

107TH CONGRESS
1ST SESSION

S. 783

To enhance the rights of victims in the criminal justice system, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2001

Mr. LEAHY (for himself, Mr. KENNEDY, Mr. FEINGOLD, Mrs. MURRAY, Mr. JOHNSON, Mr. SCHUMER, and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To enhance the rights of victims in the criminal justice system, 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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Crime Victims Assistance Act of 2001”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

Sec. 101. Right to consult concerning detention.

Sec. 102. Right to a speedy trial.

- Sec. 103. Right to consult concerning plea.
- Sec. 104. Enhanced participatory rights at trial.
- Sec. 105. Enhanced participatory rights at sentencing.
- Sec. 106. Right to notice concerning sentence adjustment.
- Sec. 107. Right to notice concerning discharge from psychiatric facility
- Sec. 108. Right to notice concerning executive clemency.
- Sec. 109. Procedures to promote compliance.

TITLE II—VICTIM ASSISTANCE INITIATIVES

- Sec. 201. Pilot programs to enforce compliance with State crime victim’s rights laws.
- Sec. 202. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments.
- Sec. 203. Restorative justice grants.
- Sec. 204. Funding for Federal victim assistance personnel.

TITLE III—VICTIMS OF CRIME ACT AMENDMENTS

- Sec. 301. Crime victims fund.
- Sec. 302. Crime victim compensation.
- Sec. 303. Crime victim assistance.
- Sec. 304. Victims of terrorism.

1 **TITLE I—VICTIM RIGHTS IN THE** 2 **FEDERAL SYSTEM**

3 **SEC. 101. RIGHT TO CONSULT CONCERNING DETENTION.**

4 (a) RIGHT TO CONSULT CONCERNING DETEN-
5 TION.—Section 503(c) of the Victims’ Rights and Restitu-
6 tion Act of 1990 (42 U.S.C. 10607(c)) is amended by
7 striking paragraph (2) and inserting the following:

8 “(2) A responsible official shall—

9 “(A) arrange for a victim to receive rea-
10 sonable protection from a suspected offender
11 and persons acting in concert with or at the be-
12 hest of the suspected offender; and

13 “(B) consult with a victim prior to a de-
14 tention hearing to obtain information that can
15 be presented to the court on the issue of any

1 threat the suspected offender may pose to the
 2 safety of the victim.”.

3 (b) COURT CONSIDERATION OF THE VIEWS OF VIC-
 4 TIMS.—Chapter 207 of title 18, United States Code, is
 5 amended—

6 (1) in section 3142—

7 (A) in subsection (g)—

8 (i) in paragraph (3), by striking
 9 “and” at the end;

10 (ii) by redesignating paragraph (4) as
 11 paragraph (5); and

12 (iii) by inserting after paragraph (3)
 13 the following:

14 “(4) the views of the victim; and”; and

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

16 “(k) VIEWS OF THE VICTIM.—During a hearing
 17 under subsection (f), the judicial officer shall inquire of
 18 the attorney for the Government if the victim has been
 19 consulted on the issue of detention and the views of such
 20 victim, if any.”.

21 (2) in section 3156(a)—

22 (A) in paragraph (4), by striking “and” at
 23 the end;

24 (B) in paragraph (5), by striking the pe-
 25 riod at the end and inserting “; and”; and

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

2 “(6) the term “victim” includes all persons de-
3 fined as victims in section 503(e)(2) of the Victims’
4 Rights and Restitution Act of 1990 (42 U.S.C.
5 10607(e)(2)).”.

6 **SEC. 102. RIGHT TO A SPEEDY TRIAL.**

7 Section 3161(h)(8)(B) of title 18, United States
8 Code, is amended by adding at the end the following:

9 “(v) The interests of the victim (as defined in section
10 10607(e)(2) of title 42, United States Code) in the prompt
11 and appropriate disposition of the case, free from unrea-
12 sonable delay.”.

13 **SEC. 103. RIGHT TO CONSULT CONCERNING PLEA.**

14 (a) RIGHT TO CONSULT CONCERNING PLEA.—Sec-
15 tion 503(c) of the Victims’ Rights and Restitution Act of
16 1990 (42 U.S.C. 10607(c)) is amended—

17 (1) by redesignating paragraphs (4) through
18 (8) as paragraphs (5) through (9), respectively; and

19 (2) by inserting after paragraph (3) the fol-
20 lowing:

21 “(4) A responsible official shall make reason-
22 able efforts to notify a victim of, and consider the
23 views of a victim about, any proposed or con-
24 templated plea agreement. In determining what is
25 reasonable, the responsible official should consider

1 factors relevant to the wisdom and practicality of
 2 giving notice and considering views in the context of
 3 the particular case, including—

4 “(A) the impact on public safety and risks
 5 to personal safety;

6 “(B) the number of victims;

7 “(C) the need for confidentiality, including
 8 whether the proposed plea involves confidential
 9 information or conditions;

10 “(D) whether time is of the essence in ne-
 11 gotiating or entering a proposed plea; and

12 “(E) whether the victim is a possible wit-
 13 ness in the case and the effect that relaying any
 14 information may have upon the right of the de-
 15 fendant to a fair trial.”.

16 (b) COURT CONSIDERATION OF THE VIEWS OF VIC-
 17 TIMS.—Rule 11 of the Federal Rules of Criminal Proce-
 18 dure is amended—

19 (1) by redesignating subdivisions (g) and (h) as
 20 subdivisions (h) and (i), respectively; and

21 (2) by inserting after subdivision (f) the fol-
 22 lowing:

23 “(g) VIEWS OF THE VICTIM.—Notwithstanding the
 24 acceptance of a plea of guilty, the court should not enter
 25 a judgment upon such plea without making inquiry of the

1 attorney for the Government if the victim (as defined in
2 section 503(e)(2) of the Victims' Rights and Restitution
3 Act of 1990) has been consulted on the issue of the plea
4 and the views of such victim, if any.”.

5 (c) EFFECTIVE DATE.—

6 (1) IN GENERAL.—The amendments made by
7 subsection (b) shall become effective as provided in
8 paragraph (3).

9 (2) ACTION BY JUDICIAL CONFERENCE.—

10 (A) RECOMMENDATIONS.—Not later than
11 180 days after the date of enactment of this
12 Act, the Judicial Conference of the United
13 States shall submit to Congress a report con-
14 taining recommendations for amending the
15 Federal Rules of Criminal Procedure to provide
16 enhanced opportunities for victims to be heard
17 on the issue of whether or not the court should
18 accept a plea of guilty or nolo contendere.

19 (B) INAPPLICABILITY OF OTHER LAW.—
20 Chapter 131 of title 28, United States Code,
21 does not apply to any recommendation made by
22 the Judicial Conference of the United States
23 under this paragraph.

1 (3) CONGRESSIONAL ACTION.—Except as other-
2 wise provided by law, if the Judicial Conference of
3 the United States—

4 (A) submits a report in accordance with
5 paragraph (2) containing recommendations de-
6 scribed in that paragraph, and those rec-
7 ommendations are the same as the amendments
8 made by subsection (b), then the amendments
9 made by subsection (b) shall become effective
10 30 days after the date on which the rec-
11 ommendations are submitted to Congress under
12 paragraph (2);

13 (B) submits a report in accordance with
14 paragraph (2) containing recommendations de-
15 scribed in that paragraph, and those rec-
16 ommendations are different in any respect from
17 the amendments made by subsection (b), the
18 recommendations made pursuant to paragraph
19 (2) shall become effective 180 days after the
20 date on which the recommendations are sub-
21 mitted to Congress under paragraph (2), unless
22 an Act of Congress is passed overturning the
23 recommendations; and

24 (C) fails to comply with paragraph (2), the
25 amendments made by subsection (b) shall be-

1 come effective 360 days after the date of enact-
2 ment of this Act.

3 (4) APPLICATION.—Any amendment made pur-
4 suant to this section (including any amendment
5 made pursuant to the recommendations of the Judi-
6 cial Conference of the United States under para-
7 graph (2)) shall apply in any proceeding commenced
8 on or after the effective date of the amendment.

9 **SEC. 104. ENHANCED PARTICIPATORY RIGHTS AT TRIAL.**

10 (a) AMENDMENTS TO VICTIM RIGHTS CLARIFICA-
11 TION ACT.—Section 3510 of title 18, United States Code,
12 is amended—

13 (1) by redesignating subsection (c) as sub-
14 section (e); and

15 (2) by inserting after subsection (b) the fol-
16 lowing:

17 “(c) APPLICATION TO TELEVISED PROCEEDINGS.—
18 This section applies to any victim viewing proceedings pur-
19 suant to section 235 of the Antiterrorism and Effective
20 Death Penalty Act of 1996 (42 U.S.C. 10608), or any
21 rule issued thereunder.

22 “(d) STANDING.—

23 “(1) IN GENERAL.—At the request of any vic-
24 tim of an offense, the attorney for the Government

1 may assert the right of the victim under this section
2 to attend and observe the trial.

3 “(2) VICTIM STANDING.—If the attorney for
4 the Government declines to assert the right of a vic-
5 tim under this section, then the victim has standing
6 to assert such right.

7 “(3) APPELLATE REVIEW.—An adverse ruling
8 on a motion or request by an attorney for the Gov-
9 ernment or a victim under this subsection may be
10 appealed or petitioned under the rules governing ap-
11 pellate actions, provided that no appeal or petition
12 shall constitute grounds for delaying a criminal pro-
13 ceeding.”.

14 (b) AMENDMENT TO VICTIMS’ RIGHTS AND RESTITU-
15 TION ACT OF 1990.— Section 502(b) of the Victims’
16 Rights and Restitution Act of 1990 (42 U.S.C. 10606(b))
17 is amended—

18 (1) by striking paragraph (4) and inserting the
19 following:

20 “(4) The right to be present at all public court
21 proceedings related to the offense, unless the court
22 determines that testimony by the victim at trial
23 would be materially affected if the victim heard the
24 testimony of other witnesses.”; and

1 (2) in paragraph (5), by striking “attorney”
2 and inserting “the attorney”.

3 **SEC. 105. ENHANCED PARTICIPATORY RIGHTS AT SEN-**
4 **TENCING.**

5 (a) VIEWS OF THE VICTIM.—Section 3553(a) of title
6 18, United States Code, is amended—

7 (1) in paragraph (6), by striking “and” at the
8 end;

9 (2) by redesignating paragraph (7) as para-
10 graph (8); and

11 (3) by inserting after paragraph (6) the fol-
12 lowing:

13 “(7) the impact of the crime upon any victim
14 of the offense as reflected in any victim impact
15 statement and the views of any victim of the offense
16 concerning punishment, if such statement or views
17 are presented to the court; and”.

18 (b) ENHANCED RIGHT TO BE HEARD CONCERNING
19 SENTENCE.—Rule 32 of the Federal Rules of Criminal
20 Procedure is amended—

21 (1) in subdivision (c)(3)(E), by striking “if the
22 sentence is to be imposed for a crime of violence or
23 sexual abuse,”; and

24 (2) by amending subdivision (f) to read as fol-
25 lows:

1 “(f) DEFINITION. For purposes of this rule, ‘victim’
 2 means any individual against whom an offense has been
 3 committed for which a sentence is to be imposed, but the
 4 right of allocution under subdivision (c)(3)(E) may be ex-
 5 ercised instead by—

6 “(1) a parent or legal guardian if the victim is
 7 below the age of eighteen years or incompetent; or

8 “(2) one or more family members or relatives
 9 designated by the court if the victim is deceased or
 10 incapacitated;

11 if such person or persons are present at the sentencing
 12 hearing, regardless of whether the victim is present.”.

13 (c) EFFECTIVE DATE.—

14 (1) IN GENERAL.—The amendments made by
 15 subsection (b) shall become effective as provided in
 16 paragraph (3).

17 (2) ACTION BY JUDICIAL CONFERENCE.—

18 (A) RECOMMENDATIONS.—Not later than
 19 180 days after the date of enactment of this
 20 Act, the Judicial Conference of the United
 21 States shall submit to Congress a report con-
 22 taining recommendations for amending the
 23 Federal Rules of Criminal Procedure to provide
 24 enhanced opportunities for victims to partici-

1 pate during the presentencing and sentencing
2 phase of the criminal process.

3 (B) INAPPLICABILITY OF OTHER LAW.—
4 Chapter 131 of title 28, United States Code,
5 does not apply to any recommendation made by
6 the Judicial Conference of the United States
7 under this paragraph.

8 (3) CONGRESSIONAL ACTION.—Except as other-
9 wise provided by law, if the Judicial Conference of
10 the United States—

11 (A) submits a report in accordance with
12 paragraph (2) containing recommendations de-
13 scribed in that paragraph, and those rec-
14 ommendations are the same as the amendments
15 made by subsection (b), then the amendments
16 made by subsection (b) shall become effective
17 30 days after the date on which the rec-
18 ommendations are submitted to Congress under
19 paragraph (2);

20 (B) submits a report in accordance with
21 paragraph (2) containing recommendations de-
22 scribed in that paragraph, and those rec-
23 ommendations are different in any respect from
24 the amendments made by subsection (b), the
25 recommendations made pursuant to paragraph

(2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (b) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 106. RIGHT TO NOTICE CONCERNING SENTENCE ADJUSTMENT.

Paragraph (6) of section 503(c) of the Victims' Rights and Restitution Act of 1990, as redesignated by section 103 of this Act, is amended by striking subparagraph (A) and inserting:

“(A) the scheduling of a parole hearing or a hearing on modification of probation or supervised release for the offender;”.

1 **SEC. 107. RIGHT TO NOTICE CONCERNING DISCHARGE**
2 **FROM PSYCHIATRIC FACILITY.**

3 Paragraph (6) of section 503(c) of the Victims'
4 Rights and Restitution Act of 1990, as redesignated by
5 section 103 of this Act, is amended by striking subpara-
6 graph (B) and inserting:

7 “(B) the escape, work release, furlough,
8 discharge or conditional discharge, or any other
9 form of release from custody of the offender, in-
10 cluding an offender who was found not guilty
11 by reason of insanity;”.

12 **SEC. 108. RIGHT TO NOTICE CONCERNING EXECUTIVE**
13 **CLEMENCY.**

14 (a) NOTICE.—Paragraph (6) of section 503(c) of the
15 Victims' Rights and Restitution Act of 1990, as redesign-
16 nated by section 103 of this Act, is amended—

17 (1) by redesignating subparagraph (C) as sub-
18 paragraph (D); and

19 (2) by inserting after subparagraph (B) the fol-
20 lowing:

21 “(C) the grant of executive clemency, in-
22 cluding any pardon, reprieve, commutation of
23 sentence, or remission of fine, to the offender;
24 and”.

25 (b) REPORTING REQUIREMENT.—The Attorney Gen-
26 eral shall submit biannually to the Committees on the Ju-

1 diciary of the House of Representatives and the Senate
2 a report on executive clemency matters or cases delegated
3 for review or investigation to the Attorney General by the
4 President, including for each year—

5 (1) the number of petitions so delegated;

6 (2) the number of reports submitted to the
7 President;

8 (3) the number of petitions for executive clem-
9 ency granted and the number denied;

10 (4) the name of each person whose petition for
11 executive clemency was granted or denied and the
12 offenses of conviction of that person for which execu-
13 tive clemency was granted or denied; and

14 (5) with respect to any person granted execu-
15 tive clemency, the date that any victim of an offense
16 that was the subject of that grant of executive clem-
17 ency was notified, pursuant to Department of Jus-
18 tice regulations, of a petition for executive clemency,
19 and whether such victim submitted a statement con-
20 cerning the petition.

21 **SEC. 109. PROCEDURES TO PROMOTE COMPLIANCE.**

22 (a) REGULATIONS.—Not later than 1 year after the
23 date of enactment of this Act, the Attorney General of
24 the United States shall promulgate regulations to enforce
25 the rights of victims of crime described in section 502 of

1 the Victims' Rights and Restitution Act of 1990 (42
2 U.S.C. 10606) and to ensure compliance by responsible
3 officials with the obligations described in section 503 of
4 that Act (42 U.S.C. 10607).

5 (b) CONTENTS.—The regulations promulgated under
6 subsection (a) shall—

7 (1) establish an administrative authority within
8 the Department of Justice to receive and investigate
9 complaints relating to the provision or violation of
10 the rights of a crime victim;

11 (2) require a course of training for employees
12 and offices of the Department of Justice that fail to
13 comply with provisions of Federal law pertaining to
14 the treatment of victims of crime, and otherwise as-
15 sist such employees and offices in responding more
16 effectively to the needs of victims;

17 (3) contain disciplinary sanctions, including
18 suspension or termination from employment, for em-
19 ployees of the Department of Justice who willfully or
20 wantonly fail to comply with provisions of Federal
21 law pertaining to the treatment of victims of crime;
22 and

23 (4) provide that the Attorney General, or the
24 designee of the Attorney General, shall be the final
25 arbiter of the complaint, and that there shall be no

1 judicial review of the final decision of the Attorney
2 General by a complainant.

3 **TITLE II—VICTIM ASSISTANCE**
4 **INITIATIVES**

5 **SEC. 201. PILOT PROGRAMS TO ENFORCE COMPLIANCE**
6 **WITH STATE CRIME VICTIM'S RIGHTS LAWS.**

7 (a) DEFINITIONS.—In this section:

8 (1) COMPLIANCE AUTHORITY.—The term “com-
9 pliance authority” means one of the compliance au-
10 thorities established and operated under a program
11 under subsection (b) to enforce the rights of victims
12 of crime.

13 (2) DIRECTOR.—The term “Director” means
14 the Director of the Office for Victims of Crime.

15 (3) OFFICE.—The term “Office” means the Of-
16 fice for Victims of Crime.

17 (b) PILOT PROGRAMS.—

18 (1) IN GENERAL.—Not later than 12 months
19 after the date of enactment of this Act, the Attorney
20 General, acting through the Director, shall establish
21 and carry out a program to provide for pilot pro-
22 grams in 5 States to establish and operate compli-
23 ance authorities to enforce the rights of victims of
24 crime.

25 (2) AGREEMENTS.—

1 (A) IN GENERAL.—The Attorney General,
 2 acting through the Director, shall enter into an
 3 agreement with a State to conduct a pilot pro-
 4 gram referred to in paragraph (1), which agree-
 5 ment shall provide for a grant to assist the
 6 State in carrying out the pilot program.

7 (B) CONTENTS OF AGREEMENT.—The
 8 agreement referred to in subparagraph (A)
 9 shall specify that—

10 (i) the compliance authority shall be
 11 established and operated in accordance
 12 with this section; and

13 (ii) except with respect to meeting ap-
 14 plicable requirements of this section con-
 15 cerning carrying out the duties of a com-
 16 pliance authority under this section (in-
 17 cluding the applicable reporting duties
 18 under subsection (f) and the terms of the
 19 agreement), a compliance authority shall
 20 operate independently of the Office.

21 (C) NO AUTHORITY OVER DAILY OPER-
 22 ATIONS.—The Office shall have no supervisory
 23 or decisionmaking authority over the day-to-day
 24 operations of a compliance authority.

25 (c) OBJECTIVES.—

1 (1) MISSION.—The mission of a compliance au-
2 thority established and operated under a pilot pro-
3 gram under this section shall be to promote compli-
4 ance and effective enforcement of State laws regard-
5 ing the rights of victims of crime.

6 (2) DUTIES.—A compliance authority estab-
7 lished and operated under a pilot program under
8 this section shall—

9 (A) receive and investigate complaints re-
10 lating to the provision or violation of the rights
11 of a crime victim; and

12 (B) issue findings following such investiga-
13 tions.

14 (3) OTHER DUTIES.—A compliance authority
15 established and operated under a pilot program
16 under this section may—

17 (A) pursue legal actions to define or en-
18 force the rights of victims;

19 (B) review procedures established by public
20 agencies and private organizations that provide
21 services to victims, and evaluate the delivery of
22 services to victims by such agencies and organi-
23 zations;

24 (C) coordinate and cooperate with other
25 public agencies and private organizations con-

cerned with the implementation, monitoring,
and enforcement of the rights of victims and
enter into cooperative agreements with such
agencies and organizations for the furtherance
of the rights of victims;

(D) ensure a centralized location for victim
services information;

(E) recommend changes in State policies
concerning victims, including changes in the
system for providing victim services;

(F) provide public education, legislative ad-
vocacy, and development of proposals for sys-
temic reform; and

(G) advertise to advise the public of its
services, purposes, and procedures.

(d) ELIGIBILITY.—To be eligible to receive a grant
under this section, a State shall submit an application to
the Director which includes assurances that—

(1) the State has provided legal rights to vic-
tims of crime at the adult and juvenile levels;

(2) a compliance authority that receives funds
under this section will include a role for—

(A) representatives of criminal justice
agencies, crime victim service organizations,
and the educational community;

1 (B) a medical professional whose work in-
2 cludes work in a hospital emergency room; and

3 (C) a therapist whose work includes treat-
4 ment of crime victims; and

5 (3) Federal funds received under this section
6 will be used to supplement, and not to supplant,
7 non-Federal funds that would otherwise be available
8 to enforce the rights of victims of crime.

9 (e) PREFERENCE.—In awarding grants under this
10 section, the Attorney General shall give preference to a
11 State that provides legal standing to prosecutors and vic-
12 tims of crime to assert the rights of victims of crime.

13 (f) OVERSIGHT.—

14 (1) TECHNICAL ASSISTANCE.—The Director
15 may provide technical assistance and training to a
16 State that receives a grant under this section to
17 achieve the purposes of this section.

18 (2) ANNUAL REPORT.—Each State that re-
19 ceives a grant under this section shall submit to the
20 Director, for each year in which funds from a grant
21 received under this section are expended, a report
22 that contains—

23 (A) a summary of the activities carried out
24 under the grant and an assessment of the effec-
25 tiveness of such activities in promoting compli-

1 ance and effective implementation of the laws of
2 that State regarding the rights of victims of
3 crime;

4 (B) a strategic plan for the year following
5 the year covered under subparagraph (A); and

6 (C) such other information as the Director
7 may require.

8 (g) REVIEW OF PROGRAM EFFECTIVENESS.—

9 (1) IN GENERAL.—The Director of the National
10 Institute for Justice shall conduct an evaluation of
11 the pilot programs carried out under this section to
12 determine the effectiveness of the compliance au-
13 thorities that are the subject of the pilot programs
14 in carrying out the mission and duties described in
15 subsection (c).

16 (2) REPORT.—Not later than 5 years after the
17 date of enactment of this Act, the Director of the
18 National Institute of Justice shall submit to the
19 Committee on the Judiciary of the House of Rep-
20 resentatives and the Committee on the Judiciary of
21 the Senate a written report on the results of the
22 evaluation required by paragraph (1).

23 (h) GRANT PERIOD.—A grant under this section
24 shall be made for a period not longer than 4 years, but

1 may be renewed for a period not to exceed 2 years on such
 2 terms as the Director may require.

3 (i) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There are authorized to be
 5 appropriated to carry out this section, to remain
 6 available until expended, \$8,000,000 for fiscal year
 7 2002 and such sums as may be necessary for fiscal
 8 years 2003, 2004, and 2005.

9 (2) EVALUATIONS.—Up to 5 percent of the
 10 amount authorized to be appropriated under para-
 11 graph (1) in any fiscal year may be used for admin-
 12 istrative expenses incurred in conducting the evalua-
 13 tions and preparing the report required by sub-
 14 section (g).

15 **SEC. 202. INCREASED RESOURCES TO DEVELOP STATE-OF-**
 16 **THE-ART SYSTEMS FOR NOTIFYING CRIME**
 17 **VICTIMS OF IMPORTANT DATES AND DEVEL-**
 18 **OPMENTS.**

19 The Victims of Crime Act of 1984 is amended by in-
 20 serting after section 1404C the following:

21 **“SEC. 1404D. VICTIM NOTIFICATION GRANTS.**

22 “(a) IN GENERAL.—The Director may make grants
 23 as provided in section 1404(c)(1)(A) to State, tribal, and
 24 local prosecutors’ offices, law enforcement agencies,
 25 courts, jails, and correctional institutions, and to qualified

1 private entities, to develop and implement state-of-the-art
 2 systems for notifying victims of crime of important dates
 3 and developments relating to the criminal proceedings at
 4 issue on a timely and efficient basis.

5 “(b) INTEGRATION OF SYSTEMS.—Systems developed
 6 and implemented under this section may be integrated
 7 with existing case management systems operated by the
 8 recipient of the grant.

9 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
 10 are authorized to be appropriated to carry out this section,
 11 in addition to funds made available by section
 12 1402(d)(4)(C)—

13 “(1) \$10,000,000 for fiscal year 2002;

14 “(2) \$5,000,000 for fiscal year 2003; and

15 “(3) \$5,000,000 for fiscal year 2004.

16 “(d) FALSE CLAIMS ACT.—Notwithstanding any
 17 other provision of law, amounts collected pursuant to sec-
 18 tions 3729 through 3731 of title 31, United States Code
 19 (commonly known as the ‘False Claims Act’), may be used
 20 for grants under this section.”.

21 **SEC. 203. RESTORATIVE JUSTICE GRANTS.**

22 The Victims of Crime Act of 1984 is amended by in-
 23 serting after section 1404D, as added by section 202 of
 24 this Act, the following:

1 **“SEC. 1404E. RESTORATIVE JUSTICE GRANTS.**

2 “(a) IN GENERAL.—The Director may make grants
3 as provided in section 1404(c)(1)(A) of this title to States,
4 units of local government, tribal governments, and quali-
5 fied private entities for the development and implementa-
6 tion of community-based restorative justice programs in
7 juvenile justice systems.

8 “(b) COMMUNITY-BASED RESTORATIVE JUSTICE
9 PROGRAM.—In this section, the term ‘community-based
10 restorative justice program’ means a program based upon
11 principles of restorative justice and a concern for main-
12 taining offenders safely in the community.

13 “(c) MISSION.—The mission of a program developed
14 and implemented under a grant under this section shall
15 be to—

16 “(1) protect the community through processes
17 in which individual victims, offenders, and the com-
18 munity are all active participants;

19 “(2) ensure accountability of the offenders to
20 their victims and community; and

21 “(3) equip offenders with the skills needed to
22 live responsibly and productively.

23 “(d) VOLUNTARY PROGRAMS.—A program funded
24 under this section shall be fully voluntary for both victims
25 and offenders.

11 “(g) FALSE CLAIMS ACT.—Notwithstanding any
12 other provision of law, amounts collected pursuant to sec-
13 tions 3729 through 3731 of title 31, United States Code
14 (commonly known as the ‘False Claims Act’), may be used
15 for grants under this section.”.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to enable the Attorney General, through the Director of the Office for Victims of Crime, to retain 400 full-time or full-time equivalent employees to serve as victim witness coordinators and victim witness advocates in Federal law enforcement agencies.

1 (b) VICTIMS ASSISTANCE.—Employees retained pur-
 2 suant to this section shall provide assistance to victims
 3 of criminal offenses investigated or prosecuted by a Fed-
 4 eral law enforcement agency and otherwise improve serv-
 5 ices for the benefit of crime victims in the Federal system.

6 (c) ALLOCATION OF EMPLOYEES.—Full-time and
 7 full-time equivalent employees retained pursuant to this
 8 section shall be assigned by the Director of the Office for
 9 Victims of Crime, as needed, in Federal law enforcement
 10 agencies, including—

11 (1) 170 to the United States Attorneys Offices;
 12 and

13 (2) 120 to the Federal Bureau of Investigation
 14 in field offices in Indian country (as defined in sec-
 15 tion 1151 of title 18, United States Code) and other
 16 field offices that handle investigations involving large
 17 numbers of victims, and in the Headquarters Divi-
 18 sions.

19 **TITLE III—VICTIMS OF CRIME** 20 **ACT AMENDMENTS**

21 **SEC. 301. CRIME VICTIMS FUND.**

22 (a) DEPOSIT OF GIFTS IN THE FUND.—Section
 23 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C.
 24 10601(b)) is amended—

1 (1) in paragraph (3), by striking “and” at the
2 end;

3 (2) in paragraph (4), by striking the period at
4 the end and inserting “; and”; and

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

6 “(5) any gifts, bequests, or donations to the
7 Fund from private entities or individuals.”.

8 (b) FORMULA FOR FUND DISTRIBUTIONS.—Section
9 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C.
10 10601(c)) is amended—

11 (1) in the second sentence—

12 (A) by striking “made available for obliga-
13 tion by Congress” and inserting “obligated”;
14 and

15 (B) by inserting “in reserve” after “shall
16 remain”; and

17 (2) by adding at the end the following: “Subject
18 to the availability of money in the Fund, the Direc-
19 tor shall make available pursuant to this Act, not
20 less than 90 percent nor more than 110 percent of
21 the total amount of funds made available for obliga-
22 tion in the previous fiscal year.”.

23 (c) FUNDING FOR VICTIM ASSISTANCE PER-
24 SONNEL.—Section 1402(d) of the Victims of Crime Act
25 of 1984 (42 U.S.C. 10601(d)) is repealed.

1 (d) ALLOCATION OF FUNDS FOR COSTS AND
 2 GRANTS.—Section 1402(d)(4) of the Victims of Crime Act
 3 of 1984 (42 U.S.C. 10601(d)(4)) is amended—

4 (1) in subparagraph (A), by striking “48.5”
 5 and inserting “47.5”;

6 (2) in subparagraph (B), by striking “48.5”
 7 and inserting “47.5”; and

8 (3) in subparagraph (C), by striking “3” and
 9 inserting “5”.

10 (e) ANTITERRORISM EMERGENCY RESERVE.—Sec-
 11 tion 1402(d)(5) of the Victims of Crime Act of 1984 (42
 12 U.S.C. 10601(d)(5)) is amended to read as follows:

13 “(4)(A) Notwithstanding subsection (c), the Di-
 14 rector may set aside up to \$50,000,000 from the
 15 amounts remaining in the Fund as an antiterrorism
 16 emergency reserve fund. The Director may replenish
 17 any amounts expended in subsequent fiscal years by
 18 setting aside up to 5 percent of the amounts remain-
 19 ing in the Fund in any fiscal year.

20 “(B) The antiterrorism emergency reserve re-
 21 ferred to in subparagraph (A) may be used for sup-
 22 plemental grants under section 1404B (42 U.S.C.
 23 10603b) and to provide compensation to victims of
 24 international terrorism under section 1404C (42
 25 U.S.C. 10603c).”.

1 **SEC. 302. CRIME VICTIM COMPENSATION.**

2 (a) ALLOCATION OF FUNDS FOR COMPENSATION
3 AND ASSISTANCE.—Section 1403(a) of the Victims of
4 Crime Act of 1984 (42 U.S.C. 10602(a)) is amended—

5 (1) in each of paragraphs (1) and (2), by strik-
6 ing “40” and inserting “60”; and

7 (2) in paragraph (3), by striking “5” and in-
8 serting “10”.

9 (b) RELATIONSHIP OF CRIME VICTIM COMPENSA-
10 TION TO MEANS-TESTED FEDERAL BENEFIT PRO-
11 GRAMS.—Section 1403 of the Victims of Crime Act of
12 1984 (42 U.S.C. 10602) is amended by striking subsection
13 (c) and inserting the following:

14 “(c) EXCLUSION FROM INCOME, RESOURCES, AND
15 ASSETS FOR PURPOSES OF MEANS TESTS.—Notwith-
16 standing any other law, for the purpose of any maximum
17 allowed income, resource, or asset eligibility requirement
18 in any Federal, State, or local government program using
19 Federal funds that provides medical or other assistance
20 (or payment or reimbursement of the cost of such assist-
21 ance), any amount of crime victim compensation that the
22 applicant receives through a crime victim compensation
23 program under this section shall not be included in the
24 income, resources, or assets of the applicant, nor shall that
25 amount reduce the amount of the assistance available to
26 the applicant from Federal, State, or local government

1 programs using Federal funds, unless the total amount of
 2 assistance that the applicant receives from all such pro-
 3 grams is sufficient to fully compensate the applicant for
 4 losses suffered as a result of the crime.”.

5 (c) CONFORMING AMENDMENT.—Section 1403(d)(4)
 6 of the Victims of Crime Act of 1984 (42 U.S.C.
 7 10602(d)(4)) is amended by inserting “the United States
 8 Virgin Islands,” after “the Commonwealth of Puerto
 9 Rico,”.

10 **SEC. 303. CRIME VICTIM ASSISTANCE.**

11 (a) ASSISTANCE FOR VICTIMS IN THE DISTRICT OF
 12 COLUMBIA, PUERTO RICO, AND OTHER TERRITORIES
 13 AND POSSESSIONS.—Section 1404(a) of the Victims of
 14 Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by
 15 adding at the end the following:

16 “(6) An agency of the Federal Government per-
 17 forming local law enforcement functions in and on
 18 behalf of the District of Columbia, the Common-
 19 wealth of Puerto Rico, the United States Virgin Is-
 20 lands, or any other territory or possession of the
 21 United States may qualify as an eligible crime victim
 22 assistance program for the purpose of grants under
 23 this subsection, or for the purpose of grants under
 24 subsection (c)(1).”.

1 (b) PROHIBITION ON DISCRIMINATION AGAINST CER-
 2 TAIN VICTIMS.—Section 1404(b)(1) of the Victims of
 3 Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended—

4 (1) in subparagraph (D), by striking “and” at
 5 the end;

6 (2) in subparagraph (E), by striking the period
 7 at the end and inserting “; and”; and

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

9 “(F) does not discriminate against victims
 10 because they oppose the death penalty or dis-
 11 agree with the way the State is prosecuting the
 12 criminal case.”.

13 (c) ADMINISTRATIVE COSTS FOR CRIME VICTIM AS-
 14 SISTANCE.—Section 1404(b)(3) of the Victims of Crime
 15 Act of 1984 (42 U.S.C. 10603(b)(3)) is amended by strik-
 16 ing “5” and inserting “10”.

17 (d) GRANTS FOR PROGRAM EVALUATION AND COM-
 18 PLIANCE EFFORTS.—Section 1404(c)(1)(A) of the Vic-
 19 tims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A))
 20 is amended by inserting “, program evaluation, compliance
 21 efforts,” after “demonstration projects”.

22 (e) FELLOWSHIPS AND CLINICAL INTERNSHIPS.—
 23 Section 1404(c)(3) of the Victims of Crime Act of 1984
 24 (42 U.S.C. 10603(c)(3)) is amended—

1 (1) in subparagraph (C), by striking “and” at
2 the end;

3 (2) in subparagraph (D), by striking the period
4 at the end and inserting “; and”; and

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

6 “(E) use funds made available to the Di-
7 rector under this subsection—

8 “(i) for fellowships and clinical intern-
9 ships; and

10 “(ii) to carry out programs of training
11 and special workshops for the presentation
12 and dissemination of information resulting
13 from demonstrations, surveys, and special
14 projects.”.

15 **SEC. 304. VICTIMS OF TERRORISM.**

16 (a) ASSISTANCE TO VICTIMS OF INTERNATIONAL
17 TERRORISM.—Section 1404B(a)(1) of the Victims of
18 Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended
19 by striking “who are not persons eligible for compensation
20 under title VIII of the Omnibus Diplomatic Security and
21 Antiterrorism Act of 1986”.

22 (b) COMPENSATION TO VICTIMS OF INTERNATIONAL
23 TERRORISM.—Section 1404C(b) of the Victims of Crime
24 of 1984 (42 U.S.C. 10603c(b)) is amended by adding at
25 the end the following: “The amount of compensation

1 awarded to a victim under this subsection shall be reduced
2 by any amount that the victim received in connection with
3 the same act of international terrorism under title VIII
4 of the Omnibus Diplomatic Security and Antiterrorism
5 Act of 1986.”.

