

## LOCAL COURTHOUSE SAFETY ACT OF 2012

SEPTEMBER 10, 2012.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. SMITH of Texas, from the Committee on the Judiciary,  
submitted the following

### R E P O R T

[To accompany H.R. 6185]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 6185) to improve security at State and local courthouses, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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#### Purpose and Summary

H.R. 6185 improves security at State and local courthouses by making available surplus Federal metal detecting equipment to those state and local courthouse in need of such equipment. This bill keeps the Federal role appropriately limited while encouraging the use of metal detectors to enhance safety. This bill also protects

Federal taxpayers' assets while still allowing States and localities to receive surplus Federal safety equipment.

### **Background and Need for the Legislation**

Since 2010, there has been about one shooting per month at local courthouses across the country. In September 2011, a defendant opened fire in the Crawford County Courthouse in Arkansas, killing a judge's secretary. Two days later, police killed a defendant in the Adams County Superior Court in Indiana after he pointed a gun at them. In December 2011, a defendant retrieved a gun from his car, walked into the Cook County Courthouse in Minnesota, and shot the prosecuting attorney, a witness, and the bailiff. In 2012, there have been at least five courthouse shootings, including a fatal attack in Texas.

Security at many local courthouses is lax, particularly in rural and suburban areas where access to equipment, training, and resources is especially scarce. Law enforcement officers, court personnel, and members of our communities are in harm's way as a result.

The Local Courthouse Safety Act gives sheriffs and local courthouses access to the training, equipment, and resources they need to improve security. This bill provides statutory authorization for the Department of Justice to train law enforcement officers—including the sheriffs who protect our courthouses—how to anticipate, respond to, and survive violent encounters. This bill updates the State Justice Institute's mission statement to cover courthouse safety and authorizes the State Justice Institute to use existing appropriations for courthouse security investments. This bill also gives local courts direct access to excess security equipment, like metal detectors, wands, and baggage screening machines that the Federal Government no longer uses.

Fiscally responsible changes were incorporated into this legislation. For instance, changes to the State Justice Institute's (SJI) authorizing statute provide that SJI can use existing appropriations to invest in local courthouse security upgrades. The bill ensures that Federal agencies can claim equipment before it is made available to the State or local courthouses. The bill gives local courthouses access to "surplus" equipment, which is defined by existing law as excess equipment that is not claimed by any Federal agency. The bill requires or encourages local courthouses to invest in magnetometers as a condition for participation in Federal programs. Priority for any courthouse security training programs will be given to courts that have metal detectors available. Local courthouses can receive SJI courthouse security grants only if they apply between \$300 and \$1,000 of their match requirement to metal detectors.

H.R. 6185 has been endorsed by several organizations, including the National Sheriffs Association, the National Association for Court Management, the Conference of Chief Justices, the Conference of State Court Administrators, the American Judges Association, and the National Court Reporters Association.

### **Hearings**

The Committee on the Judiciary held no hearings on H.R. 6185.

### **Committee Consideration**

On August 1, 2012, the Committee met in open session and ordered the bill H.R. 6185 favorably reported, by voice vote, a quorum being present.

### **Committee Votes**

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 6185.

### **Committee Oversight Findings**

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

### **New Budget Authority and Tax Expenditures**

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

### **Congressional Budget Office Cost Estimate**

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 6185, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 8, 2012.*

Hon. LAMAR SMITH, CHAIRMAN,  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6185, the "Local Court-house Safety Act of 2012."

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

DOUGLAS W. ELMENDORF,  
DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.  
Ranking Member

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**H.R. 6185—Local Courthouse Safety Act of 2012.**

As ordered reported by the House Committee on the Judiciary  
on August 1, 2012.

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H.R. 6185 would amend Federal law with the goal of strengthening the security of state and local courthouse facilities. Specifically, the bill would authorize the Department of Justice (DOJ) to provide training programs for law enforcement and courthouse security personnel of state, local, and tribal governments on handling encounters with violent criminals. In addition, H.R. 6185 would permit DOJ grants to be used to purchase magnetometers for use in state and local courthouses and would authorize the General Services Administration (GSA) to give surplus security equipment directly to state and local courts.

Based on information from DOJ and GSA about current programs relating to courthouse safety, CBO estimates that implementing H.R. 6185 would have no significant impact on the Federal Government because the department already offers similar training and security programs. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 6185 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On June 4, 2012, CBO transmitted a cost estimate for S. 2076, the “Local Courthouse Safety Act of 2012,” as ordered reported by the Senate Committee on the Judiciary on May 24, 2012. The two bills are similar, and the CBO cost estimates are the same.

The CBO staff contacts for this estimate are Mark Grabowicz and Matthew Pickford. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

**Performance Goals and Objectives**

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 6185 improves security at State and local courthouses by making available surplus Federal metal detecting equipment to those state and local courthouse in need of such equipment.

**Advisory on Earmarks**

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 6185 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

**Section-by-Section Analysis**

The following discussion describes the bill as reported by the Committee.

*Sec. 1: Short Title*

Section 1 provides that the short title of H.R. 6185 is the “Local Courthouse Safety Act of 2012.”

*Sec. 2: Security Training.*

Section 2 authorizes the Attorney General, as part of the Preventing Violence Against Law Enforcement and Ensuring Officer Resilience and Survivability Initiative (VALOR) of the Department of Justice (DOJ), to provide safety training and technical assistance to local law enforcement agencies.

*Sec. 3: State Justice Institute.*

Section 3 updates the State Justice Institute’s (SJI) authorizing statute to provide that SJI can use existing appropriations to invest in local courthouse security upgrades provided the State or local courthouse provides limited matching funds for metal detectors.

*Sec. 4: Security Equipment.*

Section 4 gives local courthouses access to “surplus” safety (metal detecting) equipment, which is defined by existing law as excess equipment that is not claimed by any Federal agency. This section ensures that Federal agencies can claim equipment before it is made available to local courthouses.

### **Changes in Existing Law Made by the Bill, as Reported**

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

## **OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968**

\* \* \* \* \*

### **TITLE I—JUSTICE SYSTEM IMPROVEMENT**

\* \* \* \* \*

#### **PART D—ESTABLISHMENT OF BUREAU OF JUSTICE ASSISTANCE**

\* \* \* \* \*

#### **SEC. 403. PREVENTING VIOLENCE AGAINST LAW ENFORCEMENT AND ENSURING OFFICER RESILIENCE AND SURVIVABILITY.**

*The Director may carry out a training and technical assistance program designed to teach employees of State, local, and tribal law enforcement agencies how to anticipate, survive, and respond to violent encounters during the course of their duties, including duties relating to security at State, county, and tribal courthouses. If the Director offers a training program specifically designed to train participants on courthouse security issues, preference for admission into*

*such program shall be given to employees of jurisdictions that have magnetometers available for use at their courthouses.*

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## STATE JUSTICE INSTITUTE ACT OF 1984

### TITLE II

#### SHORT TITLE

SEC. 201. This title may be cited as the “State Justice Institute Act of 1984”.

\* \* \* \* \*

#### ESTABLISHMENT OF INSTITUTE; DUTIES

SEC. 203. (a) \* \* \*

(b) The Institute shall—

(1) direct a national program of assistance designed to assure each person ready access to a fair, *safe*, and effective system of justice by provideing funds to—

(A) \* \* \*

\* \* \* \* \*

#### GRANTS AND CONTRACTS

SEC. 206. (a) \* \* \*

\* \* \* \* \*

(c) Funds available pursuant to grants, cooperative agreements, or contracts awarded under this section may be used—

(1) \* \* \*

\* \* \* \* \*

(14) *to conduct not more than 5 projects at an aggregate cost of not to exceed \$600,000—*

(A) \* \* \*

\* \* \* \* \*

(C) to disseminate the results of the investigation and research carried out under subparagraph (A), and the curricula developed under subparagraph (B), to State courts; **[and]**

*(15) to improve the safety and security of State and local courts; and*

**[(15)]** *(16) to carry out such other programs, consistent with the purposes of this title, as may be deemed appropriate by the Institute.*

\* \* \* \* \*

(g) *MAGNETOMETERS.—In the case of a grant awarded under this section to be used as described in subsection (c)(15), if the State or local court applying for the grant does not have magnetometers available for use, not less than \$300 nor more than \$1,000 of the*

*matching fund required under subsection (d) of the State or local court shall be used to acquire a magnetometer.*

## TITLE 40, UNITED STATES CODE

### SUBTITLE I—FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES

\* \* \* \* \*

#### CHAPTER 5—PROPERTY MANAGEMENT

##### SUBCHAPTER I—PROCUREMENT AND WAREHOUSING

Sec.

501. Services for executive agencies.

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##### SUBCHAPTER III—DISPOSING OF PROPERTY

\* \* \* \* \*

560. *Surplus security equipment for State and local courts.*

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##### SUBCHAPTER III—DISPOSING OF PROPERTY

\* \* \* \* \*

#### **§560. *Surplus security equipment for State and local courts***

(a) *DEFINITIONS.—In this section—*

(1) *the term “surplus security equipment” means surplus property that is used to detect weapons, including metal detectors, wands, and baggage screening devices; and*

(2) *the term “qualifying State or local courthouse” means a courthouse of a State or local government that has less security equipment than the security needs of the courthouse require.*

(b) *DISPOSAL OF SURPLUS SECURITY EQUIPMENT.—*

(1) *IN GENERAL.—Notwithstanding any other provision of this subchapter, the Administrator of General Services shall ensure that a qualifying State or local courthouse has an opportunity to request to receive surplus security equipment for use at the qualifying State or local courthouse before the surplus security equipment is made available to any other individual or entity under this subchapter.*

(2) *DISPOSAL.—*

(A) *IN GENERAL.—Subject to subparagraph (B), upon request by qualifying State or local courthouse for surplus security equipment for use at a qualifying State or local courthouse, the surplus security equipment shall be made available to the qualifying State or local courthouse without cost, except for any costs of shipping, handling, and maintenance.*

(B) *MULTIPLE REQUESTS.—If more than 1 qualifying State or local courthouse requests a particular piece of surplus security equipment, the surplus security equipment shall be distributed based on need, as determined by the*

*Administrator of General Services, with priority given to a  
qualifying State or local courthouse that has no security  
equipment.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC, September 10, 2012.*

Hon. DARRELL ISSA,  
*Chairman, Committee on Oversight and Government Reform,*  
*Washington, DC.*

DEAR CHAIRMAN ISSA, Thank you for your letter of even date herewith regarding H.R. 6185, the "Local Courthouse Safety Act of 2012," which the Judiciary Committee reported favorably to the House, as amended, today.

I am most appreciative of your decision to forego consideration of H.R. 6185, as amended, so that it may move expeditiously to the House floor. I acknowledge that although you are waiving formal consideration of the bill, the Committee on Oversight and Government Reform is in no way waiving its jurisdiction over the subject matter contained in the bill. In addition, if a conference is necessary on this legislation, I will support any request that your committee be represented therein.

Finally, I shall be pleased to include your letter and this letter in the Congressional Record during floor consideration of H.R. 6185.

Sincerely,

LAMAR SMITH,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,  
*Washington, DC, September 10, 2012.*

Hon. LAMAR SMITH,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: On August 1, 2012, the Committee on the Judiciary ordered H.R. 6185, the "Local Courthouse Safety Act of 2012," reported to the House. Thank you for consulting with the Committee on Oversight and Government Reform with regard to H.R. 6185 on those matters within the Committee's jurisdiction. I am writing to confirm our mutual understanding with respect to the consideration of H.R. 6185.

In the interest of expediting the House's consideration of H.R. 6185, I will forego consideration of the bill. However, I do so only with the understanding that this procedural route will not be construed to prejudice the Committee on Oversight and Government Reform's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

I respectfully request your support for the appointment of outside conferees from the Committee on Oversight and Government Reform should this bill or a similar bill be considered in a conference with the Senate. I also request that you include our exchange of letters on this matter in the Committee Report on H.R. 6185 and in the Congressional Record during consideration of this bill on the House floor. Thank you for your attention to these matters.

Sincerely,

DARRELL ISSA,  
*Chairman.*

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