

H.R.1303

CAN DO Act of 2009 (Introduced in House)

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Communities in Action Neighborhood Defense and Opportunity Act of 2009' or the 'CAN DO Act of 2009'.

SEC. 2. FINDINGS.

The Congress makes the following findings:

- (1) The Department of Justice Bureau of Statistics reports that over 45 Americans are killed daily by gun violence all across the United States.
- (2) In 2005, gun violence killed 3,027 American children and teens ages 19 and under, an average of 8 young people killed each day by guns in the United States, a total that is the highest of any developed country.
- (3) In 2005, individuals between 17 years of age and 24 years of age made up 11.4 percent of the population but accounted for 33.7 percent of those killed by gun violence.
- (4) In 2005, firearm homicide was the second leading cause of injury death for men and women between 10 years of age and 24 years of age--second only to motor vehicle crashes.
- (5) In 2005, firearm homicide was the leading cause of death for black males between 15 years of age and 34 years of age.
- (6) A study of all direct and indirect costs of gun violence including medical, lost wages, and security costs estimates that gun violence costs the Nation \$100 billion per year.
- (7) The average total cost of one gun crime can be as high as \$1.79 million, including medical treatment and the prosecution and imprisonment of the shooter, and at least 80 percent of the economic costs of treating firearm injuries are paid for by taxpayer dollars.
- (8) In 1995, Boston's Operation Ceasefire, which entailed a problem-oriented policing approach, and focused on specific crime hot spots, was established as a strategy for stemming the epidemic of youth gun violence in Boston, and within two years the number of youth homicides dropped from 73 to ten, with only one handgun-related youth homicide occurring in 1999 and 2000.
- (9) Programs targeted at entire communities, such as community revitalization, after-school programs, and media campaigns, have been proven to be more effective in reducing the general level of violence that children are exposed to.
- (10) Sociologist James D. Wright suggests that to convince inner-city youths not to carry guns `requires convincing them that they can survive in their neighborhood without being armed, that they can come and go in

peace, that being unarmed will not cause them to be victimized, intimidated, or slain'.

SEC. 3. ESTABLISHMENT OF COMMUNITIES IN ACTION GRANT PROGRAM.

(a) In General- The Attorney General, through the Office of Justice Programs of the Department of Justice, shall establish a 5-year competitive grant program (in this Act referred to as the `Grant Program') under which the Attorney General may provide grants to six communities, through State attorney generals of the States involved, to establish and maintain, in accordance with the provisions of this Act, pilot programs for CAN DO Centers (described in section 4(a)) in such communities to establish, administer, and coordinate each of the following:

- (1) The CAN DO Safer Streets Strategy Group Program and Guns off Our Streets Program under section 5.
- (2) The CAN DO Operation Community Patrol Program under section 6.
- (3) The CAN DO Street Mentoring Program under section 7.
- (4) The CAN DO Services Providers Network under section 8.

(b) Eligibility- To be eligible to receive a grant under subsection (a)--

(1) A community must be a community that has a population within a population size specified by the Attorney General and that has an average rate of gun homicides that is more than the average national rate of gun homicides; and

(2) The executive officer of a community shall submit to the Attorney General, through the State attorney general of the State involved, an application at such time and in such manner as specified by the Attorney General, and containing at least--

(A) a proposal for establishing and maintaining a CAN DO Center under section 4(a) and each of the programs described in paragraphs (1) through (4) of subsection (a), that will demonstrate--

(i) the capacity of the community to establish and maintain a CAN DO Program Board described in section 4(c) and the commitment of all of the members described in such section to participate on such board;

(ii) the capacity of the community to provide for each of the programs described in such paragraphs; and

(iii) the location site for each of such programs;

(B) assurances that for each year the community receives the grant the executive officer will submit to the Attorney General, through the State attorney general of the State involved, a report describing the activities for which the grant funds for such year were used; and

(C) assurances that for each year the community receives the grant, the community will not violate the limitation under subsection (c)(3)(B).

(c) Administrative Provisions-

(1) IN GENERAL- A grant awarded under subsection (a) shall be awarded to a community through the State attorney general of the State in which the community is located and shall be administered to such community by such State attorney general.

(2) PILOT PROGRAM SITES- Grants under subsection (a) shall be awarded to six communities, 4 of which shall be urban communities and 2 of which shall be suburban or rural communities, as selected by the Attorney General.

(3) AMOUNT OF GRANTS-

(A) IN GENERAL- The amount of a grant awarded to a community under subsection (a) shall be for each year of the grant-

(i) in the case of an urban community, \$4,000,000; and

(ii) in the case of a suburban or rural community, \$2,000,000.

(B) LIMITATION- Of the amount described in subparagraph (A) awarded to a community under subsection (a) for a year--

(i) not more than \$1,000,000 may be used for purposes of carrying out sections 5, 6, and 7; and

(ii) not more than \$3,500,000 may be used for purposes of carrying out section 8.

(4) DURATION-

(A) IN GENERAL- Subject to subparagraph (B), a grant awarded to a community under subsection (a) shall be for five years.

(B) CONDITION FOR RECEIPT OF ANNUAL FUNDS- If, based on a report described in subsection (c)(2)(B) submitted by a community for a year, the Attorney General determines that the community is not in compliance with the terms of the grant or the proposal submitted by such community under subsection (c) the community shall not be eligible for a payment under the grant for any subsequent year of the Grant Program.

(d) State Defined- For purposes of this Act, the term `State' includes the 50 States and the District of Columbia.

SEC. 4. CAN DO CENTERS.

(a) In General- Each community that receives a grant under subsection (a) shall establish and maintain a CAN DO Center to establish, administer, and coordinate each of the programs described in section 3(a) and through which information about and access or referral to such programs may be obtained.

(b) Administrator- Each CAN DO Center shall be administered by an administrator (in this Act referred to as the `Administrator') to be selected by the executive officer of the community involved. Such Administrator shall oversee the operations of the Center and the programs established, administered, and coordinated by the Center.

(c) CAN DO Program Board-

(1) IN GENERAL- Each CAN DO Center shall have a CAN DO Program Board to consult and advise the Administrator and executive officer of the community involved, with respect to the programs established, administered, and coordinated by the Center.

(2) MEMBERS- Each CAN DO Program Board, with respect to a community, shall be composed of members as follows:

(A) INITIAL MEMBERS- Initial members of the Board shall be appointed and selected as follows:

(i) Ten members shall be appointed as follows:

(I) 1 shall be a representative of the executive officer's office;

(II) 1 shall be a representative of the local court;

(III) 1 shall be a representative of the local prosecutor's office;

(IV) 1 shall be a representative of the local public defender's office;

(V) 1 shall be a representative of the office of the executive officer of the community;

(VI) 1 shall be a representative of a local educational agency;

(VII) 1 shall be a representative of a local mental health agency;

(VIII) 1 shall be a representative of the local law enforcement agency;

(IX) 1 shall be a representative of a local job training agency; and

(X) 1 shall be a representative of the regional office of the Department of Health and Human Services;

(ii) Seven members shall be selected by the community in accordance with a process specified by the executive officer of the community, of whom--

(I) 1 shall be a local parent;

(II) 1 shall be a local student;

(III) 1 shall be a representative of the local faith-based community or clergy;

(IV) 1 shall be a representative from a local business; and

(V) 3 shall be representatives from a community-based nonprofit organization that works with at-risk youth in areas of education, life skills, job readiness, management, counseling, or any other related area.

(B) ADDITIONAL MEMBERS- The initial members of the Board appointed and selected under subparagraph (A) may by the

affirmative vote of two-thirds of such members select additional members to be included on the Board.

(3) MEMORANDUM OF AGREEMENT- Each Community in Action Advisory Board shall establish a memorandum of agreement, which must be signed by each member of the Board before participating on such Board, that provides for the duties of each member with respect to establishing, administering and coordinating the programs described in section 3(a) and the timeframes involved in establishing, administering, and coordinating such programs.

(4) TERMS-

(A) IN GENERAL- The terms of members of each Community in Action Advisory Board shall be 1 year, except as provided in subparagraph (B). There shall be no limit for the number of terms that such a member may serve.

(B) VACANCIES- Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has been appointed or selected. A vacancy in the Commission shall be filled in the manner in which the original appointment or selection was made.

(5) MEETINGS- Each Community in Action Advisory Board shall meet at least once every three months.

SEC. 5. CAN DO SAFER STREETS STRATEGY GROUP PROGRAM.

(a) Strategy Group-

(1) IN GENERAL- Each community that receives a grant under section 3(a) shall establish a CAN DO Safer Streets Strategy Group (in this Act to be known as the 'Strategy Group' to develop a coordinated community-wide intervention strategy, through the coordination and knowledge of the community's law enforcement and criminal justice agencies, to deter firearm violence and homicides, including such crimes committed by youth, in the community.

(2) MEMBERS- Each Strategy Group, with respect to a community, shall consist of the following members:

(A) At least one representative of the local police anti-gang unit or similar local police unit.

(B) At least one representative from the United States Attorney's office involved.

(C) At least one representative from the State probation office and the State parole office involved or similar office for such State.

(D) At least one representative of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.

(E) At least one representative of the United States Drug Enforcement Administration.

(F) At least one representative of the Federal Bureau of Investigation.

(G) At least one representative of the Department of Youth Services of the Department of Health and Human Services.

(H) If applicable, at least one representative of the county district attorney's office.

(I) At least one representative of the Communities in Action Street Mentoring Program under section 7.

(J) At least one representative of the local clergy.

(K) Representatives of any other applicable community-based organization.

(3) SPECIFIC DUTIES- Each Strategy Group, with respect to a community, shall have the following duties:

(A) TRACKING GANG ACTIVITY- The Strategy Group shall geographically map the areas of the community with the highest rates of gun homicides and gather and coordinate information on the sizes of gangs in the community, the areas of the community affected by the activities of such gangs, and any alliances or conflicts between gangs in the community.

(B) INFORMATION ON HIGH RISK INDIVIDUALS- The Strategy Group shall collect and maintain information on individuals identified by law enforcement officials as being involved in multiple gun homicides and violent crimes, including information on probation, parole, warrants, criminal violations committed, arrests, and other information related to the criminal history of such individuals.

(C) DETERRENCE MEETINGS- The Strategy Group shall meet with the following individuals to communicate with such individuals that the community has a zero tolerance policy for homicides:

(i) Individuals identified under subparagraph (B).

(ii) At-risk youth (as defined in section 6(b)), through group and individual meetings in schools, homes of such youth, neighborhoods of such youth, courthouses, and other appropriate locations.

(iii) Teens and youth who are on probation.

(D) ORDER MAINTENANCE AND ENFORCEMENT TACTICS- In the case of any gun homicide that occurs in the community, the Strategy Group shall provide for, through working and consultation with the appropriate law enforcement agencies, intensive order maintenance and enforcement tactics to quickly suppress potential resulting firearm violence in emerging violent hotspots in the community, as identified by the Strategy Group. Such tactics may include targeting individuals identified under

subparagraph (B) in the community with aggressive enforcement of penalties for motor vehicle violations, outstanding arrests, public drinking and disorderly conduct, loitering, probation and parole violations, breaking curfew, child support arrears, and other criminal violations.

(E) ADDITIONAL SERVICES- The Strategy Group shall inform individuals in the community about services provided by the community, specifically services provided or coordinated by the Communities in Action Center of the community, including job training and placement services, drug treatment services, tutoring services for General Education Development (GED) testing, psychological and mental health services, and conflict mediation and resolution services.

(F) GUNS OFF OUR STREETS PROGRAM- The Strategy Group shall oversee the Guns off Our Streets Program under subsection (b) for the community and shall--

(i) flag for investigation each firearms trace conducted under such program that shows guns used or found in high-risk neighborhoods of the community, as identified by the Strategy Group, and guns that are associated with gang members in the community; and

(ii) establish and maintain a database or other data collection that compares trace data determined through the program, as described in subsection (b)(2), and data on individuals collected or maintained by the Strategy Group under subparagraph (B) on individuals described in such subparagraph.

(b) Guns Off Our Streets Program- Each community that receives a grant under section 3(a) shall provide for a Guns off Our Streets Program under which--

(1) the local law enforcement agencies work together with the district attorney's office involved and, as appropriate, in consultation with the United States Attorney's office involved and the Bureau of Alcohol, Tobacco, Firearms, and Explosives, to investigate firearm trafficking in the community and crime committed by repeat criminal offenders in the community;

(2) the local law enforcement agencies shall submit to the Bureau of Alcohol, Tobacco, Firearms, and Explosives information necessary for the Bureau to trace through the Bureau's National Tracing Center each gun recovered by such agencies to discover sources of illegal weapons and firearms-trafficking patterns in the community and the Bureau shall conduct such traces;

(3) the local law enforcement agencies and the Bureau of Alcohol, Tobacco, Firearms, and Explosives will work in collaboration to ensure all Federal firearms licenses issued in the community are in compliance with Federal laws; and

- (4) the local law enforcement agencies shall attempt to gather information on the firearms market from criminal offenders in the community.
- (c) DOJ Assistance- Upon request of the Strategy Group, the Attorney General may detail, on a reimbursable basis, the appropriate personnel of the Department of Justice to the Strategy Group to assist it in carrying out its duties under this section.

SEC. 6. CAN DO OPERATION COMMUNITY PATROL PROGRAM.

(a) In General- Each community that receives a grant under section 3(a) shall establish and carry out a CAN DO Operation Community Patrol Program (in this section referred to as the `Community Patrol Program'), under which probation officers of the District Court involved shall jointly work with law enforcement officers from the anti-gang violence unit of the local law enforcement agency involved (or similar unit) to identify and monitor gang members and other at-risk youth in the community and to carry out the following activities, with respect to such members and youth:

(1) PATROL ORGANIZATION STRATEGY- Such individuals and entities shall develop and carry out a patrol organization strategy, including the assignment of local law enforcement officers of the community to specific areas of the community to become familiar with such area, criminal activity involved in such area, and develop approaches to reduce violent crime in such area in cooperation with residents of the area.

(2) AT-RISK YOUTH VISITS- Probation officers shall select gang members and at-risk youth for such officers to visit, based on whether or not such member or youth has defaulted on the terms of the member or youth's probation or parole, and shall visit such members and youth on a rotational basis.

(3) UNANNOUNCED VISITS- Probation officers and local law enforcement officers shall make unannounced visits to homes, schools, and workplaces of gang members and other at-risk youth to ensure that such youths are complying with the terms of their probation or parole, including curfews, geographical restrictions, and restricted associations, as applicable.

(4) ENFORCEMENT OF PROBATION AND PAROLE TERMS- Such officers shall enforce all terms of the probation or parole of each identified gang member and other at-risk youth.

(5) COMMUNITY OUTREACH TRAINING- A representative from the National Organization of Black Law Enforcement Executives (or similar certified entity) shall train such officers in community outreach and appropriate sensitivity training in order to enhance cooperation and collaboration between such officers and the community.

(6) COMMUNITY OUTREACH- Such officers shall conduct outreach to residents of the community to identify and address neighborhood concerns.

SEC. 701. SUBORDINATION TO ARMS EXPORT CONTROL ACT.

In the event of any conflict between any provision of this Act or an amendment made by this Act, and any provision of the Arms Export Control Act (22 U.S.C. 2751), the provision of the Arms Export Control Act shall control.

TITLE VIII--INAPPLICABILITY

SEC. 801. INAPPLICABILITY TO GOVERNMENTAL AUTHORITIES.

This Act and the amendments made by this Act shall not apply to any department or agency of the United States, of a State, or of a political subdivision of a State, or to any official conduct of any officer or employee of such a department or agency.

TITLE IX--EFFECTIVE DATE

SEC. 901. EFFECTIVE DATE OF AMENDMENTS.

The amendments made by this Act shall take effect 1 year after the date of the enactment of this Act.

END