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THE REAGAN CRIME CONTROL ACT

In a typical half hour in the United States, one person is murdered, nine women are raped, 76 people are robbed, 284 are assaulted, and 380 homes are burglarized. Congress has been working for years on criminal justice reform, and now the Reagan Administration may be close to getting approval of the Comprehensive Crime Control Act.

Title I would completely revise the federal system of bail and conditional release. At least 19 studies conducted over the past two decades have documented the high incidence of crime committed by persons who were out on bail.

The bill would allow judges to consider the danger a defendant poses to the community in setting conditions of pre-trial release. It would authorize the denial of release prior to trial where the government proves that no release conditions can reasonably assure public safety and the appearance of the defendant at trial.

The bill would authorize the courts to inquire into the source of property used to post bond and to reject property which is not a reliable means of assuring appearance in court. It would provide for the revocation of release and increased penalties for crimes committed while on release.

Title II would completely overhaul the federal sentencing system to remove the unfairness, uncertainty and irrationality that have plagued current practices. A major reason for disrespect for the current legal system is the widespread and unjustifiable differences in the sentencing practices of different judges.

The bill would provide a comprehensive and consistent statement of the federal law of sentencing. It would eliminate unwarranted sentencing disparities. It would require judges to explain in writing any departures from the guidelines.

Title III would strengthen the use of forfeiture as a means of combating racketeering and drug trafficking. Enormous profits motivate these crimes, enable them to grow, and provide those who commit them with economic power.

The bill would provide authority to obtain civil forfeiture of real property (such as a warehouse for drugs or a house containing an illicit laboratory) used in trafficking

cases. It would authorize court orders to prevent concealment or transfer of assets.

Title IV is directed at an area that has been a sore point with a majority of Americans for years, and came to a head as a result of the insanity acquittal of John Hinckley for attempted assassination of President Reagan.

The bill would prevent misuse of the insanity defense by restricting its availability to persons who, because of severe mental disease or defect, are unable to appreciate the nature and quality or wrongfulness of their acts. The insanity defense could not be used by one who claims that mental illness rendered him unable to control behavior that he knew to be wrong.

The bill also lifts from the prosecution the unfair burden of proving a defendant's sanity beyond a reasonable doubt. Instead, it requires the defendant to demonstrate his insanity by clear and convincing evidence. In order to prevent the farce of psychiatrists testifying on opposite sides in the same case, the bill precludes expert testimony on the ultimate issue of whether a defendant's mental condition meets the legal requirements of the defense.

Title V provides a more rational penalty structure for major drug trafficking offenses. Current law bases the severity of penalties only on the nature of the drug involved, no matter how large the quantity. The bill would correct this anomaly and provide more realistic fine levels.

Title VII authorizes the donation of surplus federal properties to the states for correctional use at no cost. The state prison population has doubled in the past decade; more than half the states are under court orders to do something about overcrowding.

Title VIII will afford unions and employee benefit plans greater protection from corrupt union and management officials. The bill would provide felony penalties for certain violations of the Taft-Hartley Act, the Landrum-Griffin Act, and the Employee Retirement Income Security(ERISA) that are now punishable only as misdemeanors.

Title X would strengthen provisions dealing with murder-for-hire, violent crimes in aid of racketeering, solicitation to commit a crime or violence, homocide committed in the course of a felony, and the use of firearms during violent crimes.

Of course, no single bill will solve the crime problem. But the Reagan Comprehensive Crime Control Act is a good start.