

112TH CONGRESS
2D SESSION

H. R. 4154

To decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2012

Mr. BOREN (for himself, Mr. COLE, Ms. MCCOLLUM, Mr. INSLEE, and Mr. KILDEE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stand Against Violence
3 and Empower Native Women Act”, or the “SAVE Native
4 Women Act”.

5 **SEC. 2. GRANTS TO INDIAN TRIBAL GOVERNMENTS.**

6 Section 2015(a) of title I of the Omnibus Crime Con-
7 trol and Safe Streets Act of 1968 (42 U.S.C. 3796gg-
8 10(a)) is amended—

9 (1) in paragraph (2), by inserting “sex traf-
10 ficking,” after “sexual assault,”;

11 (2) in paragraph (4), by inserting “sex traf-
12 ficking,” after “sexual assault,”;

13 (3) in paragraph (5), by striking “and stalking”
14 and all that follows and inserting “sexual assault,
15 sex trafficking, and stalking,”;

16 (4) in paragraph (7)—

17 (A) by inserting “sex trafficking,” after
18 “sexual assault,” each place it appears; and

19 (B) by striking “and” at the end;

20 (5) in paragraph (8)—

21 (A) by inserting “sex trafficking,” after
22 “stalking,”; and

23 (B) by striking the period at the end and
24 inserting a semicolon; and

25 (6) by adding at the end the following:

1 “(9) provide services to address the needs of
2 youth who are victims of domestic violence, dating
3 violence, sexual assault, sex trafficking, or stalking
4 and the needs of youth and children exposed to do-
5 mestic violence, dating violence, sexual assault, or
6 stalking, including support for the nonabusing par-
7 ent or the caretaker of the youth or child; and

8 “(10) develop and promote legislation and poli-
9 cies that enhance best practices for responding to
10 violent crimes against Indian women, including the
11 crimes of domestic violence, dating violence, sexual
12 assault, sex trafficking, and stalking.”.

13 **SEC. 3. GRANTS TO INDIAN TRIBAL COALITIONS.**

14 Section 2001(d) of title I of the Omnibus Crime Con-
15 trol and Safe Streets Act of 1968 (42 U.S.C. 3796gg(d))
16 is amended to read as follows:

17 “(d) TRIBAL COALITION GRANTS.—

18 “(1) PURPOSE.—The Attorney General shall
19 award a grant to tribal coalitions for purposes of—

20 “(A) increasing awareness of domestic vio-
21 lence and sexual assault against Indian women;

22 “(B) enhancing the response to violence
23 against Indian women at the Federal, State,
24 and tribal levels;

1 “(C) identifying and providing technical
2 assistance to coalition membership and tribal
3 communities to enhance access to essential serv-
4 ices to Indian women victimized by domestic
5 and sexual violence, including sex trafficking;
6 and

7 “(D) assisting Indian tribes in developing
8 and promoting State, local, and tribal legisla-
9 tion and policies that enhance best practices for
10 responding to violent crimes against Indian
11 women, including the crimes of domestic vio-
12 lence, dating violence, sexual assault, sex traf-
13 ficking, and stalking.

14 “(2) GRANTS.—The Attorney General shall
15 award grants on an annual basis under paragraph
16 (1) to—

17 “(A) each tribal coalition that—

18 “(i) meets the criteria of a tribal coa-
19 lition under section 40002(a) of the Vio-
20 lence Against Women Act of 1994 (42
21 U.S.C. 13925(a));

22 “(ii) is recognized by the Office on Vi-
23 olence Against Women;

24 “(iii) provides services to Indian
25 tribes; and

1 “(iv) meets any additional criteria the
2 Attorney General may require; and

3 “(B) organizations that propose to incor-
4 porate and operate a tribal coalition in areas
5 where Indian tribes are located but no tribal co-
6 alition exists.

7 “(3) USE OF AMOUNTS.—For each of fiscal
8 years 2013 through 2017, of the amounts appro-
9 priated to carry out this subsection—

10 “(A) not more than 10 percent shall be
11 made available to organizations described in
12 paragraph (2)(B), provided that 1 or more or-
13 ganizations determined by the Attorney General
14 to be qualified apply; and

15 “(B) not less than 90 percent shall be
16 made available to tribal coalitions described in
17 paragraph (2)(A), which amounts shall be dis-
18 tributed equally among each eligible tribal coali-
19 tion for the applicable fiscal year.

20 “(4) ELIGIBILITY FOR OTHER GRANTS.—Re-
21 ceipt of an award under this subsection by a tribal
22 coalition shall not preclude the tribal coalition from
23 receiving additional grants under this title to carry
24 out the purposes described in paragraph (1).

1 “(5) MULTIPLE PURPOSE APPLICATIONS.—
2 Nothing in this subsection prohibits any tribal coalition or organization described in paragraph (2) from
3 applying for funding to address sexual assault or domestic violence needs in the same application.”.

6 **SEC. 4. CONSULTATION.**

7 Section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42
8 U.S.C. 14045d) is amended—

10 (1) in subsection (a)—

11 (A) by striking “and the Violence Against
12 Women Act of 2000” and inserting “, the Violence Against Women Act of 2000”; and

14 (B) by inserting “, and the Stand Against
15 Violence and Empower Native Women Act” before the period at the end;

17 (2) in subsection (b)—

18 (A) in the matter preceding paragraph (1),
19 by striking “Secretary of the Department of Health and Human Services” and inserting
20 “Secretary of Health and Human Services, the
21 Secretary of the Interior,”; and

23 (B) in paragraph (2), by striking “and
24 stalking” and inserting “stalking, and sex trafficking”; and
25

1 (3) by adding at the end the following:

2 “(c) ANNUAL REPORT.—The Attorney General shall
3 submit to Congress an annual report on the annual con-
4 sultations required under subsection (a) that—

5 “(1) contains the recommendations made under
6 subsection (b) by Indian tribes during the year cov-
7 ered by the report;

8 “(2) describes actions taken during the year
9 covered by the report to respond to recommenda-
10 tions made under subsection (b) during the year or
11 a previous year; and

12 “(3) describes how the Attorney General will
13 work in coordination and collaboration with Indian
14 tribes, the Secretary of Health and Human Services,
15 and the Secretary of the Interior to address the rec-
16 ommendations made under subsection (b).

17 “(d) NOTICE.—Not later than 120 days before the
18 date of a consultation under subsection (a), the Attorney
19 General shall notify tribal leaders of the date, time, and
20 location of the consultation.”.

21 **SEC. 5. TRIBAL JURISDICTION OVER CRIMES OF DOMESTIC**
22 **VIOLENCE.**

23 Title II of Public Law 90–284 (25 U.S.C. 1301 et
24 seq.) (commonly known as the “Indian Civil Rights Act
25 of 1968”) is amended by adding at the end the following:

1 **“SEC. 204. TRIBAL JURISDICTION OVER CRIMES OF DOMES-**
2 **TIC VIOLENCE.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) DATING VIOLENCE.—The term ‘dating vio-

5 lence’ means violence committed by a person who is

6 or has been in a social relationship of a romantic or

7 intimate nature with the victim, as determined by

8 the length of the relationship, the type of relation-

9 ship, and the frequency of interaction between the

10 persons involved in the relationship.

11 “(2) DOMESTIC VIOLENCE.—The term ‘domes-

12 tic violence’ means violence committed by a current

13 or former spouse or intimate partner of the victim,

14 by a person with whom the victim shares a child in

15 common, by a person who is cohabitating with or

16 has cohabitated with the victim as a spouse or inti-

17 mate partner, or by a person similarly situated to a

18 spouse of the victim under the domestic- or family-

19 violence laws of an Indian tribe that has jurisdiction

20 over the Indian country where the violence occurs.

21 “(3) INDIAN COUNTRY.—The term ‘Indian

22 country’ has the meaning given the term in section

23 1151 of title 18, United States Code.

24 “(4) PARTICIPATING TRIBE.—The term ‘partici-

25 pating tribe’ means an Indian tribe that elects to ex-

1 exercise special domestic violence criminal jurisdiction
2 over the Indian country of that Indian tribe.

3 “(5) PROTECTION ORDER.—The term ‘protec-
4 tion order’—

5 “(A) means any injunction, restraining
6 order, or other order issued by a civil or crimi-
7 nal court for the purpose of preventing violent
8 or threatening acts or harassment against, sex-
9 ual violence against, contact or communication
10 with, or physical proximity to, another person;
11 and

12 “(B) includes any temporary or final order
13 issued by a civil or criminal court, whether ob-
14 tained by filing an independent action or as a
15 pendent lite order in another proceeding, if the
16 civil or criminal order was issued in response to
17 a complaint, petition, or motion filed by or on
18 behalf of a person seeking protection.

19 “(6) SPECIAL DOMESTIC VIOLENCE CRIMINAL
20 JURISDICTION.—The term ‘special domestic violence
21 criminal jurisdiction’ means the criminal jurisdiction
22 that a participating tribe may exercise under this
23 section but could not otherwise exercise.

24 “(7) SPOUSE OR INTIMATE PARTNER.—The
25 term ‘spouse or intimate partner’ has the meaning

1 given the term in section 2266 of title 18, United
2 States Code.

3 “(b) NATURE OF THE CRIMINAL JURISDICTION.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of law, in addition to all powers of self-gov-
6 ernment recognized and affirmed by sections 201
7 and 203, the powers of self-government of a partici-
8 pating tribe include the inherent power of that tribe,
9 which is hereby recognized and affirmed, to exercise
10 special domestic violence criminal jurisdiction over
11 all persons.

12 “(2) CONCURRENT JURISDICTION.—The exer-
13 cise of special domestic violence criminal jurisdiction
14 by a participating tribe shall be concurrent with the
15 jurisdiction of the United States, of a State, or of
16 both.

17 “(3) APPLICABILITY.—Nothing in this sec-
18 tion—

19 “(A) creates or eliminates any Federal or
20 State criminal jurisdiction over Indian country;

21 “(B) affects the authority of the United
22 States or any State government that has been
23 delegated authority by the United States to in-
24 vestigate and prosecute a criminal violation in
25 Indian country;

1 “(C) shall apply to an Indian tribe in the
2 State of Alaska, except with respect to the
3 Metlakatla Indian Community, Annette Islands
4 Reserve; or

5 “(D) shall limit, alter, expand, or diminish
6 the civil or criminal jurisdiction of the State of
7 Alaska or any subdivision of the State of Alas-
8 ka.

9 “(e) CRIMINAL CONDUCT.—A participating tribe may
10 exercise special domestic violence criminal jurisdiction over
11 a defendant for criminal conduct that falls into one or
12 more of the following categories:

13 “(1) DOMESTIC VIOLENCE AND DATING VIO-
14 LENCE.—An act of domestic violence or dating vio-
15 lence that occurs in the Indian country of the par-
16 ticipating tribe.

17 “(2) VIOLATIONS OF PROTECTION ORDERS.—
18 An act that—

19 “(A) occurs in the Indian country of the
20 participating tribe; and

21 “(B) violates the portion of a protection
22 order that—

23 “(i) prohibits or provides protection
24 against violent or threatening acts or har-
25 assment against, sexual violence against,

1 contact or communication with, or physical
2 proximity to, another person;

3 “(ii) was issued against the defend-
4 ant;

5 “(iii) is enforceable by the partici-
6 pating tribe; and

7 “(iv) is consistent with section
8 2265(b) of title 18, United States Code.

9 “(d) DISMISSAL OF CERTAIN CASES.—

10 “(1) DEFINITION OF VICTIM.—In this sub-
11 section and with respect to a criminal proceeding in
12 which a participating tribe exercises special domestic
13 violence criminal jurisdiction based on a criminal
14 violation of a protection order, the term ‘victim’
15 means a person specifically protected by a protection
16 order that the defendant allegedly violated.

17 “(2) NON-INDIAN VICTIMS AND DEFEND-
18 ANTS.—In a criminal proceeding in which a partici-
19 pating tribe exercises special domestic violence crimi-
20 nal jurisdiction, the case shall be dismissed if—

21 “(A) the defendant files a pretrial motion
22 to dismiss on the grounds that the alleged of-
23 fense did not involve an Indian; and

1 “(B) the participating tribe fails to prove
2 that the defendant or an alleged victim is an
3 Indian.

4 “(3) TIES TO INDIAN TRIBE.—In a criminal
5 proceeding in which a participating tribe exercises
6 special domestic violence criminal jurisdiction, the
7 case shall be dismissed if—

8 “(A) the defendant files a pretrial motion
9 to dismiss on the grounds that the defendant
10 and the alleged victim lack sufficient ties to the
11 Indian tribe; and

12 “(B) the prosecuting tribe fails to prove
13 that the defendant or an alleged victim—

14 “(i) resides in the Indian country of
15 the participating tribe;

16 “(ii) is employed in the Indian coun-
17 try of the participating tribe; or

18 “(iii) is a spouse or intimate partner
19 of a member of the participating tribe.

20 “(4) WAIVER.—A knowing and voluntary fail-
21 ure of a defendant to file a pretrial motion described
22 in paragraph (2) or (3) shall be considered a waiver
23 of the right to seek a dismissal under this sub-
24 section.

1 “(e) RIGHTS OF DEFENDANTS.—In a criminal pro-
2 ceeding in which a participating tribe exercises special do-
3 mestic violence criminal jurisdiction, the participating
4 tribe shall provide to the defendant—

5 “(1) all applicable rights under this Act;

6 “(2) if a term of imprisonment of any length is
7 imposed, all rights described in section 202(c); and

8 “(3) all other rights whose protection is nec-
9 essary under the Constitution of the United States
10 in order for Congress to recognize and affirm the in-
11 herent power of the participating tribe to exercise
12 special domestic violence criminal jurisdiction over
13 the defendant.

14 “(f) PETITIONS TO STAY DETENTION.—

15 “(1) IN GENERAL.—A person who has filed a
16 petition for a writ of habeas corpus in a court of the
17 United States under section 203 may petition that
18 court to stay further detention of that person by the
19 participating tribe.

20 “(2) GRANT OF STAY.—A court shall grant a
21 stay described in paragraph (1) if the court—

22 “(A) finds that there is a substantial likeli-
23 hood that the habeas corpus petition will be
24 granted; and

1 “(B) after giving each alleged victim in the
2 matter an opportunity to be heard, finds by
3 clear and convincing evidence that under condi-
4 tions imposed by the court, the petitioner is not
5 likely to flee or pose a danger to any person or
6 the community if released.

7 “(g) GRANTS TO TRIBAL GOVERNMENTS.—The At-
8 torney General may award grants to the governments of
9 Indian tribes (or to authorized designees of those govern-
10 ments)—

11 “(1) to strengthen tribal criminal justice sys-
12 tems to assist Indian tribes in exercising special do-
13 mestic violence criminal jurisdiction, including—

14 “(A) law enforcement (including the capac-
15 ity of law enforcement or court personnel to
16 enter information into and obtain information
17 from national crime information databases);

18 “(B) prosecution;

19 “(C) trial and appellate courts;

20 “(D) probation systems;

21 “(E) detention and correctional facilities;

22 “(F) alternative rehabilitation centers;

23 “(G) culturally appropriate services and
24 assistance for victims and their families; and

1 “(H) criminal codes and rules of criminal
2 procedure, appellate procedure, and evidence;

3 “(2) to provide indigent criminal defendants
4 with the effective assistance of licensed defense
5 counsel, at no cost to the defendant, in criminal pro-
6 ceedings in which a participating tribe prosecutes a
7 crime of domestic violence or dating violence or a
8 criminal violation of a protection order;

9 “(3) to ensure that, in criminal proceedings in
10 which a participating tribe exercises special domestic
11 violence criminal jurisdiction, jurors are summoned,
12 selected, and instructed in a manner consistent with
13 all applicable requirements; and

14 “(4) to accord victims of domestic violence, dat-
15 ing violence, and violations of protection orders
16 rights that are similar to the rights of a crime victim
17 described in section 3771(a) of title 18, United
18 States Code, consistent with tribal law and custom.

19 “(h) SUPPLEMENT, NOT SUPPLANT.—Amounts
20 made available under this section shall supplement and
21 not supplant any other Federal, State, tribal, or local gov-
22 ernment amounts made available to carry out activities de-
23 scribed in this section.

24 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated \$5,000,000 for each of

1 fiscal years 2013 through 2017 to carry out subsection
2 (g) and to provide training, technical assistance, data col-
3 lection, and evaluation of the criminal justice systems of
4 participating tribes..”.

5 **SEC. 6. TRIBAL PROTECTION ORDERS.**

6 Section 2265 of title 18, United States Code, is
7 amended by striking subsection (e) and inserting the fol-
8 lowing:

9 “(e) TRIBAL COURT JURISDICTION.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), for purposes of this section, a court of an
12 Indian tribe shall have full civil jurisdiction to issue
13 and enforce protection orders involving any person,
14 including the authority to enforce any orders
15 through civil contempt proceedings, to exclude viola-
16 tors from Indian land, and to use other appropriate
17 mechanisms, in matters arising anywhere in the In-
18 dian country of the Indian tribe (as defined in sec-
19 tion 1151) or otherwise within the authority of the
20 Indian tribe.

21 “(2) APPLICABILITY.—Paragraph (1)—

22 “(A) shall not apply to an Indian tribe in
23 the State of Alaska, except with respect to the
24 Metlakatla Indian Community, Annette Islands
25 Reserve; and

1 “(B) shall not limit, alter, expand, or di-
2 minish the civil or criminal jurisdiction of the
3 State of Alaska or any subdivision of the State
4 of Alaska.”.

5 **SEC. 7. AMENDMENTS TO THE FEDERAL ASSAULT STAT-**
6 **UTE.**

7 (a) IN GENERAL.—Section 113 of title 18, United
8 States Code, is amended—

9 (1) in subsection (a)—

10 (A) by striking paragraph (1) and insert-
11 ing the following:

12 “(1) Assault with intent to commit murder or
13 a violation of section 2241 or 2242, by a fine under
14 this title, imprisonment for not more than 20 years,
15 or both.”;

16 (B) in paragraph (2), by striking “felony
17 under chapter 109A” and inserting “violation
18 of section 2241 or 2242”;

19 (C) in paragraph (3) by striking “and
20 without just cause or excuse,”;

21 (D) in paragraph (4), by striking “six
22 months” and inserting “1 year”;

23 (E) in paragraph (7)—

24 (i) by striking “substantial bodily in-
25 jury to an individual who has not attained

1 the age of 16 years” and inserting “sub-
2 stantial bodily injury to a spouse or inti-
3 mate partner, a dating partner, or an indi-
4 vidual who has not attained the age of 16
5 years”; and

6 (ii) by striking “fine” and inserting
7 “a fine”; and

8 (F) by adding at the end the following:

9 “(8) Assault of a spouse, intimate partner, or
10 dating partner by strangling, suffocating, or at-
11 tempting to strangle or suffocate, by a fine under
12 this title, imprisonment for not more than 10 years,
13 or both.”; and

14 (2) in subsection (b)—

15 (A) by striking “(b) As used in this sub-
16 section—” and inserting the following:

17 “(b) DEFINITIONS.—In this section—”;

18 (B) in paragraph (1)(B), by striking
19 “and” at the end;

20 (C) in paragraph (2), by striking the pe-
21 riod at the end and inserting a semicolon; and

22 (D) by adding at the end the following:

23 “(3) the terms ‘dating partner’ and ‘spouse or
24 intimate partner’ have the meanings given those
25 terms in section 2266;

1 “(4) the term ‘strangling’ means intentionally,
2 knowingly, or recklessly impeding the normal breath-
3 ing or circulation of the blood of a person by apply-
4 ing pressure to the throat or neck, regardless of
5 whether that conduct results in any visible injury or
6 whether there is any intent to kill or protractedly in-
7 jure the victim; and

8 “(5) the term ‘suffocating’ means intentionally,
9 knowingly, or recklessly impeding the normal breath-
10 ing of a person by covering the mouth of the person,
11 the nose of the person, or both, regardless of wheth-
12 er that conduct results in any visible injury or
13 whether there is any intent to kill or protractedly in-
14 jure the victim.”.

15 (b) INDIAN MAJOR CRIMES.—Section 1153(a) of title
16 18, United States Code, is amended by striking “assault
17 with intent to commit murder, assault with a dangerous
18 weapon, assault resulting in serious bodily injury (as de-
19 fined in section 1365 of this title)” and inserting “a felony
20 assault under section 113”.

21 (c) REPEAT OFFENDERS.—Section 2265A(b)(1)(B)
22 of title 18, United States Code, is amended by inserting
23 “or tribal” after “State”.

1 **SEC. 8. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST**
2 **INDIAN WOMEN.**

3 (a) IN GENERAL.—Section 904(a) of the Violence
4 Against Women and Department of Justice Reauthoriza-
5 tion Act of 2005 (42 U.S.C. 3796gg–10 note) is amend-
6 ed—

7 (1) in paragraph (1)—

8 (A) by striking “The National” and insert-
9 ing “Not later than 2 years after the date of
10 enactment of the Stand Against Violence and
11 Empower Native Women Act, the National”;
12 and

13 (B) by inserting “and in Native villages
14 (as defined in section 3 of the Alaska Native
15 Claims Settlement Act (43 U.S.C. 1602)), and
16 Native Hawaiian women” before the period at
17 the end;

18 (2) in paragraph (2)(A)—

19 (A) in clause (iv), by striking “and” at the
20 end;

21 (B) in clause (v), by striking the period at
22 the end and inserting “; and”; and

23 (C) by adding at the end the following:

24 “(vi) sex trafficking.”;

1 to whether the Alaska Rural Justice and Law Enforce-
2 ment Commission established under section 112(a)(1) of
3 the Consolidated Appropriations Act, 2004 should be con-
4 tinued and whether appropriations should be authorized
5 for the continued work of the commission. The report may
6 contain recommendations for legislation with respect to
7 the scope of the work and composition of the commission.

8 **SEC. 11. GRANTS TO ENCOURAGE ARREST POLICIES AND**
9 **ENFORCEMENT OF PROTECTION ORDERS.**

10 (a) IN GENERAL.—Part U of title I of the Omnibus
11 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
12 3796hh et seq.) is amended—

13 (1) in section 2101 (42 U.S.C. 3796hh)—

14 (A) in subsection (b)—

15 (i) in the matter preceding paragraph
16 (1), by striking “States,” and all that fol-
17 lows through “units of local government”
18 and inserting “grantees”;

19 (ii) in paragraph (1), by inserting
20 “and enforcement of protection orders
21 across State and tribal lines” before the
22 period;

23 (iii) in paragraph (2), by striking
24 “and training in police departments to im-
25 prove tracking of cases” and inserting

1 “data collection systems, and training in
2 police departments to improve tracking of
3 cases and classification of complaints”;

4 (iv) in paragraph (4), by inserting
5 “and provide the appropriate training and
6 education about domestic violence, dating
7 violence, sexual assault, and stalking” after
8 “computer tracking systems”;

9 (v) in paragraph (5), by inserting
10 “and other victim services” after “legal ad-
11 vocacy service programs”;

12 (vi) in paragraph (6), by striking
13 “judges” and inserting “Federal, State,
14 tribal, territorial, and local judges, courts,
15 and court-based and court-related per-
16 sonnel”;

17 (vii) in paragraph (8), by striking
18 “and sexual assault” and inserting “dating
19 violence, sexual assault, and stalking”;

20 (viii) in paragraph (10), by striking
21 “non-profit, non-governmental victim serv-
22 ices organizations,” and inserting “victim
23 service providers, staff from population
24 specific organizations,”; and

1 (ix) by adding at the end the fol-
2 lowing:

3 “(14) To develop and implement training pro-
4 grams for prosecutors and other prosecution-related
5 personnel regarding best practices to ensure offender
6 accountability, victim safety, and victim consultation
7 in cases involving domestic violence, dating violence,
8 sexual assault, and stalking.

9 “(15) To develop or strengthen policies, proto-
10 cols, and training for law enforcement, prosecutors,
11 and the judiciary in recognizing, investigating, and
12 prosecuting instances of domestic violence, dating vi-
13 olence, sexual assault, and stalking against immi-
14 grant victims, including the appropriate use of appli-
15 cations for nonimmigrant status under subpara-
16 graphs (T) and (U) of section 101(a)(15) of the Im-
17 migration and Nationality Act (8 U.S.C.
18 1101(a)(15)).

19 “(16) To develop and promote State, local, or
20 tribal legislation and policies that enhance best prac-
21 tices for responding to the crimes of domestic vio-
22 lence, dating violence, sexual assault, and stalking,
23 including the appropriate treatment of victims.

24 “(17) To develop, implement, or enhance sexual
25 assault nurse examiner programs or sexual assault

1 forensic examiner programs, including the hiring
2 and training of such examiners.

3 “(18) To develop, implement, or enhance Sex-
4 ual Assault Response Teams or similar coordinated
5 community responses to sexual assault.

6 “(19) To develop and strengthen policies, proto-
7 cols, and training for law enforcement officers and
8 prosecutors regarding the investigation and prosecu-
9 tion of sexual assault cases and the appropriate
10 treatment of victims.

11 “(20) To provide human immunodeficiency
12 virus testing programs, counseling, and prophylaxis
13 for victims of sexual assault.

14 “(21) To identify and inventory backlogs of sex-
15 ual assault evidence collection kits and to develop
16 protocols for responding to and addressing such
17 backlogs, including policies and protocols for noti-
18 fying and involving victims.

19 “(22) To develop multidisciplinary high-risk
20 teams focusing on reducing domestic violence and
21 dating violence homicides by—

22 “(A) using evidence-based indicators to as-
23 sess the risk of homicide and link high-risk vic-
24 tims to immediate crisis intervention services;

1 “(B) identifying and managing high-risk
2 offenders; and

3 “(C) providing ongoing victim advocacy
4 and referrals to comprehensive services includ-
5 ing legal, housing, health care, and economic
6 assistance.”;

7 (B) in subsection (c)—

8 (i) in paragraph (1)—

9 (I) in the matter preceding sub-
10 paragraph (A), by inserting “except
11 for a court,” before “certify”; and

12 (II) by redesignating subpara-
13 graphs (A) and (B) as clauses (i) and
14 (ii), and adjusting the margin accord-
15 ingly;

16 (ii) in paragraph (2), by inserting
17 “except for a court,” before “dem-
18 onstrate”;

19 (iii) in paragraph (3)—

20 (I) by striking “spouses” each
21 place it appears and inserting “par-
22 ties”; and

23 (II) by striking “spouse” and in-
24 serting “party”;

25 (iv) in paragraph (4)—

1 (I) by inserting “, dating vio-
2 lence, sexual assault, or stalking”
3 after “felony domestic violence”;

4 (II) by inserting “modification,
5 enforcement, dismissal, withdrawal,”
6 after “registration,” each place it ap-
7 pears;

8 (III) by inserting “dating vio-
9 lence,” after “victim of domestic vio-
10 lence,”; and

11 (IV) by striking “and” at the
12 end;

13 (v) in paragraph (5)—

14 (I) in the matter preceding sub-
15 paragraph (A), by striking “, not later
16 than 3 years after January 5, 2006”;

17 (II) by inserting “, trial of, or
18 sentencing for” after “investigation
19 of” each place it appears;

20 (III) by redesignating subpara-
21 graphs (A) and (B) as clauses (i) and
22 (ii), and adjusting the margin accord-
23 ingly;

24 (IV) in clause (ii), as redesign-
25 nated by subclause (III) of this

1 clause, by striking “subparagraph
2 (A)” and inserting “clause (i)”; and

3 (V) by striking the period at the
4 end and inserting “; and”;

5 (vi) by redesignating paragraphs (1)
6 through (5), as amended by this subpara-
7 graph, as subparagraphs (A) through (E),
8 respectively;

9 (vii) in the matter preceding subpara-
10 graph (A), as redesignated by clause (v) of
11 this subparagraph—

12 (I) by striking the comma that
13 immediately follows another comma;
14 and

15 (II) by striking “grantees are
16 States” and inserting the following:
17 “grantees are—

18 “(1) States”; and

19 (viii) by adding at the end the fol-
20 lowing:

21 “(2) a State, tribal, or territorial domestic vio-
22 lence or sexual assault coalition or a victim service
23 provider that partners with a State, Indian tribal
24 government, or unit of local government that cer-
25 tifies that the State, Indian tribal government, or

1 unit of local government meets the requirements
2 under paragraph (1).”;

3 (C) in subsection (d)—

4 (i) in paragraph (1)—

5 (I) in the matter preceding sub-
6 paragraph (A), by inserting “, policy,”
7 after “law”; and

8 (II) in subparagraph (A), by in-
9 serting “and the defendant is in cus-
10 tody or has been served with the in-
11 formation or indictment” before the
12 semicolon; and

13 (ii) in paragraph (2), by striking “it”
14 and inserting “its”; and

15 (D) by adding at the end the following:

16 “(f) ALLOCATION FOR TRIBAL COALITIONS.—Of the
17 amounts appropriated for purposes of this part for each
18 fiscal year, not less than 5 percent shall be available for
19 grants under section 2001(d) (42 U.S.C. 3796gg(d)).

20 “(g) ALLOCATION FOR SEXUAL ASSAULT.—Of the
21 amounts appropriated for purposes of this part for each
22 fiscal year, not less than 25 percent shall be available for
23 projects that address sexual assault, including stranger
24 rape, acquaintance rape, alcohol or drug-facilitated rape,

1 and rape within the context of an intimate partner rela-
2 tionship.”; and

3 (2) in section 2102(a) (42 U.S.C. 3796hh-
4 1(a))—

5 (A) in paragraph (1), by inserting “court,”
6 after “tribal government,”; and

7 (B) in paragraph (4), by striking “non-
8 profit, private sexual assault and domestic vio-
9 lence programs” and inserting “victim service
10 providers and, as appropriate, population spe-
11 cific organizations”.

12 (b) **AUTHORIZATION OF APPROPRIATIONS.**—Section
13 1001(a)(19) of title I of the Omnibus Crime Control and
14 Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is
15 amended—

16 (1) by striking “\$75,000,000” and all that fol-
17 lows through “2011.” and inserting “\$73,000,000
18 for each of fiscal years 2013 through 2017.”; and

19 (2) by striking the period that immediately fol-
20 lows another period.

21 **SEC. 12. EFFECTIVE DATES; PILOT PROJECT.**

22 (a) **GENERAL EFFECTIVE DATE.**—Except as pro-
23 vided in subsections (b) and (c), the amendments made
24 by this Act shall take effect on the date of enactment of
25 this Act.

1 (b) EFFECTIVE DATE FOR SPECIAL DOMESTIC VIO-
2 LENCE CRIMINAL JURISDICTION.—

3 (1) IN GENERAL.—Except as provided in para-
4 graph (2), subsections (b) through (e) of section 204
5 of Public Law 90–284 (as added by section 5) shall
6 take effect on the date that is 2 years after the date
7 of enactment of this Act.

8 (2) PILOT PROJECT.—

9 (A) IN GENERAL.—At any time during the
10 2-year period beginning on the date of enact-
11 ment of this Act, an Indian tribe may ask the
12 Attorney General to designate the tribe as a
13 participating tribe under section 204(a) of Pub-
14 lic Law 90–284 on an accelerated basis.

15 (B) PROCEDURE.—The Attorney General
16 may grant a request under subparagraph (A)
17 after coordinating with the Secretary of the In-
18 terior, consulting with affected Indian tribes,
19 and concluding that the criminal justice system
20 of the requesting tribe has adequate safeguards
21 in place to protect defendants’ rights, consistent
22 with section 204 of Public Law 90–284.

23 (C) EFFECTIVE DATES FOR PILOT
24 PROJECTS.—An Indian tribe designated as a
25 participating tribe under this paragraph may

1 commence exercising special domestic violence
2 criminal jurisdiction pursuant to subsections (b)
3 through (e) of section 204 of Public Law 90–
4 284 on a date established by the Attorney Gen-
5 eral, after consultation with that Indian tribe,
6 but in no event later than the date that is 2
7 years after the date of enactment of this Act.

8 (c) EFFECTIVE DATE FOR GRANT PROGRAM AMEND-
9 MENTS.—The provisions of sections 2, 3, and 11 of this
10 Act shall not take effect until the beginning of the first
11 fiscal year beginning after the date of enactment of this
12 Act.

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