of fiscal years 2007 through 2011
24 for—

25 (1) hiring entry-level deputy marshals for pro-
26 viding judicial security;

1 (2) hiring senior-level deputy marshals for in-
 2 vestigating threats to the judiciary and providing
 3 protective details to members of the judiciary and
 4 assistant United States attorneys; and

5 (3) for the Office of Protective Intelligence, for
 6 hiring senior-level deputy marshals, hiring program
 7 analysts, and providing secure computer systems.

8 **TITLE II—CRIMINAL LAW EN-**
 9 **HANCEMENTS TO PROTECT**
 10 **JUDGES, FAMILY MEMBERS,**
 11 **AND WITNESSES**

12 **SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING**
 13 **OF FICTITIOUS LIENS AGAINST FEDERAL**
 14 **JUDGES AND FEDERAL LAW ENFORCEMENT**
 15 **OFFICERS.**

16 (a) OFFENSE.—Chapter 73 of title 18, United States
 17 Code, is amended by adding at the end the following:

18 **“SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR**
 19 **FEDERAL LAW ENFORCEMENT OFFICER BY**
 20 **FALSE CLAIM OR SLANDER OF TITLE.**

21 “Whoever files, attempts to file, or conspires to file,
 22 in any public record or in any private record which is gen-
 23 erally available to the public, any false lien or encum-
 24 brance against the real or personal property of an indi-
 25 vidual described in section 1114, on account of the per-

1 formance of official duties by that individual, knowing or
 2 having reason to know that such lien or encumbrance is
 3 false or contains any materially false, fictitious, or fraudu-
 4 lent statement or representation, shall be fined under this
 5 title or imprisoned for not more than 10 years, or both.”.

6 (b) CLERICAL AMENDMENT.—The chapter analysis
 7 for chapter 73 of title 18, United States Code, is amended
 8 by adding at the end the following new item:

“1521. Retaliating against a Federal judge or Federal law enforcement officer
 by false claim or slander of title.”.

9 **SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CER-**
 10 **TAIN OFFICIAL DUTIES.**

11 (a) OFFENSE.—Chapter 7 of title 18, United States
 12 Code, is amended by adding at the end the following:

13 **“§ 118. Protection of individuals performing certain**
 14 **official duties**

15 “(a) IN GENERAL.—Whoever knowingly makes re-
 16 stricted personal information about a covered official, or
 17 a member of the immediate family of that covered official,
 18 publicly available—

19 “(1) with the intent to threaten, intimidate, or
 20 incite the commission of a crime of violence against
 21 that covered official, or a member of the immediate
 22 family of that covered official; or

23 “(2) with the intent and knowledge that the re-
 24 stricted personal information will be used to threat-

1 en, intimidate, or facilitate the commission of a
2 crime of violence against that covered official, or a
3 member of the immediate family of that covered offi-
4 cial,
5 shall be fined under this title, imprisoned not more than
6 5 years, or both.

7 “(b) DEFINITIONS.—In this section—

8 “(1) the term ‘restricted personal information’
9 means, with respect to an individual, the Social Se-
10 curity number, the home address, home phone num-
11 ber, mobile phone number, personal email, or home
12 fax number of, and identifiable to, that individual;

13 “(2) the term ‘covered official’ means—

14 “(A) an individual designated in section
15 1114; or

16 “(B) a grand or petit juror, witness, or
17 other officer in or of, any court of the United
18 States, or an officer who may be serving at any
19 examination or other proceeding before any
20 United States magistrate judge or other com-
21 mitting magistrate;

22 “(3) the term ‘crime of violence’ has the mean-
23 ing given the term in section 16; and

24 “(4) the term ‘immediate family’ has the mean-
25 ing given the term in section 115(c)(2).”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 7 of title 18, United States
3 Code, is amended by adding at the end the following new
4 item:

“118. Protection of individuals performing certain official duties.”.

5 **SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS**
6 **WEAPONS IN FEDERAL COURT FACILITIES.**

7 Section 930(e)(1) of title 18, United States Code, is
8 amended by inserting “or other dangerous weapon” after
9 “firearm”.

10 **SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION**
11 **AGAINST A WITNESS.**

12 Section 1513 of title 18, United States Code, is
13 amended by adding at the end the following:

14 “(g) A prosecution under this section may be brought
15 in the district in which the official proceeding (whether
16 pending, about to be instituted, or completed) was in-
17 tended to be affected, or in which the conduct constituting
18 the alleged offense occurred.”.

19 **SEC. 205. MODIFICATION OF TAMPERING WITH A WITNESS,**
20 **VICTIM, OR AN INFORMANT OFFENSE.**

21 (a) CHANGES IN PENALTIES.—Section 1512 of title
22 18, United States Code, is amended—

23 (1) so that subparagraph (A) of subsection
24 (a)(3) reads as follows:

1 “(A) in the case of a killing, the punishment
2 provided in sections 1111 and 1112;”;

3 (2) in subsection (a)(3)—

4 (A) in the matter following clause (ii) of
5 subparagraph (B) by striking “20 years” and
6 inserting “30 years”; and

7 (B) in subparagraph (C), by striking “10
8 years” and inserting “20 years”;

9 (3) in subsection (b), by striking “ten years”
10 and inserting “20 years”; and

11 (4) in subsection (d), by striking “one year”
12 and inserting “3 years”.

13 **SEC. 206. MODIFICATION OF RETALIATION OFFENSE.**

14 Section 1513 of title 18, United States Code, is
15 amended—

16 (1) in subsection (a)(1)(B)—

17 (A) by inserting a comma after “proba-
18 tion”; and

19 (B) by striking the comma which imme-
20 diately follows another comma;

21 (2) in subsection (a)(2)(B), by striking “20
22 years” and inserting “30 years”;

23 (3) in subsection (b)—

24 (A) in paragraph (2)—

1 (i) by inserting a comma after “proba-
2 tion”; and

3 (ii) by striking the comma which im-
4 mediately follows another comma; and

5 (B) in the matter following paragraph (2),
6 by striking “ten years” and inserting “20
7 years”; and

8 (4) by redesignating the second subsection (e)
9 as subsection (f).

10 **SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER**
11 **CRIME AND RELATED CRIMES.**

12 Section 1112(b) of title 18, United States Code, is
13 amended—

14 (1) by striking “ten years” and inserting “20
15 years”; and

16 (2) by striking “six years” and inserting “10
17 years”.

18 **TITLE III—PROTECTING STATE**
19 **AND LOCAL JUDGES AND RE-**
20 **LATED GRANT PROGRAMS**

21 **SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND**
22 **VICTIMS OF CRIMES.**

23 (a) IN GENERAL.—Section 31702 of the Violent
24 Crime Control and Law Enforcement Act of 1994 (42
25 U.S.C. 13862) is amended—

1 (A) in paragraph (2), by striking “and” at
2 the end;

3 (B) in paragraph (3), by striking the pe-
4 riod and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(4) grants to State courts to improve security
7 for State and local court systems.”; and

8 (2) in subsection (b), by inserting after the pe-
9 riod the following:

10 “Priority shall be given to State court applicants under
11 subsection (a)(4) that have the greatest demonstrated
12 need to provide security in order to administer justice.”.

13 (b) ALLOCATIONS.—Section 516(a) of the Omnibus
14 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
15 3762b) is amended by—

16 (1) striking “80” and inserting “70”;

17 (2) striking “and 10” and inserting “10”; and

18 (3) inserting before the period the following: “,
19 and 10 percent for section 515(a)(4)”.

20 (c) STATE AND LOCAL GOVERNMENTS TO CONSIDER
21 COURTS.—The Attorney General may require, as appro-
22 priate, that whenever a State or unit of local government
23 or Indian tribe applies for a grant from the Department
24 of Justice, the State, unit, or tribe demonstrate that, in

1 developing the application and distributing funds, the
 2 State, unit, or tribe—

3 (1) considered the needs of the judicial branch
 4 of the State, unit, or tribe, as the case may be;

5 (2) consulted with the chief judicial officer of
 6 the highest court of the State, unit, or tribe, as the
 7 case may be; and

8 (3) consulted with the chief law enforcement of-
 9 ficer of the law enforcement agency responsible for
 10 the security needs of the judicial branch of the
 11 State, unit, or tribe, as the case may be.

12 (d) ARMOR VESTS.—Section 2501 of title I of the
 13 Omnibus Crime Control and Safe Streets Act of 1968 (42
 14 U.S.C. 3796ll) is amended—

15 (1) in subsection (a), by inserting “and State
 16 and local court officers” after “tribal law enforce-
 17 ment officers”; and

18 (2) in subsection (b), by inserting “State or
 19 local court,” after “government,”.

20 **TITLE IV—LAW ENFORCEMENT**
 21 **OFFICERS**

22 **SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECU-**
 23 **TORS.**

24 (a) IN GENERAL.—Not later than 90 days after the
 25 date of enactment of this Act, the Attorney General shall

1 submit to the Committee on the Judiciary of the Senate
2 and the Committee on the Judiciary of the House of Rep-
3 resentatives a report on the security of assistant United
4 States attorneys and other Federal attorneys arising from
5 the prosecution of terrorists, violent criminal gangs, drug
6 traffickers, gun traffickers, white supremacists, those who
7 commit fraud and other white-collar offenses, and other
8 criminal cases.

9 (b) CONTENTS.—The report submitted under sub-
10 section (a) shall describe each of the following:

11 (1) The number and nature of threats and as-
12 saults against attorneys handling prosecutions de-
13 scribed in subsection (a) and the reporting require-
14 ments and methods.

15 (2) The security measures that are in place to
16 protect the attorneys who are handling prosecutions
17 described in subsection (a), including threat assess-
18 ments, response procedures, availability of security
19 systems and other devices, firearms licensing (depu-
20 tations), and other measures designed to protect the
21 attorneys and their families.

22 (3) The firearms deputation policies of the De-
23 partment of Justice, including the number of attor-
24 neys deputized and the time between receipt of

1 threat and completion of the deputation and training
2 process.

3 (4) For each requirement, measure, or policy
4 described in paragraphs (1) through (3), when the
5 requirement, measure, or policy was developed and
6 who was responsible for developing and imple-
7 menting the requirement, measure, or policy.

8 (5) The programs that are made available to
9 the attorneys for personal security training, includ-
10 ing training relating to limitations on public infor-
11 mation disclosure, basic home security, firearms
12 handling and safety, family safety, mail handling,
13 counter-surveillance, and self-defense tactics.

14 (6) The measures that are taken to provide at-
15 torneys handling prosecutions described in sub-
16 section (a) with secure parking facilities, and how
17 priorities for such facilities are established—

18 (A) among Federal employees within the
19 facility;

20 (B) among Department of Justice employ-
21 ees within the facility; and

22 (C) among attorneys within the facility.

23 (7) The frequency attorneys handling prosecu-
24 tions described in subsection (a) are called upon to
25 work beyond standard work hours and the security

1 measures provided to protect attorneys at such times
2 during travel between office and available parking
3 facilities.

4 (8) With respect to attorneys who are licensed
5 under State laws to carry firearms, the policy of the
6 Department of Justice as to—

7 (A) carrying the firearm between available
8 parking and office buildings;

9 (B) securing the weapon at the office
10 buildings; and

11 (C) equipment and training provided to fa-
12 cilitate safe storage at Department of Justice
13 facilities.

14 (9) The offices in the Department of Justice
15 that are responsible for ensuring the security of at-
16 torneys handling prosecutions described in sub-
17 section (a), the organization and staffing of the of-
18 fices, and the manner in which the offices coordinate
19 with offices in specific districts.

20 (10) The role, if any, that the United States
21 Marshals Service or any other Department of Jus-
22 tice component plays in protecting, or providing se-
23 curity services or training for, attorneys handling
24 prosecutions described in subsection (a).

1 **TITLE V—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE**
4 **UNITED STATES SENTENCING COMMISSION.**

5 (a) IN GENERAL.—Section 995 of title 28, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 “(f) The Commission may—

9 “(1) use available funds to enter into contracts
10 for the acquisition of severable services for a period
11 that begins in 1 fiscal year and ends in the next fis-
12 cal year, to the same extent as executive agencies
13 may enter into such contracts under the authority of
14 section 303L of the Federal Property and Adminis-
15 trative Services Act of 1949 (41 U.S.C. 253l);

16 “(2) enter into multi-year contracts for the ac-
17 quisition of property or services to the same extent
18 as executive agencies may enter into such contracts
19 under the authority of section 304B of the Federal
20 Property and Administrative Services Act of 1949
21 (41 U.S.C. 254e); and

22 “(3) make advance, partial, progress, or other
23 payments under contracts for property or services to
24 the same extent as executive agencies may make
25 such payments under the authority of section 305 of

1 the Federal Property and Administrative Services
2 Act of 1949 (41 U.S.C. 255).”.

3 (b) SUNSET.—The amendment made by subsection
4 (a) shall cease to have force and effect on September 30,
5 2010.

6 **SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL**
7 **JUDGES LIFE INSURANCE.**

8 (a) IN GENERAL.—Section 604(a)(5) of title 28,
9 United States Code, is amended by inserting after “hold
10 office during good behavior,” the following: “bankruptcy
11 judges appointed under section 152 of this title, mag-
12 istrate judges appointed under section 631 of this title,
13 and territorial district court judges appointed under sec-
14 tion 24 of the Organic Act of Guam (48 U.S.C. 1424b),
15 section 1(b) of the Act of November 8, 1877 (48 U.S.C.
16 1821), or section 24(a) of the Revised Organic Act of the
17 Virgin Islands (48 U.S.C. 1614(a)),”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall apply with respect to any payment
20 made on or after the first day of the first applicable pay
21 period beginning on or after the date of enactment of this
22 Act.

23 **SEC. 503. ASSIGNMENT OF JUDGES.**

24 Section 296 of title 28, United States Code, is
25 amended by inserting at the end of the second undesig-

1 nated paragraph the following new sentence: “However,
 2 a judge who has retired from regular active service under
 3 section 371(b) of this title, when designated and assigned
 4 to the court to which such judge was appointed, shall have
 5 all the powers of a judge of that court, including participa-
 6 tion in appointment of court officers and magistrates,
 7 rulemaking, governance, and administrative matters.”.

8 **SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELEC-**
 9 **TION OF MAGISTRATES.**

10 Section 631(a) of title 28, United States Code, is
 11 amended by striking “Northern Mariana Islands” the first
 12 place it appears and inserting “Northern Mariana Islands
 13 (including any judge in regular active service and any
 14 judge who has retired from regular active service under
 15 section 371(b) of this title, when designated and assigned
 16 to the court to which such judge was appointed)”.

17 **SEC. 505. REAUTHORIZATION OF THE ETHICS IN GOVERN-**
 18 **MENT ACT.**

19 Section 405 of the Ethics in Government Act of 1978
 20 (5 U.S.C. App.) is amended by striking “2006” and in-
 21 serting “2011”.

22 **SEC. 506. FEDERAL JUDGES FOR COURTS OF APPEALS.**

23 *Section 44(a) of title 28, United States Code, is*
 24 *amended in the table—*

- 1 (1) *in the item relating to the District of Colum-*
2 *bia Circuit, by striking “12” and inserting “11”; and*
3 (2) *in the item relating to the Ninth Circuit, by*
4 *striking “28” and inserting “29”.*

Calendar No. 107

110TH CONGRESS
1ST Session

S. 378

[Report No. 110-42]

A BILL

To amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

MARCH 29, 2007

Reported with an amendment