

# **NCSL Standing Committee on Law, Criminal Justice and Public Safety Committee**

## **POLICY DIRECTIVES AND RESOLUTIONS**

**2018 NCSL Legislative Summit  
Los Angeles, California**

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**COMMITTEE: LAW, CRIMINAL JUSTICE AND PUBLIC SAFETY**

**POLICY: CRIMINAL JUSTICE**

**TYPE: DIRECTIVE**

It is the policy of the National Conference of State Legislatures to advance and defend a balanced, dynamic criminal justice partnership between governments at the local, state and federal levels while preserving traditional areas of state authority in this area of the law.

NCSL urges Congress and the Administration to avoid federalizing crime policy and substituting national laws for state and local policy decisions affecting criminal and juvenile justice. Federal jurisdiction should be reserved for areas where a national problem has been identified and states are unable to adequately provide solutions due to scope, or is required to protect federal constitutional rights. The federal government should partner with states to examine ways to avoid unnecessary preemption of state laws; and should strive to maintain its current financial commitments to existing state-federal partnership programs.

NCSL believes that federal actions must recognize that states and local governments have the predominant responsibility to ensure public safety and the administration of justice, and must adhere to fundamental principles of federalism in all areas of criminal justice, including but not limited to:

#### **Improvement of the Structure of State Criminal Justice Systems**

NCSL urges the federal government to include states in the development stages and on the board of any commissions or task forces that work to improve or review state criminal justice structures. NCSL insists that the federal government not infringe on the legitimate rights of the states to determine their own criminal laws, but shall include

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28 them in the process of working to create better state criminal justice systems overall.  
29 As states strive to improve policies and practices related to criminal justice, NCSL  
30 supports direct participation by state policymakers in any federal policy efforts or  
31 proposed legislation to redefine how those relationships should be strengthened.

## 32 33 **Federal Financial Assistance**

34 States continue to improve criminal justice systems and policies, and recognize that  
35 federal funding is sometimes necessary to implement state reforms in this area.

36 Funding levels for Department of Justice grants and reimbursements to states should  
37 be maintained or increased. These programs include the Edward Byrne Memorial  
38 Justice Assistance Grant (Byrne JAG) grant program, the Second Chance Act grant  
39 program, the State Criminal Alien Assistance state reimbursement program (SCAAP),  
40 the Violence Against Women grant programs (VAWA), distributed by the Office of  
41 Justice Programs in the U.S. Department of Justice, should be maintained as this is the  
42 cornerstone federal justice assistance to states for a variety of law enforcement,  
43 criminal justice supervision and crime prevention functions and the Community Oriented  
44 Policing Services grant programs (COPS). NCSL also supports any other federal grant  
45 program that seeks to assist states in addressing state criminal justice issues, such as  
46 school violence or opioid abuse reduction.

47  
48 NCSL opposes Congressional proposals or federal regulations that would withhold a  
49 portion of state Byrne/JAG funds, COPS funds, SCAAP funds, or any other state  
50 criminal justice funds as a penalty for noncompliance with federal criminal justice  
51 policies. NCSL opposes the withholding of any federal criminal justice funding as a  
52 penalty for state policy choices. NCSL urges the federal government to respect state  
53 criminal justice priorities and advance change through partnerships rather than  
54 mandates. Where new federal grant programs to states are created, NCSL maintains  
55 that funding should be directed to states rather than pass directly to local governments.

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## **Sex Offender Registration**

NCSL opposes federal mandates concerning registration of sex offenders, in particular those contained in the Title I SORNA provisions of the Adam Walsh Child Protection and Safety Act of 2006. The mandates imposed by this Act are not only preemptive, they are inflexible and in some instances not able to be implemented by states. States should be permitted to classify and penalize sex offenders, and establish registration and notification requirements in accordance with their own state laws, particularly with respect to juveniles. States should define and decide which juvenile offenders meet criteria for sex offender registration, and be afforded the flexibility to implement state procedures that best address this population.

The federal government should provide technological support and federal funding assistance to states with regard to sex offender registration and public notice systems, including cooperation with the federal National Sex Offender Public Website (NCOPW). NCSL supports frequent and meaningful communication between the Department of Justice and state policymakers and implementing agencies so that information on procedures that meet or fail to meet federal guidelines and statutory requirements are effectively conveyed to the states.

NCSL urges the federal government to interpret “substantial compliance” as called for in the SORNA provisions of the Adam Walsh Act to allow state flexibility for matters such as tier systems, retroactivity, and juvenile registration, and allow for substantial implementation as long as a state’s compliance efforts have not frustrated the primary purpose of the Act. NCSL calls upon the federal government to exercise the utmost flexibility in determining whether to penalize states that are working in good faith toward compliance with federal law. States should not be responsible and penalized for absence of compliance by sovereign tribal jurisdictions.

## **Juvenile Justice**

States must preserve authority to determine which juvenile offenders are treated like

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adults, under what circumstances, and for how long, with regard to sex offender registration and all other matters of juvenile and criminal justice policy.

NCSL supports the goals of the Juvenile Justice and Delinquency Prevention Act, and urges the federal government to provide state flexibility in achieving these objectives. NCSL also supports the role of the federal government in providing states with financial resources to strengthen juvenile justice systems. This includes federal funding for state juvenile justice programs. Federal involvement should be confined to providing grants and technical assistance to states that facilitate effective juvenile justice [policies](#); and the federal government should not attach mandates to the receipt of related federal funds, but should encourage states to implement effective policies and techniques for addressing juvenile delinquency, crime and justice.

### ~~Illicit~~ [Drugs Control](#)

NCSL supports a strong intergovernmental partnership to fight ~~illicit~~ [the illegal use of](#) drugs; and asks that development of broad federal drug control strategies seek and include NCSL and other state and local consultation. ~~NCSL maintains that where states have acted in regulating certain substances, such as marijuana and hemp, the federal government should respect those state decisions. The National Conference of State Legislatures believes that federal laws, including the Controlled Substances Act, should be amended to explicitly allow states to set their own marijuana and hemp policies without federal interference and urges the administration not to undermine state marijuana and hemp policies. The National Conference of State Legislatures recognizes that its members have differing views on how to treat marijuana and hemp in their states and believes that states and localities should be able to set whatever marijuana and hemp policies work best to improve the public safety, health, and economic development of their communities.~~ NCSL supports a balanced federal approach for interdiction, law enforcement, prevention, education and treatment. NCSL encourages the federal government to take a proactive role in securing United States borders against importation of illicit drugs; and in detection and deterrence of interstate

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drug trafficking, including cooperation with state and local law enforcement. While money for law enforcement is critical, federal dollars also should help support diversion, treatment and prevention efforts, including but not limited to interdisciplinary drug court funding unaccompanied by testing or other mandates.

NCSL supports federal demonstration, funding and training roles that assist states in implementation and use of modern information systems that aid in detection and prevention of drug abuse, and for remediation of sites that have been used in illegal drug manufacture. NCSL encourages federal leadership and resources that assist state and local governments in other activities that address education, prevention, enforcement, and treatment related to illicit drugs, prescription drug abuse, and emerging drug threats, including but not limited to synthetic drugs [and opioid abuse](#). NCSL opposes federal mandates or other preemptive policies with regard to addressing drug abuse and related drug crimes.

### **Sentencing, Corrections and Recidivism Reduction**

Federal jurisdiction for crimes also covered under state law can create competition to escalate punishments and build more prisons. This competition is shortsighted, expensive and unnecessary. The national government should refrain from making federal crimes of state offenses or from enhancing sentences for crimes that are more properly the domain of states. NCSL supports federal leadership and funding for state criminal offender reentry initiatives and criminal justice reinvestment approaches. These initiatives assist states in addressing recidivism and reentry of offenders back into communities in meaningful, cost-effective ways. State and local governments should be afforded maximum flexibility in using federal funds within criminal justice systems, including but not limited to offender needs for drug treatment and mental health services. NCSL opposes any legislation that would restrict state flexibility in sentencing and corrections policy. [NCSL urges the federal government to address federal expungement requirements which can impede reentry and job security.](#)

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NCSL also supports full funding of the Second Chance Act which provides grants to states that are used to promote the safe and successful re-integration of individuals who have been incarcerated. This in turn reduces recidivism, increases public safety and assists states in better responding to the growing numbers of people released from prisons and jails who are returning to the community.

The issues surrounding the creation of sound state policy with respect to [justice involved individuals with behavioral health needs](#) ~~the mentally ill who are incarcerated~~ is of growing importance to states. Congress has also become aware of this issue and hopes to address it. NCSL supports federal legislation that would enhance state research and implementation of sound policies that address [behavioral health](#) ~~the issue~~ ~~needs of mental illness~~ in prisons. NCSL also supports federal legislation that seeks to partner with states as they create policy decisions regarding the mentally ill. NCSL supports federal legislation that seeks to enhance state [mental health treatment courts](#) [\(mental health courts, drug courts, and veteran's courts\)](#), training for state professionals that work with the ~~mentally ill in prison~~ [justice involved with behavioral health needs](#), and funding that will complement state innovative programs in this area.

## **Crime Records and Information**

NCSL supports the use of the federal Interstate Identification Index (III) for exchange of criminal history record information; and the National Criminal Information Center (NCIC) for crime record and other criminal justice information including fugitives, stolen properties and missing persons. These systems provide means for information sharing under interstate compacts such as the National Crime Prevention and Privacy Compact, the Interstate Compact for Adult Offender Supervision, and the Interstate Compact for Juveniles. NCSL supports such state-federal information systems and sharing partnerships in the states; and asserts that records available via such systems should continue to be predominately state-maintained and that state policies for dissemination of those records should be recognized and adhered to under the systems. NCSL supports federal assistance in improving state criminal history records and related information systems. NCSL opposes any preemption of state authority related to crime

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records and information.

## **DNA Records**

NCSL supports federal non-preemptive initiatives that use DNA records in crime-solving and the administration of justice, including the Combined DNA Index System (CODIS). Federal funds, including those for DNA analysis backlog elimination, should support the use of DNA as an interstate investigative tool while adhering to state law and placing no mandates on states regarding collection, dissemination or use of records.

## **Victims**

NCSL supports a strong state-federal partnership to assist crime victims; and urges continued federal assistance to states provided for in the Victims of Crime Act (VOCA). NCSL encourages the Congress to preserve this primary means by which the federal government provides support to crime victims and their families, via state crime victims and assistance programs. NCSL opposes arbitrary caps which result in diminished services and assistance for crime victims.

## **Human Trafficking**

~~NCSL encourages improved interdisciplinary coordination among federal agencies responsible for or involved in the crime of trafficking in persons. Any federal/state partnership should include proper training for law enforcement and other criminal justice personnel who will be in contact with the victims and perpetrators of human trafficking. The federal government must enforce laws that address foreign-born persons brought into the United States via trafficking, smuggling or under false pretenses. This includes providing for effective prosecution and assistance to victims of trafficking, who are in fact, victims of crime, including but not limited to victims who require protection and separation from their traffickers, those who have had documents destroyed or withheld, and specialized assistance for the many victims who are minors. NCSL also encourages improved federal outreach, consultation, coordination and assistance to states and territories, including state lawmakers, with regard to strengthening trafficking~~

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206 ~~enforcement and assistance to trafficking victims, including minors. Partnering with~~  
207 ~~states to address human trafficking of both foreign born and domestic victims can be~~  
208 ~~achieved without preemption of existing state laws or creation of any unfunded federal~~  
209 ~~mandates. NCSL encourages specialized demonstration and discretionary grant~~  
210 ~~programs that assist states in focusing on the growing intergovernmental concern of~~  
211 ~~human trafficking on U.S. soil.~~

## 213 **Law Enforcement**

214 NCSL supports means for enhanced cooperation between state and federal law  
215 enforcement. NCSL opposes proposals that blur jurisdictional lines of responsibility and  
216 serve to disrupt rather than support efforts of state and local law enforcement. NCSL  
217 opposes proposals that seek to remove from states and communities the responsibility  
218 for determining disciplinary procedures for state and local law enforcement.

219 NCSL supports the full funding of the Community Oriented Policing Services (COPS)  
220 Act. COPS Hiring Grants have been instrumental in enhancing the effectiveness of  
221 community policing in America. Federal funding for the COPS program relieves the  
222 strain on state budgets to provide adequate and effective law enforcement personnel.

224 NCSL opposes proposals to shift traditional federal responsibility for civil immigration  
225 enforcement to state or local law enforcement agencies and personnel. State and local  
226 jurisdictions should have the authority to enter into cooperative, voluntary agreements  
227 with the federal government for this or other traditionally federal enforcement matters,  
228 but should not be compelled by federal law to do so.

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1 **COMMITTEE: LAW, CRIMINAL JUSTICE AND PUBLIC SAFETY**

2 **POLICY: CANNABIS AND FEDERALISM**

3 **TYPE: POLICY DIRECTIVE**

4 ~~NCSL maintains that where states have acted in regulating certain substances, such as~~  
5 ~~marijuana and hemp, the federal government should respect those state decisions.~~ The  
6 National Conference of State Legislatures ~~believes that federal laws, including the~~  
7 ~~Controlled Substances Act, should be amended to explicitly allow states to set their own~~  
8 ~~marijuana and hemp policies without federal interference and urges the administration~~  
9 ~~not to undermine state marijuana and hemp policies. The National Conference of State~~  
10 ~~Legislatures(NCSL) maintains that the federal government should respect state~~  
11 ~~decisions to regulate Ccannabis, including hemp in non-FDA approved cannabis~~  
12 ~~products. NCSL~~ recognizes that its members have differing views on how to treat  
13 ~~marijuana and hempCcannabis~~ in their states and believes that states and localities  
14 should be able to set whatever ~~marijuana and hemp~~ policies work best to improve the  
15 public safety, health, and economic development of their communities.

16  
17 NCSL believes that federal laws, including the Controlled Substances Act (CSA), should  
18 be amended to explicitly allow states to set their own Ccannabis policies without federal  
19 interference and urges the administration not to undermine state Ccannabis policies.  
20 Where states have authorized Ccannabis production, distribution, and possession by  
21 establishing an effective regulatory scheme, the administration should direct federal  
22 prosecutors to respect state cannabis laws when exercising discretion around  
23 enforcement. NCSL maintains that the administration should prioritize its enforcement  
24 actions against criminal enterprises engaged in cannabis production and sale, and not  
25 against citizens who are compliant with state cannabis laws. Furthermore, NCSL urges  
26 Congress to prohibit the administration from using federal funds to enforce the CSA in a  
27 manner inconsistent with these enforcement priorities.

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The National Academies of Sciences, Engineering, and Medicine identified challenges and barriers in conducting cannabis research in a 2017 report: *The Health Effects of Cannabis and Cannabinoids*. NCSL urges Congress and the administration to address the challenges and barriers identified in this report. NCSL believes that it is especially important that Congress and the administration provide researchers access to cannabis in the quantity, quality, and type necessary to research the health effects of cannabis use and that adequate funding sources are made available to support cannabis and cannabinoid research that explores the health benefits and risks of cannabis use.

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**COMMITTEE:    LAW, CRIMINAL JUSTICE AND PUBLIC SAFETY**

**POLICY:            HUMAN TRAFFICKING**

**TYPE:                DIRECTIVE**

The National Conference of State Legislatures (NCSL) condemns the trafficking of persons. Combating human trafficking requires a strong partnership between the federal government and the states. Regardless of the form trafficking takes, it is the exploitation of innocent victims, both domestic and foreign born, who require protection and separation from their traffickers.

NCSL encourages improved interdisciplinary coordination among federal agencies responsible for or involved in the crime of trafficking in persons. Any federal/state partnership should include proper training for law enforcement and other criminal justice personnel who will be in contact with the survivors and perpetrators of human trafficking. The federal government must enforce laws that address foreign-born persons brought into the United States via trafficking, smuggling or under false pretenses. This includes providing for effective prosecution and assistance to survivors of trafficking, who are in fact, victims of crime, including but not limited to survivors who require protection and separation from their traffickers, those who have had documents destroyed or withheld, and specialized assistance for the many survivors who are minors.

Services may also be necessary to help assist ~~victims~~ survivors with reintegration into society. VictimSurvivors of trafficking are often misidentified and treated as criminals rather than victims, especially commercially sexually exploited children, and do not receive adequate services. The federal government should provide resources and capacity to provide assistance to ~~victims~~ survivors of both sex and labor trafficking.

NCSL also encourages improved federal outreach, consultation, coordination and assistance to states and territories, including state lawmakers, with regard to strengthening trafficking enforcement and assistance to trafficking survivors, including

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~~minors. NCSL encourages improved coordination among the federal agencies responsible for trafficking in persons. There must be improved consultation and coordination with the states and territories, especially state lawmakers.~~ Such consultation and coordination should be conducted with an eye toward establishing and strengthening state/federal partnerships and not preempting existing state laws and policies ~~or creating unfunded federal mandates.~~ NCSL encourages specialized demonstration and discretionary grant programs that assist states in focusing on the growing intergovernmental concern of human trafficking on U.S. soil.

The United States is seeing an increase in trafficked persons who are foreign born and smuggled or brought in under false pretenses. The federal government needs to assist ~~victims survivors~~ whose traffickers have destroyed or withheld their documents as a means of coercion. NCSL supports the use of T and U visas to reduce barriers in the prosecution of traffickers. State legislators commend the Office of Refugee Resettlement (ORR) at HHS for work with states to assist ~~victimssurvivors~~, particularly minors. NCSL encourages ORR to provide additional technical assistance to the states and include state legislators in their outreach and consultation efforts. ORR should take the lead in sharing its expertise in assisting trafficking ~~victims survivors~~ with DOJ, HHS and the states.

NCSL supports bipartisan Congressional efforts to establish voluntary grant programs and demonstration projects to assist victims of trafficking. NCSL urges Congress to fully fund the pilot projects authorized under HHS to provide safe and therapeutic shelters for minor ~~victimssurvivors~~.

NCSL supports the enhancement of The National Criminal Information Center (NCIC) relative to children who are missing and exploited including children at high risk for sex trafficking. Federal funding will be necessary to ensure that states do not face an undue administrative burden. However, NCSL cannot support any federal legislation that would contain an unfunded federal mandate.

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NCSL urges the Congressional Human Trafficking Caucus to discuss the intergovernmental issues surrounding human trafficking with state legislators. NCSL supports the creation of a multi-governmental Blue Ribbon Commission on combating human trafficking on U.S. soil.

~~The Crime and Justice policy directive details NCSL's views on the role of law enforcement and other criminal justice personnel in identifying, prosecuting, and enforcing trafficking laws.~~

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**COMMITTEE: LAW, CRIMINAL JUSTICE AND PUBLIC SAFETY**

**POLICY: HOMELAND SECURITY AND EMERGENCY**

**MANAGEMENT**

**TYPE: DIRECTIVE**

### **Homeland Security**

The National Conference of State Legislatures ~~NCSL~~ maintains that response to natural disasters and terrorist attacks begins at the local level where the event occurs, and involves state and federal response as local, then state, resources are overwhelmed by the magnitude of the event. ~~The National Conference of State Legislatures, NCSL~~ urges Congress and the Administration to partner with NCSL and other organizations representing state and local government to prepare our nation for national disasters and threats to homeland security. NCSL urges Congress and the administration to:

- Continue to channel funding directly to the states to ensure compliance with statewide strategies for maximum coordination and require that such funds be subject to the state legislative oversight or the state appropriation process;
- Recognize the roles of state legislatures in the development of future guidance frameworks and Congressional legislation;
- Provide state flexibility among grant program categories for spending-planning, training, equipment, and exercises allowing transfer of funds across categories;
- Continue to provide a minimum grant in states that appear to have low risk, vulnerability, and criticality factors, in order to sustain the basic response infrastructure for public safety and public health emergencies;
- Consult with NCSL and state legislatures regarding each state's cost for the development and implementation of performance standards and other accountability measurements related to grant programs;

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- Ensure that funding for any new grant programs complements, and DOES NOT replace, existing funding sources for other key programs such as first responder programs;
- Permit citizen rescue and aid efforts to assist in disaster recovery pursuant to state Good Samaritan laws without fear of federal penalties; and-
- Where practicable, allow states to purchase surplus emergency management equipment from the federal government following response and recovery efforts.

Congress must also recognize the strain on personnel, equipment, and other resources that activation of the National Guard for federal services poses for state and local ability to secure the homeland from terrorism and natural disasters; and must work with state legislatures to develop programs to ensure adequate resources to maintain domestic security. NCSL strongly opposes any effort to preempt domestic control of the National Guard from state authority.

NCSL urges the Department of Homeland Security (~~DHS~~) (DHS) and the Federal Emergency Management Agency (FEMA) to develop a centralized grant application process for homeland security and emergency preparedness activities; utilize an all-hazards approach including terrorism, natural and man-made disasters, and public health emergencies; and avoid adding new compliance requirements to existing grant programs. NCSL insists that FEMA streamline grants administration processes at FEMA as well as work together with other federal agencies that oversee disaster assistance – such as the Department of Housing and Urban Development (HUD) and the Small Business Administration (SBA) – to streamline and improve the efficiency of disaster assistance administration as a whole. Where possible, grants should be administered at the state level.

NCSL supports the funding of the Emergency Management Planning Grants (EMPG) at a level that meets current needs, and supports funding for the Emergency Management Assistance Compact (EMAC).

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The Department of Homeland Security (DHS) [DHS](#) should work closely with NCSL, individual state legislatures, state emergency management and public safety leaders to meet the goal of fully funded and fully operating Fusion Centers that blend relevant law enforcement and intelligence information analysis and coordinate security measures to reduce threats in their communities and to continue to improve the quality and quantity of analytical intelligence products that are provided to state and local governments.

## **Cybersecurity**

NCSL recognizes that the nation's information infrastructure is rapidly becoming one of the most serious threats our country has ever encountered. In order to combat this increasing threat, it is essential that all levels of government work together to develop proper solutions. NCSL urges Congress and the Administration to:

- View state and local governments as critical stakeholders;
- Avoid unfunded federal mandates and preemptions on state and local partners;
- Collaborate with state and local governments to invest in cybersecurity awareness; and
- Maintain the civil liberties and privacy of all citizens while sustaining the safety and stability of the internet and electronic communications.

## **Border Security and Enforcement**

Securing all of America's borders, ports, and airports is essential to preserving our national security and maintaining the safety of all Americans. NCSL urges the federal government to fulfill its responsibilities with regard to border security and encourages a renewed state-federal cooperation in countering human trafficking, weapons and drug smuggling. NCSL calls on the federal government to increase its enforcement of these

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crimes and encourages countries of origin to provide reentry facilities, transition services and transportation for returned inmates.

NCSL supports full, federal funding for increases in Department of Homeland Security border enforcement personnel where they are most needed and necessary improvements in facilities, technology and infrastructure.

## **Presidential Disaster DeclarationEmergency Management and Presidential Disaster Declarations**

NCSL believes effective emergency management involves both preparing for and responding to disasters. According to a 2018 National Institute of Building Sciences (NIBS) study, every \$1 invested in disaster mitigation by the federal government saves communities \$6. Recognition that states need to allocate state funding and receive federal funding before a disaster strikes is a necessity in order to sufficiently prepare for disasters and ultimately save communities money. NCSL urges FEMA and Congress to make federal disaster assistance available for a range of pre-disaster mitigation activities – from flooding to wildfires and beyond - that will promote advance planning for disasters and save both states and the federal government money in the long run.

Specifically, NCSL urges:

- Congress to pass legislation that will increase assistance for wildfire mitigation, given the significant and increasing threat wildfires pose to air quality, water quality, and the safety of residents in affected states.
- FEMA to co-locate federal with state emergency management staff to 1) better administer disaster preparedness training on the state and local level and 2) learn from state and local staff the disaster risk profile specific to the area rather than assuming a one-size-fits-all approach.

In considering procedures for when disasters do occur, FEMA should not make changes to existing systems in the absence of state consultation. Upon the issuance of a Presidential Disaster Declaration (PDD), FEMA calculates federal aid to states based

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on a per capita equation tied to state or local population pursuant to 44 C.F.R. Section 206.4. FEMA uses this per capita figure as one of several contributing factors when deciding whether to grant public assistance to a state. NCSL urges FEMA to exercise caution when determining whether to alter this existing formula. While NCSL appreciates FEMA's goals of reducing disaster costs overall and incentivizing pre-disaster planning and mitigation, any changes in the current statutory scheme must be constitutional, and must not contain burdensome cost shifts to states, or unwarranted preemption of state law. NCSL urges FEMA to engage in extensive consultation with state legislators in order to alleviate any intergovernmental issues that could aggravate the federal-state-local relationship. NCSL would oppose changes to the existing disaster declaration framework that would slow down the distribution of federal funds that contribute to state recovery from natural disasters.

NCSL ~~The National Conference of State Legislatures~~ calls upon the Administration to:

- Consult with states and requests transparency in ~~their~~ its review and reform standards, policies, and procedures.
- When determining aid per capita for states, recognize and respect individual designations of localities ~~should be recognized and respected~~ within states. Likewise, when FEMA considers whether to recommend a disaster declaration for any given state, NCSL urges consideration of inordinately extensive impact to localities. NCSL opposes
- Avoid federal action that would discourage Good Samaritan aid or inhibit liability protections for voluntary civilian aid at the state level. ~~NCSL also requests that FEMA~~
- Exercises the greatest level of flexibility possible in granting FEMA public assistance disaster relief funds that respect the distinctiveness of different states.

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**COMMITTEE: LAW, CRIMINAL JUSTICE AND PUBLIC SAFETY**

**POLICY: RESOLUTION TO URGE CONGRESS TO  
ENFRANCHISE DC RESIDENTS**

**TYPE: RESOLUTION**

WHEREAS, the United States Constitution that was ratified in 1788, provided the right to vote for representation in Congress to the “People living” on the land that would later be designated by the federal government for the nation’s capital as ceded by Maryland and Virginia to become the District of Columbia (D.C.);

WHEREAS, the “District of Columbia Organic Act of 1801, “disenfranchised D.C. residents from voting for representative Members of Congress for more than 216 years; and,

WHEREAS, District of Columbia residents pay among the highest per capita federal taxes in the nation, and more than 200,000 D.C. residents have served in the federal armed services, and yet have no vote in the United States Congress; and,

WHEREAS, no other democratic nation in the world denies the right of self-government, including participation in its national legislature, to the residents of its capital; and,

WHEREAS, the 680,000 plus residents of the District of Columbia lack full democracy, equality, and citizenship enjoyed by the residents of the 50 states; and,

WHEREAS, the Congress has repeatedly interfered with the District of Columbia’s limited self-government by enacting laws on how the District of Columbia spends its locally raised tax revenue, including barring the usage of these funds to implement laws

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passed by the District’s duly elected legislature, and, the Congress has overturned local laws enacted through citizen referenda; and,

WHEREAS, federal intervention into local District matters violates the fundamental principle that states and local governments are best suited to enact legislation that represent the will of their citizens; and,

WHEREAS, HR 1291 and S.1278, the “Washington, D.C. Admission Act,” would grant the District of Columbia budget and legislative autonomy, as well as congressional representation and S. 1278 and H.R.1291 has 19 co-sponsors in the Senate and 140 co-sponsors in the House, respectively; and,

WHEREAS, the Senate Homeland Security and Governmental Affairs Committee held the first-ever Senate hearing on District of Columbia Statehood and the first Congressional hearing on Statehood in more than 20 years; and,

WHEREAS, although the District of Columbia has timely passed a balanced budget for each of the last 21 years, it is still treated as a Federal agency for budget purposes and faces the possibility of being shut down yearly because of Congressional deliberations over the federal budget; and,

WHEREAS, it has been more than 50 years since the passage of the US Civil Rights Act and the US Voting Rights Act and more than 40 years since the District of Columbia was granted Home Rule, and the residents of the District of Columbia have yet to obtain the same rights as the residents of the 50 states; and,

WHEREAS, the United Nations Human Rights Committee has called upon the U.S. Congress to address D.C.’s lack of political equality, and the Organization of American States (OAS) has declared the disenfranchisement of District of Columbia resident’s a violation of the OAS Charter agreement to which the United States is a signatory.

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59 WHEREAS, on November 8, 2016, 244,134 residents, making up 86% of total votes  
60 cast, voted in favor of statehood for the residents of the District of Columbia and,

61

62 THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures  
63 (NCSL) respectfully urges the Congress of the United States to support current  
64 legislation that will provide the residents of the District of Columbia with the same rights  
65 to self-government enjoyed by all other residents of America. These measures include;  
66 legislation to grant the District local budget autonomy, legislative autonomy, and  
67 statehood.

68

69 BE IT FINALLY RESOLVED that a copy of this resolution shall be forwarded to the  
70 President of the United States of America, the Speaker of the U.S. House of  
71 Representatives, and each member of the United States Congress.

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**COMMITTEE: LAW, CRIMINAL JUSTICE AND PUBLIC SAFETY**

**POLICY: FEDERAL DECENNIAL CENSUS**

**TYPE: RESOLUTION (RENEWAL)**

The U. S. Constitution requires that a federal decennial census be conducted every ten years. This responsibility is delegated to the U.S. Census Bureau.

Since the first census was conducted in 1790, states have relied on federal census data. Currently, these data are used to redraw congressional and state legislative district boundaries and also to help federal, state, and local governments develop informed, cost-effective policies that promote economic growth, the well-being of individuals and families, and public safety in all communities.

The Census Bureau must be able to fulfill the constitutional mandate that is critically needed by the states and valued by all Americans. Adequate funding for the decennial census is necessary for an accurate count of the nation's population and is critical for the Census Bureau to maintain the level of preparedness and planning necessary to conduct each decennial census. NCSL has long partnered with the U.S. Census Bureau to provide state legislators and staff with timely information on census activity and to provide feedback on their services and research.

NCSL supports a full and complete census count and will work with the U.S. Census Bureau to conduct its decennial census, related research programs and outreach efforts.

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**COMMITTEE: LAW, CRIMINAL JUSTICE AND PUBLIC SAFETY**

**POLICY: NCSL URGES THE UNITED STATES CONGRESS TO  
SWIFTLY PASS THE SYNTHETICS TRAFFICKING  
AND OVERDOSE PREVENTION ACT (“The STOP  
Act”)**

**TYPE: RESOLUTION (RENEWAL)**

**WHEREAS**, The United States has experienced a significant increase in the illegal use, sale, and trafficking of dangerous and potentially fatal synthetic drugs, including synthetic cannabinoids, opioids, and carfentanils;

**WHEREAS**, An opioid epidemic is sweeping the United States and has reached crisis proportions, killing thousands of Americans, straining the ability of first responders, and pressuring already critically stressed state and local budgets;

**WHEREAS**, there are more than 300 synthetic drugs imported into the United States and more than 500 distributed globally, most of them produced in China, according to the United States Department of State;

**WHEREAS**, the United States Customs and Border Protection has implemented advance electronic manifesting and security screening as a key tool for identifying and intercepting high-risk shipments that may include illegal or dangerous goods such as synthetic drugs;

**WHEREAS**, the Trade Act of 2002 required the provision of advance electronic manifests and security screening data to the U.S. Customs and Border Patrol on all shipments into the United States except for parcel shipments from foreign posts;

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45 **WHEREAS**, this gap in security screening of goods entering the U.S. constitutes a  
46 threat to U.S. national security;

47 **WHEREAS**, a major avenue for the importation of synthetic drugs is the shipment of  
48 small parcels through the international mail system via foreign postal services, and such  
49 shipments are the only commercial import shipments that do not currently provide  
50 advance electronic manifests and security screening data to federal agencies;

51 **WHEREAS**, the steady growth of internet commerce and electronic platforms that  
52 facilitate online purchases has resulted in an enormous increase in the volume of  
53 shipments that are imported into the United States from sellers in other countries;

54 **WHEREAS**, the lack of data necessary for the U.S. Customs and Border Patrol to  
55 screen imported purchases has made it easier to import illegal products, including  
56 opioids and synthetic substances, into the United States; and

57 **NOW, THEREFORE, BE IT RESOLVED**, the National Conference of State Legislatures  
58 urges the United States Congress to swiftly pass and send to the President's desk for  
59 enactment the Synthetics Trafficking and Overdose Prevention Act ("The STOP Act"),  
60 which would require advance electronic data screening of all inbound shipments to the  
61 United States to facilitate identification and interception of illegal synthetic drugs and  
62 chemicals, and other dangerous, counterfeit or illicit goods.

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1 **COMMITTEE: LABOR AND ECONOMIC DEVELOPMENT**

2 **POLICY: IMMIGRATION REFORM OF FARM LABOR**

3 **PROGRAMS**

4 **TYPE: NEW RESOLUTION**

5 **WHEREAS**, a recent study, “Immigrants as Economic Contributors” by Dan Kosten  
6 states, “Our ability to meet America’s future workforce needs will depend, in no small  
7 part, on ensuring the U.S. has sound immigration policies that meet the economic  
8 needs of our nation”; and

9 **WHEREAS**, a strong, flexible national economy is vital to the well-being of every  
10 American; and

11 **WHEREAS**, agriculture is a key national economic driver while our current low-  
12 employment statistics suggests that the country is effectively at full employment; and

13 **WHEREAS**, the high demand for foreign born agricultural labor is reaching a crisis  
14 stage; and

15 **WHEREAS**, the H2a program is inadequate to meet the growing and varied demands of  
16 the agricultural industries; and

17 **WHEREAS**, the current labor shortage in sub-sectors of the agriculture industry, like  
18 dairy farms, persists in spite of the fact that the average entry-level job provides  
19 compensation packages well above minimum wage; and

20 **WHEREAS**, a program to provide documented foreign-born labor can be scaled to  
21 adapt to changes in the national employment statistics; and

22 **WHEREAS**, quality animal care requires trained and experienced workers; and

23 **WHEREAS**, sub-sectors of agriculture, that are year-round agricultural businesses, are  
24 barred, under penalty of law, from using the existing H2A Visa program; and

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**WHEREAS**, California, Wisconsin, Idaho, and New York are the nation's largest dairy states and are not able to participate in the H2a program for foreign born agricultural dairy labor, and

**WHEREAS**, in 2017, farming (production agriculture) and food, beverage and tobacco manufacturing contributed over \$131 and \$281 billion to U.S. GDP, respectively; and

**WHEREAS**, in 2016, farming (production agriculture) created more than three percent of the total GDP in seven states (South Dakota (6.9%), Nebraska (6.1%), North Dakota (5.8%), Iowa (4.5%), Idaho (4.3%), Montana (3.5%), and Kansas (3.1%)); and

**WHEREAS**, in 2018, U.S. farm gate cash receipts of dairy products will exceed \$35 billion, almost 10% of the U.S. total farm gate cash receipts; and

**WHEREAS**, agriculture and livestock production are dependent on manual labor, which historically relies upon foreign born workers; and

**WHEREAS**, since the Bracero program was cancelled in 1964, an efficient program of documenting foreign born labor has created a shortage of documented workers; and

**WHEREAS**, foreign born labor is critical to the growth and ability of the agriculture industry to maintain this important contributor to the US GDP; and

**WHEREAS**, self-sufficiency in food production is critical to national security.

**WHEREAS**, U.S. Congress has not reformed existing farm guest worker programs to provide legal new workers since the last major legalization program signed into law in 1986; and

**NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State Legislators urges the United States Congress to enact immigration reform legislation to provide a workable solution to the farm labor crisis. A workable solution includes legal work status for the current workforce and their immediate family; access to workers for year-round jobs like those on dairies; and access to a legal and stable source of new workers when they are needed in the future.