



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

November 7, 2005

### **H.R. 1751**

### **Secure Access to Justice and Court Protection Act of 2005**

*As ordered reported by the House Committee on the Judiciary on October 27, 2005*

#### **SUMMARY**

H.R. 1751 would authorize the appropriation of \$409 million over the 2006-2010 period to provide increased court security through the U.S. Marshals Service and to provide grants to states to increase the security of courts and protect witnesses. CBO estimates that it would authorize additional appropriations of \$25 million a year over the 2006-2009 period for grants to states to create threat assessment databases. The bill also would establish mandatory minimum-prison sentences for certain crimes committed against judges and certain public safety officers and their families. Moreover, H.R. 1751 would increase the mandatory minimum-federal sentences for the crimes of murder in the second degree and manslaughter.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 1751 would cost about \$385 million over the 2006-2010 period. Enacting the bill could affect direct spending and revenues, but CBO estimates that any such effects would not be significant.

H.R. 1751 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). It would benefit state, local, and tribal governments by authorizing the appropriation of more than \$400 million over fiscal years 2006-2010 for new and existing programs to increase protection for public safety officers, court personnel, and witnesses. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

#### **ESTIMATED COST TO THE FEDERAL GOVERNMENT**

The estimated budgetary impact of H.R. 1751 is shown in the following table. The cost of this legislation falls within budget function 750 (administration of justice).

	By Fiscal Year, in Millions of Dollars				
	2006	2007	2008	2009	2010
<b>CHANGES IN SPENDING SUBJECT TO APPROPRIATION<sup>a</sup></b>					
Court Security and Witness Programs					
Authorization Level	63	63	63	60	60
Estimated Outlays	14	33	45	54	61
U.S. Marshals Service					
Authorization Level	20	20	20	20	20
Estimated Outlays	12	26	20	20	20
Threat Assessment Database Grants					
Estimated Authorization Level	25	25	25	25	0
Estimated Outlays	6	13	18	22	20
Total Changes					
Estimated Authorization Level	108	108	108	105	80
Estimated Outlays	32	72	83	96	101

a. In addition to the amounts shown above, enacting H.R. 1751 also could affect revenues and direct spending, but CBO estimates that any such effects would not be significant in any year.

## **BASIS OF ESTIMATE**

For this estimate, CBO assumes that the bill will be enacted in December 2005. CBO estimates that implementing H.R. 1751 would cost about \$385 million over the 2006-2010 period, assuming appropriation of the necessary funds. We also estimate that enacting the bill could increase both direct spending and revenues, but any such effects would not be significant in any year.

### **Spending Subject to Appropriation**

For this estimate, CBO assumes that the necessary amounts will be appropriated near the start of each fiscal year and that spending will follow the historical spending patterns for these or similar activities.

**Court Security and Witness Programs.** H.R. 1751 would authorize the appropriation of:

- \$20 million for each of the fiscal years 2006 through 2010 for the Attorney General to make grants to state and local governments to bolster or create witness protection programs;
- \$20 million for each of fiscal years 2006 through 2010 for the Attorney General to make grants to community-based programs to assist both witnesses to and victims of violence;
- \$20 million for each of fiscal years 2006 through 2010 for the Office of Justice Programs to provide grants to state courts to assess and implement courtroom security needs; and
- \$3 million for each of fiscal years 2006 through 2008 for the Bureau of Justice Assistance to make grants to state and local agencies specifically for the needs of juvenile and young adult witnesses.

**U.S. Marshals Service.** H.R. 1751 would authorize the appropriation of \$20 million for each of fiscal years 2006 through 2010 for the U.S. Marshals Service to provide additional protection for the judiciary. The agency would hire additional Deputy Marshals, new investigators, and additional intelligence officers.

**Threat Assessment Database Grants.** The bill would authorize appropriation of the necessary amounts for each of fiscal years 2006 through 2009 for the Attorney General to provide grants to states to assess threats of domestic terrorism and crime. State recipients would use the funds to analyze trends in historical data, project the likelihood of future acts of terrorism and crime, and develop steps to reduce the chance such events will occur. Based on the cost of similar information sharing and technology initiatives, we expect that the Department of Justice would award each state around \$500,000 a year over this period for staff and data analysis tools. Assuming appropriation of the necessary amounts (\$25 million a year), we estimate that the grant program would cost \$79 million over the 2006-2010 period. (Some outlays would occur after 2010.)

**Federal Prison System.** H.R. 1751 would establish mandatory minimum-prison sentences and fines for a wide range of offenses committed by individuals against judges, federally funded public safety officers, and family members of such individuals. In addition, the bill would increase the mandatory minimum sentence for murder in the second degree to not less than 30 years and the mandatory minimum sentences for voluntary and involuntary manslaughter to 20 and 10 years, respectively.

Based on information from the U.S. Sentencing Commission, CBO estimates that the longer sentences required under the bill would not have a significant impact on the prison

population over the 2006-2010 period, and thus, would not impose any significant new costs over that period.

### **Direct Spending and Receipts**

H.R. 1751 would subject individuals to penalties for various crimes against judges, federally funded public safety officers, and their families. Thus, the federal government might collect additional fines if the bill is enacted. Collections of criminal fines are deposited in the Crime Victims Fund and later spent. CBO expects that any additional revenues and direct spending would not be significant.

### **INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT**

This bill contains no intergovernmental or private-sector mandates as defined in UMRA. It would benefit state, local, and tribal governments by authorizing the appropriation of more than \$400 million over fiscal years 2006-2010 for new and existing programs to increase protection for public safety officers, court personnel, and witnesses. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

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