

A NATIONAL STRATEGIC PLAN FOR JUDICIAL BRANCH SECURITY*

Prepared for the National Center for State Courts
And the National Sheriff's Association

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INTRODUCTION

“In our country, courthouses belong to the public and have always been perceived as safe havens.... We must preserve this confidence the public has long held in the courts – and we must continue our work to ensure that the perception that courthouses are safe havens is a reality.”¹

Court security is fundamental to our system of justice.² People will conduct business or participate as jurors and witnesses only when they are confident that no harm will come to them as a result. Unfortunately, recent incidents of violence in federal and state courts, resulting in injury and death, have undermined the public’s confidence in the ability of courts to ensure the safety of their facilities. The potential for terrorist attacks has compounded concerns about vulnerabilities, and recent natural disasters have heightened our awareness that “business” as usual cannot be assumed.

In response to this changing landscape, the National Center for State Courts and the National Sheriff’s Association jointly convened the National Summit on Court Safety and Security and Follow-up Meeting to collectively “identify critical court security needs and discuss realistic solutions.”³ The meetings, chaired by Chief Justice Thomas Moyer, brought together over 125 individuals from local, state, and federal jurisdictions across all branches of government and included representatives from a variety of court, legal, and law enforcement organizations and associations. During the April 2005 Summit, participants identified existing resources and possible strategies to address continuing needs in the court security area. Following the Summit, participants and staff further developed the list of resources and recommended strategies and reviewed them again during the Follow-up Meeting in November 2005.

The recommended strategies emerging from this process follow.⁴ Collectively, they provide an ambitious plan to address court security in a collaborative, coordinated, and integrated approach. Though much progress has been made, the Summit meetings and resulting strategies are just the beginning steps to ensure the safety and security of the Third Branch. Summit participants seek the help and support of all individuals, government sectors, and associations concerned with court security as they move forward with the next steps to implement the strategies.

¹ Statement by Ms. Mary McQueen, President of the National Center for State Courts, during the opening remarks of the Summit Follow-up Meeting held November 17, 2005.

² See “Standard 1.2 Safety, Accessibility, and Convenience” of the Trial Court Performance Standards. Commission on Trial Court Performance Standards. (1990). *Trial court performance standards with commentary*. Williamsburg, VA: National Center for State Courts. Also available online at

http://www.ncsconline.org/D_Research/TCPS/Standards/stan_1.2.htm.

³ The quote is taken from the opening remarks of Sheriff Thomas Faust, Executive Director of the National Sheriff’s Association, during the Summit Follow-up Meeting held November 17, 2005.

⁴ In drafting the recommended strategies, the scope and definition of court security arose. Some jurisdictions include the personal safety of those in the courthouse, the physical security of the courthouse, disaster planning and response, continuity of operations, and cyber security within their definition of court security. Other jurisdictions define court security more narrowly. It is suggested that initial work on identifying guidelines and other resources focus first on physical and personal safety, a concern of all court security efforts. Subsequent efforts in more specialized court security areas, such as continuity of operations and cyber security, can draw from work already underway by other experts and groups concerned with these issues.

RECOMMENDED STRATEGIES

Strategy 1: Promote an active, visible, and collaborative leadership role at all levels of the court system to ensure the safety and security of the nation’s courts. For the state courts, this effort to make emergency preparedness an integral part of court operations at all levels of the court system should be led by the Conference of Chief Justices and the Conference of State Court Administrators.

Commentary

This strategy recognizes the critical role of the chief justices and state court administrators to keep the issue of court security visible and current throughout the nation’s state courts. Leadership starts with the highest court in the state and cascades down to the judges in each local jurisdiction. Reinforcing this leadership role is a 2005 resolution of the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) calling for their members “to take those actions necessary to raise the visibility of the vital importance of court security needs with the public, the court community and our intergovernmental partners” (see Appendix A for the full text of the resolution).

Summit participants emphasized that leadership in the court security area is a collaborative enterprise. Court security is strengthened by recurring and open communications and mutual respect among judicial officers and staff, law enforcement officials, and all those involved in ensuring the safety of our courts. Absent such collaboration, court security efforts proceed in a fragmented manner, creating the possibility for duplicative or conflicting procedures and blurred responsibilities.

One strategy to build effective working relationships is to establish a security committee with relevant stakeholders. At the federal court level, each of the 94 judicial districts has a court security committee, and those that meet regularly are the most effective.⁵ These local committees are responsible for developing and implementing a district-wide security plan and to meet periodically to review security efforts, identify problems and craft solutions. Many state courts also employ security committees—at both the local and state jurisdictional levels. At the national level, the CCJ and COSCA Court Security Committee underscore the importance of collaboration and coordination as well and also recommends standing committees in each judicial facility.⁶

Summit participants acknowledged that while state level leadership is necessary to promote implementation of local security programs, the details of those programs are locally driven because of variations across jurisdictions in factors such as the number, design, and other non-court occupants of courthouse buildings, available resources in the community, the court’s workload, and the primary agents of law enforcement and emergency responders. This local emphasis on implementation reinforces the need to build working relationships among the key stakeholders at the local level. In some jurisdictions, issues such as who is in charge and what

⁵ See Administrative Office of the U.S. Courts, Court Security Office. (2005, November). *Federal court security committees*. Washington, DC: Author.

⁶ See Conference of Chief Justices and Conference of State Court Administrators Joint Committee on Security and Preparedness. (2005 July/August). *Draft Chapter 1: Standard operating procedures*. Williamsburg, VA: National Center for State Courts.

procedures will be followed during an emergency may not be difficult to address because of local resources, similar philosophies about the accessibility of courthouse facilities among stakeholders, and a collaborative culture. In others, these issues may be a source of concern among stakeholders who represent different branches of government and different philosophical perspectives, because agreement about them is not assumed. It is essential that the court take a leadership role in working with stakeholders to resolve these issues before a crisis situation occurs.

Local leadership also should foster a culture of uniformity in practice within and, to the extent possible, across courthouses in a local jurisdiction. Summit participants noted repeatedly that the uniform application of security practices, such as who is screened at entrances and who participates in training sessions, is essential for effective security. As one participant noted, “It is when you start making exceptions that problems occur.” Participants suggested several strategies to address “noncompliers:” (a) explaining the reasons for specific procedures and how noncompliance can affect the safety of others in the courthouse, (b) using peer pressure to encourage colleagues to follow procedures/drawing attention to those who do not cooperate, (c) having the court’s leadership talk directly to the individual and stress that noncompliance will not be tolerated, and (d) referring to *courthouse* security rather than *judicial* security to emphasize that the procedures are intended to keep everyone safe—not just judges—and to encourage broader “ownership” of safety procedures.

Strategy 2: Establish a national coalition on court security to identify effective practices, share practical tools, provide advocacy, and discuss policy issues. The coalition should build on the initial work of the Security Summit and include representatives from across the three branches of government and relevant private organizations.

Commentary

Summit participants noted that there are numerous individuals and groups working in the court security area, creating a fragmented approach to a complex, multifaceted topic. Individual groups are producing standards and guidelines without knowledge of what other groups are doing—resulting in the duplication of effort and the possibility of conflicting information. To address the fragmentation and work more effectively, participants called for a coalition of stakeholders to continue the work the Security Summit began. Because of the Summit, they recognized the collective wisdom of the various partners involved in court security and the potential benefits of working in concert rather than individually.

Participants identified several possible roles for the coalition. A primary objective would be to pull existing resources (e.g., standards, guidelines, protocols, templates) into a blueprint for court security.⁷ The blueprint would include elements of security that all courts should address regardless of size or location, as well as additional practices to further bolster a court’s security. The process of creating the blueprint would provide an opportunity for stakeholders to identify

⁷ This effort would build on the work already underway by groups such as the CCJ and COSCA Joint Committee on Security and Preparedness’ *10 Key Elements for Effective Courtroom Safety and Security Planning*. Summit participants asked that the key elements include a focus on the human (e.g., helping individuals cope with the emotional aftermath of a security breach) as well as the technical and operational aspects of security.

relevant resources they have, identify gaps in existing resources, merge redundant efforts, uncover conflicting guidelines that need to be resolved, and identify areas of work that are ripe for partnerships among participants in the coalition.

A related purpose for the coalition is to identify existing and emerging promising practices in the court security area. As local jurisdictions attempt to implement key elements of the court security blueprint, their experiences can be tracked nationally and used to further refine the blueprint and inform the revision of existing protocols and the development of new ones.

Participants also suggested that the coalition could serve as a national voice for court security. The current fragmentation of the field makes it difficult to (a) highlight the many good resources already available, (b) champion important efforts already underway to improve court security, (c) point out critical needs still remaining, (d) advocate for severely needed additional resources, and (e) respond to questions from the media. As a national forum on court security, the coalition would also provide a communication vehicle for stakeholders to discuss and formulate responses to relevant policy issues.

No one organization currently represents all the voices in the court security field. However, participants thought it would be better to build on the strengths and credibility of existing organizations than to create a new entity. They suggested that the National Center for State Courts (NCSC) serve as the coordinator or hub of the network and bring together representatives of all the relevant groups (many of whom had participated in the Summit and/or the Summit Follow-up Meeting). Depending on the number of entities involved, a smaller Coordinating Council might be established to identify objectives and develop workgroup topics for the larger coalition to address.

To a large extent, funding for the coalition will determine the scope of work and the structure of the coalition. The National Center for State Courts agreed to seek funding to support the coalition and to provide a small amount of start-up funding to establish the network and begin substantive work on a limited basis. It is anticipated that as the coalition becomes more established and produces needed resources for the field, it will have more champions and more opportunities to garner funding for additional efforts.

Strategy 3: Build and maintain an interactive resource center for information on court security and safety. The resource center will capture and catalog existing information on court security and will provide a dissemination vehicle for the work of the coalition.

Commentary

Summit participants requested that the National Center for State Courts (NCSC) provide clearinghouse services for information on court security and emergency preparedness. Participants defined the clearinghouse role as more than just a repository of information; they envisioned the role as encompassing the active dissemination of new information as well as providing staff to answer questions and/or to link requestors to others in the field with relevant expertise. They saw the resource center as working hand-in-hand with the coalition, disseminating information relevant to the coalition's blueprint for court security as well as new information on promising practices and policy issues.

The level of assistance provided by the resource center will depend, in part, on the resources available for the center. Following the Summit meeting in April 2005, the NCSC surveyed Summit participants regarding areas of need for best practices and began the process of identifying resources to address the needs (see Appendix B for summary tables of needed and existing resources and a bibliography of court resources). This information on existing guidelines, practices, protocols, manuals, and so forth was added to the NCSC's CourtTopics database. The NCSC has agreed to continue work on expanding the CourtTopics database and to answer routine requests for information on court security. However, to build a resource center that fully responds to the vision of the Summit participants, the NCSC will seek additional resources.

Strategy 4: Develop a national court security incident-reporting database, and explore alternatives for a threat assessment and response system at the local, state, and national level.

Commentary

A national database of court security threats and breaches is needed to understand the scope of the problem and identify patterns of vulnerabilities across courts. A national database will help courts understand the full range of threats that they need to be prepared for and help with decisions regarding the best use of security resources. In addition, a national database will provide evidence to legislators and other potential funders of the need for additional court security resources.

Summit participants distinguished between an incident-reporting system and a threat assessment and response system. The incident-reporting system tracks events. The threat assessment system involves intelligence-gathering; it also tracks individuals involved in the events to detect patterns of behaviors across jurisdictions and between levels of courts. Theoretically, the threat assessment system could inform a local jurisdiction of other threats made by a specific individual and the result of those threats to help the local jurisdiction decide how best to respond. Because the data in this system includes names and personal information (e.g., mental health history), it is subject to more stringent guidelines regarding confidentiality and sharing across agencies and government branches. A threat assessment system also would be subject to more liability issues if one of its purposes is to provide advice to local jurisdictions regarding how to handle specific threats. Consequently, a threat assessment and response system is a more complex system to develop and implement. In general, Summit participants thought it best to keep the incident-reporting system for identifying the scope and patterns of security incidents separate from the threat assessment system for gathering intelligence and formulating responses to threats.

Several states already have developed some type of incident-reporting system. There are several lessons to be learned based on their experiences. One is to carefully define "incident" and the types of incidents appropriate for inclusion in the database. A related issue is to identify only those pieces of information necessary to include on a reporting form. There is a tendency to want to collect all possible information about an event, but this approach often reduces the "user-friendliness" of the form and results in more data collected than used.

Another issue to consider is who enters information into the database. Some systems allow any judicial officer or court employee to complete an online form about an incident. Others restrict incident-reporting to law enforcement officials who have received training regarding what incidents and related information are entered into the database. This higher level of accuracy and consistency usually is associated with systems that focus on threat assessment and response as well as incident-reporting. Some participants argue, however, that a security officer should be involved in any incident worth reporting to make sure that the information is captured correctly.

The development of any incident-reporting system also will require training for judges and court employees to help them identify events that should be reported and reinforce the importance of reporting incidents in a timely manner (e.g., within a day). If they, rather than a security officer, are to complete the form, training should also address what information to report and how to enter it into the system. Assuming the incident-reporting system does not include threat assessment and response, users should also be informed of the need to follow-up with additional reports to law enforcement if a law enforcement officer has not been involved.

Summit participants stressed the importance of a strong, centralized body taking a leadership role to develop and collect incident data to help ensure standardization and uniformity across states. The Conference of Chief Justices and the Conference of State Court Administrators recommended in their August 2005 resolution (see Appendix A) that states “provide the National Center for State Courts with comprehensive, systematic data on security incidents and natural or man-made disasters so that analysis of such data can be disseminated to aid future preparedness efforts.” The National Center for State Courts is working with several other organizations and individuals interested in this issue to move this effort forward.

Strategy 5: Systematically address the education and training needs of all parties involved in court security and safety efforts.

Commentary

Education and training needs cover a wide range of court security topics such as leading and managing court security efforts, key elements for security planning, actions to take in the event of an incident, the types of threats that should be reported and to whom, and how to work collaboratively to address security concerns. In addition, there are multiple audiences such as state level officials; local court and law enforcement officials; court staff; and attorneys, community service providers, volunteers, and other individuals regularly in the courthouse who need targeted training to ensure the safety of all courthouse users.

Although many educational programs and training modules related to these various needs and audiences already exist, there is no systematic compilation of the programs, their topics, and their targeted audiences.⁸ Because they are offered by multiple groups and organizations, they do not usually involve training across sectors and disciplines, neglecting one of the fundamental needs in the court security area.

⁸ The Judicial Education Reference, Information, and Technical Transfer (JERITT) Project is a good resource for judicial education programs, but it does not include those offered by other stakeholder groups.

To address these problems, Summit participants called for a more coordinated and systematic approach to (a) assess training needs across the various parties involved in court security, (b) identify programs and training modules that address the needs, and (c) develop new resources to meet needs for which current resources are not available. They suggested that a work group or steering committee of the various organizations involved in providing court security education be established to oversee this effort and to identify innovative and existing delivery methods (e.g., regional training for multidisciplinary audiences taught by multidisciplinary faculty teams, distance learning modules for some information) to maximize the number of audiences reached.

Strategy 6: Provide technical assistance to support state and local jurisdiction efforts to enhance court security.

Commentary

As with education and training, technical assistance needs in the court security area are many and varied such as strategic planning, facility audits, implementing security procedures, operating security equipment, crisis intervention planning and response, and developing evacuation plans. Given the limited funding available for technical assistance, Summit participants suggested integrating technical assistance efforts with the resource center (see Strategy 3). Staff of the resource center could “triage” requests by assessing the level of information needed. In some cases, questions might be answered with resources available online or by phone with a knowledgeable staff person or practitioner in another jurisdiction.⁹ On-site consultation would be reserved for assistance not available by other methods.

Summit participants also were concerned with making sure that technical assistance resources reached those most in need of them at the local level. They suggested that as part of the leadership role of the Conference of Chief Justices and the Conference of State Court Administrators (see Strategy 1), the chief justices and state court administrators promote court security efforts and make local jurisdictions aware of technical assistance resources being developed by the coalition (see Strategy 2) and available through the resource center.

Strategy 7: Develop a methodology to determine court security staffing needs.

Commentary

There is no agreed upon methodology or formula to determine the number of security officers needed to adequately protect the judicial system in a local jurisdiction or at the state level.¹⁰ Summit participants acknowledged the complexity of the issue, involving factors such as

⁹ In addition to its traditional court consulting services, the National Center for State Courts (NCSC) also offers consultation through its Court Connections Network. The Network includes a list of court practitioners who are willing to provide assistance in their areas of expertise to other jurisdictions, offsetting some of the costs of consulting services.

¹⁰ There is an agreed upon methodology at the federal level. In 1994, the United States Marshal’s Service, at the request of the Judicial Conference’s Committee on Security and Facilities, developed a staffing methodology to

the number and types of cases handled by a court. An agreed upon approach, however, will offer jurisdictions and funding sources a guide to determine staffing needs and a basis for adjusting staffing levels as the court's workload changes. Participants recommended that the coalition (see Strategy 2) be charged with exploring options to assess staffing needs.

Strategy 8: Pursue funding to assist state and local jurisdictions with their security efforts.

Commentary

Funding court security efforts continues to be a challenge for state and local courts.¹¹ Even when a court is able to purchase needed security equipment, for example, it often cannot afford the staff to monitor the equipment. A key strategy to address the funding issue is to build a culture of collaboration among stakeholders to raise the visibility of court security at the federal, state, and local levels and to pool existing skills and other resources across stakeholders to accomplish efforts in concert that could not be done individually.

One of the barriers to accessing federal funding is the inability of courts to apply directly for resources. Currently, court requests for some Department of Justice (DOJ) funds are made through the state's executive agency; requests for Department of Homeland Security (DHS) funds are made to the State Administrative Agency (SSA) designated by each state's governor to oversee state DHS funds. This places the judicial branch in a position of requesting funds from the state's executive branch and of competing for funds with executive branch agencies.

For a number of years, state court leaders have been advocating in Congress to amend authorizing legislation for DOJ grant funds to allow courts direct access to applying for these funds. The introduction of the Secure Access to Justice and Court Protection Act (HR 1751) provided a legislative vehicle to address this long-standing problem. In November 2005, the House passed HR 1751 by a vote of 375-45 (see Appendix C). The Bill includes provisions to increase state courts' direct access to federal grant programs administered by the DOJ, authorizes a court security grant program to assist state courts to assess and implement changes to improve court security, authorizes a grant witness protection program, and authorizes a grant program to enable state courts to establish and maintain a threat assessment database. The Bill will be considered by the Senate in 2006. If it passes, funds could be appropriated for the grant programs in 2007.

As court leaders and staff interacted with Congress, staff discovered that some members of Congress were surprised to learn that courts do not already have direct access to federal dollars that flow to the states and that some members do not distinguish between federal and state courts, assuming that all courts have access to the same security resources as federal courts. Thus the importance of continuing to raise the visibility of court security issues is clear.

determine the appropriate number of court security officers needed to secure a federal courthouse. The Court Security Officer staffing formula is based on the size of the facility, the hours of operation, and the number of authorized posts (e.g., screening, roving, fixed). In 2005 the state of California also developed a formula to determine security staffing needs. Both of these offer a foundation for moving forward on this strategy.

¹¹ This strategy addresses the need for funds that go directly to state and local courts to improve their security. This funding is in addition to funding needed to support some of the other national strategies such as the development of a court security coalition, a resource center, and an incident-reporting system.

DHS funds are provided to states for four purposes: (1) protection of critical infrastructure and key resources, (2) prevention, (3) response, and (4) recovery. Although courts are part of a state's critical infrastructure, they have received limited DHS funding. Summit participants asked that court leaders seek to change the statutory language regarding direct access for courts to DHS funding as well. In the meantime, the DHS representative at the Summit Follow-up Meeting encouraged state courts to build a relationship with the SAA to have a larger role in planning how the state funds are used. She noted that in 2006, funds would be allotted based on need rather than equally across states.

At the state and local level, collaboration across stakeholders has been a hallmark of successful efforts to garner court security funding.¹² There is strength in numbers when multiple sectors and agencies approach state and local funding sources in concert and speak with one voice. Cross-sector committees, for example, allow the various stakeholders to discuss common needs, identify funding streams each is aware of, consider potential strategies to tap those resources as a joint body, and provide opportunities for the court to have a "seat at the table" with its cross-governmental partners.¹³ These collaborations also allow stakeholders to pool their resources to accomplish goals they would not be able to individually.¹⁴

¹² Summit participants also noted that regional collaboration may be an effective strategy for some states.

¹³ For example, the Ohio Supreme Court has an Advisory Committee on Court Security that includes 22 stakeholder representatives such as judges, court managers, clerks, bailiffs, security officers, sheriffs, U. S. Marshals, county commissioners, bar associations, police chiefs, emergency management associations, and so forth. The Committee meets every two months, fostering a culture of collaboration.

¹⁴ In Wisconsin, for example, the Wisconsin Courthouse Security Training Program was accomplished through the joint efforts of the Supreme Court and the Administrative Office of the Courts, the Wisconsin Sheriff's and Deputy Sheriff's Association, the U. S. Marshal's Office for the Western District of Wisconsin, the Wisconsin Office of Justice Assistance, and the Fox Valley Technical College. With the help of their law enforcement partners, the Wisconsin Supreme Court obtained grant funds from the Office of Justice Assistance, and the Technical College helped develop, deliver, and evaluate a "train the trainers" curriculum for 400 county-level leaders across the state. Prior to this effort, the court had not participated in such a comprehensive partnership. New skills and resources were developed using this cooperative model.

APPENDIX A

**CONFERENCE OF CHIEF JUSTICES AND CONFERENCE OF STATE COURT ADMINISTRATORS'
RESOLUTION IN SUPPORT OF THE IMPORTANCE OF COURT SECURITY**

JOINT RESOLUTION OF THE CONFERENCE OF CHIEF JUSTICES AND CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 17

In Support of the Importance of Court Security

WHEREAS, open access to secure, safe courts promotes a sense of confidence in the stability of civil government; and

WHEREAS, recent incidents of violence in Federal and State courts have highlighted the need for improved security for court facilities; and

WHEREAS, the bombing of the Alfred P. Murrah Building, and the September 11, 2001 terrorist attacks introduced another aspect to protecting our courts: the threat of national and international terrorism; and

WHEREAS, natural disasters such as hurricanes, floods, fire, and earthquakes also threaten the ability of courts to remain open; and

WHEREAS, breaches of court security and violence towards judges, their families, court personnel and participants in the judicial process have resulted in serious injuries or death; and

WHEREAS, under Standard 1.2 (“Access to Justice”) of the Court Performance Standards a court is required to make its facilities safe, accessible and convenient; and

WHEREAS, it is vital that citizens feel confident and safe in seeking access to their courts and that court personnel feel safe in the performance of their duties; and

WHEREAS, the additional federal and state resources deployed after September 11 have largely bypassed the state courts; and

WHEREAS, state courts have been upgrading their security policies, procedures, and equipment to respond to the new realities primarily at their own expense **and are** unable to bear the increasing cost of providing adequate security for court facilities; and

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators have established a Security and Emergency Preparedness Committee whose accomplishments include the development of the Ten Essential Elements for Court Security and Safety Planning, a monograph of court security information and a compilation of best practices for use by state courts; and

WHEREAS, the National Center for State Courts, with funding from the U.S. Bureau of Justice Assistance, hosted a “National Summit on Court Safety and Security” on April 12, 2005 that brought together more than 100 leaders from all segments of the justice system, including over 20 judges to discuss a myriad of security issues and develop a list of recommendations;

NOW, THEREFORE, BE IT RESOLVED, that the Conference of Chief Justices and Conference of State Court Administrators:

- Agree to take those actions necessary to raise the visibility of the vital importance of court security needs with the public, the court community and our intergovernmental partners; and
- Shall perform the necessary actions to disseminate information and promote the adoption of best practices in court security among the state court systems; and
- Encourage each chief justice and state court administrator to conduct assessments of their courts to determine their vulnerability to natural or man-made disasters; and
- Provide the National Center for State Courts with comprehensive, systematic data on security incidents and natural or man-made disasters so that analysis of such data can be disseminated to aid future preparedness efforts; and
- Urge the federal government to provide funding directly to state courts for security preparedness and response.

Adopted as proposed by the CCJ/COSCA Security and Emergency Preparedness Committee at the 57th Annual Meeting on August 3, 2005.

APPENDIX B

COURT SECURITY NEEDS AND EXISTING RESOURCES

TABLE 1: WORKGROUP SUGGESTIONS FOR SECURITY STANDARDS, GUIDELINES, & PROTOCOLS

Management/ Administration	Facility Security & General Deterrence	Intelligence Gathering & Threat Assessment	Incident Response	Continuity of Operations
<ul style="list-style-type: none"> ▪ Court leadership emphasis on security ▪ Clear, emphatic policy goals ▪ Court integration into local emergency management network ▪ Identify who is in charge of what and when (e.g., who makes final decisions on rules and implementation, how are rules enforced with staff and public, who convenes meetings, who handles various aspects of a response to an incident) ▪ Develop cooperative relationship with all stakeholders (state attorney, public defender, local bar, clerk, sheriff (or court security), county commissioners, corrections, emergency management officials ▪ Identify dedicated emergency coordinating officer (and alternate) ▪ Provide templates of models, policies, procedures ▪ Develop, test, disseminate, & update plans ▪ Provide routine training & education on policies and procedures ▪ Regular communications b/w court and law enforcement agency providing security ▪ Cultivate a public awareness and perception that recognizes judicial safety issues & the need for better security ▪ Ensure adequate budget for security needs ▪ Legal requirements regarding public access to security information (e.g., minutes of meetings) 	<ul style="list-style-type: none"> ▪ Assessment of facility strengths/ vulnerabilities ▪ Building perimeter control (use architects & security officers to design perimeter entrances where security clearance is less intrusive and more effective in screening; also include inconveniences of access that are not acceptable) ▪ One entrance for public, court staff, and those in custody ▪ Access screening – who, where, how. Includes weapons screening, cameras, and recording devices ▪ Separate, internal circulation, i.e. traffic patterns, for public, judges and other employees, and those in custody (includes prisoner transport) ▪ Courtroom security ▪ Protection of records ▪ Adequate security staff given physical size of the court and the number of people entering the building in a given day. There should be enough officers to have one in each active court room. ▪ Specific policies/ procedures for civil, criminal, & family courts ▪ Mechanism to ensure that judges are safe away from the courthouse 	<ul style="list-style-type: none"> ▪ Method for information, intelligence-sharing by all interested parties ▪ Expected crime statistics for the area, type of crime, time of day crime types are expected ▪ Determine what the threats and risks are: Most frequent threats, risky types of cases, who presents a risk, who the victims are, minimum counter measures required, resources available ▪ Method for analyzing the level of risk indicated by information, intelligence ▪ Criticality assessment to determine the impact on the community of an attack 	<ul style="list-style-type: none"> ▪ Bomb/ terrorist action ▪ Hostage Situations ▪ Technology emergency ▪ Natural disaster ▪ Occupant emergency procedures: evacuation, sheltering, sheltering in place, building lock-downs ▪ Internal & external communications 	<ul style="list-style-type: none"> ▪ Identification of mission-essential functions ▪ Identification of alternate facility ▪ MOU with manager of alternate facility and other support agencies

TABLE 2: AVAILABLE RESOURCES FOR STANDARDS, GUIDELINES, & PROTOCOLS (UNDER CONSTRUCTION)

Management/ Administration	Facility Security & General Deterrence	Intelligence Gathering & Threat Assessment	Incident Response	Continuity of Operations
<p>Authority & Leadership</p> <ul style="list-style-type: none"> FEMA (1993) Emergency Management Guide for Business & Industry. See “Direction and Control” in Section 2. Judicial Council of California. (2005). Recommendations on Trial Court Security Funding Standards and Methodology. Michigan Supreme Court. (2002). Michigan Court Security Manual, Appendix Materials. See Legal Basis for Court Security. State of Minnesota Court Security Manual. See “Inherent Judicial Power” in Chapter 1. <p>Clear mission/policy goals</p> <ul style="list-style-type: none"> Cowan (2004). See Established Branch Policies. Judicial Council of California. (2005). Recommendations on Trial Court Security Funding Standards and Methodology. <p>Clearly defined responsibilities; coordination among judges and court staff, law enforcement, and courthouse users</p> <ul style="list-style-type: none"> The Commission on Accreditation for Law Enforcement Agencies, Inc. (1999, January). See Chapter 73. Cowan (2004). See Local Emergency Plan Development & Participation with State and Local Law Enforcement and Emergency Management Agencies. 	<p>Assessment of facility strengths/ vulnerabilities</p> <ul style="list-style-type: none"> FEMA (1993) Emergency Management Guide for Business & Industry. See “Analyze Capabilities and Hazard” in Section 1, Step 2 and “Vulnerability Analysis Chart” on the second to last page. National Association for Court Management (2005). See Appendix A: Security Survey. National Institute for Occupational Safety and Health. (2002). Guidance for Protecting Building Environments. From Chemical, Biological, or Radiological Attacks. See Specific Recommendations. National Sheriff’s Association (1978). Michigan Supreme Court (no date). Court Security Audit Checklist. Michigan Supreme Court (no date). Court Security Overview. State of Minnesota Court Security Manual. See “Building Security Committees”, “Courthouse Physical Security Checklist” in Chapter 2 and “Site Specific Consideration Factors” in Chapter 3. Trial Court Performance Standards and Measurement System Standard 1.2: Safety, Accessibility and Convenience. <p>Building perimeter control & access</p> <ul style="list-style-type: none"> Judicial Council of California (2002). Trial Court Facilities Guidelines. See “Building Entrances” in Section VIII: Court Security. Michigan Court Facilities Standards Project Advisory Committee. (2000). See 	<p>Protective intelligence</p> <ul style="list-style-type: none"> Faust & Raffo (2001). Fein & Vossekuil (1998) <p>Reporting security incidents</p> <ul style="list-style-type: none"> Michigan State Court Administrative Office (2002). See Standard 1.4. Michigan Supreme Court. (2002). Michigan Court Security Manual, Appendix Materials. See Incident Report Form. New Mexico Supreme Court Order (2004) to adopt a security incident report form. State of Minnesota Court Security Manual. See “Court Security Incident Reporting Form” and “Reports and Records” in Chapter 6. <p>Gathering information</p> <ul style="list-style-type: none"> Michigan State Court Administrative Office (2002). See Standard 4.7. State of Minnesota Court Security Manual. See “Criminal Statistical Summaries” in Chapter 4, “Daily Activity Log” in Chapter 7, “Threat Intelligence” and “US Marshals Service Threat Source Profile Sample Form” 	<p>Bomb Threats/ suspicious packages</p> <ul style="list-style-type: none"> 11th Judicial Circuit of Florida (2002). Emergency Preparedness and Recovery Procedures Manual. See Section 3 – “Bomb Threat Procedures”, Section 6 – “How to Handle Anthrax. . .” and Appendix A – “Bomb Threat Form”. Faust & Raffo (2001). Michigan Supreme Court. (2002). Michigan Court Security Manual, Section Two (see pp. 15-22) and Mail Handling Process in Appendix Materials. National Association for Court Management (2005). See Appendix D: Bomb Threat Checklist. State of Minnesota Court Security Manual. See “Suspicious Packages” in Chapter 6, “Bomb Threat Response Card,” “Response Plan,” and “Suspicious Package Response Flow Chart” in Chapter 8. Wisconsin Courthouse Security Manual. (2000) See “Contingency Plans Based on Specific Situations: Suspicious Packages” and “Bomb 	<p>Disaster assessment/restoring court operations</p> <ul style="list-style-type: none"> 11th Judicial Circuit of Florida (2002). Emergency Preparedness and Recovery Procedures Manual. See Section 5 – “Disaster Recovery” and Appendix G – “Damage Report Form”. FEMA (1993) Emergency Management Guide for Business & Industry. See “Property Protection” and “Recovery and Restoration” in Section 2. Florida State Courts. Mission Essential Functions template. Florida Supreme Court Workgroup on Emergency Preparedness (2002). See Section I Guidelines (a) (1), (2), (3) & (b); Section II Guideline (c)(1); Section III Guideline (g) (2) <p>Personnel issues</p> <ul style="list-style-type: none"> Florida State Courts. Employee Directory template and Family Disaster Plan. Florida Supreme Court Workgroup on Emergency Preparedness

Management/ Administration	Facility Security & General Deterrence	Intelligence Gathering & Threat Assessment	Incident Response	Continuity of Operations
<ul style="list-style-type: none"> • Florida State Courts. Emergency Management Decision-Making Guide. • Florida Supreme Court Workgroup on Emergency Preparedness (2002). See Section I Guidelines (a) (1), (2), (3) & Section II Guideline (c)(2). • Michigan State Court Administrative Office (2002). See Standards 1.2 & 1.3. • Michigan Supreme Court. (2002). Michigan Court Security Manual, Section One. • National Association for Court Management (2005). See Chapter II: Responsibility. • National Sheriff's Association (1997). • State of Minnesota Court Security Manual. See “Control of the Courtroom” in Chapter 1, “Court Security Committees” and “Courthouse Contingency Plans” in Chapter 2, and “High-Threat Trial Operational Plan – Individual Assignments and Roles” in Chapter 7. <p>Maintenance of security equipment</p> <ul style="list-style-type: none"> • The Commission on Accreditation for Law Enforcement Agencies, Inc. (1999, January). See Chapter 73. • Florida Supreme Court Workgroup on Emergency Preparedness (2002). See Section II Guideline (c)(6). • Michigan State Court Administrative Office (2002). See 	<p>Section 2.6.6.</p> <ul style="list-style-type: none"> • Michigan State Court Administrative Office (2002). See Standards 2.1, 2.2, 2.3, 3.2. • National Association for Court Management (2005). See Chapter IV(A): Courthouse Perimeter and Entry. • National Sheriff's Association (1997). • State of Minnesota Court Security Manual. See “Exterior Security Systems” and “Courthouse Ingress and Egress Points” in Chapter 4 and “Security Screening Guidelines” in Chapter 6. <p>Communications</p> <ul style="list-style-type: none"> • 11th Judicial Circuit of Florida, Emergency Preparedness and Recovery Procedures Manual. See Section 1 – Communications. • FEMA (1993) Emergency Management Guide for Business & Industry. See “Communications” in Section 2. • Michigan Court Facilities Standards Project Advisory Committee. (2000). See Section 2.6.8. <p>General Facility Security</p> <ul style="list-style-type: none"> • Judicial Council of California (2002). Trial Court Facilities Guidelines. See “Court Security Facility Levels” in Section VIII: Court Security. <p>Internal circulation/employee ID & access</p> <ul style="list-style-type: none"> • Michigan State Court Administrative Office (2002). See Standards 2.2, 2.3, 3.1. • National Sheriff's Association (1997). 	<p>in Chapter 9, “Protective Investigative Techniques” in Chapter 10, “Potential Violent Offender Profile” in Chapter 11, and “Residential Survey Considerations”/ Survey Form” in Chapter 11.</p> <p>Risk/Threat Analysis and Assessment</p> <ul style="list-style-type: none"> • General Services Administration, Chemical/Biological Threat Checklist and Bomb Threat Checklist • State of Minnesota Court Security Manual. See “Trial Risk, Participation Risk, and Risk Level Identification” Matrices in Chapter 7, “Judicial Threat Investigations” and “Threat Analysis and Assessment” in Chapter 10. <p>Disseminating threat information</p> <ul style="list-style-type: none"> • Florida Supreme Court Workgroup on Emergency Preparedness (2002). See Section I Guideline (a) (4). • State of Minnesota Court Security Manual. See “Caution Notices” in Chapter 10. 	<p>Threat Response Plan” in Chapter 7.</p> <p>Communications</p> <ul style="list-style-type: none"> • Florida Supreme Court Workgroup on Emergency Preparedness (2002). See Section I Guideline (a) (5). <p>Contempt/Obstreperous Defendant.</p> <ul style="list-style-type: none"> • State of Minnesota Court Security Manual. See “Control of the Courtroom” in Chapter 1. <p>Emergency evacuation</p> <ul style="list-style-type: none"> • FEMA (1993) Emergency Management Guide for Business & Industry. 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See Section III Guidelines (g) (1), (j). <p>Disaster Recovery</p> <p>Planning</p> <ul style="list-style-type: none"> • FEMA (1993) Emergency Management Guide for Business & Industry. See “Administration and Logistics” in Section 1, Step 3. • Florida State Courts. Continuity of Operations Plan (COOP) template; Mission Essential Functions template; Alternate Facilities template; and Agency

Management/ Administration	Facility Security & General Deterrence	Intelligence Gathering & Threat Assessment	Incident Response	Continuity of Operations
<p>Standard 4.4.</p> <p>Personnel manual, education and training</p> <ul style="list-style-type: none"> • FEMA (1993) Emergency Management Guide for Business & Industry. See “Implement the Plan” in Section 1, Step 4 and “Training Drills and Exercises” tracking chart on the last page. • Florida Supreme Court Workgroup on Emergency Preparedness (2002). See Section I Guideline (c); Section II Guideline (c)(6) • Michigan State Court Administrative Office (2002). See Standards 1.1 & 1.5. • Michigan Supreme Court. (2002). Michigan Court Security Manual, Appendix Materials. See Outline for Security Manual. • National Sheriff’s Association (1997) • New York State Unified Court System (March 2003). See Appendix C: Employee Evacuation Checklist & Appendix D: Emergency Procedures. • State of Minnesota Court Security Manual. See “Court Security Training Outline,” “Personal Security Training Outline,” and “Threat Profiles Training” in Chapter 11. <p>Planning</p> <ul style="list-style-type: none"> • FEMA (1993) Emergency Management Guide for Business 	<ul style="list-style-type: none"> • Michigan Court Facilities Standards Project Advisory Committee. (2000). See Sections 2.6.5, 2.6.6, 2.6.7. • New York State Unified Court System (March 2003). See Appendix I: Secure Pass Court Access Program. • State of Minnesota Court Security Manual. See “Credentials and Badges” in Chapter 3. <p>Internal courthouse security</p> <ul style="list-style-type: none"> • Michigan Court Facilities Standards Project Advisory Committee. (2000). See Section 2.6.9 & Sections 3.1.1.7, 3.1.2.8, & 3.1.15.1. • Michigan State Court Administrative Office (2002). See Standards 3.1, 3.4, 3.5, & 4.7. • National Association for Court Management (2005). Chapter IV (see pp. 13-23). • State of Minnesota Court Security Manual. See “Separate Waiting Areas in Courthouse” and “Control of the Courtroom” in Chapter 1, “Space Design and Layout” in Chapter 2, “Intercom Systems” in Chapter 5, “Fixed-Post/Roving Post Assignments and Guidelines” in Chapter 6, and “Violence in the Workplace Prevention Techniques” in Chapter 11. <p>Intrusion & Duress Alarms</p> <ul style="list-style-type: none"> • Michigan Court Facilities Standards Project Advisory Committee. (2000). See Sections 2.6.2, 2.6.3, 2.6.4 & Section 3.1.2.8. • Michigan State Court Administrative Office (2002). See Standard 4.3. 	<p>Technology & information systems</p> <ul style="list-style-type: none"> • Florida Supreme Court Workgroup on Emergency Preparedness (2002). See Section III Guidelines (c), (d), (f). 	<p>Security Manual. See “Occupant Emergency Plans” in Chapter 2.</p> <ul style="list-style-type: none"> • Wisconsin Courthouse Security Manual. (2000) See “Evacuations” in Chapter 7. <p>Fire</p> <ul style="list-style-type: none"> • FEMA (1993) Emergency Management Guide for Business & Industry. See “Fire” in Section 3. • Michigan Supreme Court. (2002). Michigan Court Security Manual, Section Two (see pp. 9-14). <p>Hostage Situations</p> <ul style="list-style-type: none"> • State of Minnesota Court Security Manual. See “Courthouse Hostage Situations” in Chapter 2. • Wisconsin Courthouse Security Manual. (2000) See “Hostage Situations” in Chapter 7. <p>Medical</p> <ul style="list-style-type: none"> • Florida Supreme Court Workgroup on Emergency Preparedness (2002). See Section II Guideline (b)(2) • Michigan Supreme Court. (2002). Michigan Court Security Manual, Section Two (see pp. 26-30). <p>Natural/civil disaster</p> <ul style="list-style-type: none"> • 11th Judicial Circuit of Florida (2002). 	<p>Directory.</p> <ul style="list-style-type: none"> • Michigan Supreme Court. (2002). Michigan Court Security Manual, Section Two (see pp. 34-35). • NACM (2000). Disaster Recovery Planning for Courts. See Sample Disaster Recovery Plan in Section 4 and Recovery Tasks Guide in Appendix C.

Management/ Administration	Facility Security & General Deterrence	Intelligence Gathering & Threat Assessment	Incident Response	Continuity of Operations
<p>& Industry. See “Establish a Planning Team” in Section 1, Step 1 and “Develop the Plan” in Section 1, Step 3.</p> <ul style="list-style-type: none"> Florida State Courts. Checklist regarding basic administrative and emergency procedures. Judicial Council of California. (2005). Recommendations on Trial Court Security Funding Standards and Methodology. Michigan Court Facilities Standards Project Advisory Committee. (2000). See Section 2.6 & Section 3.9.18. National Association for Court Management (2005). See Chapter III: A Security Plan. New York State Unified Court System (March 2003). See Appendix A: Building Evacuation Plan & Appendix G: Facility Profile. New York State Unified Court System. (March 2003). Emergency Preparedness and Response Planning Manual. New York State Unified Court System. (March 2003). Facility Emergency Preparedness and Response Plan. State of Minnesota Court Security Manual. See “Demonstrations and Protests” in Chapter 4, “Operational Plan Checklist for High Threat Trial” in Chapter 7, “Court Security and Threat Intelligence Associations, Memberships and Training” in Chapter 13. 	<p>Mail</p> <ul style="list-style-type: none"> Michigan Supreme Court. (2002). Michigan Court Security Manual, Appendix Materials. See Mail Handling Process. New York State Unified Court System (March 2003). See Appendix H: Mail and Package Processing Procedures. <p>Parking</p> <ul style="list-style-type: none"> Michigan State Court Administrative Office (2002). See Standard 3.3. State of Minnesota Court Security Manual. See “Secured and Controlled Parking” in Chapter 4. <p>Prisoner transportation</p> <ul style="list-style-type: none"> The Commission on Accreditation for Law Enforcement Agencies, Inc. (1999, January). See Chapter 71. National Sheriff's Association (1997). State of Minnesota Court Security Manual. See “Special Prisoner Transport Considerations” in Chapter 7. <p>Records & Information Security</p> <ul style="list-style-type: none"> Florida Supreme Court Workgroup on Emergency Preparedness (2002). See Section III Guidelines (a), (b), (e). Michigan Court Facilities Standards Project Advisory Committee. (2000). Section 3.3.5. National Association for Court Management (2005). Chapter IV (see pp. 15-16). New York State Unified Court System (March 2003). See Appendix J: CourtNet Security Policy. 		<p>Emergency Preparedness and Recovery Procedures Manual. See Section 2 – “Civil Disturbance Procedures” and Section 4 – “Pre Hurricane Procedures”.</p> <ul style="list-style-type: none"> FEMA (1993) Emergency Management Guide for Business & Industry. See Section 3: Hazard-Specific Information. Florida Supreme Court Workgroup on Emergency Preparedness (2002). See Section II Guideline (b). Michigan Supreme Court. (2002). Michigan Court Security Manual, Section Two (see pp. 23-25). State of Minnesota Court Security Manual. See “Nuclear, Biological, and Chemical Incidents” in Chapter 2. Wisconsin Courthouse Security Manual. (2000) See “Nuclear, Biological, and Chemical Incidents” in Chapter 7. <p>Personnel Information</p> <ul style="list-style-type: none"> State of Minnesota Court Security Manual. See “Judicial Personal Profile” in Chapter 1 and “Detail Personnel Data Sheet” in Chapter 7. <p>Prisoner escape</p> <ul style="list-style-type: none"> Michigan Supreme Court. 	

Management/ Administration	Facility Security & General Deterrence	Intelligence Gathering & Threat Assessment	Incident Response	Continuity of Operations
<p>Staffing & Funding</p> <ul style="list-style-type: none"> Judicial Council of California. (2005). Recommendations on Trial Court Security Funding Standards and Methodology. State of Minnesota Court Security Manual. See “Providing Bailiffs and Jury Attendants” in Chapter 1 and “Highlights of US Marshals Services CSO Contracts” in Chapter 6. <p>Testing Plans</p> <ul style="list-style-type: none"> Florida Supreme Court Workgroup on Emergency Preparedness (2002). See Section II Guideline (b)(1). National Association for Court Management (2005). See Appendix A: Security Survey. New York State Unified Court System (March 2003). See Appendix E: Evacuation Drill Protocols & Appendix F: Evacuation Drill Report. Federal Executive Branch. COOP Self-Assessment Guide & Checklist. See “COOP Plan Evaluation Checklist”. 	<p>Security Technology/Equipment</p> <ul style="list-style-type: none"> State of Minnesota Court Security Manual. See “Security Equipment” and “Intercom Systems” in Chapter 5. <p>Weapons policy & screening</p> <ul style="list-style-type: none"> The Commission on Accreditation for Law Enforcement Agencies, Inc. (1999, January). See Chapter 73. Michigan Court Facilities Standards Project Advisory Committee. (2000). See Section 2.6.1. Michigan State Court Administrative Office (2002). See Standards 2.1, 4.1, 4.2, 4.6. Michigan Supreme Court. (2002). Michigan Court Security Manual, Appendix Materials. See Weapons Memo, Weapons Model Local Administrative Order, & Weapons Notice. National Association for Court Management (2005). Chapter III (see pp. 10-13). State of Minnesota Court Security Manual. See “Dangerous Weapons” in Chapter 1, “Court Order” in Chapter 2, and “Handling Weapons. . .” in Chapter 7. 		<p>(2002). Michigan Court Security Manual, Section Two (see pp. 31-33).</p> <ul style="list-style-type: none"> State of Minnesota Court Security Manual. See “Courthouse Escape Contingencies” and “Occupant Emergency Plans” in Chapter 2. Wisconsin Courthouse Security Manual. (2000) See “Escape Contingencies” in Chapter 7. <p>Responding to Threats and Violence in the Courthouse in General</p> <ul style="list-style-type: none"> New Mexico (2004): security incident report form used in the Fifth District. Recommendations of the Kentucky Task Force on Court Security. (2001) See Appendix. State of Minnesota Court Security Manual. See “Threat and Violence De-escalation Techniques” in Chapter 11. State of Minnesota (1993). Court Security Incident Reporting Form. 	

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- [Homeland Security Contact List](#).
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APPENDIX C

SECURE ACCESS TO JUSTICE AND COURT PROTECTION ACT (HR 1751)

Highlights of the Secure Access to Justice and Court Protection Act of 2005 (H.R. 1751)

Sec 3. Penalties for Certain Assaults - Subjects anyone who kills a current or former federally funded public safety officer performing official duties to the penalties applicable to killing a U.S. officer or employee performing official duties.

Sec 6. Modification of Definition of Offense and of the Penalties for Influencing or Injuring Officer or Juror Generally - Increases penalties for: (1) influencing or injuring an officer or juror; and (2) tampering with or retaliating against a witness, victim, or informant. The provision includes intimidation of or retaliation against a witness, victim, juror, or informant within the definition of "unlawful activity" for purposes of the prohibition against interstate and foreign travel or transportation in aid of racketeering enterprises.

Sec. 11. Witness Protection Grant Program – Amends the (1) the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Attorney General to make grants to states, local governments, and Indian tribes to create and expand witness protection programs and the (2) Violent Crime Control and Law Enforcement Act of 1994 to authorize grants to states to create and expand witness and victim protection programs. \$20 million is authorized for each program from FY 2006 to FY 2010.

Sec. 18. Eligibility of Courts to Apply Directly for Law Enforcement Discretionary Grants and Requirement That State and Local Governments Consider State Court When Applying for Grant Funds – Amends the Omnibus Crime Control and Safe Streets Act of 1968 to include the judicial branch of a state or local unit of government in the definition of state and local unit of government for the purpose of directly applying for grants tied to this Act. The Attorney General is also required to ensure that states and local governments applying for and distributing grant funds consider the needs of the judicial branch of the state or local unit of government and consult with the chief judicial officer of the highest court of the state or local unit of government.

Sec. 23. Funding for State Courts to Assess and Enhance Court Security and Emergency Preparedness - Authorizes a grant program to assist state to conduct assessments and implement court security improvements deemed necessary based on the assessments. The highest state court is eligible to apply for the funds. \$20 million is authorized from FY 2006 to FY 2010.

Sec. 25. Grants to States for Threat Assessment Databases - Authorizes a grant program to enable state courts to establish and maintain a threat assessment database. The Attorney General is required to define a core set of data elements to insure that the data could be shared between states and with the Department of justice. The highest state court is eligible to apply for the funds. \$20 million is authorized from FY 2006 to FY 2009.

Sec. 27 State and Local Court Eligibility – Clarifies that state and local courts are eligible to apply for grants associated with the Omnibus Crime Control and Safe Streets Act of 1968, the Edward Byrne Grants, Armored Vests grants, and the Child Abuse and Prevention and Treatment Act (CAPTA).

109th CONGRESS
1st Session
H. R. 1751
AN ACT

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

HR 1751 EH

109th CONGRESS
1st Session
H. R. 1751

AN ACT

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Secure Access to Justice and Court Protection Act of 2005'.

SEC. 2. PENALTIES FOR INFLUENCING, IMPEDING, OR RETALIATING AGAINST JUDGES AND OTHER OFFICIALS BY THREATENING OR INJURING A FAMILY MEMBER.

Section 115 of title 18, United States Code, is amended--

(1) in each of subparagraphs (A) and (B) of subsection (a)(1), by inserting `federally funded public safety officer (as defined for the purposes of section 1123)' after `Federal law enforcement officer,';

(2) so that subsection (b) reads as follows:

`(b)(1) Except as provided in paragraph (2), the punishment for an offense under this section is as follows:

`(A) The punishment for an assault in violation of this section is the same as that provided for a like offense under section 111.

`(B) The punishment for a kidnapping, attempted kidnapping, or conspiracy to kidnap in violation of this

section is the same as provided for a like violation in section 1201.

` (C) The punishment for a murder, attempted murder, or conspiracy to murder in violation of this section is the same as provided for a like offense under section 1111, 1113, and 1117.

` (D) A threat made in violation of this section shall be punished by a fine under this title or imprisonment for not more than 10 years, or both.

` (2) If the victim of the offense under this section is an immediate family member of a United States judge, a Federal law enforcement officer (as defined for the purposes of section 1114) or of a federally funded public safety officer (as defined for the purposes of section 1123), in lieu of the punishments otherwise provided by paragraph (1), the punishments shall be as follows:

` (A) The punishment for an assault in violation of this section is as follows:

` (i) If the assault is a simple assault, a fine under this title or a term of imprisonment for not more than one year, or both.

` (ii) If the assault resulted in bodily injury (as defined in section 1365), a fine under this title and a term of imprisonment for not less than one year nor more than 10 years.

` (iii) If the assault resulted in substantial bodily injury (as defined in section 113), a fine under this title and a term of imprisonment for not less than 3 years nor more than 12 years.

` (iv) If the assault resulted in serious bodily injury (as defined in section 2119), a fine under this title and a term of imprisonment for not less than 10 years nor more than 30 years.

` (B) The punishment for a kidnapping, attempted kidnapping, or conspiracy to kidnap in violation of this section is a fine under this title and imprisonment for any term of years not less than 30, or for life.

` (C) The punishment for a murder, attempted murder, or conspiracy to murder in violation of this section is a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results and the offender is prosecuted as a principal, the offender may be sentenced to death.

` (D) A threat made in violation of this section shall be punished by a fine under this title and imprisonment for not less than one year nor more than 10 years.

` (E) If a dangerous weapon was used during and in relation to the offense, the punishment shall include a term of imprisonment of 5 years in addition to that otherwise imposed under this paragraph.'.

SEC. 3. PENALTIES FOR CERTAIN ASSAULTS.

(a) Inclusion of Federally Funded Public Safety Officers- Section 111(a) of title 18, United States Code, is amended--

(1) in paragraph (1), by inserting ` or a federally funded public safety officer (as defined in section 1123)' after ` 1114 of this title'; and

(2) in paragraph (2), by inserting ` or a federally funded public safety officer (as defined in section 1123)' after ` 1114'.

(b) Alternate Penalty Where Victim Is a United States Judge, a Federal Law Enforcement Officer, or Federally Funded Public Safety Officer- Section 111 of title 18, United States Code, is amended by adding at the end the following:

` (c) Alternate Penalty Where Victim Is a United States Judge, a Federal Law Enforcement Officer, or Federally Funded Public Safety Officer- (1) Except as provided in paragraph (2), if the offense is an assault and the victim of the offense under this section is a United States judge, a Federal law enforcement officer (as defined for the purposes of section 1114) or of a federally funded public safety officer (as defined for the purposes of section 1123), in lieu of the penalties otherwise set forth in this section, the offender shall be subject to a fine under this title and--

` (A) If the assault is a simple assault, a fine under this title or a term of imprisonment for not more than one year, or both.

` (B) if the assault resulted in bodily injury (as defined in section 1365), shall be imprisoned not less than one nor more than 10 years;

` (C) if the assault resulted in substantial bodily injury (as defined in section 113), shall be imprisoned not less than 3 nor more than 12 years; and

` (D) if the assault resulted in serious bodily injury (as defined in section 2119), shall be imprisoned not less than 10 nor more than 30 years.

` (2) If a dangerous weapon was used during and in relation to the offense, the punishment shall include a term of imprisonment of 5 years in addition to that otherwise imposed under this subsection.'

SEC. 4. PROTECTION OF FEDERALLY FUNDED PUBLIC SAFETY OFFICERS.

(a) Offense- Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

` Sec. 1123. Killing of federally funded public safety officers

` (a) Whoever kills, or attempts or conspires to kill, a federally funded public safety officer while that officer is engaged in official duties, or arising out of the performance of official duties, or kills a former federally funded public safety officer arising out of the performance of official duties, shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results and the offender is prosecuted as a principal, may be sentenced to death.

` (b) As used in this section--

` (1) the term `federally funded public safety officer' means a public safety officer for a public agency (including a court system, the National Guard of a State to the extent the personnel of that National Guard are not in Federal service, and the defense forces of a State authorized by section 109 of title 32) that receives Federal financial assistance, of an entity that is a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States, an Indian tribe, or a unit of local government of that entity;

` (2) the term `public safety officer' means an individual serving a public agency in an official capacity, as a judicial officer, as a law enforcement officer, as a firefighter, as a chaplain, or as a member of a rescue squad or ambulance crew;

` (3) the term `judicial officer' means a judge or other officer or employee of a court, including prosecutors, court security, pretrial services officers, court reporters, and corrections, probation, and parole officers; and

` (4) the term ` firefighter' includes an individual serving as an official recognized or designated member of a legally organized volunteer fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew; and

` (5) the term ` law enforcement officer' means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws.'

(b) Clerical Amendment- The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

` 1123. Killing of federally funded public safety officers.'

SEC. 5. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

(a) Murder Amendments- Section 1111 of title 18, United States Code, is amended in subsection (b), by inserting ` not less than 30' after ` any term of years'.

(b) Manslaughter Amendments- Section 1112(b) of title 18, United States Code, is amended--

(1) by striking ` ten years' and inserting ` 20 years'; and

(2) by striking ` six years' and inserting ` 10 years'.

SEC. 6. MODIFICATION OF DEFINITION OF OFFENSE AND OF THE PENALTIES FOR, INFLUENCING OR INJURING OFFICER OR JUROR GENERALLY.

Section 1503 of title 18, United States Code, is amended--

(1) so that subsection (a) reads as follows:

` (a)(1) Whoever--

` (A) corruptly, or by threats of force or force, endeavors to influence, intimidate, or impede a juror or officer in a judicial proceeding in the discharge of that juror or officer's duty;

` (B) injures a juror or an officer in a judicial proceeding arising out of the performance of official duties as such juror or officer; or

` (C) corruptly, or by threats of force or force, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice;

or attempts or conspires to do so, shall be punished as provided in subsection (b).

` (2) As used in this section, the term `juror or officer in a judicial proceeding' means a grand or petit juror, or other officer in or of any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate.'; and

(2) in subsection (b), by striking paragraphs (1) through (3) and inserting the following:

` (1) in the case of a killing, or an attempt or a conspiracy to kill, the punishment provided in section 1111, 1112, 1113, and 1117; and

` (2) in any other case, a fine under this title and imprisonment for not more than 30 years.'

SEC. 7. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) Changes in Penalties- Section 1512 of title 18, United States Code, is amended--

(1) in each of paragraphs (1) and (2) of subsection (a), insert `or conspires' after `attempts';

(2) so that subparagraph (A) of subsection (a)(3) reads as follows:

` (A) in the case of a killing, the punishment provided in sections 1111 and 1112;';

(3) in subsection (a)(3)--

(A) in the matter following clause (ii) of subparagraph (B) by striking `20 years' and inserting `30 years' ; and

(B) in subparagraph (C), by striking `10 years' and inserting `20 years';

(4) in subsection (b), by striking `ten years' and inserting `30 years'; and

(5) in subsection (d), by striking `one year' and inserting `20 years'.

SEC. 8. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended--

(1) in subsection (a)(1), by inserting `or conspires' after `attempts';

(2) in subsection (a)(1)(B)--

(A) by inserting a comma after `probation'; and

- (B) by striking the comma which immediately follows another comma;
- (3) in subsection (a)(2)(B), by striking ` 20 years' and inserting ` 30 years';
- (4) in subsection (b), by striking ` ten years' and inserting ` 30 years';
- (5) in the first subsection (e), by striking ` 10 years' and inserting ` 30 years'; and
- (6) by redesignating the second subsection (e) as subsection (f).

SEC. 9. INCLUSION OF INTIMIDATION AND RETALIATION AGAINST WITNESSES IN STATE PROSECUTIONS AS BASIS FOR FEDERAL PROSECUTION.

Section 1952 of title 18, United States Code, is amended in subsection (b)(2), by inserting ` intimidation of, or retaliation against, a witness, victim, juror, or informant,' after ` extortion, bribery,'.

SEC. 10. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:
` (g) A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or completed) was intended to be affected or was completed, or in which the conduct constituting the alleged offense occurred.'.

SEC. 11. WITNESS PROTECTION GRANT PROGRAM.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part BB (42 U.S.C. 3797j et seq.) the following new part:

` PART CC--WITNESS PROTECTION GRANTS

` SEC. 2811. PROGRAM AUTHORIZED.

SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.'

SEC. 13. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) Ensuring Consultation and Coordination With the Administrative Office of the United States Courts- Section 566 of title 28, United States Code, is amended by adding at the end the following:

(i) The United States Marshals Service shall consult with the Administrative Office of the United States Courts on a continuing basis regarding the security requirements for the Judicial Branch, and inform the Administrative Office of the measures the Marshals Service intends to take to meet those requirements.'

(b) Conforming Amendment- Section 604(a) of title 28, United States Code, is amended--

(1) by redesignating existing paragraph (24) as paragraph (25);

(2) by striking 'and' at the end of paragraph (23); and

(3) by inserting after paragraph (23) the following:

(24) Consult with the United States Marshals Service on a continuing basis regarding the security requirements for the Judicial Branch; and'

SEC. 14. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST A FEDERAL EMPLOYEE.

(a) Offense- Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

Sec. 1521. Retaliating against a Federal employee by false claim or slander of title

Whoever, with the intent to harass a person designated in section 1114 on account of the performance of official duties, files, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of that person, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 10 years, or both.'

(b) Clerical Amendment- The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

 ` 1521. Retaliating against a Federal employee by false claim or slander of title.'

SEC. 15. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e) of title 18, United States Code, is amended by inserting `or other dangerous weapon' after `firearm'.

SEC. 16. REPEAL OF SUNSET PROVISION.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking subparagraph (E).

SEC. 17. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN FEDERAL AND OTHER FUNCTIONS.

(a) Offense- Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

` Sec. 117. Protection of individuals performing certain Federal and federally assisted functions

 ` (a) Whoever knowingly, and with intent to harm, intimidate, or retaliate against a covered official makes restricted personal information about that covered official publicly available through the Internet shall be fined under this title and imprisoned not more than 5 years, or both.

 ` (b) It is a defense to a prosecution under this section that the defendant is a provider of Internet services and did not knowingly participate in the offense.

 ` (c) As used in this section--

 ` (1) the term `restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual; and

 ` (2) the term `covered official' means--

 ` (A) an individual designated in section 1114;

` (B) a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968); or

` (C) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate.'.

(b) Clerical Amendment- The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

` 117. Protection of individuals performing certain Federal and federally assisted functions.'.

SEC. 18. ELIGIBILITY OF COURTS TO APPLY DIRECTLY FOR LAW ENFORCEMENT DISCRETIONARY GRANTS AND REQUIREMENT THAT STATE AND LOCAL GOVERNMENTS CONSIDER COURTS WHEN APPLYING FOR GRANT FUNDS.

(a) Courts Treated as Units of Local Governments for Purposes of Discretionary Grants- Section 901 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended in subsection (a)(3)--

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph:

` (C) the judicial branch of a State or of a unit of local government within the State or of an Indian tribe, for purposes of discretionary grants;'.

(b) State and Local Governments to Consider Courts- The Attorney General shall ensure that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe--

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

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be.

SEC. 19. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, and those who commit fraud and other white-collar offenses. The report shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling those prosecutions and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling those prosecutions, including measures such as threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The Department of Justice's firearms deputation policies, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each measure covered by paragraphs (1) through (3), when the report or measure was developed and who was responsible for developing and implementing the report or measure.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide the attorneys with secure parking facilities, and how priorities for such facilities are established--

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency such attorneys are called upon to work beyond standard work hours and the security measures

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

(8) With respect to attorneys who are licensed under State laws to carry firearms, the Department of Justice's policy as to--

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

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

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of the attorneys, the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, the attorneys.

SEC. 20. FLIGHT TO AVOID PROSECUTION FOR KILLING PEACE OFFICERS.

(a) Flight- Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

Sec. 1075. Flight to avoid prosecution for killing peace officers

Whoever moves or travels in interstate or foreign commerce with intent to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees or under section 1114 or 1123, for a crime consisting of the killing, an attempted killing, or a conspiracy to kill, an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws or for a crime punishable by section 1114 or 1123, shall be fined under this title and imprisoned, in addition to any other imprisonment for the underlying offense, for any term of years not less than 10.'

(b) Clerical Amendment- The table of sections at the beginning of chapter 49 of title 18, United States Code, is amended by adding at the end the following new item:

1075. Flight to avoid prosecution for killing peace officers.'

SEC. 21. SPECIAL PENALTIES FOR MURDER, KIDNAPPING, AND RELATED CRIMES AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) Murder- Section 1114 of title 18, United States Code, is amended--

(1) by inserting `(a)' before `Whoever'; and

(2) by adding at the end the following:

`(b) If the victim of a murder punishable under this section is a United States judge (as defined in section 115) or a Federal law enforcement officer (as defined in 115) the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death.'

(b) Kidnapping- Section 1201(a) of title 18, United States Code, is amended by adding at the end the following: `If the victim of the offense punishable under this subsection is a United States judge (as defined in section 115) or a Federal law enforcement officer (as defined in 115) the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death.'

SEC. 22. MEDIA COVERAGE OF COURT PROCEEDINGS.

(a) Findings- The Congress makes the following findings:

(1) The right of the people of the United States to freedom of speech, particularly as it relates to comment on governmental activities, as protected by the first amendment to the Constitution, cannot be meaningfully exercised without the ability of the public to obtain facts and information about the Government upon which to base their judgments regarding important issues and events. As the United States Supreme Court articulated in *Craig v. Harney*, 331 U.S. 367 (1947), `A trial is a public event. What transpires in the court room is public property.'

(2) The right of the people of the United States to a free press, with the ability to report on all aspects of the conduct of the business of government, as protected by the first amendment to the Constitution, cannot be meaningfully exercised without the ability of the news media to gather facts and information freely for dissemination to the public.

(3) The right of the people of the United States to petition the Government to redress grievances, particularly as it relates to the manner in which the Government exercises its legislative, executive, and judicial powers, as protected by the first amendment to the Constitution, cannot be meaningfully exercised without the availability to the public of information about how the affairs of government are being conducted. As the Supreme Court noted in *Richmond Newspapers, Inc. v. Commonwealth of Virginia* (1980), 'People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.'

(4) In the twenty-first century, the people of the United States obtain information regarding judicial matters involving the Constitution, civil rights, and other important legal subjects principally through the print and electronic media. Television, in particular, provides a degree of public access to courtroom proceedings that more closely approximates the ideal of actual physical presence than newspaper coverage or still photography.

(5) Providing statutory authority for the courts of the United States to exercise their discretion in permitting televised coverage of courtroom proceedings would enhance significantly the access of the people to the Federal judiciary.

(6) Inasmuch as the first amendment to the Constitution prevents Congress from abridging the ability of the people to exercise their inherent rights to freedom of speech, to freedom of the press, and to petition the Government for a redress of grievances, it is good public policy for the Congress affirmatively to facilitate the ability of the people to exercise those rights.

(7) The granting of such authority would assist in the implementation of the constitutional guarantee of public trials in criminal cases, as provided by the sixth amendment to the Constitution. As the Supreme Court stated in *In re Oliver* (1948), 'Whatever other benefits the guarantee to an accused that his trial be conducted in public may confer upon our society, the guarantee has always been recognized as a safeguard against any attempt to employ our courts as instruments of persecution. The knowledge that every criminal trial is subject to contemporaneous review in the forum of public

opinion is an effective restraint on possible abuse of judicial power.'.

(b) Authority of Presiding Judge to Allow Media Coverage of Court Proceedings-

(1) AUTHORITY OF APPELLATE COURTS- Notwithstanding any other provision of law, the presiding judge of an appellate court of the United States may, in his or her discretion, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(2) AUTHORITY OF DISTRICT COURTS-

(A) IN GENERAL- Notwithstanding any other provision of law, any presiding judge of a district court of the United States may, in his or her discretion, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(B) OBSCURING OF WITNESSES AND JURORS- (i) Upon the request of any witness (other than a party) or a juror in a trial proceeding, the court shall order the face and voice of the witness or juror (as the case may be) to be disguised or otherwise obscured in such manner as to render the witness or juror unrecognizable to the broadcast audience of the trial proceeding.

(ii) The presiding judge in a trial proceeding shall inform--

(I) each witness who is not a party that the witness has the right to request that his or her image and voice be obscured during the witness' testimony; and

(II) each juror that the juror has the right to request that his or her image be obscured during the trial proceeding.

(3) ADVISORY GUIDELINES- The Judicial Conference of the United States is authorized to promulgate advisory guidelines to which a presiding judge, in his or her discretion, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described in paragraphs (1) and (2).

(c) Definitions- In this section:

(1) PRESIDING JUDGE- The term 'presiding judge' means the judge presiding over the court proceeding concerned.

In proceedings in which more than one judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that-

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES- The term 'appellate court of the United States' means any United States circuit court of appeals and the Supreme Court of the United States.

(d) Sunset- The authority under subsection (b)(2) shall terminate on the date that is 3 years after the date of the enactment of this Act.

SEC. 23. FUNDING FOR STATE COURTS TO ASSESS AND ENHANCE COURT SECURITY AND EMERGENCY PREPAREDNESS.

(a) In General- The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts--

(1) to conduct assessments focused on the essential elements for effective courtroom safety and security planning; and

(2) to implement changes deemed necessary as a result of the assessments.

(b) Essential Elements- As used in subsection (a)(1), the essential elements include, but are not limited to--

(1) operational security and standard operating procedures;

(2) facility security planning and self-audit surveys of court facilities;

(3) emergency preparedness and response and continuity of operations;

(4) disaster recovery and the essential elements of a plan;

(5) threat assessment;

(6) incident reporting;

- (7) security equipment;
- (8) developing resources and building partnerships; and
- (9) new courthouse design.

(c) Applications- To be eligible for a grant under this section, a highest State court shall submit to the Attorney General an application at such time, in such form, and including such information and assurances as the Attorney General shall require.

(d) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2006 through 2010.

SEC. 24. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, \$20,000,000 for each of fiscal years 2006 through 2010 for--

- (1) hiring entry-level deputy marshals for providing judicial security;
- (2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and Assistant United States Attorneys; and
- (3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

SEC. 25. GRANTS TO STATES FOR THREAT ASSESSMENT DATABASES.

(a) In General- The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts to establish and maintain a threat assessment database described in subsection (b).

(b) Database- For purposes of subsection (a), a threat assessment database is a database through which a State can--

- (1) analyze trends and patterns in domestic terrorism and crime;
- (2) project the probabilities that specific acts of domestic terrorism or crime will occur; and

- (3) develop measures and procedures that can effectively reduce the probabilities that those acts will occur.
- (c) Core Elements- The Attorney General shall define a core set of data elements to be used by each database funded by this section so that the information in the database can be effectively shared with other States and with the Department of Justice.
- (d) Authorization of Appropriations- There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2009.

SEC. 26. GRANTS FOR YOUNG WITNESS ASSISTANCE.

- (a) Definitions- For purposes of this section:
 - (1) DIRECTOR- The term `Director' means the Director of the Bureau of Justice Assistance.
 - (2) JUVENILE- The term `juvenile' means an individual who is 17 years of age or younger.
 - (3) YOUNG ADULT- The term `young adult' means an individual who is between the ages of 18 and 21.
 - (4) STATE- The term `State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.
- (b) Program Authorization- The Director may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs, including State and local prosecutors and law enforcement agencies that have existing juvenile and adult witness assistance programs.
- (c) Eligibility- To be eligible to receive a grant under this section, State and local prosecutors and law enforcement officials shall--
 - (1) submit an application to the Director in such form and containing such information as the Director may reasonably require; and
 - (2) give assurances that each applicant has developed, or is in the process of developing, a witness assistance program that specifically targets the unique needs of juvenile and young adult witnesses and their families.
- (d) Use of Funds- Grants made available under this section may be used--
 - (1) to assess the needs of juvenile and young adult witnesses;
 - (2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes--

- (A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;
- (B) pre- and post-trial assistance for the youth and their family;
- (C) providing education services if the child is removed from or changes their school for safety concerns;
- (D) support for young witnesses who are trying to leave a criminal gang and information to prevent initial gang recruitment.
- (E) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and
- (F) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(e) Reports-

(1) REPORT- State and local prosecutors and law enforcement agencies that receive funds under this section shall submit to the Director a report not later than May 1st of each year in which grants are made available under this section. Reports shall describe progress achieved in carrying out the purpose of this section.

(2) REPORT TO CONGRESS- The Director shall submit to Congress a report by July 1st of each year which contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs established under this section.

(f) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2006, 2007, and 2008.

SEC. 27. STATE AND LOCAL COURT ELIGIBILITY.

(a) Bureau Grants- Section 302(c)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(c)(1)) is amended by inserting 'State and local courts,' after 'contracts with'.

(b) Edward Byrne Grants-

(1) FORMULA GRANTS- Section 501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended--

(A) in subsection (a), by striking `and units of local government' and inserting `, units of local government, and State and local courts'; and

(B) in subsection (b), by inserting `, State and local courts,' after `use by States'.

(2) DISCRETIONARY GRANTS- Section 510(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760(a)) is amended by inserting `, State and local courts,' after `private agencies,'.

(c) Armor Vests- Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (3796ii) is amended--

(1) in subsection (a), by inserting `State and local court,' after `local,'; and

(2) in subsection (b), by inserting `State and local court' after `government,'.

(d) Child Abuse Prevention- Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended--

(1) in the section heading, by inserting `state and local courts,' after `agencies';

(2) in subsection (a), by inserting `and State and local courts' after `such agencies or organizations)'; and

(3) in subsection (a)(1), by inserting `and State and local courts' after `organizations'.

SEC. 28. AUTHORITY OF FEDERAL JUDGES AND PROSECUTORS TO CARRY FIREARMS.

(a) In General- Chapter 203 of title 18, United States Code, is amended by inserting after section 3053 the following:

` Sec. 3054. Authority of Federal judges and prosecutors to carry firearms

` Any justice of the United States or judge of the United States (as defined in section 451 of title 28), any judge of a court created under article I of the United States Constitution, any bankruptcy judge, any magistrate judge, any United States attorney, and any other officer or employee of the Department of Justice whose duties include representing the United States in a court of law, may carry firearms, subject to such regulations as the Attorney General shall prescribe. Such regulations shall

provide for training and regular certification in the use of firearms and shall, with respect to justices, judges, bankruptcy judges, and magistrate judges, be prescribed after consultation with the Judicial Conference of the United States.'

(b) Clerical Amendment- The table of sections for such chapter is amended by inserting after the item relating to section 3053 the following:

^ 3054. Authority of Federal judges and prosecutors to carry firearms.'

Passed the House of Representatives November 9, 2005.

Attest:

Clerk.