



**Legislative Bulletin.....November 9, 2005**

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**H.R. 1751** — Amendments to the Secure Access to Justice and Court Protection Act

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H.R. 1751, the Secure Access to Justice and Court Protection Act, is scheduled to be considered on the House floor on Wednesday, November 9, 2005, subject to a structured rule ([H. RES. 540](#)). The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. Below are the summaries of the amendments made in order under the rule. **Note: summaries are based on RSC staff's review of actual amendment text.** For a summary of the underlying bill, see a separate RSC document released earlier this morning.

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**All amendments are debatable for 10 minutes.**

**1. Sensenbrenner (R-WI):** Manager's Amendment.

- Clarifies that the death penalty would apply only where death results and covers only those offenders who qualify as principals in the killing.
- Makes tribal courts eligible for court security grants.
- Corrects the drafting of a conforming amendment regarding coordination requirements between U.S. Marshals and the Administrative Office of the U.S. Courts on security measures.

**2. Scott (D-VA):** Strikes all new mandatory minimum prison sentences in the bill and replaces them with higher maximum sentences, generally 5-15 years more than provided for in the bill.

**3. Scott (D-VA):** Strikes the death penalty provisions throughout the bill for the killing of federally funded public safety officers and replaces them with "shall be fined under this title or imprisoned for any term of years or for life, or both."

**4. Cuellar (D-TX):** Directs the Attorney General to consider giving preferential treatment, in the current-law witness protection grant program, to an application from a jurisdiction that "shares an international border and faces a demonstrable threat from cross border crime and violence." The amendment's author argues that such preferential treatment would "add

another tool for border prosecutors to encourage witnesses to testify against cross-border crimes.”

**5. Jackson-Lee (D-TX):** Requires the Attorney General to make grants, through the Office of Justice Programs, to the highest state courts in states participating in the threat assessment database program.

**6. Filner (D-CA):** Adds the following allowable use for the young witness assistance grant program: “support for young witnesses who are trying to leave a criminal gang and information to prevent initial gang recruitment.”

**7. Weiner (D-NY):** Makes state and local courts eligible to apply directly to the federal government for certain law enforcement grants.

**8. King (R-IA):** Allows any justice or judge of the United States, any judge of a court created under Article I of the U.S. Constitution, any bankruptcy judge, any magistrate judge, any U.S. Attorney, and any other DoJ officer or employee whose duties include representing the U.S. in a court of law, to carry firearms subject to training and regulation as prescribed by the Attorney General.

**9. Flake (R-AZ):** Gives states incentives to provide quality counsel to capital defendants during post-conviction review. The amendment author notes that states are not constitutionally obligated to provide counsel on post-conviction review, and many states do not do so. This amendment would strengthen and more easily enforce the provisions of (current law) chapter 154 of title 28, which guarantees states streamlined review of capital cases in federal court if they provide quality post-conviction counsel in state court. The amendment would make the Attorney General (and the DC Circuit) in charge of determining state eligibility for chapter 154—thereby removing an existing conflict of interest for federal district courts (because they now have to determine chapter 154 eligibility AND hear the resulting case).

The amendment would limit chapter 154 review to claims attacking a prisoner’s underlying conviction. The amendment would also make two other changes to chapter 154: extending the deadline for district-court review from 6 months to 15 months and it tolling the chapter 154 filing deadline if there is a delay in appointment of state post-conviction counsel. Further, the amendment would implement several other measures aimed at eliminating delays in capital cases.