To encourage States to expand the protections offered to victims of sex offenses who are not in a familiar or dating relationship with the perpetrators of such offenses.

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IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2011

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To encourage States to expand the protections offered to victims of sex offenses who are not in a familiar or dating relationship with the perpetrators of such offenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as “Nicole’s Law”.

SEC. 2. PROTECTION FOR VICTIMS OF SEX OFFENSES.

(a) In General.—For each fiscal year beginning after the expiration of the period specified in subsection (b)(1) in which a State receives funds under the subpart
referred to in subsection (b)(2), the State shall have in

\[ \text{effect throughout the State laws and policies that ensure} \]

\[ \text{that, with respect to criminal cases involving sex offenses} \]

\[ \text{(as defined by the State), protections similar to those of-} \]

\[ \text{fered to victims of domestic violence are extended to vic-} \]

\[ \text{tims of sex offenses who are not in a familiar or dating} \]

\[ \text{relationship with the perpetrators of such offenses. To} \]

\[ \text{demonstrate compliance with the preceding sentence, a} \]

\[ \text{State shall have in effect laws and policies that—} \]

\[ \quad (1) \text{expressly authorize judges and courts to} \]

\[ \quad \text{issue, as a condition of bail, protection orders that} \]

\[ \quad \text{prohibit a defendant charged with a sex offense from} \]

\[ \quad \text{having any contact with the victim or with the vic-} \]

\[ \quad \text{tim’s friends, co-workers, or relatives;} \]

\[ \quad (2) \text{permit judges and courts, after finding a} \]

\[ \quad \text{defendant guilty of a sex offense, to order a continu-} \]

\[ \quad \text{ation of a protection order described in paragraph} \]

\[ \quad (1), \text{or to otherwise restrict a defendant’s contact} \]

\[ \quad \text{with the victim, as a condition of bail, parole, proba-} \]

\[ \quad \text{tion, or other supervised release; and} \]

\[ \quad (3) \text{provide judges and courts with the author-} \]

\[ \quad \text{ity to grant or extend a protection order until fur-} \]

\[ \quad \text{ther order of a judge or court, as an alternative to} \]

\[ \quad \text{issuing protection orders that expire on a specific} \]
date or upon termination of a sentence or period of
supervised release.

(b) Compliance and Ineligibility.—

(1) Compliance date.—Each State shall have
not more than one year from the date of enactment
of this Act in which to fully implement this section,
except that the Attorney General may grant an addi-
tional one year to a State that is making good faith
efforts to implement this section.

(2) Ineligibility for funds.—For any fiscal
year after the expiration of the period specified in
paragraph (1), a State that fails to fully implement
this section, as determined by the Attorney General,
shall not receive 10 percent of the funds that would
otherwise be allocated for that fiscal year to the
State under subpart 1 of part E of title I of the Om-
nibus Crime Control and Safe Streets Act of 1968
(42 U.S.C. 3750 et seq.).

(c) Reallocation.—Amounts not allocated under
the subpart referred to in subsection (b)(2) to a State for
failure to fully implement this section shall be reallocated
under that subpart to States that have not failed to fully
implement this section.

(d) Definition of State.—In this section, The
term “State” includes each of the several States, the Dis-
1 district of Columbia, and any commonwealth, territory, or
2 possession of the United States.