

CONFERENCE REPORT ON H.R. 3355, VIOLENT CRIME CONTROL
AND LAW ENFORCEMENT ACT OF 1993 (House of Representatives
- August 21, 1994)

TITLE IV--VIOLENCE AGAINST WOMEN

SEC. 40001. SHORT TITLE.

This title may be cited as the `Violence Against Women Act of 1994'.

Subtitle A--Safe Streets for Women

SEC. 40101. SHORT TITLE.

This subtitle may be cited as the `Safe Streets for Women Act of 1994'.

CHAPTER 1--FEDERAL PENALTIES FOR SEX CRIMES

SEC. 40111. REPEAT OFFENDERS.

(a) **In General:** Chapter 109A of title 18, United States Code, is amended by adding at the end the following new section:

` 2247. Repeat offenders

` Any person who violates a provision of this chapter, after one or more prior convictions for an offense punishable under this chapter, or after one or more prior convictions under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual contact have become final, is punishable by a term of imprisonment up to twice that otherwise authorized.'.

(b) **Amendment of Sentencing Guidelines:** The Sentencing Commission shall implement the amendment made by subsection (a) by promulgating amendments, if appropriate, in the sentencing guidelines applicable to chapter 109A offenses.

(c) **Chapter Analysis:** The chapter analysis for chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

` 2247. Repeat offenders.'.

SEC. 40112. FEDERAL PENALTIES.

(a) **Amendment of Sentencing Guidelines:** Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend, where necessary, its sentencing guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, or sexual abuse under section 2242 of title 18, United States Code, as follows:

(1) The Commission shall review and promulgate amendments to the guidelines, if appropriate, to enhance penalties if more than 1 offender is involved in the offense.

(2) The Commission shall review and promulgate amendments to the guidelines, if appropriate, to reduce unwarranted disparities between the sentences for sex offenders who are known to the victim and sentences for sex offenders who are not known to the victim.

(3) The Commission shall review and promulgate amendments to the guidelines to enhance penalties, if appropriate, to render Federal penalties on Federal territory commensurate with penalties for similar offenses in the States.

(4) The Commission shall review and promulgate amendments to the guidelines, if appropriate, to account for the general problem of recidivism in cases of sex offenses, the severity of the offense, and its devastating effects on survivors.

(b) **Report:** Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission shall review and submit to Congress a report containing an analysis of Federal rape sentencing, accompanied by comment from independent experts in the field, describing--

(1) comparative Federal sentences for cases in which the rape victim is known to the defendant and cases in which the rape victim is not known to the defendant;

(2) comparative Federal sentences for cases on Federal territory and sentences in surrounding States; and

(3) an analysis of the effect of rape sentences on populations residing primarily on Federal territory relative to the impact of other Federal offenses in which the existence of Federal jurisdiction depends upon the offense's being committed on Federal territory.

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SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM'S COUNSELORS.

There are authorized to be appropriated for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia)--

(1) \$500,000 for fiscal year 1996;

(2) \$500,000 for fiscal year 1997; and

(3) \$500,000 for fiscal year 1998.

CHAPTER 2--LAW ENFORCEMENT AND PROSECUTION GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN

SEC. 40121. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.

(a) In General: Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 32101(a), is amended--

- (1) by redesignating part T as part U;
- (2) by redesignating section 2001 as section 2101; and
- (3) by inserting after part S the following new part:

Part T--Grants To Combat Violent Crimes Against Women

SEC. 2001. PURPOSE OF THE PROGRAM AND GRANTS.

(a) General Program Purpose: The purpose of this part is to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

(b) Purposes for Which Grants May Be Used: Grants under this part shall provide personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women, and specifically, for the purposes of--

(1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;

(2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

(3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, developing or

improving delivery of victim services to racial, cultural, ethnic, and language minorities, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving **violent** crimes against women, including crimes of sexual assault and domestic violence;

` (6) developing, enlarging, or strengthening programs addressing stalking; and

` (7) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with **violent** crimes against women, including the crimes of sexual assault and domestic violence.

` SEC. 2002. STATE GRANTS.

` (a) **General Grants:** The Attorney General may make grants to States, for use by States, units of local government, nonprofit nongovernmental victim services programs, and Indian tribal governments for the purposes described in section 2001(b).

` (b) **Amounts:** Of the amounts appropriated for the purposes of this part--

` (1) 4 percent shall be available for grants to Indian tribal governments;

` (2) \$500,000 shall be available for grants to applicants in each State;

and

` (3) the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State's population in relation to the population of all States (not including populations of Indian tribes).

` (c) **Qualification:** Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this part upon certification that--

` (1) the funds shall be used for any of the purposes described in section 2001(b);

` (2) grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs;

` (3) at least 25 percent of the amount granted shall be allocated, without duplication, to each of the following 3 areas: prosecution, law enforcement, and victim services; and

` (4) any Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subtitle.

` (d) **Application Requirements:** The application requirements provided in section 513 shall apply to grants made under this part. In addition, each application shall include the certifications of qualification required by subsection (c), including documentation from nonprofit, nongovernmental

victim services programs, describing their participation in developing the plan required by subsection (c)(2). An application shall include--

` (1) documentation from the prosecution, law enforcement, and victim services programs to be assisted, demonstrating--

` (A) need for the grant funds;

` (B) intended use of the grant funds;

` (C) expected results from the use of grant funds; and

` (D) demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and language background;

` (2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 2005; and

` (3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases provided in section 2006.

` (e) **Disbursement:**

` (1) **In general:** Not later than 60 days after the receipt of an application under this part, the Attorney General shall--

` (A) disburse the appropriate sums provided for under this part; or

` (B) inform the applicant why the application does not conform to the terms of section 513 or to the requirements of this section.

` (2) **Regulations:** In disbursing monies under this part, the Attorney General shall issue regulations to ensure that States will--

` (A) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas;

` (B) determine the amount of subgrants based on the population and geographic area to be served;

` (C) equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes; and

` (D) recognize and address the needs of underserved populations.

` (f) **Federal Share:** The Federal share of a grant made under this subtitle may not exceed 75 percent of the total costs of the projects described in the application submitted.

` (g) **Indian Tribes:** Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this part.

` (h) **Grantee Reporting:**

` (1) **In general:** Upon completion of the grant period under this part, a State or Indian tribal grantee shall file a performance report with the Attorney General explaining the activities carried out, which report shall include an assessment of the effectiveness of those activities in achieving the purposes of this part.

` (2) **Certification by grantee and subgrantees:** A section of the performance report shall be completed by each grantee and subgrantee

that performed the direct services contemplated in the application, certifying performance of direct services under the grant.

` (3) **Suspension of funding:** The Attorney General shall suspend funding for an approved application if--

` (A) an applicant fails to submit an annual performance report;

` (B) funds are expended for purposes other than those described in this part; or

` (C) a report under paragraph (1) or accompanying assessments demonstrate to the Attorney General that the program is ineffective or financially unsound.

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` **SEC. 2003. DEFINITIONS.**

` In this part--

` (1) the term `domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies;

` (2) the term `Indian country' has the meaning stated in section 1151 of title 18, United States Code;

` (3) the term `Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

` (4) the term `law enforcement' means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs);

` (5) the term `prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs);

` (6) the term `sexual assault' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim;

` (7) the term `underserved populations' includes populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs, such as language barriers or physical disabilities; and

` (8) the term `victim services' means a nonprofit, nongovernmental organization that assists domestic violence or sexual assault victims, including rape crisis centers, battered women's shelters, and other sexual assault or domestic violence programs, including nonprofit, nongovernmental organizations assisting domestic violence or sexual assault victims through the legal process.

` SEC. 2004. GENERAL TERMS AND CONDITIONS.

` (a) **Nonmonetary Assistance:** In addition to the assistance provided under this part, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State, tribal, and local assistance efforts.

` (b) **Reporting:** Not later than 180 days after the end of each fiscal year for which grants are made under this part, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State and for each grantee Indian tribe--

` (1) the number of grants made and funds distributed under this part;

` (2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

` (3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability; and

` (4) an evaluation of the effectiveness of programs funded under this part.

` (c) **Regulations or Guidelines:** Not later than 120 days after the date of enactment of this part, the Attorney General shall publish proposed regulations or guidelines implementing this part. Not later than 180 days after the date of enactment, the Attorney General shall publish final regulations or guidelines implementing this part.

` SEC. 2005. RAPE EXAM PAYMENTS.

` (a) **Restriction of Funds:**

` (1) **In general:** A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this part unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault.

` (2) **Redistribution:** Funds withheld from a State or unit of local government under paragraph (1) shall be distributed to other States or units of local government pro rata. Funds withheld from an Indian tribal government under paragraph (1) shall be distributed to other Indian tribal governments pro rata.

` (b) **Medical Costs:** A State, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity--

- ˘ (1) provides such exams to victims free of charge to the victim;
- ˘ (2) arranges for victims to obtain such exams free of charge to the victims; or
- ˘ (3) reimburses victims for the cost of such exams if--
 - ˘ (A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;
 - ˘ (B) the reimbursing governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;
 - ˘ (C) the reimbursing governmental entity provides reimbursement not later than 90 days after written notification of the victim's expense; and
 - ˘ (D) the State, Indian tribal government, unit of local government, or reimbursing governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

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˘ SEC. 2006. FILING COSTS FOR CRIMINAL CHARGES.

- ˘ (a) In General: A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this part unless the State, Indian tribal government, or unit of local government--
 - ˘ (1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; or
 - ˘ (2) gives the Attorney General assurances that its laws, policies and practices will be in compliance with the requirements of paragraph (1) within the later of--
 - ˘ (A) the period ending on the date on which the next session of the State legislature ends; or
 - ˘ (B) 2 years.
- ˘ (b) Redistribution: Funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to other States, units of local government, and Indian tribal government, respectively, pro rata.'
- (b) Technical Amendment: The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 32101(b), is amended by striking the matter relating to part T and inserting the following:

˘ Part T--Grants To Combat Violent Crimes Against Women

- ˘ Sec. 2001. Purpose of the program and grants.
- ˘ Sec. 2002. State grants.
- ˘ Sec. 2003. General definitions.
- ˘ Sec. 2004. General terms and conditions.

- ^ Sec. 2005. Rape exam payments.
- ^ Sec. 2006. Filing costs for criminal charges.

^ Part U--Transition--Effective Date-- Repealer

- ^ Sec. 2101. Continuation of rules, authorities, and proceedings.'.

(c) **Authorization of Appropriations:** Section 1001(a) of title I of the Omnibus **Crime Control** and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 32101(d), is amended--

(1) in paragraph (3) by striking ` and S' and inserting ` S, and T'; and
(2) by adding at the end the following new paragraph:

- ^ (18) There are authorized to be appropriated to carry out part T--
- ^ (A) \$26,000,000 for fiscal year 1995;
- ^ (B) \$130,000,000 for fiscal year 1996;
- ^ (C) \$145,000,000 for fiscal year 1997;
- ^ (D) \$160,000,000 for fiscal year 1998;
- ^ (E) \$165,000,000 for fiscal year 1999; and
- ^ (F) \$174,000,000 for fiscal year 2000.'.

CHAPTER 3--SAFETY FOR WOMEN IN PUBLIC TRANSIT AND PUBLIC PARKS

SEC. 40131. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT **CRIME**
IN PUBLIC TRANSPORTATION.

(a) **General Purpose:** There is authorized to be appropriated not to exceed \$10,000,000, for the Secretary of Transportation (referred to in this section as the `Secretary') to make capital grants for the prevention of **crime** and to increase security in existing and future public transportation systems. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.

(b) **Grants for Lighting, Camera Surveillance, and Security Phones:**

(1) From the sums authorized for expenditure under this section for **crime** prevention, the Secretary is authorized to make grants and loans to States and local public bodies or agencies for the purpose of increasing the safety of public transportation by--

- (A) increasing lighting within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;
- (B) increasing camera surveillance of areas within and adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

(C) providing emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages; or

(D) any other project intended to increase the security and safety of existing or planned public transportation systems.

(2) From the sums authorized under this section, at least 75 percent shall be expended on projects of the type described in subsection (b)(1) (A) and (B).

(c) **Reporting:** All grants under this section are contingent upon the filing of a report with the Secretary and the Department of Justice, Office of Victims of **Crime**, showing **crime** rates in or adjacent to public transportation before, and for a 1-year period after, the capital improvement. Statistics shall be compiled on the basis of the type of **crime**, sex, race, ethnicity, language, and relationship of victim to the offender.

(d) **Increased Federal Share:** Notwithstanding any other provision of law, the Federal share under this section for each capital improvement project that enhances the safety and security of public transportation systems and that is not required by law (including any other provision of this Act) shall be 90 percent of the net project cost of the project.

(e) **Special Grants for Projects To Study Increasing Security for Women:** From the sums authorized under this section, the Secretary shall provide grants and loans for the purpose of studying ways to reduce **violent** crimes against women in public transit through better design or operation of public transit systems.

(f) **General Requirements:** All grants or loans provided under this section shall be subject to the same terms, conditions, requirements, and provisions applicable to grants and loans as specified in section 5321 of title 49, United States Code.

SEC. 40132. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT **CRIME** IN NATIONAL PARKS.

Public Law 91-383 (16 U.S.C. 1a-1 et seq.) is amended by adding at the end the following new section:

SEC. 13. NATIONAL PARK SYSTEM **CRIME** PREVENTION ASSISTANCE.

(a) **Availability of Funds:** There are authorized to be appropriated out of the **Violent Crime** Reduction Trust Fund, not to exceed \$10,000,000 for the Secretary of the Interior to take all necessary actions to seek to reduce the incidence of **violent crime** in the National Park System.

(b) **Recommendations for Improvement:** The Secretary shall direct the chief official responsible for law enforcement within the National Park Service to--

(1) compile a list of areas within the National Park System with the highest rates of **violent crime** ;

(2) make recommendations concerning capital improvements, and other measures, needed within the National Park System to reduce the rates of **violent crime**, including the rate of sexual assault; and

^ (3) publish the information required by paragraphs (1) and (2) in the Federal Register.

^ (c) **Distribution of Funds:** Based on the recommendations and list issued pursuant to subsection (b), the Secretary shall distribute the funds authorized by subsection (a) throughout the National Park System. Priority shall be given to those areas with the highest rates of sexual assault.

^ (d) **Use of Funds:** Funds provided under this section may be used--

^ (1) to increase lighting within or adjacent to National Park System units;

^ (2) to provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to National Park System units;

^ (3) to increase security or law enforcement personnel within or adjacent to National Park System units; or

^ (4) for any other project intended to increase the security and safety of National Park System units.'

SEC. 40133. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT **CRIME IN PUBLIC PARKS.**

Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460/-8) is amended by adding at the end the following new subsection:

^ (h) **Capital Improvement and Other Projects to Reduce **Crime** :**

^ (1) **Availability of funds:** In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated out of the **Violent Crime** Reduction Trust Fund, the Secretary may provide financial assistance to the States, not to exceed \$15,000,000, for projects or combinations thereof for the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to--

^ (A) increase lighting within or adjacent to public parks and recreation areas;

^ (B) provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

^ (C) increase security personnel within or adjacent to public parks and recreation areas; and

^ (D) fund any other project intended to increase the security and safety of public parks and recreation areas.

^ (2) **Eligibility:** In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection shall be dependent upon a showing of need. In providing funds under this subsection, the Secretary shall give priority to projects proposed for urban parks and recreation areas with the highest rates of **crime** and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

^ (3) **Federal share:** Notwithstanding subsection (c), the Secretary may provide 70 percent improvement grants for projects undertaken by any

State for the purposes described in this subsection, and the remaining share of the cost shall be borne by the State.'.

CHAPTER 4--NEW EVIDENTIARY RULES

SEC. 40141. SEXUAL HISTORY IN CRIMINAL AND CIVIL CASES.

(a) **Modification of Proposed Amendment:** The proposed amendments to the Federal Rules of Evidence that are embraced by an order entered by the Supreme Court of the United States on April 29, 1994, shall take effect on December 1, 1994, as otherwise provided by law, but with the amendment made by subsection (b).

(b) **Rule:** Rule 412 of the Federal Rules of Evidence is amended to read as follows:

ˆ Rule 412. Sex Offense Cases; Relevance of Alleged Victim's Past Sexual Behavior or Alleged Sexual Predisposition

ˆ (a) **Evidence Generally Inadmissible:** The following evidence is not admissible in any civil or criminal proceeding involving alleged sexual misconduct except as provided in subdivisions (b) and (c):

ˆ (1) Evidence offered to prove that any alleged victim engaged in other sexual behavior.

ˆ (2) Evidence offered to prove any alleged victim's sexual predisposition.

ˆ (b) **Exceptions:**

ˆ (1) In a criminal case, the following evidence is admissible, if otherwise admissible under these rules:

ˆ (A) evidence of specific instances of sexual behavior by the alleged victim offered to prove that a person other than the accused was the source of semen, injury or other physical evidence;

ˆ (B) evidence of specific instances of sexual behavior by the alleged victim with respect to the person accused of the sexual misconduct offered by the accused to prove consent or by the prosecution; and

ˆ (C) evidence the exclusion of which would violate the constitutional rights of the defendant.

ˆ (2) In a civil case, evidence offered to prove the sexual behavior or sexual predisposition of any alleged victim is admissible if it is otherwise admissible under these rules and its probative value substantially outweighs the danger of harm to any victim and of unfair prejudice to any party. Evidence of an alleged victim's reputation is admissible only if it has been placed in controversy by the alleged victim.

ˆ (c) **Procedure To Determine Admissibility:**

ˆ (1) A party intending to offer evidence under subdivision (b) must--

ˆ (A) file a written motion at least 14 days before trial specifically describing the evidence and stating the purpose for which it is offered unless the court, for good cause requires a different time for filing or permits filing during trial; and

ˆ (B) serve the motion on all parties and notify the alleged victim or, when appropriate, the alleged victim's guardian or representative.

^ (2) Before admitting evidence under this rule the court must conduct a hearing in camera and afford the victim and parties a right to attend and be heard. The motion, related papers, and the record of the hearing must be sealed and remain under seal unless the court orders otherwise.'

(c) **Technical Amendment:** The table of contents for the Federal Rules of Evidence is amended by amending the item relating to rule 412 to read as follows:

^ **412. Sex Offense Cases; Relevance of Alleged Victim's Past Sexual Behavior or Alleged Sexual Predisposition:**

^ (a) Evidence generally inadmissible.

^ (b) Exceptions.

^ (c) Procedure to determine admissibility.'

CONFERENCE REPORT ON H.R. 3355, VIOLENT CRIME CONTROL
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- August 21, 1994)

CHAPTER 5--ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT

SEC. 40151. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

Part A of title XIX of the Public Health and Human Services Act (42 U.S.C. 300w et seq.) is amended by adding at the end the following new section:

^ SEC. 1910A. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

^ (a) **Permitted Use:** Notwithstanding section 1904(a)(1), amounts transferred by the State for use under this part may be used for rape prevention and education programs conducted by rape crisis centers or similar nongovernmental nonprofit entities for--

^ (1) educational seminars;

^ (2) the operation of hotlines;

^ (3) training programs for professionals;

^ (4) the preparation of informational materials; and

^ (5) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved racial, ethnic, and language minority communities.

^ (b) **Targeting of Education Programs:** States providing grant monies must ensure that at least 25 percent of the monies are devoted to education programs targeted for middle school, junior high school, and high school students.

^ (c) **Authorization of Appropriations:** There are authorized to be appropriated to carry out this section--

^ (1) \$35,000,000 for fiscal year 1996;

^ (2) \$35,000,000 for fiscal year 1997;

` (3) \$45,000,000 for fiscal year 1998;

` (4) \$45,000,000 for fiscal year 1999; and

` (5) \$45,000,000 for fiscal year 2000.

` (d) **Limitation:** Funds authorized under this section may only be used for providing rape prevention and education programs.

` (e) **Definition:** For purposes of this section, the term `rape prevention and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

` (f) **Terms:** The Secretary shall make allotments to each State on the basis of the population of the State, and subject to the conditions provided in this section and sections 1904 through 1909.'

SEC. 40152. TRAINING PROGRAMS.

(a) **In General:** The Attorney General, after consultation with victim advocates and individuals who have expertise in treating sex offenders, shall establish criteria and develop training programs to assist probation and parole officers and other personnel who work with released sex offenders in the areas of--

(1) case management;

(2) supervision; and

(3) relapse prevention.

(b) **Training Programs:** The Attorney General shall ensure, to the extent practicable, that training programs developed under subsection (a) are available in geographically diverse locations throughout the country.

(c) **Authorization of Appropriations:** There are authorized to be appropriated to carry out this section--

(1) \$1,000,000 for fiscal year 1996; and

(2) \$1,000,000 for fiscal year 1997.

SEC. 40153. CONFIDENTIALITY OF COMMUNICATIONS BETWEEN SEXUAL ASSAULT OR DOMESTIC VIOLENCE VICTIMS AND THEIR COUNSELORS.

(a) **Study and Development of Model Legislation:** The Attorney General shall--

(1) study and evaluate the manner in which the States have taken measures to protect the confidentiality of communications between sexual assault or domestic violence victims and their therapists or trained counselors;

(2) develop model legislation that will provide the maximum protection possible for the confidentiality of such communications, within any applicable constitutional limits, taking into account the following factors:

(A) the danger that counseling programs for victims of sexual assault and domestic violence will be unable to achieve their goal of helping victims recover from the trauma associated with these crimes if there is no assurance that the records of the counseling sessions will be kept confidential;

(B) consideration of the appropriateness of an absolute privilege for communications between victims of sexual assault or domestic violence and their therapists or trained counselors, in light of the likelihood that such an absolute privilege will provide the maximum guarantee of

confidentiality but also in light of the possibility that such an absolute privilege may be held to violate the rights of criminal defendants under the Federal or State constitutions by denying them the opportunity to obtain exculpatory evidence and present it at trial; and

(C) consideration of what limitations on the disclosure of confidential communications between victims of these crimes and their counselors, short of an absolute privilege, are most likely to ensure that the counseling programs will not be undermined, and specifically whether no such disclosure should be allowed unless, at a minimum, there has been a particularized showing by a criminal defendant of a compelling need for records of such communications, and adequate procedural safeguards are in place to prevent unnecessary or damaging disclosures; and

(3) prepare and disseminate to State authorities the findings made and model legislation developed as a result of the study and evaluation.

(b) **Report and Recommendations:** Not later than the date that is 1 year after the date of enactment of this Act, the Attorney General shall report to the Congress--

(1) the findings of the study and the model legislation required by this section; and

(2) recommendations based on the findings on the need for and appropriateness of further action by the Federal Government.

(c) **Review of Federal Evidentiary Rules:** The Judicial Conference of the United States shall evaluate and report to Congress its views on whether the Federal Rules of Evidence should be amended, and if so, how they should be amended, to guarantee that the confidentiality of communications between sexual assault victims and their therapists or trained counselors will be adequately protected in Federal court proceedings.

SEC. 40154. INFORMATION PROGRAMS.

The Attorney General shall compile information regarding sex offender treatment programs and ensure that information regarding community treatment programs in the community into which a convicted sex offender is released is made available to each person serving a sentence of imprisonment in a Federal penal or correctional institution for a commission of an offense under chapter 109A of title 18, United States Code, or for the commission of a similar offense, including halfway houses and psychiatric institutions.

SEC. 40155. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF RUNAWAY, HOMELESS, AND STREET YOUTH.

Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq.) is amended--

(1) by redesignating sections 316 and 317 as sections 317 and 318, respectively; and

(2) by inserting after section 315 the following new section:

^ GRANTS FOR PREVENTION OF SEXUAL ABUSE AND EXPLOITATION

` **Sec. 316. (a) In General:** The Secretary shall make grants under this section to private, nonprofit agencies for street-based outreach and education, including treatment, counseling, provision of information, and referral for runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse.

` (b) **Priority:** In selecting among applicants for grants under subsection (a), the Secretary shall give priority to agencies that have experience in providing services to runaway, homeless, and street youth.

` (c) **Authorization of Appropriations:** There are authorized to be appropriated to carry out this section--

` (1) \$7,000,000 for fiscal year 1996;

` (2) \$8,000,000 for fiscal year 1997; and

` (3) \$15,000,000 for fiscal year 1998.

` (d) **Definitions:** For the purposes of this section--

` (1) the term `street-based outreach and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim; and

` (2) the term `street youth' means a juvenile who spends a significant amount of time on the street or in other areas of exposure to encounters that may lead to sexual abuse.'.

SEC. 40156. VICTIMS OF CHILD ABUSE PROGRAMS.

(a) **Court-Appointed Special Advocate Program:**

(1) **Reauthorization:** Section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended to read as follows:

` (a) **Authorization:** There are authorized to be appropriated to carry out this subtitle--

` (1) \$6,000,000 for fiscal year 1996;

` (2) \$6,000,000 for fiscal year 1997;

` (3) \$7,000,000 for fiscal year 1998;

` (4) \$9,000,000 for fiscal year 1999; and

` (5) \$10,000,000 for fiscal year 2000.'.

(2) **Technical amendment:** Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012) is amended by striking `this chapter' and inserting `this subtitle'.

(b) **Child Abuse Training Programs for Judicial Personnel and Practitioners:**

(1) **Reauthorization:** Section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)) is amended to read as follows:

` (a) **Authorization:** There are authorized to be appropriated to carry out this subtitle--

` (1) \$750,000 for fiscal year 1996;

` (2) \$1,000,000 for fiscal year 1997;

` (3) \$2,000,000 for fiscal year 1998;

` (4) \$2,000,000 for fiscal year 1999; and

` (5) \$2,300,000 for fiscal year 2000.'.

(2) **Technical amendment:** Section 221(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13021(b)) is amended by striking `this chapter' and inserting `this subtitle'.

(c) **Grants for Televised Testimony:** Title I of the Omnibus **Crime Control** and Safe Streets Act of 1968 is amended--

(1) by amending section 1001(a)(7) (42 U.S.C. 3793(a)(7)) to read as follows:

` (7) There are authorized to be appropriated to carry out part N--

` (A) \$250,000 for fiscal year 1996;

` (B) \$1,000,000 for fiscal year 1997;

` (C) \$1,000,000 for fiscal year 1998;

` (D) \$1,000,000 for fiscal year 1999; and

` (E) \$1,000,000 for fiscal year 2000.';

(2) in section 1402 (42 U.S.C. 3796aa-1) by striking `to States, for the use of States and units of local government in the States';

(3) in section 1403 (42 U.S.C. 3796aa-2)--

(A) by inserting `or unit of local government' after `of a State';

(B) by inserting `and' after paragraph (1);

(C) in paragraph (2) by striking the semicolon at the end and inserting a period; and

(D) by striking paragraphs (3) and (4);

(4) in section 1404 (42 U.S.C. 3796aa-3)--

(A) in subsection (a)--

(i) by striking `The Bureau' and all that follows through `determining that' and inserting `An applicant is eligible to receive a grant under this part if--';

(ii) in paragraph (1) by striking `there is in effect in such State' and inserting `the applicant certifies and the Director determines that there is in effect in the State';

(iii) in paragraph (2) by striking `such State law shall meet' and inserting `the applicant certifies and the Director determines that State law meets';

(iv) by inserting `and' after subparagraph (E);

(v) in paragraph (3)--

(I) by inserting `the Director determines that' before `the application'; and

(II) by striking `; and' and inserting a period;

(vi) by striking paragraph (4);

(vii) by striking `Each application' and inserting the following:

` (b) Each application'; and

(viii) by striking `the Bureau' each place it appears and inserting `the Director'; and

(B) by redesignating subsection (b) as subsection (c) and by striking `The Bureau' and inserting `The Director';

(5) by striking section 1405 (42 U.S.C. 3796aa-4);

(6) in section 1406 (42 U.S.C. 3796aa-5)--

(A) in subsection (a)--

(i) by striking `State which' and inserting `State or unit of local government that';

(ii) by striking `title' and inserting `part'; and

(iii) in paragraph (1) by striking `State'; and

(B) in subsection (b)(1) by striking `such State' and inserting `the State and units of local government in the State';

(7) in section 1407 (42 U.S.C. 3796aa-6)--

(A) in subsection (c)--

(i) by striking `Each State' and all that follows through `effective audit' and inserting `Grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds) shall keep such records as the Director may require by rule to facilitate such an audit.'; and

(ii) in paragraph (2) by striking `States which receive grants, and of units of local government which receive any part of a grant made under this part' and inserting `grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds)'; and

(B) by adding at the end the following new subsection:

`(d) **Utilization of Private Sector:** Nothing in this part shall prohibit the utilization of any grant funds to contract with a private organization to provide equipment or training for the televising of testimony as contemplated by the application submitted by an applicant.';

(8) by striking section 1408 (42 U.S.C. 3796aa-7); and

(9) in the table of contents--

(A) in the item relating to section 1405 by striking `Allocation and distribution of funds under formula grants' and inserting `(Repealed)'; and

(B) in the item relating to section 1408 by striking `State office' and inserting `(Repealed)'.

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Subtitle B--Safe Homes for Women

SEC. 40201. SHORT TITLE.

This title may be cited as the `Safe Homes for Women Act of 1994'.

CHAPTER 1--NATIONAL DOMESTIC VIOLENCE HOTLINE

SEC. 40211. GRANT FOR A NATIONAL DOMESTIC VIOLENCE HOTLINE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

`SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

`(a) **In General:** The Secretary may award a grant to a private, nonprofit entity to provide for the operation of a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence.

`(b) **Duration:** A grant under this section may extend over a period of

not more than 5 years.

` (c) **Annual Approval:** The provision of payments under a grant under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

` (d) **Activities:** Funds received by an entity under this section shall be used to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. In establishing and operating the hotline, a private, nonprofit entity shall--

` (1) contract with a carrier for the use of a toll-free telephone line;

` (2) employ, train, and supervise personnel to answer incoming calls and provide counseling and referral services to callers on a 24-hour-a-day basis;

` (3) assemble and maintain a current database of information relating to services for victims of domestic violence to which callers may be referred throughout the United States, including information on the availability of shelters that serve battered women; and

` (4) publicize the hotline to potential users throughout the United States.

` (e) **Application:** A grant may not be made under this section unless an application for such grant has been approved by the Secretary. To be approved by the Secretary under this subsection an application shall--

` (1) contain such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register;

` (2) include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of--

` (A) the training program for hotline personnel;

` (B) the hiring criteria for hotline personnel;

` (C) the methods for the creation, maintenance and updating of a resource database;

` (D) a plan for publicizing the availability of the hotline;

` (E) a plan for providing service to non-English speaking callers, including hotline personnel who speak Spanish; and

` (F) a plan for facilitating access to the hotline by persons with hearing impairments;

` (3) demonstrate that the applicant has nationally recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence, including a demonstration of support from advocacy groups, such as domestic violence State coalitions or recognized national domestic violence groups;

` (4) demonstrates that the applicant has a commitment to diversity, and to the provision of services to ethnic, racial, and non-English speaking minorities, in addition to older individuals and individuals with disabilities; and

` (5) contain such other information as the Secretary may require.

` (f) **Authorization of Appropriations:**

- ^ (1) In general: There are authorized to be appropriated to carry out this section--
- ^ (A) \$1,000,000 for fiscal year 1995;
- ^ (B) \$400,000 for fiscal year 1996;
- ^ (C) \$400,000 for fiscal year 1997;
- ^ (D) \$400,000 for fiscal year 1998;
- ^ (E) \$400,000 for fiscal year 1999; and
- ^ (F) \$400,000 for fiscal year 2000.
- ^ (2) Availability: Funds authorized to be appropriated under paragraph (1) shall remain available until expended.'

CHAPTER 2--INTERSTATE ENFORCEMENT

SEC. 40221. INTERSTATE ENFORCEMENT.

(a) In General: Part 1 of title 18, United States Code, is amended by inserting after chapter 110 the following new chapter:

^ CHAPTER 110A--DOMESTIC VIOLENCE

- ^ Sec. 2261. Interstate domestic violence.
- ^ Sec. 2262. Interstate violation of protection order.
- ^ Sec. 2263. Pretrial release of defendant.
- ^ Sec. 2264. Restitution.
- ^ Sec. 2265. Full faith and credit given to protection orders.
- ^ Sec. 2266. Definitions.
- ^ 2261. Interstate domestic violence
- ^ (a) Offenses:
 - ^ (1) Crossing a state line: A person who travels across a State line or enters or leaves Indian country with the intent to injure, harass, or intimidate that person's spouse or intimate partner, and who, in the course of or as a result of such travel, intentionally commits a **crime** of violence and thereby causes bodily injury to such spouse or intimate partner, shall be punished as provided in subsection (b).
 - ^ (2) Causing the crossing of a state line: A person who causes a spouse or intimate partner to cross a State line or to enter or leave Indian country by force, coercion, duress, or fraud and, in the course or as a result of that conduct, intentionally commits a **crime** of violence and thereby causes bodily injury to the person's spouse or intimate partner, shall be punished as provided in subsection (b).
 - ^ (b) Penalties: A person who violates this section shall be fined under this title, imprisoned--
 - ^ (1) for life or any term of years, if death of the offender's spouse or intimate partner results;

- ^ (2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the offender's spouse or intimate partner results;
- ^ (3) for not more than 10 years, if serious bodily injury to the offender's spouse or intimate partner results or if the offender uses a dangerous weapon during the offense;
- ^ (4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and
- ^ (5) for not more than 5 years, in any other case, or both fined and imprisoned.

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**CONFERENCE REPORT ON H.R. 3355, VIOLENT CRIME CONTROL
AND LAW ENFORCEMENT ACT OF 1993 (House of Representatives
- August 21, 1994)**

- ^ 2262. Interstate violation of protection order
- ^ (a) Offenses:
 - ^ (1) **Crossing a state line:** A person who travels across a State line or enters or leaves Indian country with the intent to engage in conduct that-
 -
 - ^ (A)(i) violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued; or
 - ^ (ii) would violate subparagraph (A) if the conduct occurred in the jurisdiction in which the order was issued; and
 - ^ (B) subsequently engages in such conduct, shall be punished as provided in subsection (b).
 - ^ (2) **Causing the crossing of a state line:** A person who causes a spouse or intimate partner to cross a State line or to enter or leave Indian country by force, coercion, duress, or fraud, and, in the course or as a result of that conduct, intentionally commits an act that injures the person's spouse or intimate partner in violation of a valid protection order issued by a State shall be punished as provided in subsection (b).
- ^ (b) **Penalties:** A person who violates this section shall be fined under this title, imprisoned--
 - ^ (1) for life or any term of years, if death of the offender's spouse or intimate partner results;
 - ^ (2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the offender's spouse or intimate partner results;
 - ^ (3) for not more than 10 years, if serious bodily injury to the offender's spouse or intimate partner results or if the offender uses a dangerous weapon during the offense;

` (4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and
` (5) for not more than 5 years, in any other case, or both fined and imprisoned.

` 2263. Pretrial release of defendant

` In any proceeding pursuant to section 3142 for the purpose of determining whether a defendant charged under this chapter shall be released pending trial, or for the purpose of determining conditions of such release, the alleged victim shall be given an opportunity to be heard regarding the danger posed by the defendant.

` 2264. Restitution

` (a) **In General:** Notwithstanding section 3663, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

` (b) **Scope and Nature of Order:**

` (1) **Directions:** The order of restitution under this section shall direct that--

` (A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (3); and

` (B) the United States Attorney enforce the restitution order by all available and reasonable means.

` (2) **Enforcement by victim:** An order of restitution also may be enforced by a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.

` (3) **Definition:** For purposes of this subsection, the term `full amount of the victim's losses' includes any costs incurred by the victim for--

` (A) medical services relating to physical, psychiatric, or psychological care;

` (B) physical and occupational therapy or rehabilitation;

` (C) necessary transportation, temporary housing, and child care expenses;

` (D) lost income;

` (E) attorneys' fees, plus any costs incurred in obtaining a civil protection order; and

` (F) any other losses suffered by the victim as a proximate result of the offense.

` (4) **Order mandatory:** (A) The issuance of a restitution order under this section is mandatory.

` (B) A court may not decline to issue an order under this section because of--

` (i) the economic circumstances of the defendant; or

` (ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

` (C)(i) Notwithstanding subparagraph (A), the court may take into account the economic circumstances of the defendant in determining the

manner in which and the schedule according to which the restitution is to be paid.

ˆ (ii) For purposes of this subparagraph, the term 'economic circumstances' includes--

ˆ (I) the financial resources and other assets of the defendant;

ˆ (II) projected earnings, earning capacity, and other income of the defendant; and

ˆ (III) any financial obligations of the defendant, including obligations to dependents.

ˆ (D) Subparagraph (A) does not apply if--

ˆ (i) the court finds on the record that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of the amount of a restitution order in the foreseeable future (under any reasonable schedule of payments); and

ˆ (ii) the court enters in its order the amount of the victim's losses, and provides a nominal restitution award.

ˆ (5) **More than 1 offender:** When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

ˆ (6) **More than 1 victim:** When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

ˆ (7) **Payment schedule:** An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals.

ˆ (8) **Setoff:** Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in--

ˆ (A) any Federal civil proceeding; and

ˆ (B) any State civil proceeding, to the extent provided by the law of the State.

ˆ (9) **Effect on other sources of compensation:** The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss.

ˆ (10) **Condition of probation or supervised release:** Compliance with a restitution order issued under this section shall be a condition of any probation or supervised release of a defendant. If an offender fails to comply with a restitution order, the court may, after a hearing, revoke probation or a term of supervised release, modify the terms or conditions of probation or a term of supervised release, or hold the defendant in contempt pursuant to section 3583(e). In determining whether to revoke probation or a term of supervised release, modify the terms or conditions

of probation or supervised release or hold a defendant serving a term of supervised release in contempt, the court shall consider the defendant's employment status, earning ability and financial resources, the willfulness of the defendant's failure to comply, and any other circumstances that may have a bearing on the defendant's ability to comply.

` (c) **Affidavit:** Within 60 days after conviction and, in any event, not later than 10 days before sentencing, the United States Attorney (or such Attorney's delegate), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the delegate) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the delegate) shall advise the victim that the victim may file a separate affidavit and assist the victim in the preparation of the affidavit.

` (d) **Objection:** If, after the defendant has been notified of the affidavit, no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (a) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegate) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

` (e) **Additional Documentation and Testimony:** If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. The privacy of any records filed, or testimony heard, pursuant to this section, shall be maintained to the greatest extent possible, and such records may be filed or testimony heard in camera.

` (f) **Final Determination of Losses:** If the victim's losses are not ascertainable 10 days before sentencing as provided in subsection (c), the United States Attorney (or the United States Attorney's delegate) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 90 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

` (g) **Restitution in Addition to Punishment:** An award of restitution to the victim of an offense under this chapter is not a substitute for imposition of punishment under this chapter.

` 2265. Full faith and credit given to protection orders

` (a) **Full Faith and Credit:** Any protection order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing State or Indian tribe) shall be accorded full faith and credit by the court of another State or Indian tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing

State or tribe.

` (b) **Protection Order:** A protection order issued by a State or tribal court is consistent with this subsection if--

` (1) such court has jurisdiction over the parties and matter under the law of such State or Indian tribe; and

` (2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

` (c) **Cross or Counter Petition:** A protection order issued by a State or tribal court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if--

` (1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

` (2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

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` 2266. Definitions

` In this chapter--

` **bodily injury'** means any act, except one done in self-defense, that results in physical injury or sexual abuse.

` **Indian country'** has the meaning stated in section 1151.

` **protection order'** includes any injunction or other order issued for the purpose of preventing **violent** or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.

` **spouse or intimate partner'** includes--

` (A) a spouse, a former spouse, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited with the abuser as a spouse; and

` (B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides.

` **State'** includes a State of the United States, the District of Columbia, a commonwealth, territory, or possession of the United States.

` **travel across State lines'** does not include travel across State lines by an individual who is a member of an Indian tribe when such individual remains at all times in the territory of the Indian tribe of which the individual is a member.'.

(b) **Technical Amendment:** The part analysis for part I of title 18,

United States Code, is amended by inserting after the item for chapter 110 the following new item:

^ 110A. Domestic violence
2261.'.

CHAPTER 3--ARREST POLICIES IN DOMESTIC VIOLENCE CASES

SEC. 40231. ENCOURAGING ARREST POLICIES.

(a) **In General:** Title I of the Omnibus **Crime Control** and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 40121(a), is amended--

- (1) by redesignating part U as part V;
- (2) by redesignating section 2101 as section 2201; and
- (3) by inserting after part T the following new part:

^ PART U--GRANTS TO ENCOURAGE ARREST POLICIES

^ SEC. 2101. GRANTS.

^ (a) **Purpose:** The purpose of this part is to encourage States, Indian tribal governments, and units of local government to treat domestic violence as a serious violation of criminal law.

^ (b) **Grant Authority:** The Attorney General may make grants to eligible States, Indian tribal governments, or units of local government for the following purposes:

- ^ (1) To implement mandatory arrest or proarrest programs and policies in police departments, including mandatory arrest programs and policies for protection order violations.
- ^ (2) To develop policies and training in police departments to improve tracking of cases involving domestic violence.
- ^ (3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, or judges.
- ^ (4) To coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts.
- ^ (5) To strengthen legal advocacy service programs for victims of domestic violence.
- ^ (6) To educate judges in criminal and other courts about domestic violence and to improve judicial handling of such cases.

^ (c) **Eligibility:** Eligible grantees are States, Indian tribal governments, or units of local government that--

- ^ (1) certify that their laws or official policies--
 - ^ (A) encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and
 - ^ (B) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;
- ^ (2) demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;

` (3) certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed findings of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense; and

` (4) certify that their laws, policies, or practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena.

` SEC. 2102. APPLICATIONS.

` (a) **Application:** An eligible grantee shall submit an application to the Attorney General that--

` (1) contains a certification by the chief executive officer of the State, Indian tribal government, or local government entity that the conditions of section 2101(c) are met or will be met within the later of--

` (A) the period ending on the date on which the next session of the State or Indian tribal legislature ends; or

` (B) 2 years of the date of enactment of this part;

` (2) describes plans to further the purposes stated in section 2101(a);

` (3) identifies the agency or office or groups of agencies or offices responsible for carrying out the program; and

` (4) includes documentation from nonprofit, private sexual assault and domestic violence programs demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

` (b) **Priority:** In awarding grants under this part, the Attorney General shall give priority to applicants that--

` (1) do not currently provide for centralized handling of cases involving domestic violence by police, prosecutors, and courts; and

` (2) demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence.

` SEC. 2103. REPORTS.

` Each grantee receiving funds under this part shall submit a report to the Attorney General evaluating the effectiveness of projects developed with funds provided under this part and containing such additional information as the Attorney General may prescribe.

` SEC. 2104. REGULATIONS OR GUIDELINES.

` Not later than 120 days after the date of enactment of this part, the Attorney General shall publish proposed regulations or guidelines implementing this part. Not later than 180 days after the date of enactment of this part, the Attorney General shall publish final regulations or guidelines implementing this part.

` SEC. 2105. DEFINITIONS.

` For purposes of this part--

` (1) the term `domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a

person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the eligible State, Indian tribal government, or unit of local government that receives a grant under this part; and

` (2) the term `protection order' includes any injunction issued for the purpose of preventing **violent** or threatening acts of domestic violence, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.'.

(b) **Technical Amendment:** The table of contents of title I of the Omnibus **Crime Control** and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 40121(b), is amended by striking the matter relating to part U and inserting the following:

` Part U--Grants to Encourage Arrest Policies

- ` Sec. 2101. Grants.
- ` Sec. 2102. Applications.
- ` Sec. 2103. Reports.
- ` Sec. 2104. Regulations or guidelines.
- ` Sec. 2105. Definitions.

` Part V--Transition--Effective Date--Repealer

- ` Sec. 2201. Continuation of rules, authorities, and proceedings.'.

(c) **Authorization of Appropriations:** Section 1001(a) of title I of the Omnibus **Crime Control** and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 40121(c), is amended--

(1) in paragraph (3) by striking `and T' and inserting `T, and U'; and

(2) by adding at the end the following new paragraph:

` (19) There are authorized to be appropriated to carry out part U--

` (A) \$28,000,000 for fiscal year 1996;

` (B) \$33,000,000 for fiscal year 1997; and

` (C) \$59,000,000 for fiscal year 1998.

(d) **Administrative Provisions:**

(1) **Regulations:** Section 801(b) of title I of the Omnibus **Crime Control** and Safe Streets Act of 1968 (42 U.S.C. 3782(b)), is amended by striking `and O' and inserting `O, and U'.

(2) **Denial of application:** Section 802(b) of title I of the Omnibus **Crime Control** and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended in the first sentence by striking `or O' and inserting `O, or U'.

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CONFERENCE REPORT ON H.R. 3355, VIOLENT CRIME CONTROL
AND LAW ENFORCEMENT ACT OF 1993 (House of Representatives
- August 21, 1994)

CHAPTER 4--SHELTER GRANTS

SEC. 40241. GRANTS FOR BATTERED WOMEN'S SHELTERS.

Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

` (a) **In General:** There are authorized to be appropriated to carry out this title--

- ` (1) \$50,000,000 for fiscal year 1996;
- ` (2) \$60,000,000 for fiscal year 1997;
- ` (3) \$70,000,000 for fiscal year 1998;
- ` (4) \$72,500,000 for fiscal year 1999; and
- ` (5) \$72,500,000 for fiscal year 2000.'

CHAPTER 5--YOUTH EDUCATION

SEC. 40251. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.), as amended by section 40211, is amended by adding at the end the following new section:

` SEC. 317. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

` (a) **General Purpose:** For purposes of this section, the Secretary may, in consultation with the Secretary of Education, select, implement and evaluate 4 model programs for education of young people about domestic violence and violence among intimate partners.

` (b) **Nature of Program:** The Secretary shall select, implement and evaluate separate model programs for 4 different audiences: primary schools, middle schools, secondary schools, and institutions of higher education. The model programs shall be selected, implemented, and evaluated in consultation with educational experts, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters, State coalitions and resource centers.

^ (c) **Review and Dissemination:** Not later than 2 years after the date of enactment of this section, the Secretary shall transmit the design and evaluation of the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

^ (d) **Authorization of Appropriations:** There are authorized to be appropriated to carry out this section \$400,000 for fiscal year 1996.

CHAPTER 6--COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

SEC. 40261. ESTABLISHMENT OF COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.), as amended by section 40251, is amended by adding at the end the following new section:

^ SEC. 318. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

^ (a) **In General:** The Secretary shall provide grants to nonprofit private organizations to establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence.

^ (b) **Eligibility:** To be eligible for a grant under this section, an entity--

^ (1) shall be a nonprofit organization organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence; and

^ (2) shall include representatives of pertinent sectors of the local community, which may include--

^ (A) health care providers;

^ (B) the education community;

^ (C) the religious community;

^ (D) the justice system;

^ (E) domestic violence program advocates;

^ (F) human service entities such as State child services divisions;

^ (G) business and civic leaders; and

^ (H) other pertinent sectors.

^ (c) **Applications:** An organization that desires to receive a grant under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall prescribe through notice in the Federal Register, that--

^ (1) demonstrates that the applicant will serve a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;

^ (2) demonstrates a community action component to improve and expand current intervention and prevention strategies through increased communication and coordination among all affected sectors;

^ (3) includes a complete description of the applicant's plan for the establishment and operation of the community project, including a description of--

- ^ (A) the method for identification and selection of an administrative committee made up of persons knowledgeable in domestic violence to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;
- ^ (B) the method for identification and selection of project staff and a project evaluator;
- ^ (C) the method for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (b)(2);
- ^ (D) the method for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council focusing on each of the sectors; and
- ^ (E) a plan for developing outreach and public education campaigns regarding domestic violence; and

^ (4) contains such other information, agreements, and assurances as the Secretary may require.

^ (d) **Term:** A grant provided under this section may extend over a period of not more than 3 fiscal years.

^ (e) **Conditions on Payment:** Payments under a grant under this section shall be subject to--

- ^ (1) annual approval by the Secretary; and
- ^ (2) availability of appropriations.

^ (f) **Geographical Dispersion:** The Secretary shall award grants under this section to organizations in communities geographically dispersed throughout the country.

^ (g) **Use of Grant Monies:**

- ^ (1) **In general:** A grant made under subsection (a) shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence.
- ^ (2) **Requirements:** In establishing and operating a project, a nonprofit private organization shall--
 - ^ (A) establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;
 - ^ (B) develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and
 - ^ (C) provide for periodic evaluation of the project with a written report and analysis to assist application of this concept in other communities.

^ (h) **Authorization of Appropriations:** There are authorized to be appropriated to carry out this section--

- ^ (1) \$4,000,000 for fiscal year 1996; and
- ^ (2) \$6,000,000 for fiscal year 1997.

^ (i) **Regulations:** Not later than 60 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after the date of

enactment, the Secretary shall publish final regulations implementing this section.'

CHAPTER 7--FAMILY VIOLENCE PREVENTION AND SERVICES ACT AMENDMENTS

SEC. 40271. GRANTEE REPORTING.

(a) **Submission of Application:** Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by inserting ` and a plan to address the needs of underserved populations, including populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation' after ` such State'.

(b) **Approval of Application:** Section 303(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)) is amended by adding at the end the following new paragraph:

` (4) Upon completion of the activities funded by a grant under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this subpart, after following the procedures set forth in paragraph (3). Federal funds may be used only to supplement, not supplant, State funds.'

SEC. 40272. TECHNICAL AMENDMENTS.

(a) **Definitions:** Section 309(5)(B) of the Family Violence Prevention and Services Act (42 U.S.C. 10408(5)(B)) is amended by inserting ` or other supportive services' before ` by peers individually or in groups,'.

(b) **Special Issue Resource Centers:**

(1) **Grants:** Section 308(a)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(a)(2)) is amended by striking ` six' and inserting ` seven'.

(2) **Functions:** Section 308(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(c)) is amended--

(A) by striking the period at the end of paragraph (6) and inserting `, including the issuance and enforcement of protection orders.'; and
(B) by adding at the end the following new paragraph:

` (7) Providing technical assistance and training to State domestic violence coalitions.'

(c) **State Domestic Violence Coalitions:** Section 311(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(a)) is amended--

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5);

(2) by inserting before paragraph (2), as redesignated by paragraph (1), the following new paragraph:

^ (1) working with local domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence within the State, including--

^ (A) training and technical assistance for local programs and professionals working with victims of domestic violence;

^ (B) planning and conducting State needs assessments and planning for comprehensive services;

^ (C) serving as an information clearinghouse and resource center for the State; and

^ (D) collaborating with other governmental systems which affect battered women;';

(3) in paragraph (2)(K), as redesignated by paragraph (1), by striking ^and court officials and other professionals' and inserting ^, judges, court officers and other criminal justice professionals,';

(4) in paragraph (3), as redesignated by paragraph (1)--

(A) by inserting ^, criminal court judges,' after ^family law judges,' each place it appears;

(B) in subparagraph (F), by inserting ^custody' after ^temporary'; and

(C) in subparagraph (H), by striking ^supervised visitations that do not endanger victims and their children,' and inserting ^supervised visitations or denial of visitation to protect against danger to victims or their children'; and

(5) in paragraph (4), as redesignated by paragraph (1), by inserting ^, including information aimed at underserved racial, ethnic or language-minority populations' before the semicolon.

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CHAPTER 8--CONFIDENTIALITY FOR ABUSED PERSONS

SEC. 40281. CONFIDENTIALITY OF ABUSED PERSON'S ADDRESS.

(a) **Regulations:** Not later than 90 days after the date of enactment of this Act, the United States Postal Service shall promulgate regulations to secure the confidentiality of domestic violence shelters and abused persons' addresses.

(b) **Requirements:** The regulations under subsection (a) shall require--

(1) in the case of an individual, the presentation to an appropriate postal official of a valid, outstanding protection order; and

(2) in the case of a domestic violence shelter, the presentation to an appropriate postal authority of proof from a State domestic violence coalition that meets the requirements of section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410)) verifying that the organization is a domestic violence shelter.

(c) **Disclosure for Certain Purposes:** The regulations under subsection (a) shall not prohibit the disclosure of addresses to State or Federal agencies for legitimate law enforcement or other governmental purposes.

(d) **Existing Compilations:** Compilations of addresses existing at the time at which order is presented to an appropriate postal official shall be excluded from the scope of the regulations under subsection (a).

CHAPTER 9--DATA AND RESEARCH

SEC. 40291. RESEARCH AGENDA.

(a) **Request for Contract:** The Attorney General shall request the National Academy of Sciences, through its National Research Council, to enter into a contract to develop a research agenda to increase the understanding and **control** of violence against women, including rape and domestic violence. In furtherance of the contract, the National Academy shall convene a panel of nationally recognized experts on violence against women, in the fields of law, medicine, criminal justice, and direct services to victims and experts on domestic violence in diverse, ethnic, social, and language minority communities and the social sciences. In setting the agenda, the Academy shall focus primarily on preventive, educative, social, and legal strategies, including addressing the needs of underserved populations.

(b) **Declination of Request:** If the National Academy of Sciences declines to conduct the study and develop a research agenda, it shall recommend a nonprofit private entity that is qualified to conduct such a study. In that case, the Attorney General shall carry out subsection (a) through the nonprofit private entity recommended by the Academy. In either case, whether the study is conducted by the National Academy of Sciences or by the nonprofit group it recommends, the funds for the contract shall be made available from sums appropriated for the conduct of research by the National Institute of Justice.

(c) **Report:** The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

SEC. 40292. STATE DATABASES.

(a) **In General:** The Attorney General shall study and report to the States and to Congress on how the States may collect centralized databases on the incidence of sexual and domestic violence offenses within a State.

(b) **Consultation:** In conducting its study, the Attorney General shall consult persons expert in the collection of criminal justice data, State statistical administrators, law enforcement personnel, and nonprofit nongovernmental agencies that provide direct services to victims of domestic violence. The final report shall set forth the views of the persons consulted on the recommendations.

(c) **Report:** The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committees on the Judiciary of the Senate and the House of Representatives.

(d) **Authorization of Appropriations:** There are authorized to be appropriated to carry out this section--
\$200,000 for fiscal year 1996.

SEC. 40293. NUMBER AND COST OF INJURIES.

(a) **Study:** The Secretary of Health and Human Services, acting through the Centers for Disease **Control** Injury **Control** Division, shall conduct a study to obtain a national projection of the incidence of injuries resulting from domestic violence, the cost of injuries to health care facilities, and recommend health care strategies for reducing the incidence and cost of such injuries.

(b) **Authorization of Appropriations:** There are authorized to be appropriated to carry out this section--
\$100,000 for fiscal year 1996.

CHAPTER 10--RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT

SEC. 40295. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

(a) **Grants:** The Attorney General may make grants to States, Indian tribal governments, and local governments of rural States, and to other public or private entities of rural States--

(1) to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence and child abuse;

(2) to provide treatment and counseling to victims of domestic violence and child abuse; and

(3) to work in cooperation with the community to develop education and prevention strategies directed toward such issues.

(b) **Definitions:** In this section--

`Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

`rural State' has the meaning stated in section 1501(b) of title I of the Omnibus **Crime Control** and Safe Streets Act of 1968 (42 U.S.C.

3796bb(B)).

(c) Authorization of Appropriations:

(1) In general: There are authorized to be appropriated to carry out this section--

(A) \$7,000,000 for fiscal year 1996;

(B) \$8,000,000 for fiscal year 1997; and

(C) \$15,000,000 for fiscal year 1998.

(2) Additional funding: In addition to funds received under a grant under subsection (a), a law enforcement agency may use funds received under a grant under section 103 to accomplish the objectives of this section.

Subtitle C--Civil Rights for Women

SEC. 40301. SHORT TITLE.

This subtitle may be cited as the 'Civil Rights Remedies for Gender-Motivated Violence Act'.

SEC. 40302. CIVIL RIGHTS.

(a) Purpose: Pursuant to the affirmative power of Congress to enact this subtitle under section 5 of the Fourteenth Amendment to the Constitution, as well as under section 8 of Article I of the Constitution, it is the purpose of this subtitle to protect the civil rights of victims of gender motivated violence and to promote public safety, health, and activities affecting interstate commerce by establishing a Federal civil rights cause of action for victims of crimes of violence motivated by gender.

(b) Right To Be Free From Crimes of Violence: All persons within the United States shall have the right to be free from crimes of violence motivated by gender (as defined in subsection (d)).

(c) Cause of Action: A person (including a person who acts under color of any statute, ordinance, regulation, custom, or usage of any State) who commits a **crime** of violence motivated by gender and thus deprives another of the right declared in subsection (b) shall be liable to the party injured, in an action for the recovery of compensatory and punitive damages, injunctive and declaratory relief, and such other relief as a court may deem appropriate.

(d) Definitions: For purposes of this section--

(1) the term '**crime** of violence motivated by gender' means a **crime** of violence committed because of gender or on the basis of gender, and due, at least in part, to an animus based on the victim's gender; and

(2) the term '**crime** of violence' means--

(A) an act or series of acts that would constitute a felony against the person or that would constitute a felony against property if the conduct presents a serious risk of physical injury to another, and that would come within the meaning of State or Federal offenses described in section 16 of title 18, United States Code, whether or not those acts have actually resulted in criminal charges, prosecution, or conviction and whether or not those acts were committed in the special maritime, territorial, or prison jurisdiction of the United States; and

(B) includes an act or series of acts that would constitute a felony described in subparagraph (A) but for the relationship between the person who takes such action and the individual against whom such action is taken.

(e) Limitation and Procedures:

(1) **Limitation:** Nothing in this section entitles a person to a cause of action under subsection (c) for random acts of violence unrelated to gender or for acts that cannot be demonstrated, by a preponderance of the evidence, to be motivated by gender (within the meaning of subsection (d)).

(2) **No prior criminal action:** Nothing in this section requires a prior criminal complaint, prosecution, or conviction to establish the elements of a cause of action under subsection (c).

(3) **Concurrent jurisdiction:** The Federal and State courts shall have concurrent jurisdiction over actions brought pursuant to this subtitle.

(4) **Supplemental jurisdiction:** Neither section 1367 of title 28, United States Code, nor subsection (c) of this section shall be construed, by reason of a claim arising under such subsection, to confer on the courts of the United States jurisdiction over any State law claim seeking the establishment of a divorce, alimony, equitable distribution of marital property, or child custody decree.

(5) **Limitation on removal:** Section 1445 of title 28, United States Code, is amended by adding at the end the following new subsection:

`(d) A civil action in any State court arising under section 40302 of the Violence Against Women Act of 1994 may not be removed to any district court of the United States.'.

SEC. 40303. ATTORNEY'S FEES.

Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended in the last sentence--

(1) by striking `or' after `Public Law 92-318,'; and

(2) by inserting `, or section 40302 of the Violence Against Women Act of 1994,' after `1964'.

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**CONFERENCE REPORT ON H.R. 3355, VIOLENT CRIME CONTROL
AND LAW ENFORCEMENT ACT OF 1993 (House of Representatives
- August 21, 1994)**

SEC. 40304. SENSE OF THE SENATE CONCERNING PROTECTION OF THE
PRIVACY OF RAPE VICTIMS.

It is the sense of the Senate that news media, law enforcement officers,
and other persons should exercise restraint and respect a rape victim's
privacy by not disclosing the victim's identity to the general public or
facilitating such disclosure without the consent of the victim.

Subtitle D--Equal Justice for Women in the Courts Act

SEC. 40401. SHORT TITLE.

This subtitle may be cited as the 'Equal Justice for Women in the Courts
Act of 1994'.

CHAPTER 1--EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS

SEC. 40411. GRANTS AUTHORIZED.

The State Justice Institute may award grants for the purpose of
developing, testing, presenting, and disseminating model programs to be
used by States (as defined in section 202 of the State Justice Institute
Act of 1984 (42 U.S.C. 10701)) in training judges and court personnel in
the laws of the States and by Indian tribes in training tribal judges and
court personnel in the laws of the tribes on rape, sexual assault, domestic
violence, and other crimes of violence motivated by the victim's gender.

SEC. 40412. TRAINING PROVIDED BY GRANTS.

Training provided pursuant to grants made under this subtitle may
include current information, existing studies, or current data on--

(1) the nature and incidence of rape and sexual assault by strangers and
nonstrangers, marital rape, and incest;

(2) the underreporting of rape, sexual assault, and child sexual abuse;

(3) the physical, psychological, and economic impact of rape and sexual
assault on the victim, the costs to society, and the implications for
sentencing;

(4) the psychology of sex offenders, their high rate of recidivism, and the
implications for sentencing;

- (5) the historical evolution of laws and attitudes on rape and sexual assault;
- (6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of witnesses, sentencing, and other aspects of the administration of justice;
- (7) application of rape shield laws and other limits on introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape cases, including the need for sua sponte judicial intervention in inappropriate cross-examination;
- (8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;
- (9) the legitimate reasons why victims of rape, sexual assault, and incest may refuse to testify against a defendant;
- (10) the nature and incidence of domestic violence;
- (11) the physical, psychological, and economic impact of domestic violence on the victim, the costs to society, and the implications for court procedures and sentencing;
- (12) the psychology and self-presentation of batterers and victims and the implications for court proceedings and credibility of witnesses;
- (13) sex stereotyping of female and male victims of domestic violence, myths about presence or absence of domestic violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;
- (14) historical evolution of laws and attitudes on domestic violence;
- (15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered woman syndrome;
- (16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;
- (17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant;
- (18) the need for orders of protection, and the implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence cases; and
- (19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims.

SEC. 40413. COOPERATION IN DEVELOPING PROGRAMS IN MAKING GRANTS UNDER THIS TITLE.

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this subtitle are developed with the

participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

SEC. 40414. AUTHORIZATION OF APPROPRIATIONS.

(a) **In General:** There are authorized to be appropriated to carry out this chapter--

\$600,000 for fiscal year 1996.

(b) **Model Programs:** Of amounts appropriated under this section, the State Justice Institute shall expend not less than 40 percent on model programs regarding domestic violence and not less than 40 percent on model programs regarding rape and sexual assault.

CHAPTER 2--EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS

SEC. 40421. AUTHORIZATIONS OF CIRCUIT STUDIES; EDUCATION AND TRAINING GRANTS.

(a) **Studies:** In order to gain a better understanding of the nature and the extent of gender bias in the Federal courts, the circuit judicial councils are encouraged to conduct studies of the instances, if any, of gender bias in their respective circuits and to implement recommended reforms.

(b) **Matters for Examination:** The studies under subsection (a) may include an examination of the effects of gender on--

(1) the treatment of litigants, witnesses, attorneys, jurors, and judges in the courts, including before magistrate and bankruptcy judges;

(2) the interpretation and application of the law, both civil and criminal;

(3) treatment of defendants in criminal cases;

(4) treatment of victims of **violent** crimes in judicial proceedings;

(5) sentencing;

(6) sentencing alternatives and the nature of supervision of probation and parole;

(7) appointments to committees of the Judicial Conference and the courts;

(8) case management and court sponsored alternative dispute resolution programs;

(9) the selection, retention, promotion, and treatment of employees;

(10) appointment of arbitrators, experts, and special masters;

(11) the admissibility of the victim's past sexual history in civil and criminal cases; and

(12) the aspects of the topics listed in section 40412 that pertain to issues within the jurisdiction of the Federal courts.

(c) **Clearinghouse:** The Administrative Office of the United States Courts shall act as a clearinghouse to disseminate any reports and materials issued by the gender bias task forces under subsection (a) and to respond to requests for such reports and materials. The gender bias task

forces shall provide the Administrative Office of the Courts of the United States with their reports and related material.

(d) **Model Programs:** The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, may--

(1) include in the educational programs it presents and prepares, including the training programs for newly appointed judges, information on issues related to gender bias in the courts including such areas as are listed in subsection (a) along with such other topics as the Federal Judicial Center deems appropriate;

(2) prepare materials necessary to implement this subsection; and

(3) take into consideration the findings and recommendations of the studies conducted pursuant to subsection (a), and to consult with individuals and groups with relevant expertise in gender bias issues as it prepares or revises such materials.

SEC. 40422. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated--

(1) to the Salaries and Expenses Account of the Courts of Appeals, District Courts, and other Judicial Services to carry out section 40421(a)-

-

\$500,000 for fiscal year 1996;

(2) to the Federal Judicial Center to carry out section 40421(d)--

\$100,000 for fiscal year 1996; and

(3) to the Administrative Office of the United States Courts to carry out section 40421(c)--

\$100,000 for fiscal year 1996.

Subtitle E--Violence Against Women Act Improvements

SEC. 40501. PRE-TRIAL DETENTION IN SEX OFFENSE CASES.

Section 3156(a)(4) of title 18, United States Code, is amended--

(1) by striking `or' at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting ` ; or'; and

(3) by adding after subparagraph (B) the following new subparagraph: `(C) any felony under chapter 109A or chapter 110.'

SEC. 40502. INCREASED PENALTIES FOR SEX OFFENSES AGAINST VICTIMS BELOW THE AGE OF 16.

Section 2245(2) of title 18, United States Code, is amended--

(1) by striking `or' at the end of subparagraph (B);

(2) by striking ` ; and' at the end of subparagraph (C) and inserting ` ; or'; and

(3) by inserting after subparagraph (C) the following new subparagraph: `(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;'

SEC. 40503. PAYMENT OF COST OF TESTING FOR SEXUALLY TRANSMITTED DISEASES.

(a) **For Victims in Sex Offense Cases:** Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(7)) is

amended by adding at the end the following: ` The Attorney General shall provide for the payment of the cost of up to 2 anonymous and confidential tests of the victim for sexually transmitted diseases, including HIV, gonorrhea, herpes, chlamydia, and syphilis, during the 12 months following sexual assaults that pose a risk of transmission, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of sexually transmitted diseases to the victim as the result of the assault. A victim may waive anonymity and confidentiality of any tests paid for under this section.'.

(b) Limited Testing of Defendants:

(1) **Court order.**--The victim of an offense of the type referred to in subsection (a) may obtain an order in the district court of the United States for the district in which charges are brought against the defendant charged with the offense, after notice to the defendant and an opportunity to be heard, requiring that the defendant be tested for the presence of the etiologic agent for acquired immune deficiency syndrome, and that the results of the test be communicated to the victim and the defendant. Any test result of the defendant given to the victim or the defendant must be accompanied by appropriate counseling.

(2) **Showing required:** To obtain an order under paragraph (1), the victim must demonstrate that--

(A) the defendant has been charged with the offense in a State or Federal court, and if the defendant has been arrested without a warrant, a probable cause determination has been made;

(B) the test for the etiologic agent for acquired immune deficiency syndrome is requested by the victim after appropriate counseling; and

(C) the test would provide information necessary for the health of the victim of the alleged offense and the court determines that the alleged conduct of the defendant created a risk of transmission, as determined by the Centers for Disease **Control**, of the etiologic agent for acquired immune deficiency syndrome to the victim.

(3) **Follow-up testing:** The court may order follow-up tests and counseling under paragraph (b)(1) if the initial test was negative. Such follow-up tests and counseling shall be performed at the request of the victim on dates that occur six months and twelve months following the initial test.

(4) **Termination of testing requirements:** An order for follow-up testing under paragraph (3) shall be terminated if the person obtains an acquittal on, or dismissal of, all charges of the type referred to in subsection (a).

(5) **Confidentiality of test:** The results of any test ordered under this subsection shall be disclosed only to the victim or, where the court deems appropriate, to the parent or legal guardian of the victim, and to the person tested. The victim may disclose the test results only to any medical professional, counselor, family member or sexual partner(s) the victim may have had since the attack. Any such individual to whom the test results are disclosed by the victim shall maintain the confidentiality of such information.

(6) **Disclosure of test results:** The court shall issue an order to prohibit the disclosure by the victim of the results of any test performed under this subsection to anyone other than those mentioned in paragraph (5). The contents of the court proceedings and test results pursuant to this section shall be sealed. The results of such test performed on the defendant under this section shall not be used as evidence in any criminal trial.

(7) **Contempt for disclosure:** Any person who discloses the results of a test in violation of this subsection may be held in contempt of court.

(c) **Penalties for Intentional Transmission of HIV:** Not later than 6 months after the date of enactment of this Act, the United States Sentencing Commission shall conduct a study and prepare and submit to the committees on the Judiciary of the Senate and the House of Representatives a report concerning recommendations for the revision of sentencing guidelines that relate to offenses in which an HIV infected individual engages in sexual activity if the individual knows that he or she is infected with HIV and intends, through such sexual activity, to expose another to HIV.

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SEC. 40504. EXTENSION AND STRENGTHENING OF RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended--

(1) in paragraph (2) by inserting `including an offense under chapter 109A or chapter 110' after `an offense resulting in bodily injury to a victim';

(2) by striking `and' at the end of paragraph (3);

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph:

`(4) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and'.

SEC. 40505. ENFORCEMENT OF RESTITUTION ORDERS THROUGH SUSPENSION OF FEDERAL BENEFITS.

Section 3663 of title 18, United States Code, is amended by adding at the end the following new subsection:

`(i)(1) A Federal agency shall immediately suspend all Federal benefits provided by the agency to the defendant, and shall terminate the defendant's eligibility for Federal benefits administered by that agency, upon receipt of a certified copy of a written judicial finding that the defendant is delinquent in making restitution in accordance with any schedule of payments or any requirement of immediate payment imposed under this section.

`(2) Any written finding of delinquency described in paragraph (1) shall be made by a court, after a hearing, upon motion of the victim named in the order to receive the restitution or upon motion of the United States.

`(3) A defendant found to be delinquent may subsequently seek a written finding from the court that the defendant has rectified the delinquency or that the defendant has made and will make good faith efforts to rectify

the delinquency. The defendant's eligibility for Federal benefits shall be reinstated upon receipt by the agency of a certified copy of such a finding.

` (4) In this subsection, ` Federal benefit' means a grant, contract, loan, professional license, or commercial license provided by an agency of the United States.'.

SEC. 40506. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL ASSAULT.

(a) **Study:** The Attorney General, in consultation with the Secretary of Education, shall provide for a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of **Crime** in carrying out this section.

(b) **Report:** Based on the study required by subsection (a) and data collected under the Student Right-To-Know and Campus Security Act (20 U.S.C. 1001 note; Public Law 101-542) and amendments made by that Act, the Attorney General shall prepare a report including an analysis of--

(1) the number of reported allegations and estimated number of unreported allegations of campus sexual assaults, and to whom the allegations are reported (including authorities of the educational institution, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to authorities of educational institutions which are reported to criminal authorities;

(3) the number of campus sexual assault allegations that result in criminal prosecution in comparison with the number of non-campus sexual assault allegations that result in criminal prosecution;

(4) Federal and State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of policies and practices of educational institutions in addressing campus sexual assaults and protecting victims, including consideration of--

(A) the security measures in effect at educational institutions, such as utilization of campus police and security guards, **control** over access to grounds and buildings, supervision of student activities and student living arrangements, **control** over the consumption of alcohol by students, lighting, and the availability of escort services;

(B) the articulation and communication to students of the institution's policies concerning sexual assaults;

(C) policies and practices that may prevent or discourage the reporting of campus sexual assaults to local criminal authorities, or that may otherwise obstruct justice or interfere with the prosecution of perpetrators of campus sexual assaults;

(D) the nature and availability of victim services for victims of campus sexual assaults;

(E) the ability of educational institutions' disciplinary processes to address allegations of sexual assault adequately and fairly;

(F) measures that are taken to ensure that victims are free of unwanted contact with alleged assailants, and disciplinary sanctions that are imposed when a sexual assault is determined to have occurred; and

(G) the grounds on which educational institutions are subject to lawsuits based on campus sexual assaults, the resolution of these cases, and measures that can be taken to avoid the likelihood of lawsuits and civil liability;

(6) in conjunction with the report produced by the Department of Education in coordination with institutions of education under the Student Right-To-Know and Campus Security Act (20 U.S.C. 1001 note; Public Law 101-542) and amendments made by that Act, an assessment of the policies and practices of educational institutions that are of greatest effectiveness in addressing campus sexual assaults and protecting victims, including policies and practices relating to the particular issues described in paragraph (5); and

(7) any recommendations the Attorney General may have for reforms to address campus sexual assaults and protect victims more effectively, and any other matters that the Attorney General deems relevant to the subject of the study and report required by this section.

(c) **Submission of Report:** The report required by subsection (b) shall be submitted to the Congress no later than September 1, 1996.

(d) **Definition:** For purposes of this section, `campus sexual assaults' includes sexual assaults occurring at institutions of postsecondary education and sexual assaults committed against or by students or employees of such institutions.

(e) **Authorization of Appropriations:** There are authorized to be appropriated to carry out the study required by this section--\$200,000 for fiscal year 1996.

SEC. 40507. REPORT ON BATTERED WOMEN'S SYNDROME.

(a) **Report:** Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the House Committee on Energy and Commerce, the Senate Committee on Labor and Human Resources, and the Committees on the Judiciary of the Senate and the House of Representatives a report on the medical and psychological basis of `battered women's syndrome' and on the extent to which evidence of the syndrome has been considered in criminal trials.

(b) **Components:** The report under subsection (a) shall include--

(1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition;

(2) a compilation of State, tribal, and Federal court cases in which evidence of battered women's syndrome was offered in criminal trials;

and

(3) an assessment by State, tribal, and Federal judges, prosecutors, and defense attorneys of the effects that evidence of battered women's syndrome may have in criminal trials.

