

103^D CONGRESS
1ST SESSION

H. R. 1133

AN ACT

To combat violence and crimes against women.

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To combat violence and crimes against women.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Violence Against
5 Women Act of 1993”.

1 **TITLE I—SAFE STREETS FOR**
2 **WOMEN**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Safe Streets for
5 Women Act of 1993”.

6 **Subtitle A—Law Enforcement and**
7 **Prosecution Grants To Reduce**
8 **Violent Crimes Against Women**

9 **SEC. 111. GRANTS TO COMBAT VIOLENT CRIMES AGAINST**
10 **WOMEN.**

11 (a) IN GENERAL.—Title I of the Omnibus Crime
12 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
13 et seq.) is amended by—

14 (1) redesignating part Q as part R;

15 (2) redesignating section 1701 as section 1801;

16 and

17 (3) adding after part P the following new part:

18 **“PART Q—GRANTS TO COMBAT VIOLENT CRIMES**
19 **AGAINST WOMEN**

20 **“SEC. 1701. PURPOSE OF THE PROGRAM AND GRANTS.**

21 “(a) GENERAL PROGRAM PURPOSE.—The purpose of
22 this part is to assist States, Indian tribes, and other eligi-
23 ble entities to develop effective law enforcement and pros-
24 ecution strategies to combat violent crimes against women.

1 “(b) PURPOSES FOR WHICH GRANTS MAY BE
2 USED.—Grants under this part shall provide funds for
3 personnel, training, technical assistance, data collection
4 and other equipment for the more widespread apprehen-
5 sion, prosecution, and adjudication of persons committing
6 violent crimes against women to reduce the rate of violent
7 crime against women and specifically, for the purposes
8 of—

9 “(1) training law enforcement officers and pros-
10 ecutors to identify and respond more effectively to
11 violent crimes against women, including crimes of
12 sexual assault and domestic violence;

13 “(2) developing, training, or expanding units of
14 law enforcement officers and prosecutors that spe-
15 cifically target violent crimes against women, includ-
16 ing the crimes of sexual assault and domestic vio-
17 lence;

18 “(3) developing and implementing more effec-
19 tive police and prosecution policies, protocols, orders,
20 or services specifically devoted to the prevention of,
21 identification of, and response to violent crimes
22 against women, including the crimes of sexual as-
23 sault and domestic violence;

24 “(4) developing, installing, or expanding data
25 collection systems, including computerized systems,

1 linking police, prosecutors, and courts or identifying
2 and tracking arrests, protection orders, prosecutions,
3 and convictions for the crimes of sexual assault and
4 domestic violence;

5 “(5) developing, enlarging, or strengthening vic-
6 tim services programs, including sexual assault and
7 domestic violence programs, developing or improving
8 delivery of victim services to racial, cultural, ethnic,
9 and language minorities, and increasing reporting
10 and reducing attrition rates for cases involving vio-
11 lent crimes against women, including crimes of sex-
12 ual assault and domestic violence; and

13 “(6) aiding Indian tribe grantees, exclusively, in
14 financing the payments required under sections 112
15 and 113 of the Violence Against Women Act of
16 1993.

17 **“SEC. 1702. STATE GRANTS.**

18 “(a) GENERAL GRANTS.—The Director of the Bu-
19 reau of Justice Assistance (hereinafter in this part re-
20 ferred to as the ‘Director’) is authorized to make grants
21 to States, Indian tribes, units of local government, tribal
22 organizations, and nonprofit nongovernmental victim serv-
23 ices programs in the States or Indian country.

24 “(b) APPLICATION REQUIREMENTS.—Applications
25 shall include—

1 “(1) documentation from prosecution, law en-
2 forcement, and victim services programs to be as-
3 sisted that demonstrates—

4 “(A) the need for grant funds;

5 “(B) the intended use of grant funds; and

6 “(C) the expected results;

7 “(2) proof of compliance with the requirements
8 for the payment of forensic medical exams provided
9 pursuant to section 112 of the Violence Against
10 Women Act of 1993, except that Indian tribes are
11 exempt from such requirement; and

12 “(3) proof of compliance with the requirements
13 for paying filing and service fees for domestic vio-
14 lence cases pursuant to section 113 of the Violence
15 Against Women Act of 1993.

16 “(c) QUALIFICATION.—Upon satisfying the terms of
17 subsection (b), an eligible entity shall be eligible for funds
18 provided under this part by—

19 “(1) certifying that funds received under this
20 part shall be used for the purposes outlined in sec-
21 tion 1701(b); and

22 “(2) certifying that grantees shall develop a
23 plan, implement such plan, and otherwise consult
24 and coordinate with nonprofit nongovernmental do-
25 mestic violence and sexual assault victim services

1 programs, law enforcement officials, victim advo-
2 cates, prosecutors, and defense attorneys;

3 “(3) providing documentation from the individ-
4 uals and groups listed under paragraph (2) regard-
5 ing their participation in development of a plan and
6 involvement in the application process, as well as
7 how such individuals and groups will be involved in
8 implementation of the plan;

9 “(4) providing assurances that the plan devel-
10 oped under paragraph (2) shall meet the needs of
11 racial, cultural, ethnic, and language minority popu-
12 lations;

13 “(5) providing assurances that prosecution, law
14 enforcement, and nonprofit nongovernmental victim
15 services programs in the community to be served by
16 such plan each receive an equitable percentage of
17 any funds allocated under this part; and

18 “(6) providing assurances that any Federal
19 funds received under this part shall be used to sup-
20 plement, not supplant, non-Federal funds that would
21 otherwise be available for activities funded under
22 this part.

23 “(d) DISBURSEMENT OF FUNDS.—

24 “(1) IN GENERAL.—Not later than 60 days
25 after the receipt of an application under this part,

1 the Director shall either disburse the appropriate
2 sums provided for under this part or shall inform
3 the applicant regarding why the application does not
4 conform to the requirements of this section.

5 “(2) RESPONSIBILITY OF DIRECTOR.—In dis-
6 bursing funds under this part, the Director shall
7 issue regulations—

8 “(A) to distribute funds equitably on a ge-
9 ographic basis, including nonurban and rural
10 areas of varying geographic size; and

11 “(B) give priority to areas of varying geo-
12 graphic size with the greatest showing of need
13 based on the availability of existing domestic vi-
14 olence and sexual assault programs in the popu-
15 lation and geographic area to be served in rela-
16 tion to the availability of such programs in
17 other such populations and geographic areas.

18 “(e) GRANTEE REPORTING.—(1) Not later than
19 March 31 of each year during which funds are received
20 under this part, the grantee shall file a performance report
21 with the Director explaining the activities carried out to-
22 gether with an assessment of the effectiveness of such ac-
23 tivities in achieving the purposes of this part.

1 “(2) The grantee shall arrange for assessments of the
2 grantee’s program from all organizations and government
3 entities that were involved in the design of the grant plan.

4 “(3) Such assessments must be sent directly to the
5 Director by the assessing entity.

6 “(f) SUSPENSION OF FUNDING.—The Director shall
7 suspend funding for an approved application if—

8 “(1) an applicant fails to submit an annual per-
9 formance report;

10 “(2) funds provided under this part are ex-
11 pended for purposes other than those set forth under
12 this part; or

13 “(3) grant reports or accompanying assess-
14 ments demonstrate to the Director that the program
15 is ineffective or financially unsound.

16 **“SEC. 1703. GENERAL DEFINITIONS.**

17 “For purposes of this part—

18 “(1) the term ‘domestic violence’ means crimes
19 of violence committed against a victim by a current
20 or former spouse of the victim, an individual with
21 whom the victim shares a child in common, an indi-
22 vidual who is cohabiting with or has cohabited with
23 the victim as a spouse, an individual similarly situ-
24 ated to a spouse, or any other individual who is pro-

1 tected under domestic or family violence laws of the
2 jurisdiction that receives a grant under this part;

3 “(2) the term ‘eligible entity’ means a State,
4 unit of local government, Indian tribe, and a non-
5 profit, nongovernmental victims services program;

6 “(3) the term ‘Indian tribe’ means any Indian
7 tribe, band, nation, or other organized group or com-
8 munity, including any Alaska Native village or re-
9 gional or village corporation (as defined in, or estab-
10 lished pursuant to, the Alaska Native Claims Settle-
11 ment Act (43 U.S.C. 1601, et seq.)), which is recog-
12 nized as eligible for the special services provided by
13 the United States to Indians because of their status
14 as Indians;

15 “(4) the term ‘Indian country’ has the meaning
16 given to such term by section 1151 of title 18, Unit-
17 ed States Code;

18 “(5) the term ‘sexual assault’ means any con-
19 duct proscribed by chapter 109A of title 18, United
20 States Code, whether or not the conduct occurs in
21 the special maritime and territorial jurisdiction of
22 the United States or in a Federal prison and in-
23 cludes both assaults committed by offenders who are
24 strangers to the victim and assaults committed by

1 offenders who are known or related by blood or mar-
2 riage to the victim; and

3 “(6) the term ‘victim services program’ means
4 a nongovernmental nonprofit program that assists
5 domestic violence or sexual assault victims, including
6 nongovernmental nonprofit organizations such as
7 rape crisis centers, battered women’s shelters, and
8 other sexual assault and domestic violence programs,
9 including nonprofit nongovernmental organizations
10 assisting domestic violence and sexual assault vic-
11 tims through the legal process.

12 **“SEC. 1704. GENERAL TERMS AND CONDITIONS.**

13 “(a) NONMONETARY ASSISTANCE.—In addition to
14 the assistance provided under sections 1702, the Attorney
15 General may request any Federal agency, with or without
16 reimbursement, to use its authorities and the resources
17 granted to it under Federal law (including personnel,
18 equipment, supplies, facilities, and managerial, technical,
19 and advisory services) to support State, tribal, and local
20 assistance efforts under this part.

21 “(b) BUREAU REPORTING.—Not later than 180 days
22 after the end of each fiscal year for which grants are made
23 under this part, the Director shall submit to the Congress
24 a report that includes, for each State and Indian tribe—

1 “(1) the amount of grants made under this
2 part;

3 “(2) a summary of the purposes for which
4 grants were provided and an evaluation of progress;
5 and

6 “(3) an evaluation of the effectiveness of pro-
7 grams established with funds under this part.”.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
9 1001(a) of title I of the Omnibus Crime Control and Safe
10 Streets Act of 1968 (42 U.S.C. 3793), is amended by add-
11 ing after paragraph (10) the following:

12 “(11) There are authorized to be appropriated for
13 each of the fiscal years 1994 and 1995, \$200,000,000 to
14 carry out the purposes of part Q, with not less than 8
15 percent of such appropriation allotted specifically for In-
16 dian tribes.”.

17 (c) ADMINISTRATIVE PROVISIONS.—(1) Section
18 801(b) of title I of the Omnibus Crime Control and Safe
19 Streets Act of 1968 is amended by striking “and O” and
20 inserting “O, and Q”; and

21 (2) Section 802(b) of title I of the Omnibus Crime
22 Control and Safe Streets Act of 1968 is amended by strik-
23 ing “or O” and inserting “O, or Q”.

24 (d) CONFORMING AMENDMENT.—The table of con-
25 tents of title I of the Omnibus Crime Control and Safe

1 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
2 by striking the matter relating to part Q and inserting
3 the following:

“PART Q—GRANT TO COMBAT VIOLENT CRIMES AGAINST WOMEN

“Sec. 1701. Purpose of the program and grants.

“Sec. 1702. State grants.

“Sec. 1703. General definitions.

“Sec. 1704. General terms and conditions.

“PART R—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1801. Continuation of rules, authorities, and proceedings”.

4 **SEC. 112. RAPE EXAM PAYMENTS.**

5 (a) RESTRICTION OF FUNDS.—No State is entitled
6 to funds under this title unless the State incurs the full
7 out of pocket cost of forensic medical exams described in
8 subsection (b) for victims of sexual assault.

9 (b) MEDICAL COSTS.—A State shall be deemed to
10 incur the full out of pocket cost of forensic medical exams
11 for victims of sexual assault if such State—

12 (1) provides such exams to victims free of
13 charge to the victim;

14 (2) arranges for victims to obtain such exams
15 free of charge to the victims; or

16 (3) reimburses victims for the cost of such
17 exams, if—

18 (A) the reimbursement covers the full cost
19 of such exams, without any deductible require-
20 ment or limit on the amount of a reimburse-
21 ment;

1 (B) the State permits victims to apply to
2 the State for reimbursement for not less than
3 one year from the date of the exam;

4 (C) the State provides reimbursement not
5 later than 90 days after written notification of
6 the victim's expense; and

7 (D) the State provides information at the
8 time of the exam to all victims, including vic-
9 tims with limited or no English proficiency, re-
10 garding how to obtain reimbursement.

11 **SEC. 113. FILING COSTS FOR CRIMINAL CHARGES.**

12 No State is entitled to funds under this title unless
13 the State certifies that their laws, policies, and practices
14 do not require, in connection with the prosecution of any
15 misdemeanor or felony domestic violence offense, that the
16 abused bear the costs associated with the filing of criminal
17 charges against the domestic violence offender, or that the
18 abused bear the costs associated with the issuance or serv-
19 ice of a warrant, protection order, or witness subpoena.

20 **SEC. 114. EQUITABLE TREATMENT OF RAPE CASES.**

21 No State is entitled to funds under this title unless
22 the State can certify that its laws and policies treat sex
23 offenses committed by offenders who are known to, cohabi-
24 tants of, social companions of, or related by blood or mar-

1 riage to, the victim no less severely than sex offenses com-
2 mitted by offenders who are strangers to the victim.

3 **Subtitle B—Rape Prevention**
4 **Programs**

5 **CHAPTER 1—RAPE PREVENTION GRANTS**

6 **SEC. 121. EDUCATION AND PREVENTION GRANTS TO RE-**
7 **DUCE SEXUAL ASSAULTS AGAINST WOMEN.**

8 (a) IN GENERAL.—Title I of the Omnibus Crime
9 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
10 et seq.), as amended by section 111, is further amended
11 by—

12 (1) redesignating part R as part S;

13 (2) redesignating section 1801 as section 1901;

14 and

15 (3) adding after part Q the following new part:

16 **“PART R—RAPE PREVENTION PROGRAMS**

17 **“SEC. 1801. GRANT AUTHORIZATION.**

18 “The Director of the Bureau of Justice Assistance
19 (referred to in this part as the ‘Director’) is authorized
20 to make grants—

21 “(1) to provide educational seminars, particu-
22 larly developed with emphasis on seminars for ele-
23 mentary and secondary school age children, designed
24 to develop an awareness of what acts meet the legal
25 definition of rape;

1 “(2) to provide programs for elementary and
2 secondary school age children that teach nonviolent
3 conflict resolution, self defense, or other relevant
4 skills;

5 “(3) to operate telephone hotlines for callers
6 with questions regarding sexual assault and rape;

7 “(4) to design and disseminate training pro-
8 grams for professionals, including the development
9 and dissemination of protocols for the routine identi-
10 fication, treatment, and appropriate referral of vic-
11 tims of sexual assault by hospital emergency person-
12 nel and other professionals;

13 “(5) to develop treatment programs for con-
14 victed sex offenders and make such programs avail-
15 able to the local community and to Federal and
16 State prisons;

17 “(6) to prepare and disseminate informational
18 materials designed to educate the community regard-
19 ing sexual assault and prevention; and

20 “(7) to develop other projects to increase
21 awareness and prevention of sexual assault, includ-
22 ing efforts to increase awareness of sexual assault
23 prevention among racial, ethnic, cultural and lan-
24 guage minorities.

1 **“SEC. 1802. APPLICATIONS.**

2 “(a) IN GENERAL.—To be eligible to receive a grant
3 under this part, a duly authorized representative of an eli-
4 gible entity shall submit an application to the Director in
5 such form and containing such information as the Director
6 may reasonably require.

7 “(b) ASSURANCES.—Each application must contain
8 an assurance that Federal funds received under this part
9 shall be used to supplement, not supplant, non-Federal
10 funds that would otherwise be available for activities fund-
11 ed under this part.

12 “(c) REQUIRED PLAN.—Each application shall in-
13 clude a plan that contains—

14 “(1) a description of the projects to be devel-
15 oped;

16 “(2) a description of how funds would be spent;

17 “(3) a statement of staff qualifications and
18 demonstrated expertise in the field of rape preven-
19 tion and education; and

20 “(4) a statement regarding the ability to serve
21 community needs and language minority populations
22 in providing ethnically and culturally and linguis-
23 tically appropriate programs where necessary.

24 **“SEC. 1803. REPORTS.**

25 “(a) GRANTEE REPORTING.—Upon completion of the
26 grant period under this subpart, each grantee shall file

1 a performance report with the Director explaining the ac-
2 tivities carried out together with an assessment of the ef-
3 fectiveness of such activities in achieving the purposes of
4 this subpart. The Director shall suspend funding for an
5 approved application if an applicant fails to submit an an-
6 nual performance report.

7 “(b) BUREAU REPORTING.—Not later than 180 days
8 after the end of each fiscal year for which grants are made
9 under this subpart, the Director shall submit to the Con-
10 gress a report that includes, for each grantee—

11 “(1) the amount of grants made under this sub-
12 part;

13 “(2) a summary of the purposes for which
14 grants were provided and an evaluation of progress;
15 and

16 “(3) an evaluation of the effectiveness of pro-
17 grams established with funds under this part.

18 **“SEC. 1804. DEFINITIONS.**

19 “For purposes of this part—

20 “(1) the term ‘eligible entity’ means a non-
21 profit, nongovernmental organization that directly
22 serves or provides advocacy on behalf of victims of
23 rape or sexual assault; and

1 “(2) the term ‘sexual assault prevention and
2 education’ means education and prevention efforts
3 directed at reducing the number of sexual assaults.”.

4 (b) AUTHORIZATION OF APPROPRIATION.—Section
5 1001(a) of title I of the Omnibus Crime Control and Safe
6 Streets Act of 1968 (42 U.S.C. 3793), is amended by add-
7 ing after paragraph (11), as added by section 111 of this
8 Act, the following:

9 “(12) There are authorized to be appropriated to
10 carry out the purposes of part R, \$60,000,000 for fiscal
11 year 1994, \$75,000,000 for fiscal year 1995, and
12 \$100,000,000 for fiscal year 1996.”.

13 (c) ADMINISTRATIVE PROVISIONS.—(1) Section
14 801(b) of title I of the Omnibus Crime Control and Safe
15 Streets Act of 1968, as amended by section 111 of this
16 Act, is amended by striking “O, and Q” and inserting “O,
17 Q, and R”; and

18 (2) Section 802(b) of title I of the Omnibus Crime
19 Control and Safe Streets Act of 1968, as amended by sec-
20 tion 111 of this Act, is amended by striking “O, or Q”
21 and inserting “O, Q, or R”.

22 (d) CONFORMING AMENDMENT.—The table of con-
23 tents of title I of the Omnibus Crime Control and Safe
24 Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended

1 by section 111, is amended by striking the matter relating
 2 to part R and inserting the following:

“PART R—RAPE PREVENTION PROGRAMS

“Sec. 1801. Grant authorization.

“Sec. 1802. Applications.

“Sec. 1803. Reports.

“Sec. 1804. Definitions.

“PART S—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1901. Continuation of rules, authorities, and proceedings.”.

3 **CHAPTER 2—OFFENDER TRAINING AND**
 4 **INFORMATION PROGRAMS**

5 **SEC. 126. NATIONAL INSTITUTE OF JUSTICE TRAINING**
 6 **PROGRAMS.**

7 (a) IN GENERAL.—The National Institute of Justice,
 8 after consultation with victim advocates and individuals
 9 who have expertise in treating sex offenders, shall estab-
 10 lish criteria and develop training programs to assist proba-
 11 tion and parole officer and other personnel who work with
 12 released sex offenders in the areas of—

13 (1) case management;

14 (2) supervision; and

15 (3) relapse prevention.

16 (b) TRAINING PROGRAMS.—The Director of the Na-
 17 tional Institute of Justice shall attempt, to the extent
 18 practicable, to make training programs developed under
 19 subsection (a) available in geographically diverse locations
 20 throughout the country.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$1,000,000 for each of the
3 fiscal years 1994 and 1995 to carry out the provisions
4 of this section.

5 **SEC. 127. INFORMATION PROGRAMS.**

6 The Attorney General shall compile information re-
7 garding sex offender treatment programs and ensure that
8 information regarding community treatment programs in
9 the community into which a convicted sex offender is re-
10 leased is made available to each person serving a sentence
11 of imprisonment in a Federal penal or correctional institu-
12 tion for a commission of an offense under chapter 109A
13 of title 18 of the United States Code or for the commission
14 of a similar offense, including halfway houses and psy-
15 chiatric institutions.

16 **Subtitle C—Victim Compensation**

17 **SEC. 131. VICTIM COMPENSATION.**

18 (a) IN GENERAL.—Chapter 109A of title 18, United
19 States Code, is amended by adding at the end the follow-
20 ing new section:

21 **“§ 2246. Mandatory restitution for sex offenses**

22 “(a) IN GENERAL.—Notwithstanding section 3663 of
23 this title, and in addition to any other civil or criminal
24 penalty authorized by law, the court shall order restitution
25 for any offense under this chapter.

1 “(b) SCOPE AND NATURE OF ORDER.—

2 “(1) IN GENERAL.—The order of restitution
3 under this section shall direct that—

4 “(A) the defendant pay to the victim the
5 full amount of the victim’s losses as determined
6 by the court, pursuant to paragraph (3) of this
7 subsection; and

8 “(B) the United States Attorney enforce
9 the restitution order by all available and reason-
10 able means.

11 “(2) DEFINITIONS.—As used in this subsection,
12 the term ‘full amount of the victim’s losses’ includes
13 any costs incurred by the victim for—

14 “(A) medical services relating to physical,
15 psychiatric, or psychological care;

16 “(B) physical and occupational therapy or
17 rehabilitation;

18 “(C) lost income;

19 “(D) attorneys’ fees, plus any costs in-
20 curred in obtaining a civil protection order;

21 “(E) temporary housing;

22 “(F) transportation;

23 “(G) necessary child care;

24 “(H) language translation services; and

1 “(I) any other losses suffered by the victim
2 as a proximate result of the offense.

3 “(3) MANDATORY NATURE OF ORDER.—(A)
4 Restitution orders under this section are mandatory.
5 A court may not decline to issue an order under this
6 section because of—

7 “(i) the economic circumstances of the de-
8 fendant; or

9 “(ii) the fact that a victim has, or is enti-
10 tled to, receive compensation for his or her inju-
11 ries from the proceeds of insurance or any other
12 source.

13 “(B) Subparagraph (A) of this paragraph does
14 not apply if—

15 “(i) the court finds on the record that the
16 economic circumstances of the defendant do not
17 allow for the payment of any amount of a res-
18 titution order, and do not allow for the payment
19 of any amount of a restitution order in the fore-
20 seeable future (under any reasonable schedule
21 of payments); and

22 “(ii) the court enters in its order the
23 amount of the victim’s losses, and provides a
24 nominal restitution award.

1 “(4) CONSIDERATION OF ECONOMIC CIR-
2 CUMSTANCES.—

3 “(A) IN GENERAL.—Notwithstanding para-
4 graph (3) of this subsection, the court may take
5 into account the economic circumstances of the
6 defendant in determining the manner in which
7 and the schedule according to which the restitu-
8 tion is to be paid, including—

9 “(i) the financial resources and other
10 assets of the defendant;

11 “(ii) projected earnings, earning ca-
12 pacity, and other income of the defendant;
13 and

14 “(iii) any financial obligations of the
15 defendant, including obligations to depend-
16 ents.

17 “(B) LUMP-SUM OR PARTIAL PAYMENT.—

18 An order under this section may direct the de-
19 fendant to make a single lump-sum payment or
20 partial payments at specified intervals. The
21 order shall also provide that the defendant’s
22 restitutionary obligation takes priority over any
23 criminal fine ordered.

24 “(5) SETOFF.—Any amount paid to a victim
25 under this section shall be set off against any

1 amount later recovered as compensatory damages by
2 the victim from the defendant in—

3 “(A) any Federal civil proceeding; and

4 “(B) any State civil proceeding, to the ex-
5 tent provided by the law of the State.

6 “(c) PROOF OF CLAIM.—

7 “(1) IN GENERAL.—Within 60 days after con-
8 viction and, in any event, no later than 10 days
9 prior to sentencing, the United States Attorney (or
10 delegate), after consulting with the victim, shall pre-
11 pare and file an affidavit with the court listing the
12 amounts subject to restitution under this section.
13 The affidavit shall be signed by the United States
14 Attorney (or delegate) and the victim. Should the
15 victim object to any of the information included in
16 the affidavit, the United States Attorney (or dele-
17 gate) shall advise the victim that the victim may file
18 a separate affidavit.

19 “(2) OBJECTIONS.—If, after notifying the de-
20 fendant of the affidavit, no objection is raised by the
21 defendant, the amounts attested to in the affidavit
22 filed pursuant to paragraph (1) of this subsection
23 shall be entered in the court’s restitution order. If
24 objection is raised, the court may require the victim
25 or the United States Attorney (or such Attorney’s

1 delegate) to submit further affidavits or other sup-
2 porting documents, demonstrating the victim's
3 losses.

4 “(3) ADDITIONAL DOCUMENTATION AND TESTI-
5 MONY.—If the court concludes, after reviewing the
6 supporting documentation and considering the de-
7 fendant's objections, that there is a substantial rea-
8 son for doubting the authenticity or veracity of the
9 records submitted, the court may require additional
10 documentation or hear testimony on those questions.
11 The privacy of any records filed, or testimony heard,
12 pursuant to this section, shall be maintained to the
13 greatest extent possible.

14 “(4) FINAL DETERMINATION OF LOSSES.—In
15 the event that the victim's losses are not ascertain-
16 able 10 days prior to sentencing as provided in sub-
17 section (c)(1) of this section, the United States At-
18 torney (or delegate) shall so inform the court, and
19 the court shall set a date for the final determination
20 of the victim's losses, not to exceed 90 days after
21 sentencing. If the victim subsequently discovers fur-
22 ther losses, the victim shall have 60 days after dis-
23 covery of those losses in which to petition the court
24 for an amended restitution order. Such order may be
25 granted only upon a showing of good cause for the

1 failure to include such losses in the initial claim for
2 restitutionary relief.”.

3 (b) TABLE OF SECTIONS.—The table of sections at
4 the beginning of chapter 109A of title 18, United States
5 Code, is amended by adding at the end the following:

“2246. Mandatory restitution for sex offenses.”.

6 **Subtitle D—Safe Campuses for**
7 **Women**

8 **SEC. 141. CAMPUS SEXUAL ASSAULT STUDY.**

9 (a) STUDY.—The Attorney General shall provide for
10 a national baseline study to examine the scope of the prob-
11 lem of campus sexual assaults and the effectiveness of in-
12 stitutional and legal policies in addressing such crimes and
13 protecting victims. The Attorney General may utilize the
14 Bureau of Justice Statistics, the National Institute of Jus-
15 tice, and the Office for Victims of Crime in carrying out
16 this section.

17 (b) REPORT.—Based on the study required by sub-
18 section (a), the Attorney General shall prepare a report
19 including an analysis of—

20 (1) the number of reported allegations and esti-
21 mated number of unreported allegations of campus
22 sexual assaults, and to whom the allegations are re-
23 ported (including authorities of the educational insti-
24 tution, sexual assault victim service entities, and
25 local criminal authorities);

1 (2) the number of campus sexual assault allega-
2 tions reported to authorities of educational institu-
3 tions which are reported to criminal authorities;

4 (3) the number of campus sexual assault allega-
5 tions that result in criminal prosecution in compari-
6 son with the number of noncampus sexual assault
7 allegations that result in criminal prosecution;

8 (4) Federal and State laws or regulations per-
9 taining specifically to campus sexual assaults;

10 (5) the adequacy of policies and practices of
11 educational institutions in addressing campus sexual
12 assaults and protecting victims, including consider-
13 ation of—

14 (A) the security measures in effect at edu-
15 cational institutions, such as utilization of cam-
16 pus police and security guards, control over ac-
17 cess to grounds and buildings, supervision of
18 student activities and student living arrange-
19 ments, control over the consumption of alcohol
20 by students, lighting, and the availability of es-
21 cort services;

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

1 (C) policies and practices that may prevent
2 or discourage the reporting of campus sexual
3 assaults to local criminal authorities, or that
4 may otherwise obstruct justice or interfere with
5 the prosecution of perpetrators of campus sex-
6 ual assaults;

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

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

12 (F) measures that are taken to ensure that
13 victims are free of unwanted contact with al-
14 leged assailants, and disciplinary sanctions that
15 are imposed when a sexual assault is deter-
16 mined to have occurred; and

17 (G) the grounds on which educational in-
18 stitutions are subject to lawsuits based on cam-
19 pus sexual assaults, the resolution of these
20 cases, and measures that can be taken to avoid
21 the likelihood of lawsuits;

22 (6) an assessment of the policies and practices
23 of educational institutions that are most effective in
24 addressing campus sexual assaults and protecting

1 victims, including policies and practices relating to
2 the particular issues described in paragraph (5); and
3 (7) any recommendations the Attorney General
4 may have for reforms to address campus sexual as-
5 saults and protect victims more effectively, and any
6 other matters that the Attorney General deems rel-
7 evant to the subject of the study and report required
8 by this section.

9 (c) SUBMISSION OF REPORT.—The report required
10 by subsection (b) shall be submitted to the Committees
11 on Education and Labor and the Judiciary of the House
12 of Representatives and the Committees on Labor and
13 Human Resources and the Judiciary of the Senate not
14 later than September 1, 1995.

15 (d) DEFINITION.—For purposes of this subtitle,
16 “campus sexual assaults” means sexual assaults commit-
17 ted against or by students or employees of institutions of
18 postsecondary education and occurring at such institu-
19 tions or during activities connected with such institutions.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated \$200,000 to carry out the
22 study required by this section.

1 **TITLE II—SAFE HOMES FOR**
2 **WOMEN**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Safe Homes for
5 Women Act”.

6 **Subtitle A—Interstate Enforcement**

7 **SEC. 211. INTERSTATE ENFORCEMENT.**

8 (a) IN GENERAL.—Part I of title 18, United States
9 Code, is amended by inserting after chapter 110 the fol-
10 lowing new chapter:

11 **“CHAPTER 110A—DOMESTIC VIOLENCE**

 “Sec. 2261. Interstate domestic violence.

 “Sec. 2262. 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 for chapter.

12 **“§ 2261. Interstate domestic violence**

13 “(a) Whoever travels across a State line or enters or
14 leaves Indian country with the intent to contact that per-
15 son’s spouse or intimate partner, and in the course of that
16 contact intentionally commits a crime of violence and
17 thereby causes bodily injury to such spouse or intimate
18 partner, shall be punished as provided in subsection (b)
19 of this section.

20 “(b) The punishment for a violation of subsection (a)
21 of this section is a fine under this title, or imprisonment—

1 “(1) for life or any term of years, if the of-
2 fender murders the victim;

3 “(2) for not more than 20 years, if the offender
4 causes serious bodily injury to the victim;

5 “(3) for not more than 10 years, if the offender
6 uses a dangerous weapon during the offense;

7 “(4) as provided for the applicable conduct
8 under chapter 109A, if the offense constitutes sexual
9 abuse, as described under chapter 109A (without re-
10 gard to whether the offense was committed in the
11 special maritime and territorial jurisdiction of the
12 United States or in a Federal prison); and

13 “(5) for not more than 5 years, in any other
14 case;

15 or both such fine and imprisonment.

16 **“§ 2262. Violation of protection order**

17 “(a) Whoever travels across a State line or enters or
18 leaves Indian country with the intent to engage in conduct
19 that—

20 “(1)(A) violates a protection order, any portion
21 of which involves protection against credible threats
22 of violence, repeated harassment, or bodily injury, to
23 the person or persons for whom the protection order
24 was issued, and—

1 “(B) violates that portion of such protection
2 order; or

3 “(2) would violate paragraph (1) of this sub-
4 section if the conduct occurred in the jurisdiction in
5 which such order was issued;

6 and does engage in such conduct shall be punished as pro-
7 vided in subsection (b) of this section.

8 “(b) The punishment for a violation of subsection (a)
9 of this section is a fine under this title, or imprisonment—

10 “(1) for life or any term of years, if the of-
11 fender murders the victim;

12 “(2) for not more than 20 years, if the offender
13 causes serious bodily injury to the victim;

14 “(3) for not more than 10 years, if the offender
15 uses a dangerous weapon during the offense;

16 “(4) as provided for the applicable conduct
17 under chapter 109A, if the offense constitutes sexual
18 abuse, as described under chapter 109A (without re-
19 gard to whether the offense was committed in the
20 special maritime and territorial jurisdiction of the
21 United States or in a Federal prison); and

22 “(5) for not more than 5 years, in any other
23 case;

24 or both such fine and imprisonment.

1 **“§ 2263. Pretrial release of defendant**

2 “In any proceeding pursuant to section 3142 of this
3 title for the purpose of determining whether a defendant
4 charged under this chapter shall be released pending trial,
5 or for the purpose of determining conditions of such re-
6 lease, the alleged victim shall be given an opportunity to
7 be heard regarding the danger posed by the defendant.

8 **“§ 2264. Restitution**

9 “(a) IN GENERAL.—In addition to any fine or term
10 of imprisonment provided under this chapter, and notwith-
11 standing the terms of section 3663 of this title, the court
12 shall order restitution to the victim of an offense under
13 this chapter.

14 “(b) SCOPE AND NATURE OF ORDER.—

15 “(1) IN GENERAL.—The order of restitution
16 under this section shall direct that—

17 “(A) the defendant pay to the victim the
18 full amount of the victim’s losses as determined
19 by the court, pursuant to paragraph (3) of this
20 subsection; and

21 “(B) the United States Attorney enforce
22 the restitution order by all available and reason-
23 able means.

24 “(2) DEFINITION.—As used in this subsection,
25 the term ‘full amount of the victim’s losses’ includes
26 any costs incurred by the victim for—

1 “(A) medical services relating to physical,
2 psychiatric, or psychological care;

3 “(B) physical and occupational therapy or
4 rehabilitation;

5 “(C) lost income;

6 “(D) attorneys’ fees, plus any costs in-
7 curred in obtaining a civil protection order;

8 “(E) temporary housing;

9 “(F) transportation;

10 “(G) necessary child care;

11 “(H) language translation services; and

12 “(I) any other losses suffered by the victim
13 as a proximate result of the offense.

14 “(3) MANDATORY NATURE OF ORDER.—(A)
15 Restitution orders under this section are mandatory.
16 A court may not decline to issue an order under this
17 section because of—

18 “(i) the economic circumstances of the de-
19 fendant; or

20 “(ii) the fact that a victim has, or is enti-
21 tled to, receive compensation for his or her inju-
22 ries from the proceeds of insurance or any other
23 source.

24 “(B) Subparagraph (A) of this paragraph does
25 not apply if—

1 “(i) the court finds on the record that the
2 economic circumstances of the defendant do not
3 allow for the payment of any amount of a res-
4 titution order, and do not allow for the payment
5 of any amount of a restitution order in the fore-
6 seeable future (under any reasonable schedule
7 of payments); and

8 “(ii) the court enters in its order the
9 amount of the victim’s losses, and provides a
10 nominal restitution award.

11 “(4) CONSIDERATION OF ECONOMIC CIR-
12 CUMSTANCES.—

13 “(A) IN GENERAL.—Notwithstanding para-
14 graph (3) of this subsection, the court may take
15 into account the economic circumstances of the
16 defendant in determining the manner in which
17 and the schedule according to which the restitu-
18 tion is to be paid, including—

19 “(i) the financial resources and other
20 assets of the defendant;

21 “(ii) projected earnings, earning ca-
22 pacity, and other income of the defendant;
23 and

1 “(iii) any financial obligations of the
2 offender, including obligations to depend-
3 ents.

4 “(B) LUMP-SUM OR PARTIAL PAYMENT.—
5 An order under this section may direct the de-
6 fendant to make a single lump-sum payment, or
7 partial payments at specified intervals. The
8 order shall provide that the defendant’s
9 restitutionary obligation takes priority over any
10 criminal fine ordered.

11 “(5) SETOFF.—Any amount paid to a victim
12 under this section shall be setoff against any amount
13 later recovered as compensatory damages by the vic-
14 tim from the defendant in—

15 “(A) any Federal civil proceeding; and

16 “(B) any State civil proceeding, to the ex-
17 tent provided by the law of the State.

18 “(c) PROOF OF CLAIM.—

19 “(1) IN GENERAL.—Within 60 days after con-
20 viction and, in any event, no later than 10 days be-
21 fore sentencing, the United States Attorney (or such
22 Attorney’s delegate), after consulting with the vic-
23 tim, shall prepare and file an affidavit with the court
24 listing the amounts subject to restitution under this
25 section. The affidavit shall be signed by the United

1 States Attorney (or the delegate) and the victim.
2 Should the victim object to any of the information
3 included in the affidavit, the United States Attorney
4 (or the delegate) shall advise the victim that the vic-
5 tim may file a separate affidavit and assist the vic-
6 tim in the preparation of that affidavit.

7 “(2) OBJECTIONS.—If, after notifying the de-
8 fendant of the affidavit, no objection is raised by the
9 defendant, the amounts attested to in the affidavit
10 filed pursuant to paragraph (1) of this subsection
11 shall be entered in the court’s restitution order. If
12 objection is raised, the court may require the victim
13 or the United States Attorney (or such Attorney’s
14 delegate) to submit further affidavits or other sup-
15 porting documents, demonstrating the victim’s
16 losses.

17 “(3) ADDITIONAL DOCUMENTATION OR TESTI-
18 MONY.—If the court concludes, after reviewing the
19 supporting documentation and considering the de-
20 fendant’s objections, that there is a substantial rea-
21 son for doubting the authenticity or veracity of the
22 records submitted, the court may require additional
23 documentation or hear testimony on those questions.
24 The privacy of any records filed, or testimony heard,

1 ing State or Indian tribe) shall be accorded full faith and
2 credit by the court of another State or Indian tribe (the
3 enforcing State or Indian tribe) and enforced as if it were
4 the order of the enforcing State or tribe.

5 “(b) PROTECTION ORDER.—A protection order is-
6 sued by a State or tribal court is consistent with this sub-
7 section if—

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

11 “(2) reasonable notice and opportunity to be
12 heard is given to the person against whom the order
13 is sought sufficient to protect that person’s right to
14 due process. In the case of ex parte orders, notice
15 and opportunity to be heard must be provided within
16 the time required by State or tribal law, and in any
17 event within a reasonable time after the order is is-
18 sued, sufficient to protect the respondent’s due proc-
19 ess rights.

20 “(c) CROSS OR COUNTER PETITION.—A protection
21 order issued by a State or tribal court against one who
22 has petitioned, filed a complaint, or otherwise filed a writ-
23 ten pleading for protection against abuse by a spouse or
24 intimate partner is not entitled to full faith and credit if—

1 “(1) no cross or counter petition, complaint, or
2 other written pleading was filed seeking such a pro-
3 tection order; or

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

7 **“§ 2266. Definitions for chapter**

8 “As used in this chapter—

9 “(1) the term ‘spouse or intimate partner’ in-
10 cludes—

11 “(A) a spouse, a former spouse, a person
12 who shares a child in common with the abuser,
13 a person who cohabits or has cohabited with the
14 abuser as a spouse, and any other person simi-
15 larly situated to a spouse; and

16 “(B) any other person, other than a minor
17 child, who is protected by the domestic or fam-
18 ily violence laws of the State in which the injury
19 occurred or where the victim resides;

20 “(2) the term ‘protection order’ includes any in-
21 junction or other order issued for the purpose of
22 preventing violent or threatening acts by one spouse
23 against his or her spouse, former spouse, or intimate
24 partner, including temporary and final orders issued
25 by civil and criminal courts (other than support or

1 child custody orders) whether obtained by filing an
2 independent action or as a pendente lite order in an-
3 other proceeding so long as any civil order was is-
4 sued in response to a complaint, petition or motion
5 filed by or on behalf of an abused spouse or intimate
6 partner;

7 “(3) the term ‘State’ includes a State of the
8 United States, the District of Columbia, a common-
9 wealth, territory, or possession of the United States;

10 “(4) the term ‘travel across State lines’ does
11 not include travel across State lines by an individual
12 who is a member of an Indian tribe when such indi-
13 vidual remains at all times in the territory of the In-
14 dian tribe of which the individual is a member;

15 “(5) the term ‘bodily harm’ means any act, ex-
16 cept one done in self-defense, that results in physical
17 injury or sexual abuse; and

18 “(6) the term ‘Indian country’ has the meaning
19 given to such term by section 1151 of this title.”.

20 (b) TABLE OF CHAPTERS.—The table of chapters at
21 the beginning part 1 of title 18, United States Code, is
22 amended by inserting after the item for chapter 110 the
23 following new item:

“**110A. Violence against spouses** **2261.**”.

1 **Subtitle B—Arrest in Domestic**
2 **Violence Cases**

3 **SEC. 221. ENCOURAGING ARREST POLICIES.**

4 (a) IN GENERAL.—Title I of the Omnibus Crime
5 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
6 et seq.), as amended by section 121, is further amended
7 by—

8 (1) redesignating part S as part T;

9 (2) redesignating section 1901 as section 2001;

10 and

11 (3) adding after part R the following new part:

12 **“PART S—GRANTS TO ENCOURAGE ARREST**
13 **POLICIES**

14 **“SEC. 1901. ARREST POLICIES.**

15 “(a) GENERAL PROGRAM PURPOSE.—The purpose of
16 this part is to encourage States, Indian tribes, and units
17 of local government to treat domestic violence as a serious
18 violation of criminal law. The Director of the Bureau of
19 Justice Assistance may make grants to eligible States, In-
20 dian tribes, or units of local government for the following:

21 “(1) To implement mandatory arrest or
22 proarrest programs, including mandatory arrest pro-
23 grams for protective order violations.

1 “(2) To develop policies, and training in police
2 departments to improve tracking of cases involving
3 domestic violence.

4 “(3) To centralize and coordinate police en-
5 forcement, prosecution, or judicial responsibility for
6 domestic violence cases in groups or units of police
7 officers, prosecutors, or judges.

8 “(4) To strengthen legal advocacy service pro-
9 grams for victims of domestic violence.

10 “(5) To educate judges in criminal and other
11 courts about domestic violence and to improve judi-
12 cial handling of such cases.

13 “(b) ELIGIBILITY.—Eligible grantees are States, In-
14 dian tribes, or units of local government that—

15 “(1) certify that their laws or official policies—

16 “(A)(i) encourage or mandate arrest of do-
17 mestic violence offenders based on probable
18 cause that violence has been committed; or

19 “(ii) certify that all their law enforcement
20 personnel have received domestic violence train-
21 ing conducted by a State Domestic Violence Co-
22 alition as defined in section 10410(b) of title
23 42, United States Code; and

1 “(B) mandate arrest of domestic violence
2 offenders who violate the terms of a valid and
3 outstanding protection order;

4 “(2) demonstrate that their laws, policies, or
5 practices, and training programs discourage dual ar-
6 rests of offender and victim;

7 “(3) certify that their laws, policies, and prac-
8 tices prohibit issuance of mutual restraining orders
9 of protection except in cases where both spouses file
10 a claim and the court makes detailed finding of fact
11 indicating that both spouses acted primarily as ag-
12 gressors and that neither spouse acted primarily in
13 self-defense;

14 “(4) certify that their laws, policies, and prac-
15 tices do not require, in connection with the prosecu-
16 tion of any misdemeanor or felony domestic violence
17 offense, that the abused bear the costs associated
18 with the filing of criminal charges or the service of
19 such charges on an abuser, or that the abused bear
20 the costs associated with the issuance or service of
21 a warrant, protection order, or witness subpoena;
22 and

23 “(5) certify that their laws and policies treat
24 sex offenses committed by offenders who are known
25 to, cohabitants of, or social companions of or related

1 by blood or marriage to, the victim no less severely
2 than sex offenses committed by offenders who are
3 strangers to the victim.

4 **“SEC. 1902. APPLICATIONS.**

5 “(a) APPLICATION.—An eligible grantee shall submit
6 an application to the Director that shall—

7 “(1) describe plans to implement policies de-
8 scribed in subsection (b);

9 “(2) identify the agency or office or groups of
10 agencies or offices responsible for carrying out the
11 program; and

12 “(3) include documentation from nonprofit, pri-
13 vate sexual assault and domestic violence programs
14 demonstrating their participation in developing the
15 application, and identifying such programs in which
16 such groups will be consulted for development and
17 implementation.

18 “(b) PRIORITY.—In awarding grants under this part,
19 the Director shall give priority to an applicant that—

20 “(1) does not currently provide for centralized
21 handling of cases involving domestic violence by pol-
22 icy, prosecutors, and courts; and

23 “(2) demonstrates a commitment to strong en-
24 forcement of laws, and prosecution of cases, involv-
25 ing domestic violence.

1 **“SEC. 1903. REPORTS.**

2 “Each grantee receiving funds under this part shall
3 submit a report to the Director evaluating the effective-
4 ness of projects developed with funds provided under this
5 part and containing such additional information as the Di-
6 rector may prescribe.

7 **“SEC. 1904. DEFINITIONS.**

8 “For purposes of this part—

9 “(1) the term ‘domestic violence’ means a crime
10 of violence against a victim committed by a current
11 or former spouse of the victim, an individual with
12 whom the victim shares a child in common, an indi-
13 vidual who cohabits with or has cohabited with the
14 victim as a spouse, or any other individual similarly
15 situated to a spouse, or any other person who is pro-
16 tected under the domestic or family violence laws of
17 the eligible State, Indian tribe, municipality, or local
18 government entity.

19 “(2) the term ‘protection order’ includes any in-
20 junction issued for the purpose of preventing violent
21 or threatening acts of domestic violence including
22 temporary and final orders issued by civil and crimi-
23 nal courts (other than support or child custody pro-
24 visions) whether obtained by filing an independent
25 action or as a pendente lite order in another pro-
26 ceeding.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
2 1001(a) of title I of the Omnibus Crime Control and Safe
3 Streets Act of 1968 (42 U.S.C. 3793), is amended by add-
4 ing after paragraph (12), as added by section 121 of this
5 Act, the following:

6 “(13) There are authorized to be appropriated
7 \$25,000,000 for each of the fiscal years 1994, 1995, and
8 1996 to carry out the purposes of part S.”.

9 (c) ADMINISTRATIVE PROVISIONS.—(1) Section
10 801(b) of title I of the Omnibus Crime Control and Safe
11 Streets Act of 1968, as amended by section 121 of this
12 Act, is amended by striking “O, Q, and R” and inserting
13 “O, Q, R, and S”; and

14 (2) Section 802(b) of title I of the Omnibus Crime
15 Control and Safe Streets Act of 1968, as amended by sec-
16 tion 121 of this Act, is amended by striking “O, Q, or
17 R” and inserting “O, Q, R, or S”.

18 (d) EFFECTIVE DATE.—The eligibility requirements
19 provided in this section shall take effect 1 year after the
20 date of enactment of this subtitle.

21 (e) CONFORMING AMENDMENT.—The table of con-
22 tents of title I of the Omnibus Crime Control and Safe
23 Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended
24 by section 121, is further amended by striking the matter
25 relating to part S and inserting the following:

“PART S—GRANTS TO ENCOURAGE ARREST POLICIES

“Sec. 1901. Arrest policies.

“Sec. 1902. Applications.

“Sec. 1903. Reports.

“Sec. 1904. Definitions.

“PART T—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2001. Continuation of rules, authorities, and proceedings.”.

1 **Subtitle C—Domestic Violence**

2 **SEC. 231. SHORT TITLE.**

3 This subtitle may be cited as the “Domestic Violence
4 Firearm Prevention Act”.

5 **SEC. 232. FINDINGS.**

6 The Congress finds that—

7 (1) domestic violence is the leading cause of in-
8 jury to women in the United States between the
9 ages of 15 and 44;

10 (2) firearms are used by the abuser in 7 per-
11 cent of domestic violence incidents and produces an
12 adverse effect on interstate commerce; and

13 (3) individuals with a history of domestic abuse
14 should not have easy access to firearms.

15 **SEC. 233. PROHIBITION AGAINST DISPOSAL OF FIREARMS** 16 **TO, OR RECEIPT OF FIREARMS BY, PERSONS** 17 **WHO HAVE COMMITTED DOMESTIC ABUSE.**

18 (a) INTIMATE PARTNER DEFINED.—Section 921(a)
19 of title 18, United States Code, is amended by inserting
20 at the end the following:

21 “(29) The term ‘intimate partner’ means, with re-
22 spect to a person, the spouse of the person, a former

1 spouse of the person, an individual who is a parent of a
2 child of the person, and an individual who cohabitates or
3 has cohabited with the person.”.

4 (b) PROHIBITION AGAINST DISPOSAL OF FIRE-
5 ARMS.—Section 922(d) of such title is amended—

6 (1) by striking “or” at the end of paragraph

7 (6);

8 (2) by striking the period at the end of para-
9 graph (7) and inserting “; or”; and

10 (3) by inserting after paragraph (7) the follow-
11 ing:

12 “(8) is subject to a court order that restrains
13 such person from harassing, stalking, or threatening
14 an intimate partner of such person, or engaging in
15 other conduct that would place an intimate partner
16 in reasonable fear of bodily injury, except that this
17 paragraph shall only apply to a court order that (A)
18 was issued after a hearing of which such person re-
19 ceived actual notice, and at which such person had
20 the opportunity to participate, and (B) includes a
21 finding that such person represents a credible threat
22 to the physical safety of such intimate partner.”.

23 (c) PROHIBITION AGAINST RECEIPT OF FIRE-
24 ARMS.—Section 922(g) of such title is amended—

1 (1) by striking “or” at the end of paragraph
2 (6);

3 (2) by inserting “or” at the end of paragraph
4 (7); and

5 (3) by inserting after paragraph (7) the follow-
6 ing:

7 “(8) who is subject to a court order that—

8 “(A) was issued after a hearing of which
9 such person received actual or constructive no-
10 tice, and at which such person had an oppor-
11 tunity to participate;

12 “(B) restrains such person from harassing,
13 stalking, or threatening an intimate partner of
14 such person, or engaging in other conduct that
15 would place an intimate partner in reasonable
16 fear of bodily injury; and

17 “(C) includes a finding that such person
18 represents a credible threat to the physical safe-
19 ty of such intimate partner.”.

20 (d) STORAGE OF FIREARMS.—Section 926(a) of such
21 title is amended—

22 (1) by striking “and” at the end of paragraph
23 (1);

24 (2) by striking the period at the end of para-
25 graph (2) and inserting “; and”; and

1 (3) by inserting after paragraph (2) the follow-
2 ing:

3 “(3) regulations providing for effective receipt
4 and secure storage of firearms relinquished by or
5 seized from persons described in subsection (d)(8) or
6 (g)(8) of section 922.”.

7 (e) RETURN OF FIREARMS.—Section 924(d)(1) of
8 such title is amended by striking “the seized” and insert-
9 ing “or lapse of or court termination of the restraining
10 order to which he is subject, the seized or relinquished”.

11 **Subtitle D—Protection for**
12 **Immigrant Women**

13 **SEC. 241. ALIEN SPOUSE PETITIONING RIGHTS FOR IMME-**
14 **Diate Relative or Second Preference**
15 **STATUS.**

16 (a) IN GENERAL.—Section 204(a)(1) of the Immi-
17 gration and Nationality Act (8 U.S.C. 1154(a)(1)) is
18 amended—

19 (1) in subparagraph (A)—

20 (A) by inserting “(i)” after “(A)”,

21 (B) by redesignating the second sentence
22 as clause (ii), and

23 (C) by adding at the end the following new
24 clause:

1 “(iii) An alien who is the spouse of a citizen of the
2 United States, who is eligible to be classified as an imme-
3 diate relative under section 201(b)(2)(A)(i), and who has
4 resided in the United States with the alien’s spouse may
5 file a petition with the Attorney General under this sub-
6 paragraph for classification of the alien (and children of
7 the alien) under such section if the alien demonstrates to
8 the Attorney General that—

9 “(I) the alien is residing in the United States,
10 the marriage between the alien and the spouse was
11 entered into in good faith by the alien, and during
12 the marriage the alien or a child of the alien has
13 been battered by or has been the subject of extreme
14 cruelty perpetrated by the alien’s spouse, or

15 “(II) the alien is residing in the United States
16 with the alien’s spouse, the alien has been married
17 to and residing with the spouse for a period of not
18 less than 3 years, and the alien’s spouse has failed
19 to file a petition under clause (i) on behalf of the
20 alien.”; and

21 (2) in subparagraph (B)—

22 (A) by inserting “(i)” after “(B)”, and

23 (B) by adding at the end the following new
24 clause:

1 “(ii) An alien who is the spouse of an alien lawfully
2 admitted for permanent residence, who is eligible for clas-
3 sification under section 203(a)(2)(A), and who has resided
4 in the United States with the alien’s legal permanent resi-
5 dent spouse may file a petition with the Attorney General
6 under this subparagraph for classification of the alien
7 (and children of the alien) under such section if the alien
8 demonstrates to the Attorney General that the conditions
9 described in subclause (I) or (II) of subparagraph (A)(iii)
10 are met with respect to the alien.”.

11 (b) CONFORMING AMENDMENTS.—(1) Section
12 204(a)(2) of such Act (8 U.S.C. 1154(a)(2)) is amended—

13 (A) in subparagraph (A), by striking “filed by
14 an alien who,” and inserting “for the classification
15 of the spouse of an alien if the alien,”, and

16 (B) in subparagraph (B), by striking “by an
17 alien whose prior marriage” and inserting “for the
18 classification of the spouse of an alien if the prior
19 marriage of the alien”.

20 (2) Section 201(b)(2)(A)(i) of such Act (8 U.S.C.
21 1151(b)(2)(A)(i)) is amended by striking “204(a)(1)(A)”
22 and inserting “204(a)(1)(A)(ii)”.

23 (c) SURVIVAL RIGHTS TO PETITION.— Section 204
24 of the Immigration and Nationality Act (8 U.S.C. 1154)

1 is amended by adding at the end the following new sub-
2 section:

3 “(h) The legal termination of a marriage may not be
4 the basis for revocation under section 205 of a petition
5 filed under subsection (a)(1)(A)(iii)(I) or a petition filed
6 under subsection (a)(1)(B)(ii) pursuant to conditions de-
7 scribed in subsection (a)(1)(A)(iii)(I).”.

8 (d) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect January 1, 1994.

10 **SEC. 242. USE OF CREDIBLE EVIDENCE IN SPOUSAL WAIV-**
11 **ER APPLICATIONS.**

12 (a) IN GENERAL.—Section 216(c)(4) of the Immigra-
13 tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-
14 ed by inserting after the second sentence the following:
15 “In acting on applications under this paragraph, the At-
16 torney General shall consider any credible evidence sub-
17 mitted in support of the application (whether or not the
18 evidence is supported by an evaluation of a licensed mental
19 health professional). The determination of what evidence
20 is credible and the weight to be given that evidence shall
21 be within the sole discretion of the Attorney General.”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 subsection (a) shall take effect on the date of the enact-
24 ment of this Act and shall apply to applications made be-
25 fore, on, or after such date.

1 **SEC. 243. SUSPENSION OF DEPORTATION.**

2 Section 244(a) of the Immigration and Nationality
3 Act (8 U.S.C. 1254(a)) is amended—

4 (1) at the end of paragraph (1) by striking
5 “or”;

6 (2) at the end of paragraph (2) by striking the
7 period and inserting “; or”; and

8 (3) by inserting after paragraph (2) the follow-
9 ing:

10 “(3) is deportable under any law of the United
11 States except section 241(a)(1)(G) and the provi-
12 sions specified in paragraph (2); is physically
13 present in the United States; has been battered or
14 subjected to extreme cruelty in the United States by
15 a spouse or parent who is a United States citizen or
16 lawful permanent resident; and proves that during
17 all of such time in the United States the alien was
18 and is a person of good moral character; and is a
19 person whose deportation would, in the opinion of
20 the Attorney General, result in extreme hardship to
21 the alien or the alien’s parent or child.”.

1 **TITLE III—MISCELLANEOUS**
2 **PROVISIONS**
3 **Subtitle A—Reports**

4 **SEC. 301. REPORT ON CONFIDENTIALITY OF ADDRESSES**
5 **FOR VICTIMS OF DOMESTIC VIOLENCE.**

6 (a) REPORT.—The Attorney General shall conduct a
7 study of the means by which abusive spouses may obtain
8 information concerning the addresses or locations of es-
9 tranged or former spouses, notwithstanding the desire of
10 the victims to have such information withheld to avoid fur-
11 ther exposure to abuse. Based on the study, the Attorney
12 General shall transmit a report to Congress including—

13 (1) the findings of the study concerning the
14 means by which information concerning the address-
15 es or locations of abused spouses may be obtained
16 by abusers; and

17 (2) analysis of the feasibility of creating effec-
18 tive means of protecting the confidentiality of infor-
19 mation concerning the addresses and locations of
20 abused spouses to protect such persons from expo-
21 sure to further abuse while preserving access to such
22 information for legitimate purposes.

23 (b) USE OF COMPONENTS.—The Attorney General
24 may use the National Institute of Justice and the Office
25 for Victims of Crime in carrying out this section.

1 **SEC. 302. REPORT ON RECORDKEEPING RELATING TO DO-**
2 **MESTIC VIOLENCE.**

3 Not later than 1 year after the date of enactment
4 of this Act, the Attorney General shall complete a study
5 of, and shall submit to Congress a report and rec-
6 ommendations on, problems of recordkeeping of criminal
7 complaints involving domestic violence. The study and re-
8 port shall examine—

9 (1) the efforts that have been made by the De-
10 partment of Justice, including the Federal Bureau
11 of Investigation, to collect statistics on domestic vio-
12 lence; and

13 (2) the feasibility of requiring that the relation-
14 ship between an offender and victim be reported in
15 Federal records of crimes of aggravated assault,
16 rape, and other violent crimes.

17 **Subtitle B—Justice Department**
18 **Task Force on Violence Against**
19 **Women**

20 **SEC. 311. ESTABLISHMENT.**

21 Not later than 30 days after the date of enactment
22 of this Act, the Attorney General shall establish a task
23 force to be known as the Attorney General’s Task Force
24 on Violence Against Women (referred to in this subtitle
25 as the “Task Force”).

1 **SEC. 312. GENERAL PURPOSES OF TASK FORCE.**

2 (a) GENERAL PURPOSE OF THE TASK FORCE.—The
3 Task Force shall review Federal, State, and local strate-
4 gies for preventing and punishing violent crimes against
5 women, including the enhancement and protection of the
6 rights of the victims of such crimes, and make rec-
7 ommendations to improve the response to such crimes.

8 (b) FUNCTIONS.—The Task Force shall perform such
9 functions as the Attorney General deems appropriate to
10 carry out the purposes of the Task Force, including—

11 (1) evaluating the adequacy of, and making rec-
12 ommendations regarding, current law enforcement
13 efforts at the Federal and State levels to reduce the
14 rate of violent crimes against women;

15 (2) evaluating the adequacy of, and making rec-
16 ommendations regarding, the responsiveness of State
17 prosecutors and State courts to violent crimes
18 against women;

19 (3) evaluating the adequacy of State and Fed-
20 eral rules of evidence, practice, and procedure to en-
21 sure the effective prosecution and conviction of vio-
22 lent offenders against women and to protect victims
23 from abuse in legal proceedings, making rec-
24 ommendations, where necessary, to improve those
25 rules;

1 (4) evaluating the adequacy of pretrial release,
2 sentencing, incarceration, and post-conviction release
3 for crimes that predominantly affect women, such as
4 rape and domestic violence;

5 (5) evaluating the adequacy of, and making rec-
6 ommendations regarding, the adequacy of State and
7 Federal laws on sexual assault and the need for a
8 more uniform statutory response to sex offenses, in-
9 cluding sexual assaults and other sex offenses com-
10 mitted by offenders who are known or related by
11 blood or marriage to the victim;

12 (6) evaluating the adequacy of, and making rec-
13 ommendations regarding, the adequacy of State and
14 Federal laws on domestic violence and the need for
15 a more uniform statutory response to domestic vio-
16 lence;

17 (7) evaluating the adequacy of, and making rec-
18 ommendations regarding, the adequacy of current
19 education, prevention, and protection services for
20 women victims of violent crimes;

21 (8) assessing the issuance, formulation, and en-
22 forcement of protective orders, whether or not relat-
23 ed to a criminal proceeding, and making rec-
24 ommendations for their more effective use in domes-
25 tic violence and stalking cases;

1 (9) assessing the problem of stalking and per-
2 sistent menacing and recommending an effective
3 Federal response to the problem;

4 (10) evaluating the adequacy of, and making
5 recommendations regarding, the national public
6 awareness and the public dissemination of informa-
7 tion essential to the prevention of violent crimes
8 against women;

9 (11) evaluating the treatment of women as vic-
10 tims of violent crime in the State and Federal crimi-
11 nal justice system, and making recommendations to
12 improve such treatment; and

13 (12) assessing the problem of sexual exploi-
14 tation of women and youths through prostitution
15 and in the production of pornography, and rec-
16 ommending effective means of response to the prob-
17 lem.

18 **SEC. 313. MEMBERSHIP.**

19 (a) CHAIR; NUMBER AND APPOINTMENT.—The Task
20 Force shall be chaired by the Attorney General (or des-
21 ignee). Not later than 60 days after the date of the enact-
22 ment of this Act, after consultation with the Secretary of
23 Health and Human Services, the Secretary of Education,
24 and the Secretary of Housing and Urban Development,

1 the Attorney General shall select up to 14 other members
2 to serve on the Task Force.

3 (b) PARTICIPATION.—The Attorney General (or des-
4 ignee) shall select, without regard to political affiliation,
5 members who are specially qualified to serve on the Task
6 Force based on their involvement in efforts to combat vio-
7 lence against women, assistance or service to victims of
8 such violence, or other pertinent experience or expertise.
9 The Attorney General shall ensure that the Task Force
10 includes a broad base of participation by including mem-
11 bers with backgrounds in such areas as law enforcement,
12 victim services and advocacy, legal defense and prosecu-
13 tion, judicial administration, medical services, and coun-
14 seling.

15 (c) VACANCIES.—The Attorney General may fill any
16 vacancy that occurs on the Task Force.

17 **SEC. 314. TASK FORCE OPERATIONS.**

18 (a) MEETINGS.—The Task Force shall hold its first
19 meeting on a date specified by the Attorney General (or
20 designee), but shall not be later than 60 days after the
21 date of the enactment of this Act. After the initial meet-
22 ing, the Task Force shall meet at the call of the Attorney
23 General (or designee), but shall meet at least 6 times.

24 (b) PAY.—Members of the Task Force who are offi-
25 cers or employees or elected officials of a government en-

1 tity shall receive no additional compensation by reason of
2 their service on the Task Force.

3 (c) PER DIEM.—Except as provided in subsection
4 (b), members of the Task Force shall be allowed travel
5 and other expenses including per diem in lieu of subsist-
6 ence, at rates authorized for employees of agencies under
7 sections 5702 and 5703 of title 5, United States Code.

8 **SEC. 315. REPORTS.**

9 (a) IN GENERAL.—Not later than 1 year after the
10 date on which the Task Force is fully constituted under
11 section 313, the Task Force shall prepare and submit a
12 final report to the President and to congressional commit-
13 tees that have jurisdiction over legislation addressing vio-
14 lent crimes against women, including the crimes of domes-
15 tic and sexual assault.

16 (b) CONTENTS.—The final report submitted under
17 paragraph (1) shall contain a detailed statement of the
18 activities of the Task Force and of the findings and con-
19 clusions of the Task Force, including such recommenda-
20 tions for legislation and administrative action as the Task
21 Force considers appropriate.

22 **SEC. 316. EXECUTIVE DIRECTOR AND STAFF.**

23 (a) EXECUTIVE DIRECTOR.—

24 (1) APPOINTMENT.—The Task Force shall have
25 an Executive Director who shall be appointed by the

1 Attorney General (or designee), with the approval of
2 the Task Force.

3 (2) COMPENSATION.—The Executive Director
4 shall be compensated at a rate not to exceed the
5 maximum rate of the basic pay payable for a posi-
6 tion above GS–15 of the General Schedule contained
7 in title 5, United States Code.

8 (b) STAFF.—With the approval of the Task Force,
9 the Executive Director may appoint and fix the compensa-
10 tion of such additional personnel as the Executive Director
11 considers necessary to carry out the duties of the Task
12 Force.

13 (c) APPLICABILITY OF CIVIL SERVICE LAWS.—The
14 Executive Director and the additional personnel of the
15 Task Force appointed under subsection (b) may be ap-
16 pointed without regard to the provisions of title 5, United
17 States Code, governing appointments in the competitive
18 service, and may be paid without regard to the provisions
19 of chapter 51 and subchapter III of chapter 53 of such
20 title relating to classification and General Schedule pay
21 rates.

22 (d) CONSULTANTS.—Subject to such rules as may be
23 prescribed by the Task Force, the Executive Director may
24 procure temporary or intermittent services under section

1 3109(b) of title 5, United States Code, at rates for individ-
2 uals not to exceed \$200 per day.

3 **SEC. 317. POWERS OF TASK FORCE.**

4 (a) HEARINGS.—For the purposes of carrying out
5 this subtitle, the Task Force may conduct such hearings,
6 sit and act at such times and places, take such testimony,
7 and receive such evidence, as the Task Force considers
8 appropriate. The Task Force may administer oaths for
9 testimony before the Task Force.

10 (b) DELEGATION.—Any member or employee of the
11 Task Force may, if authorized by the Task Force, take
12 any action that the Task Force is authorized to take under
13 this subtitle.

14 (c) ACCESS TO INFORMATION.—The Task Force may
15 request directly from any executive department or agency
16 such information as may be necessary to enable the Task
17 Force to carry out this subtitle, on the request of the At-
18 torney General (or designee).

19 (d) MAILS.—The Task Force may use the United
20 States mails in the same manner and under the same con-
21 ditions as other departments and agencies of the United
22 States.

23 **SEC. 318. AUTHORIZATION OF APPROPRIATIONS.**

24 There is authorized to be appropriated to carry out
25 this subtitle \$500,000 for fiscal year 1994.

1 **SEC. 319. TERMINATION.**

2 The Task Force shall cease to exist 30 days after the
3 date on which its final report is submitted under section
4 315.

5 **Subtitle C—STD Testing**

6 **SEC. 321. PAYMENT OF COST OF STD TESTING FOR VICTIMS**
7 **IN SEX OFFENSE CASES.**

8 Section 503(c)(7) of the Victims' Rights and Restitu-
9 tion Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by
10 adding at the end the following: "The Attorney General
11 shall authorize the Director of the Office of Victims of
12 Crime to provide for the payment of the cost of up to two
13 tests of the victim for sexually transmitted diseases, in-
14 cluding, but not limited to gonorrhea, herpes, chlamydia,
15 syphilis, and HIV, during the 12 months following sexual
16 assaults that pose a risk of transmission, and the cost of
17 a counseling session by a medically trained professional
18 on the accuracy of such tests and the risk of transmission
19 of sexually transmitted diseases to the victim as the result
20 of the assault."

21 **Subtitle D—Grant Programs**

22 **SEC. 331. NATIONAL DOMESTIC VIOLENCE HOTLINE**
23 **GRANT.**

24 (a) FINDINGS.—Congress finds that—

1 (1) 4,000,000 women are battered by their
2 partners each year, of which 4,000 die as a result
3 of such abuse;

4 (2) victims of domestic violence need access to
5 resources which will refer such victims and their
6 children to safe homes and shelters; and

7 (3) there is a need for a national domestic vio-
8 lence hotline to provide information and assistance
9 to victims of domestic violence because a privately
10 funded national domestic violence hotline which han-
11 dled more than 65,000 crisis calls annually no longer
12 exists.

13 (b) IN GENERAL.—The Attorney General, through
14 the Bureau of Justice Assistance, shall provide a grant
15 to a nonprofit private organization to establish and oper-
16 ate a national, toll-free telephone hotline to provide infor-
17 mation and assistance to victims of domestic violence. A
18 grant provided under this subsection may extend over a
19 period of not more than 3 fiscal years and the provision
20 of payments under such grant shall be subject to annual
21 approval by the Attorney General and subject to the avail-
22 ability of appropriations for the fiscal year involved to
23 make the payments.

24 (c) APPLICATION.—

1 (1) IN GENERAL.—The Attorney General may
2 not provide a grant under subsection (b) unless an
3 application that meets the requirements of para-
4 graph (2) has been approved by the Attorney Gen-
5 eral.

6 (2) REQUIREMENTS.—An application meets the
7 requirements of this paragraph if the application—

8 (A) contains such agreements, assurances,
9 and information, and is in such form and sub-
10 mitted in such manner as the Attorney General
11 shall prescribe through notice in the Federal
12 Register;

13 (B) demonstrates that the applicant has
14 nationally recognized expertise in the area of
15 domestic violence and a record of high quality
16 service to victims of domestic violence, including
17 support from advocacy groups, particularly
18 State coalitions and recognized national domes-
19 tic violence groups;

20 (C) demonstrates that the applicant has a
21 commitment to diversity, including the hiring of
22 and provision of services to ethnic, racial, cul-
23 tural, and non-English speaking minorities, in
24 addition to older individuals and individuals
25 with disabilities;

1 (D) demonstrates that the applicant has
2 the ability to integrate the hotline into existing
3 services provided by the applicant to victims of
4 domestic violence;

5 (E) includes a complete description of the
6 applicant's plan for the establishment and oper-
7 ation of the hotline, including a description of—

8 (i) the hiring criteria and training
9 program for hotline personnel;

10 (ii) the methods for the creation,
11 maintenance, and updating of a resource
12 database for the hotline;

13 (iii) a plan for providing service on a
14 24-hour-a-day basis to non-English speak-
15 ing callers, including hotline personnel who
16 speak Spanish;

17 (iv) a plan for access to the hotline by
18 individuals with hearing impairments; and

19 (v) a plan for publicizing the availabil-
20 ity of the hotline; and

21 (F) contains such other information as the
22 Attorney General may require.

23 (d) SELECTION.—The Attorney General shall select
24 a nonprofit private organization to receive a grant under
25 subsection (b) which has been in existence for at least 5

1 years from the date of submission of the application by
2 the organization.

3 (e) USES.—A grant made under subsection (b) shall
4 be used to establish and operate a national, toll-free tele-
5 phone hotline to provide information and assistance to vic-
6 tims of domestic violence. In establishing and operating
7 the hotline, a nonprofit private organization shall—

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

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

13 (3) establish, maintain, and update a database
14 of information relating to services for victims of do-
15 mestic violence, including information on the avail-
16 ability of shelters that serve battered women; and

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

19 (f) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—There is authorized to be
21 appropriated to carry out this section \$1,000,000 for
22 each of the fiscal years 1994 through 1996.

23 (2) AVAILABILITY.—Funds authorized to be ap-
24 propriated under paragraph (1) shall remain avail-
25 able until expended.

1 **SEC. 332. GRANTS FOR COMMUNITY PROGRAMS ON DOMES-**
2 **TIC VIOLENCE.**

3 (a) IN GENERAL.—Title I of the Omnibus Crime
4 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
5 et seq.), as amended by section 221 of this Act, is amend-
6 ed by—

7 (1) redesignating part T as part U;

8 (2) redesignating section 2001 as section 2101;

9 and

10 (3) adding after part S the following new part:

11 **“PART T—GRANTS FOR COMMUNITY PROGRAMS**
12 **ON DOMESTIC VIOLENCE.**

13 **“SEC. 2001. GRANT AUTHORITY.**

14 “The Director shall provide grants to establish
15 projects in local communities involving many sectors of
16 each community to coordinate intervention and prevention
17 of domestic violence.

18 **“SEC. 2002. APPLICATIONS.**

19 “(a) IN GENERAL.—An organization that desires to
20 receive a grant under this section shall submit to the Di-
21 rector an application, in such form and in such manner
22 as the Director may reasonably require that—

23 “(1) demonstrates that the applicant will serve
24 a community leadership function, bringing together
25 opinion leaders from each sector of the community

1 to develop a coordinated community consensus op-
2 posing domestic violence;

3 “(2) demonstrates a community action compo-
4 nent to improve and expand current intervention and
5 prevention strategies through increased communica-
6 tion and coordination among all affected sectors;

7 “(3) includes a complete description of the ap-
8 plicant’s plan for the establishment and operation of
9 the community project, including a description of—

10 “(A) the method for identification and se-
11 lection of an administrative committee made up
12 of persons knowledgeable in domestic violence
13 to oversee the project, hire staff, assure compli-
14 ance with the project outline, and secure annual
15 evaluation of the project;

16 “(B) the method for identification and se-
17 lection of project staff and a project evaluator;

18 “(C) the method for identification and se-
19 lection of a project council consisting of rep-
20 resentatives of the community sectors listed in
21 subsection (b)(2);

22 “(D) the method for identification and se-
23 lection of a steering committee consisting of
24 representatives of the various community sec-

1 tors who will chair subcommittees of the project
2 council focusing on each of the sectors; and

3 “(E) a plan for developing outreach and
4 public education campaigns regarding domestic
5 violence; and

6 “(4) contains such other information, agree-
7 ments, and assurances as the Director may require.

8 “(b) ELIGIBILITY.—To be eligible for a grant under
9 this section, such application shall include—

10 “(1) an assurance that the applicant is a non-
11 profit private organization organized for the purpose
12 of coordinating community projects for the interven-
13 tion in and prevention of domestic violence; and

14 “(2) an assurance that such nonprofit organiza-
15 tion includes representation from pertinent sectors
16 of the local community, including—

17 “(A) health care providers;

18 “(B) the education community;

19 “(C) the religious community;

20 “(D) the justice system;

21 “(E) domestic violence program advocates;

22 “(F) human service entities such as State
23 child services divisions; and

24 “(G) business and civic leaders.

1 **“SEC. 2003. AWARD OF GRANTS.**

2 “(a) TERM.—A grant provided under this section
3 may extend over a period of not more than 3 fiscal years.

4 “(b) CONDITIONS ON PAYMENT.—Payments under a
5 grant under this section shall be subject to—

6 “(1) annual approval by the Director; and

7 “(2) availability of appropriations.

8 “(c) GEOGRAPHICAL DISPERSION.—The Director
9 shall award grants under this section to organizations in
10 communities geographically dispersed throughout the
11 country.

12 **“SEC. 2004. USES OF FUNDS.**

13 “(a) IN GENERAL.—A grant made under subsection
14 (a) shall be used to establish and operate a community
15 project to coordinate intervention and prevention of do-
16 mestic violence.

17 “(b) REQUIREMENTS.—In establishing and operating
18 a project, a nonprofit private organization shall—

19 “(1) establish protocols to improve and expand
20 domestic violence intervention and prevention strate-
21 gies among all affected sectors;

22 “(2) develop action plans to direct responses
23 within each community sector that are in conjunc-
24 tion with development in all other sectors; and

1 “(3) provide for periodic evaluation of the
2 project with a written report and analysis to assist
3 application of this concept in other communities.”.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
5 1001 of the Omnibus Crime Control and Safe Streets Act
6 of 1968 is amended by adding after paragraph (13), as
7 added by section 221 of this Act, the following:

8 “(14) There are authorized to be appropriated to
9 carry out part T \$20,000,000 for fiscal year 1994 and
10 such sums as are necessary for each of the fiscal years
11 1995, 1996, and 1997, to remain available until ex-
12 pended.”.

13 (c) ADMINISTRATIVE PROVISIONS.—(1) Section
14 801(b) of title I of the Omnibus Crime Control and Safe
15 Streets Act of 1968, as amended by section 221 of this
16 Act, is amended by striking “O, Q, R, and S” and insert-
17 ing “O, Q, R, S, and T”; and

18 (2) Section 802(b) of title I of the Omnibus Crime
19 Control and Safe Streets Act of 1968, as amended by sec-
20 tion 221 of this Act, is amended by striking “O, Q, R,
21 or S” and inserting “O, Q, R, S, or T”.

22 (d) CONFORMING AMENDMENT.—The table of con-
23 tents of title I of the Omnibus Crime Control and Safe
24 Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended

1 by section 221 of this Act, is amended by striking the mat-
 2 ter relating to part T and inserting the following:

“PART T—GRANTS FOR COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE

“Sec. 2001. Grant authority.

“Sec. 2002. Applications.

“Sec. 2003. Award of grants.

“Sec. 2004. Uses of funds.

“PART U—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2101. Continuation of rules, authorities, and proceedings.”.

3 **TITLE IV—EQUAL JUSTICE FOR**
 4 **WOMEN IN THE COURTS**
 5 **Subtitle A—Education and Train-**
 6 **ing for Judge and Court Person-**
 7 **nel in State Courts**

8 **SEC. 401. GRANTS AUTHORIZED.**

9 The State Justice Institute is authorized to award
 10 grants for the purpose of developing, testing, presenting,
 11 and disseminating model programs to be used by States
 12 in training judges and court personnel in the laws of the
 13 States on rape, sexual assault, domestic violence, and
 14 other crimes of violence motivated by gender.

15 **SEC. 402. TRAINING PROVIDED BY GRANTS.**

16 Training provided pursuant to grants made under
 17 this subtitle may include current information, existing
 18 studies, or current data on—

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

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

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

6 (4) the psychology of sex offenders, their high
7 rate of recidivism, and the implications for sentenc-
8 ing;

9 (5) the historical evolution of laws and attitudes
10 on rape and sexual assault;

11 (6) sex stereotyping of female and male victims
12 of rape and sexual assault, racial stereotyping of
13 rape victims and defendants, and the impact of such
14 stereotypes on credibility of witnesses, sentencing,
15 and other aspects of the administration of justice;

16 (7) application of rape shield laws and other
17 limits on introduction of evidence that may subject
18 victims to improper sex stereotyping and harassment
19 in both rape and nonrape cases, including the need
20 for sua sponte judicial intervention in inappropriate
21 cross-examination;

22 (8) the use of expert witness testimony on rape
23 trauma syndrome, child sexual abuse accommodation
24 syndrome, post-traumatic stress syndrome, and simi-
25 lar issues;

1 (9) the legitimate reasons why victims or rape,
2 sexual assault, domestic violence, and incest may
3 refuse to testify against a defendant;

4 (10) the nature and incidence of domestic vio-
5 lence;

6 (11) the physical, psychological, and economic
7 impact of domestic violence on the victim, the costs
8 to society, and the implications for court procedures
9 and sentencing;

10 (12) the psychology and self-presentation of
11 batterers and victims and the negative implications
12 for court proceedings and credibility of witnesses;

13 (13) sex stereotyping of female and male vic-
14 tims of domestic violence, myths about presence or
15 absence of domestic violence in certain racial, ethnic,
16 religious, or socioeconomic groups, and their impact
17 on the administration of justice;

18 (14) historical evolution of laws and attitudes
19 on domestic violence;

20 (15) proper and improper interpretations of the
21 defenses of self-defense and provocation, and the use
22 of expert witness testimony on battered woman syn-
23 drome;

24 (16) the likelihood of retaliation, recidivism,
25 and escalation of violence by batterers, and the po-

1 tential impact of incarceration and other meaningful
2 sanctions for acts of domestic violence including vio-
3 lations of orders of protection;

4 (17) economic, psychological, social and institu-
5 tional reasons for victims' inability to leave the
6 batterer, to report domestic violence or to follow
7 through on complaints, including the influence of
8 lack of support from police, judges, and court per-
9 sonnel, and the legitimate reasons why victims of do-
10 mestic violence may refuse to testify against a de-
11 fendant and should not be held in contempt;

12 (18) the need for orders of protection, and the
13 negative implications of mutual orders of protection,
14 dual arrest policies, and mediation in domestic vio-
15 lence cases; and

16 (19) recognition of and response to gender-mo-
17 tivated crimes of violence other than rape, sexual as-
18 sault and domestic violence, such as mass or serial
19 murder motivated by the gender of the victims.

20 **SEC. 403. COOPERATION IN DEVELOPING PROGRAMS.**

21 The State Justice Institute shall ensure that model
22 programs carried out pursuant to grants made under this
23 subtitle are developed with the participation of law en-
24 forcement officials, public and private nonprofit victim ad-

1 vocates, legal experts, prosecutors, defense attorneys, and
2 recognized experts on gender bias in the courts.

3 **SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

4 There is authorized to be appropriated for fiscal year
5 1994, \$600,000 to carry out the purposes of this subtitle.
6 Of amounts appropriated under this section, the State
7 Justice Institute shall expend no less than 40 percent on
8 model programs regarding domestic violence and no less
9 than 40 percent on model programs regarding rape and
10 sexual assault.

11 **Subtitle B—Education and Train-**
12 **ing for Judges and Court Per-**
13 **sonnel in Federal Courts**

14 **SEC. 411. AUTHORIZATIONS OF CIRCUIT STUDIES; EDU-**
15 **CATION AND TRAINING GRANTS.**

16 (a) STUDY.—In order to gain a better understanding
17 of the nature and the extent of gender bias in the Federal
18 courts, the circuit judicial councils are encouraged to con-
19 duct studies of the instances of gender bias in their respec-
20 tive circuits. The studies may include an examination of
21 the effects of gender on—

22 (1) the treatment of litigants, witnesses, attor-
23 neys, jurors, and judges in the courts, including be-
24 fore magistrate and bankruptcy judges;

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

3 (3) treatment of defendants in criminal cases;

4 (4) treatment of victims of violent crimes;

5 (5) sentencing;

6 (6) sentencing alternatives, facilities for incar-
7 ceration, and the nature of supervision of probation,
8 parole, and supervised release;

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

11 (8) case management and court sponsored al-
12 ternative dispute resolution programs;

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

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

17 (11) the admissibility of past sexual history in
18 civil and criminal cases; and

19 (12) the aspects of the topics listed in section
20 402 that pertain to issues within the jurisdiction of
21 the Federal courts.

22 (b) CLEARINGHOUSE.—The Judicial Conference of
23 the United States shall designate an entity within the Ju-
24 dicial Branch to act as a clearinghouse to disseminate any
25 reports and materials issued by the gender bias task forces

1 under subsection (a) and to respond to requests for such
2 reports and materials. The gender bias task forces shall
3 provide this entity with their reports and related material.

4 (c) MODEL PROGRAMS.—The Federal Judicial Cen-
5 ter, in carrying out section 620(b)(3) of title 28, United
6 States Code, shall—

7 (1) include in the educational programs it pre-
8 sents and prepares, including the training programs
9 for newly appointed judges, information on issues re-
10 lated to gender bias in the courts including such
11 areas as are listed in subsection (a) along with such
12 other topics as the Federal Judicial Center deems
13 appropriate;

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

16 (3) take into consideration the findings and rec-
17 ommendations of the studies conducted pursuant to
18 subsection (a), and to consult with individuals and
19 groups with relevant expertise in gender bias issues
20 as it prepares or revises such materials.

21 **SEC. 412. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) IN GENERAL.—There is authorized to be appro-
23 priated—

24 (1) \$600,000 to the Salaries and Expenses Ac-
25 count of the Courts of Appeals, District Courts, and

1 other Judicial Services, to carry out section 411(a),
2 to be available until expended through fiscal year
3 1996;

4 (2) \$100,000 to the Federal Judicial Center to
5 carry out section 411(c) and any activities des-
6 ignated by the Judicial Conference under section
7 411(b); and

8 (3) such sums as are necessary to the Adminis-
9 trative Office of the United States Courts to carry
10 out any activities designated by the Judicial Con-
11 ference under section 411(b).

12 (b) THE JUDICIAL CONFERENCE OF THE UNITED
13 STATES.—(1) The Judicial Conference of the United
14 States Courts shall allocate funds to Federal circuit courts
15 under this subtitle that—

16 (A) undertake studies in their own circuits; or

17 (B) implement reforms recommended as a re-
18 sult of such studies in their own or other circuits,
19 including education and training.

20 (2) Funds shall be allocated to Federal circuits under
21 this subtitle on a first come first serve basis in an amount
22 not to exceed \$100,000 on the first application. If within
23 6 months after the date on which funds authorized under
24 this Act become available, funds are still available, circuits

1 that have received funds may reapply for additional funds,
2 with not more than \$200,000 going to any one circuit.

3 **Subtitle C—Evidentiary Rules**

4 **SEC. 421. EXPERT TESTIMONY OF DOMESTIC VIOLENCE.**

5 (a) FINDINGS.—The Congress finds that—

6 (1) State criminal courts often fail to admit ex-
7 pert testimony offered by a defendant concerning the
8 nature and effect of physical, sexual, and mental
9 abuse to assist the trier of fact in assessing the be-
10 havior, beliefs, or perceptions of such defendant in
11 a domestic relationship in which abuse has occurred;

12 (2) the average juror often has little under-
13 standing of the nature and effect of domestic vio-
14 lence on such a defendant’s behavior, beliefs, or per-
15 ceptions, and the lack of understanding can result in
16 the juror blaming the woman for her victimization;

17 (3) the average juror is often unaware that vic-
18 tims of domestic violence are frequently in greater
19 danger of violence after they terminate or attempt to
20 terminate domestic relationships with their abuser;

21 (4) myths, misconceptions, and victim-blaming
22 attitudes are often held not only by the average lay
23 person but also by many in the criminal justice sys-
24 tem, insofar as the criminal justice system tradition-

1 ally has failed to protect women from violence at the
2 hands of men;

3 (5) specialized knowledge of the nature and ef-
4 fect of domestic violence is sufficiently established to
5 have gained the general acceptance which is required
6 for the admissibility of expert testimony;

7 (6) although both men and women can be vic-
8 tims of physical, sexual, and mental abuse by their
9 partners in domestic relationships, the most frequent
10 victims are women; and

11 (7) a woman is more likely to be assaulted and
12 injured, raped, or killed by her current or former
13 male partner than by any other type of assailant,
14 and over one-half of all women murdered are killed
15 by their current or former male partners.

16 (b) SENSE OF CONGRESS.—It is the sense of the
17 Congress that the executive branch, working through the
18 State Justice Institute, should examine programs which
19 would allow the States to consider—

20 (1) that expert testimony concerning the nature
21 and effect of domestic violence, including descrip-
22 tions of the experiences of battered women, be ad-
23 missible when offered in a State court by a defend-
24 ant in a criminal case to assist the trier of fact in
25 understanding the behavior, beliefs, or perceptions of

1 such defendant in a domestic relationship in which
 2 abuse has occurred;

3 (2) that a witness be qualified to testify as an
 4 expert witness based upon her or his knowledge,
 5 skill, experience, training, or education, and be per-
 6 mitted to testify in the form of an opinion or other-
 7 wise; and

8 (3) that expert testimony about a domestic rela-
 9 tionship be admissible to include testimony of rela-
 10 tionships between spouses, former spouses, cohabi-
 11 tants, former cohabitants, partners or former part-
 12 ners, and between persons who are in, or have been
 13 in, a dating, courtship, or intimate relationship.

Passed the House of Representatives November 20,
 1993.

Attest:

Clerk.

HR 1133 EH—2

HR 1133 EH—3

HR 1133 EH—4

HR 1133 EH—5

HR 1133 EH—6