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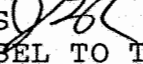
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THE WHITE HOUSE

WASHINGTON

May 15, 1984

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Legislative Proposal Entitled the
"Correctional Improvements Act of 1984"

Counsel's Office has reviewed the "Correctional Improvements Act of 1984," as proposed by the Department of Justice, and finds no objection from a legal perspective to the proposed bill.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

W 4002

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1/1

Name of Correspondent:

Robert A. McConnell

John - dms

☐ MI Mail Report

User Codes: (A) (B) (C)

Subject:

Regulatory proposal entitled the
"Correctional Improvements Act of 1984"

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
W Holland		ORIGINATOR	84105108			1/1
WAT18		Referral Note: AR	84105109		S	84105119
		Referral Note:				1/1
		Referral Note:				1/1
		Referral Note:				1/1
		Referral Note:				1/1

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered
B - Non-Special Referral
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Type of Response = Initials of Signer
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226016 *cc*

Office of the Assistant Attorney General

TO BUDGET FOR CLEARANCE

Washington, D.C. 20530

7 MAY 1984

NOT SENT TO CONGRESS

The Speaker
House of Representatives
Washington, D. C. 20515

Dear Mr. Speaker:

Enclosed for your consideration and appropriate reference is a legislative proposal entitled the "Correctional Improvements Act of 1984," which would amend Title 18, United States Code, to strengthen and make more efficient the operations of the Federal Bureau of Prisons (BOP).

Today, the BOP operates an integrated system of 43 institutions ranging from minimum security camps to maximum security penitentiaries, which provide custody and programs based on the individual needs of offenders.

The primary responsibility of the BOP is to humanely incarcerate individuals who have committed Federal offenses, while trying to strike a balance which recognizes that retribution, deterrence, incapacitation and rehabilitation are all valid reasons for incarceration.

Within the limits which resources allow, the BOP is constantly developing as a professional, effective service. However, from an operational and management perspective, there are a few problem areas which continually disrupt the operations and/or create needless friction in the system. The enclosed proposal is directed to these issues.

While most of these recommendations have been previously endorsed in the context of either criminal code reform legislation of the past or the present Administration omnibus crime bill, the legislative proposal submitted herewith represents a comprehensive separate initiative directed at rectifying those problem areas unique to the Federal Prison System.

Attached is a copy of the draft bill with a section-by-section analysis. Your prompt and favorable consideration of this legislative proposal is strongly recommended.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this draft bill to the Congress and that its enactment would be consistent with the Administration's program.

Sincerely,

Robert A. McConnell
Assistant Attorney General

Enclosures

98th Congress
2nd Session

H.R. _____

To strengthen and make more efficient the operations of the U.S. Bureau of Prisons.

IN THE HOUSE OF REPRESENTATIVES

DATE

M.- introduced the following bill, which was referred to the Committee on the Judiciary.

A BILL

To strengthen and improve the operations of the U.S. Bureau of Prisons.

1 BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED
2 STATES OF AMERICA IN CONGRESS ASSEMBLED, THAT this Act may be cited as the
3 "Correctional Improvements Act of 1984."

4 Section 101. Section 751(a) of 18 United States Code is amended by
5 inserting "is the result of a finding of contempt pursuant to section 1826
6 of Title 28, United States Code," after "extradition or" and before "or
7 by".

8 Section 102. Providing or possessing contraband in prison, summary seizure
9 of same.

10 (a) Section 1791 of Title 18, United States Code is amended to read as
11 follows:

12 "1791. Providing or possessing contraband in prison.

1 "(a) OFFENSE. -- A person commits an offense if, in violation of a
2 statute, or a regulation, rule, or order issued pursuant thereto--

3 "(1) he provides, or attempts to provide, to an inmate of a
4 Federal penal or correctional facility --

5 "(A) a firearm or destructive device;

6 "(B) any other weapon or object that may be used as a weapon
7 or as a means of facilitating escape;

8 "(C) a narcotic drug as defined in section 102 of the
9 Controlled Substances Act (21 U.S.C. 802);

10 "(D) a controlled substance, other than a narcotic drug, as
11 defined in section 102 of the Controlled Substances Act (21 U.S.C.
12 802), or an alcoholic beverage;

13 "(E) United States currency; or

14 "(F) any other object; or

15 "(2) being an inmate of a Federal penal or correctional facility,
16 he makes, possesses, procures, or otherwise provides himself with, or
17 attempts to make, possess, procure, or otherwise provide himself with,
18 anything described in paragraph (1).

19 "(b) GRADING.-- An offense described in this section is punishable by--

20 "(1) imprisonment for not more than ten years, a fine of not more
21 than \$25,000, or both, if the object is anything set forth in paragraph
22 (1)(A);

23 "(2) imprisonment for not more than five years, a fine of not

1 more than \$10,000, or both, if the object is anything set forth in
2 paragraph (1)(B) or (1)(C);

3 "(3) imprisonment for not more than one year, a fine of not more
4 than \$5,000, or both, if the object is anything set forth in paragraph
5 (1)(D) or (1)(E); and

6 "(4) imprisonment for not more than six months, a fine of not
7 more than \$1,000, or both, if the object is any other object.

8 "(c) DEFINITIONS.-- As used in this section, 'firearm' and
9 'destructive device' have the meaning given those terms, respectively, in
10 18 U.S.C. 921(a)(3) and (4).

11 (b) Section 1792 of title 18, United States Code, is amended to read
12 as follows:

13 "1792. Mutiny and riot prohibited.

14 "Whoever instigates, connives, willfully attempts to cause, assists,
15 or conspires to cause any mutiny or riot, at any Federal penal or
16 correctional facility, shall be imprisoned not more than ten years or fined
17 not more than \$25,000, or both.";

18 (c) The analysis at the beginning of chapter 87 of title 18, United
19 States Code, is amended to read as follows:

20 "Chapter 87

21 "Sec.

22 "1791. Providing or possessing contraband in prison.

23 "1792. Mutiny and riot prohibited.';

1 (d) Chapter 301 of title 18, United States Code, is amended by adding
2 at the end thereof the following new section:

3 "4012. Summary seizure and forfeiture of prison contraband.

4 "An officer or employee of the Bureau of Prisons may, pursuant to
5 rules and regulations of the Director of the Bureau of Prisons, summarily
6 seize any object introduced into a Federal penal or correctional facility
7 or possessed by an inmate of such a facility in violation of a rule,
8 regulation or order promulgated by the Director, and such object shall be
9 forfeited to the United States."; and

10 (e) The analysis at the beginning of chapter 301 of title 18, United
11 States Code, is amended by adding after the item relating to section 4011
12 the following:

13 "4012. Summary seizure and forfeiture of prison contraband.'.". ..

14

15 Section 103. Trespass on Bureau of Prisons Reservations and Land.

16 (a) Chapter 87 of title 18, United States Code, is amended by
17 inserting after section 1792 the following new section:

18 "1793 Trespass on Bureau of Prisons Reservations and Land.

19 "Whoever willfully and knowingly, without lawful authority or
20 permission or in violation of lawful regulation of the Attorney General,
21 goes upon a reservation, land, or a facility of the Bureau of Prisons shall
22 be fined not more than \$500 or imprisoned not more than six months or
23 both."

1 (b) The sectional analysis of Chapter 87, of title 18, United
2 States Code is amended by adding after the item relating to section 1792 a
3 new item to read as follows:

4 "§1793. Trespass on Bureau of Prisons reservations and land."

5 Section 104. Arrest Authority

6 The first sentence of chapter 203, section 3050 of title 18, United
7 States Code, is amended to read as follows:

8 "An officer or employee of the Bureau of Prisons of the
9 Department of Justice may

10 "(1) execute a warrant for the arrest of a parolee;

11 "(2) make arrests on or off of Bureau of Prisons property without
12 warrant for violations of the following provisions regardless of where
13 the violation may occur: sections 111 (assaulting officers), 751 (escape),
14 and 752 (assisting escape) of title 18, United States Code; ..

15 "(3) make arrests on Bureau of Prisons premises or reservation land of
16 a penal or correctional facility without warrant for violations occurring
17 thereon of the following provisions: sections 1361 (malicious mischief),
18 1363 (destruction of property), 1791 (contraband), 1792 (mutiny and riot),
19 and 1793 (trespass) of title 18, United States Code; and

20 "(4) arrest without warrant for any other offense described in Title
21 18 or 21 of the United States Code, if committed on the premises or
22 reservation of a penal or correctional facility of the Bureau of Prisons if
23 necessary to safeguard security, good order, or government property, and if

1 he has reasonable grounds to believe that the arrested person is guilty of
2 such offense, and if there is likelihood of his escaping before a warrant
3 can be obtained for his arrest."

4
5 Section 105. Contracting with Private Organization.

6 Chapter 301, Section 4002 of title 18, United States Code, is amended
7 by inserting "or with private organizations or entities," after "or
8 political subdivision thereof," and before "for the imprisonment".

9 Section 106. Discharge Payments.

10 Paragraph two of Chapter 315, Section 4281 of title 18, United States
11 Code, shall be amended by deleting "\$100" and inserting in lieu thereof
12 "\$500".

13
14 Section 107. Authority to Exchange Inmates with States

15 Paragraph (a), Chapter 401, Section 5003 of title 18, United States
16 Code, is amended to read as follows:

17 "(a) The Director of the Bureau of Prisons when proper and adequate
18 facilities and personnel are available, is hereby authorized to contract
19 with proper officials of a State, or Territory, or the Indian Tribes, for
20 the custody, care, subsistence, education, treatment, and training of
21 persons convicted of criminal offenses in the courts of such State or
22 Territory: Provided, That any such contract shall provide

23 "(1) for reimbursing the United States in full for all costs or
24 other expenses involved; or

1 "(2) for receiving in exchange persons convicted of criminal
2 offenses in the courts of the United States, to serve their sentence in
3 appropriate institutions or facilities of the State or Territory by
4 designation as provided in Section 4082(b) of this Title, this exchange to
5 be made according to formulas or conditions which may be negotiated in the
6 contract; or

7 "(3) for compensating the United States by means of a combination
8 of monetary payment and of receipt of persons convicted of criminal
9 offenses in the courts of the United States, according to formulas or
10 conditions which may be negotiated in the contract."
11

12 Section 108. Donations on behalf of the Bureau of Prisons.

13 (a) Chapter 303 of title 18, United States Code, is amended by
14 inserting after section 4042 the following new section:

15 "§4043. Donations on behalf of the Bureau of Prisons.

16 "The Attorney General may accept in the name of the Department of
17 Justice any form of devise, bequest, gift or donation where the donor
18 intends to donate property for use by the Bureau of Prisons or Federal
19 Prison Industries, Inc. The Attorney General may take all appropriate
20 steps to secure possession of such property and may sell, assign,
21 transfer, or convey such property other than money."

22 (b) The sectional analysis of chapter 303, of title 18, United States
23 Code is amended by adding after the item relating to section 4042 a new

1 item to read as follows:

2 "4043. Donations on behalf of the Bureau of Prisons."

3
4 Section 109. Accepting Voluntary Services

5 (a) Chapter 303 of title 18, United States Code, is amended by
6 inserting after section 4043 (proposed above) the following new section:

7 "§4044 Accepting Voluntary Services

8 "The Bureau of Prisons is authorized to accept and employ, in
9 carrying out the provisions of this title, voluntary and uncompensated
10 services notwithstanding the provisions of Title 31 United States Code
11 665(b). Such individuals shall not be considered Federal Employees except
12 for purposes of Chapter 81 of Title 5, United States Code, with respect to
13 job-incurred disability and Title 28, United States Code, with respect to
14 tort claims."

15 (b) The sectional analysis of chapter 303, of title 18, United States
16 Code is amended by adding after the item relating to 4043 a new item to
17 read as follows:

18 "4044 Accepting Voluntary Services".

19
20 Section 110. Authority to Conduct Autopsies

21 (a) Chapter 303 of title 18, United States Code, is amended by
22 inserting after section 4044 (proposed above) the following new section:

23 "§4045 Authority to Conduct Autopsies

1 "A chief executive officer of a federal penal or correctional
2 facility may, pursuant to rules and regulations of the Director, order an
3 autopsy and related scientific or medical tests to be performed on the body
4 of a deceased inmate of the facility in the event of homicide, suicide,
5 fatal illness or accident, or unexplained death when it is determined that
6 such autopsy or test is necessary to detect a crime, maintain discipline,
7 protect the health or safety of other inmates, remedy official misconduct,
8 or defend the United States or its employees from civil liability arising
9 from the administration of the facility. To the extent consistent with the
10 needs of the autopsy or of specific scientific or medical tests, provisions
11 of local law protecting religious beliefs with respect to such autopsies
12 shall be observed. Such officer may also order an autopsy or other
13 post-mortem operation, including removal of tissue for transplanting, to be
14 performed on the body of a deceased inmate of the facility, with the
15 written consent of a person authorized to permit such an autopsy or
16 post-mortem operation under the law of the State in which the facility is
17 located."

18 (b) The sectional analysis of chapter 303, of title 18, United states
19 Code is amended by adding after the item relating to 4044 a new item to
20 read as follows:

21 "4045 Authority to Conduct Autopsies"