

*Pending*

*J. Webb*

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To establish the National Criminal Justice Commission.

IN THE SENATE OF THE STATE OF ARIZONA, \_\_\_\_\_ Sess.

AMENDMENT NO. 750  
 BY *Reid for Webb*  
 TO *Amend. No. 738*  
 Ref. \_\_\_\_\_ and \_\_\_\_\_  
 18  
 Page(s)  
 AM \_\_\_\_\_

Viz:

1 At the appropriate place, insert the following:  
2

3 SEC. \_\_\_\_\_. (a) SHORT TITLE.—This section may  
4 be cited as the “National Criminal Justice Commission  
5 Act of 2011”.

6 (b) ESTABLISHMENT OF COMMISSION.—There is es-  
7 tablished a commission to be known as the “National  
8 Criminal Justice Commission” (referred to in this section  
9 as the “Commission”).

10 (c) PURPOSE OF THE COMMISSION.—The Commis-  
11 sion shall undertake a comprehensive review of the crimi-  
12 nal justice system, encompassing current Federal, State,  
13 local, and tribal criminal justice policies and practices, and

1 make reform recommendations for the President, Con-  
2 gress, State, local, and tribal governments.

3 (d) REVIEW AND RECOMMENDATIONS.—

4 (1) GENERAL REVIEW.—The Commission shall  
5 undertake a comprehensive review of all areas of the  
6 criminal justice system, including Federal, State,  
7 local, and tribal governments' criminal justice costs,  
8 practices, and policies.

9 (2) FINDINGS AND RECOMMENDATIONS.—After

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10 conducting a review of the United States criminal  
11 justice system as required by paragraph (1), the  
12 Commission shall make findings regarding such re-  
13 view and recommendations for changes in oversight,  
14 policies, practices, and laws designed to prevent,  
15 deter, and reduce crime and violence, reduce recidi-  
16 vism, improve cost-effectiveness, and ensure the in-  
17 terests of justice at every step of the criminal justice  
18 system.

19 (3) PRIOR COMMISSIONS.—The Commission  
20 shall take into consideration the work of prior rel-  
21 evant commissions in conducting its review.

22 (4) STATE AND LOCAL GOVERNMENT.—In mak-  
23 ing its recommendations, the Commission should  
24 consider the financial and human resources of State  
25 and local governments. Recommendations shall not

1 infringe on the legitimate rights of the States to de-  
2 termine their own criminal laws or the enforcement  
3 of such laws.

4 (5) PUBLIC HEARINGS.—The Commission shall  
5 conduct public hearings in various locations around  
6 the United States.

7 (6) CONSULTATION WITH GOVERNMENT AND  
8 NONGOVERNMENT REPRESENTATIVES.—

9 (A) IN GENERAL.—The Commission  
10 shall—

11 (i) closely consult with Federal, State,  
12 local, and tribal government and non-  
13 governmental leaders, including State,  
14 local, and tribal law enforcement officials,  
15 legislators, public health officials, judges,  
16 court administrators, prosecutors, defense  
17 counsel, victims' rights organizations, pro-  
18 bation and parole officials, criminal justice  
19 planners, criminologists, civil rights and  
20 liberties organizations, formerly incarcer-  
21 ated individuals, professional organiza-  
22 tions, and corrections officials; and

23 (ii) include in the final report required  
24 by paragraph (7) summaries of the input  
25 and recommendations of these leaders.

1 (B) UNITED STATES SENTENCING COMMIS-  
2 SION.—To the extent the review and rec-  
3 ommendations required by this subsection relate  
4 to sentencing policies and practices for the Fed-  
5 eral criminal justice system, the Commission  
6 shall conduct such review and make such rec-  
7 ommendations in consultation with the United  
8 States Sentencing Commission.

9 (7) REPORT.—

10 (A) REPORT.—Not later than 18 months  
11 after the first meeting of the Commission, the  
12 Commission shall prepare and submit a final  
13 report that contains a detailed statement of  
14 findings, conclusions, and recommendations of  
15 the Commission to Congress, the President,  
16 State, local, and tribal governments.

17 (B) GOAL OF UNANIMITY.—It is the sense  
18 of the Congress that, given the national impor-  
19 tance of the matters before the Commission, the  
20 Commission should work toward unanimously  
21 supported findings and recommendations.

22 (C) PUBLIC AVAILABILITY.—The report  
23 submitted under this paragraph shall be made  
24 available to the public.

1 (D) VOTES ON RECOMMENDATIONS IN RE-  
2 PORT.—Consistent with subparagraph (B), the  
3 Commission shall state the vote total for each  
4 recommendation contained in its report to Con-  
5 gress.

6 (e) MEMBERSHIP.—

7 (1) IN GENERAL.—The Commission shall be  
8 composed of 14 members, as follows:

9 (A) One member shall be appointed by the  
10 President, who shall serve as co-chairman of the  
11 Commission.

12 (B) One member shall be appointed by the  
13 leader of the Senate (majority or minority lead-  
14 er, as the case may be) of the Republican  
15 Party, in consultation with the leader of the  
16 House of Representatives (majority or minority  
17 leader, as the case may be) of the Republican  
18 Party, who shall serve as co-chairman of the  
19 Commission.

20 (C) Two members shall be appointed by  
21 the senior member of the Senate leadership of  
22 the Democratic Party, in consultation with the  
23 Democratic leadership of the Committee on the  
24 Judiciary.

1 (D) Two members shall be appointed by  
2 the senior member of the Senate leadership of  
3 the Republican Party, in consultation with the  
4 Republican leadership of the Committee on the  
5 Judiciary.

6 (E) Two members shall be appointed by  
7 the senior member of the leadership of the  
8 House of Representatives of the Republican  
9 Party, in consultation with the Republican lead-  
10 ership of the Committee on the Judiciary.

11 (F) Two members shall be appointed by  
12 the senior member of the leadership of the  
13 House of Representatives of the Democratic  
14 Party, in consultation with the Democratic  
15 leadership of the Committee on the Judiciary.

16 (G) Two members, who shall be State and  
17 local representatives, shall be appointed by the  
18 President in agreement with leader of the Sen-  
19 ate (majority or minority leader, as the case  
20 may be) of the Republican Party and the leader  
21 of the House of Representatives (majority or  
22 minority leader, as the case may be) of the Re-  
23 publican Party.

24 (H) Two members, who shall be State and  
25 local representatives, shall be appointed by the

1 President in agreement with leader of the Sen-  
2 ate (majority or minority leader, as the case  
3 may be) of the Democratic Party and the leader  
4 of the House of Representatives (majority or  
5 minority leader, as the case may be) of the  
6 Democratic Party.

7 (2) MEMBERSHIP.—

8 (A) QUALIFICATIONS.—The individuals ap-  
9 pointed from private life as members of the  
10 Commission shall be individuals with distin-  
11 guished reputations for integrity and non-  
12 partisanship who are nationally recognized for  
13 expertise, knowledge, or experience in such rel-  
14 evant areas as—

- 15 (i) law enforcement;  
16 (ii) criminal justice;  
17 (iii) national security;  
18 (iv) prison and jail administration;  
19 (v) prisoner reentry;  
20 (vi) public health, including physical  
21 and sexual victimization, drug addiction  
22 and mental health;  
23 (vii) victims' rights;  
24 (viii) civil liberties;  
25 (ix) court administration;

- 1 (x) social services; and  
2 (xi) State, local, and tribal govern-  
3 ment.

4 (B) DISQUALIFICATION.—An individual  
5 shall not be appointed as a member of the Com-  
6 mission if such individual possesses any per-  
7 sonal financial interest in the discharge of any  
8 of the duties of the Commission.

9 (C) TERMS.—Members shall be appointed  
10 for the life of the Commission.

11 (3) APPOINTMENT; FIRST MEETING.—

12 (A) APPOINTMENT.—Members of the Com-  
13 mission shall be appointed not later than 45  
14 days after the date of the enactment of this sec-  
15 tion.

16 (B) FIRST MEETING.—The Commission  
17 shall hold its first meeting on the date that is  
18 60 days after the date of enactment of this sec-  
19 tion, or not later than 30 days after the date  
20 on which funds are made available for the Com-  
21 mission, whichever is later.

22 (C) ETHICS.—At the first meeting of the  
23 Commission, the Commission shall draft appro-  
24 priate ethics guidelines for commissioners and  
25 staff, including guidelines relating to conflict of



1 interest and financial disclosure. The Commis-  
2 sion shall consult with the Senate and House  
3 Committees on the Judiciary as a part of draft-  
4 ing the guidelines and furnish the Committees  
5 with a copy of the completed guidelines.

6 (4) MEETINGS; QUORUM; VACANCIES.—

7 (A) MEETINGS.—The Commission shall  
8 meet at the call of the co-chairs or a majority  
9 of its members.

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10 (B) QUORUM.—Eight members of the  
11 Commission shall constitute a quorum for pur-  
12 poses of conducting business, except that 2  
13 members of the Commission shall constitute a  
14 quorum for purposes of receiving testimony.

15 (C) VACANCIES.—Any vacancy in the Com-  
16 mission shall not affect its powers, but shall be  
17 filled in the same manner in which the original  
18 appointment was made. If vacancies in the  
19 Commission occur on any day after 45 days  
20 after the date of the enactment of this section,  
21 a quorum shall consist of a majority of the  
22 members of the Commission as of such day, so  
23 long as at least 1 Commission member chosen  
24 by a member of each party, Republican and  
25 Democratic, is present.

1 (5) ACTIONS OF COMMISSION.—

2 (A) IN GENERAL.—The Commission—

3 (i) shall act by resolution agreed to by  
4 a majority of the members of the Commis-  
5 sion voting and present; and

6 (ii) may establish panels composed of  
7 less than the full membership of the Com-  
8 mission for purposes of carrying out the  
9 duties of the Commission under this sec-

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10 tion—

11 (I) which shall be subject to the  
12 review and control of the Commission;  
13 and

14 (II) any findings and determina-  
15 tions made by such a panel shall not  
16 be considered the findings and deter-  
17 minations of the Commission unless  
18 approved by the Commission.

19 (B) DELEGATION.—Any member, agent, or  
20 staff of the Commission may, if authorized by  
21 the co-chairs of the Commission, take any ac-  
22 tion which the Commission is authorized to take  
23 pursuant to this section.

24 (f) ADMINISTRATION.—

25 (1) STAFF.—

1           (A) EXECUTIVE DIRECTOR.—The Commis-  
2           sion shall have a staff headed by an Executive  
3           Director. The Executive Director shall be paid  
4           at a rate established for the Certified Plan pay  
5           level for the Senior Executive Service under sec-  
6           tion 5382 of title 5, United States Code.

7           (B) APPOINTMENT AND COMPENSATION.—  
8           The co-chairs of the Commission shall designate  
9           and fix the compensation of the Executive Di-  
10          rector and, in accordance with rules agreed  
11          upon by the Commission, may appoint and fix  
12          the compensation of such other personnel as  
13          may be necessary to enable the Commission to  
14          carry out its functions, without regard to the  
15          provisions of title 5, United States Code, gov-  
16          erning appointments in the competitive service,  
17          and without regard to the provisions of chapter  
18          51 and subchapter III of chapter 53 of such  
19          title relating to classification and General  
20          Schedule pay rates, except that no rate of pay  
21          fixed under this subsection may exceed the  
22          equivalent of that payable for a position at level  
23          V of the Executive Schedule under section 5316  
24          of title 5, United States Code.

1 (C) PERSONNEL AS FEDERAL EMPLOY-  
2 EES.—

3 (i) IN GENERAL.—The executive di-  
4 rector and any personnel of the Commis-  
5 sion who are employees shall be employees  
6 under section 2105 of title 5, United  
7 States Code, for purposes of chapters 63,  
8 81, 83, 84, 85, 87, 89, and 90 of that title.

9 (ii) MEMBERS OF COMMISSION.—

10 Clause (i) shall not be construed to apply  
11 to members of the Commission.

12 (D) THE COMPENSATION OF COMMIS-  
13 SIONERS.—Each member of the Commission  
14 may be compensated at not to exceed the daily  
15 equivalent of the annual rate of basic pay in ef-  
16 fect for a position at level V of the Executive  
17 Schedule under section 5315 of title 5, United  
18 States Code, for each day during which that  
19 member is engaged in the actual performance of  
20 the duties of the Commission. All members of  
21 the Commission who are officers or employees  
22 of the United States, State, or local government  
23 shall serve without compensation in addition to  
24 that received for their services as officers or  
25 employees.

1           (E) TRAVEL EXPENSES.—While away from  
2           their homes or regular places of business in the  
3           performance of services for the Commission,  
4           members of the Commission shall be allowed  
5           travel expenses, including per diem in lieu of  
6           subsistence, in the same manner as persons em-  
7           ployed intermittently in the Government service  
8           are allowed expenses under section 5703(b) of  
9           title 5, United States Code.

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10          (2) EXPERTS AND CONSULTANTS.—With the  
11          approval of the Commission, the Executive Director  
12          may procure temporary and intermittent services  
13          under section 3109(b) of title 5, United States Code.

14          (3) DETAIL OF GOVERNMENT EMPLOYEES.—  
15          Upon the request of the Commission, the head of  
16          any Federal agency may detail, without reimburse-  
17          ment, any of the personnel of such agency to the  
18          Commission to assist in carrying out the duties of  
19          the Commission. Any such detail shall not interrupt  
20          or otherwise affect the civil service status or privi-  
21          leges of the Federal employee.

22          (4) OTHER RESOURCES.—The Commission  
23          shall have reasonable access to materials, resources,  
24          statistical data, and other information such Commis-  
25          sion determines to be necessary to carry out its du-

1 ties from the Library of Congress, the Department  
2 of Justice, the Office of National Drug Control Pol-  
3 icy, the Department of State, and other agencies of  
4 the executive and legislative branches of the Federal  
5 Government. The co-chairs of the Commission shall  
6 make requests for such access in writing when nec-  
7 essary.

8 (5) VOLUNTEER SERVICES.—Notwithstanding  
9 the provisions of section 1342 of title 31, United  
10 States Code, the Commission is authorized to accept  
11 and utilize the services of volunteers serving without  
12 compensation. The Commission may reimburse such  
13 volunteers for local travel and office supplies, and  
14 for other travel expenses, including per diem in lieu  
15 of subsistence, as authorized by section 5703 of title  
16 5, United States Code. A person providing volunteer  
17 services to the Commission shall be considered an  
18 employee of the Federal Government in performance  
19 of those services for the purposes of chapter 81 of  
20 title 5 of the United States Code, relating to com-  
21 pensation for work-related injuries, chapter 171 of  
22 title 28 of the United States Code, relating to tort  
23 claims, and chapter 11 of title 18 of the United  
24 States Code, relating to conflicts of interest.

1           (6) OBTAINING OFFICIAL DATA.—The Commis-  
2           sion may secure directly from any agency of the  
3           United States information necessary to enable it to  
4           carry out this section. Upon the request of the co-  
5           chairs of the Commission, the head of that depart-  
6           ment or agency shall furnish that information to the  
7           Commission. The Commission shall not have access  
8           to sensitive information regarding ongoing investiga-  
9           tions.

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10           (7) MAILS.—The Commission may use the  
11           United States mails in the same manner and under  
12           the same conditions as other departments and agen-  
13           cies of the United States.

14           (8) ADMINISTRATIVE REPORTING.—The Com-  
15           mission shall issue biannual status reports to Con-  
16           gress regarding the use of resources, salaries, and all  
17           expenditures of appropriated funds.

18           (9) CONTRACTS.—The Commission is author-  
19           ized to enter into contracts with Federal and State  
20           agencies, private firms, institutions, and individuals  
21           for the conduct of activities necessary to the dis-  
22           charge of its duties and responsibilities. A contract,  
23           lease or other legal agreement entered into by the  
24           Commission may not extend beyond the date of the  
25           termination of the Commission.

1           (10) GIFTS.—Subject to existing law, the Com-  
2 mission may accept, use, and dispose of gifts or do-  
3 nations of services or property.

4           (11) ADMINISTRATIVE ASSISTANCE.—The Ad-  
5 ministrator of General Services shall provide to the  
6 Commission, on a reimbursable basis, the adminis-  
7 trative support services necessary for the Commis-  
8 sion to carry out its responsibilities under this sec-  
9 tion. These administrative services may include  
10 human resource management, budget, leasing, ac-  
11 counting, and payroll services.

12           (12) NONAPPLICABILITY OF FACA AND PUBLIC  
13 ACCESS TO MEETINGS AND MINUTES.—

14           (A) IN GENERAL.—The Federal Advisory  
15 Committee Act (5 U.S.C. App.) shall not apply  
16 to the Commission.

17           (B) MEETINGS AND MINUTES.—

18           (i) MEETINGS.—

19           (I) ADMINISTRATION.—All meet-  
20 ings of the Commission shall be open  
21 to the public, except that a meeting or  
22 any portion of it may be closed to the  
23 public if it concerns matters or infor-  
24 mation described in section 552b(e) of  
25 title 5, United States Code. Interested



1 persons shall be permitted to appear  
2 at open meetings and present oral or  
3 written statements on the subject  
4 matter of the meeting. The Commis-  
5 sion may administer oaths or affirma-  
6 tions to any person appearing before  
7 it.

8 (II) NOTICE.—All open meetings  
9 of the Commission shall be preceded  
10 by timely public notice in the Federal  
11 Register of the time, place, and sub-  
12 ject of the meeting.

13 (ii) MINUTES AND PUBLIC AVAIL-  
14 ABILITY.—Minutes of each open meeting  
15 shall be kept and shall contain a record of  
16 the people present, a description of the dis-  
17 cussion that occurred, and copies of all  
18 statements filed. The minutes and records  
19 of all open meetings and other documents  
20 that were made available to or prepared  
21 for the Commission shall be available for  
22 public inspection and copying at a single  
23 location in the offices of the Commission.

24 (13) ARCHIVING.—Not later than the date of  
25 termination of the Commission, all records and pa-

1       pers of the Commission shall be delivered to the Ar-  
2       chivist of the United States for deposit in the Na-  
3       tional Archives.

4       (g) APPROPRIATION.—Of amounts provided in this  
5 Act for salary and expenses for the Office of Justice Pro-  
6 grams, \$5,000,000 shall be for the establishment of the  
7 commission, until such funds are expended.

8       (h) SUNSET.—The Commission shall terminate 60  
9 days after it submits its report to Congress.

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