

108TH CONGRESS
1ST SESSION

H. R. 3381

To enhance the rights of crime victims, to establish grants for local governments to assist crime victims, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2003

Ms. NORTON introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on the Budget and Rules, 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 enhance the rights of crime victims, to establish grants for local governments to assist crime victims, 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 2003”.

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, discharge from psychiatric facility, and executive clemency.
- Sec. 107. 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. Grants to develop interdisciplinary coordinated service programs for victims of crime.
- Sec. 205. Grants for services to crime victims with special communication needs.

TITLE III—AMENDMENTS TO VICTIMS OF CRIME ACT OF 1984

- Sec. 301. Formula for distributions from the crime victims fund.
- Sec. 302. Clarification regarding antiterrorism emergency reserve.
- Sec. 303. Prohibition on diverting crime victims fund to offset increased spending.

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 and any other
 10 person whose safety, by reason of a relationship
 11 with the victim, may reasonably be threatened
 12 to receive reasonable protection from a sus-

1 pected offender and persons acting in concert
2 with or at the behest of the suspected offender;
3 and

4 “(B) consult with a victim and any other
5 person whose safety, by reason of a relationship
6 with the victim, may reasonably be threatened
7 prior to a detention hearing to obtain informa-
8 tion that can be presented to the court on the
9 issue of any threat the suspected offender may
10 pose to the safety of the victim.”.

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

14 (1) in section 3142—

15 (A) in subsection (g)—

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

18 (ii) by redesignating paragraph (4) as
19 paragraph (5); and

20 (iii) by inserting after paragraph (3)
21 the following:

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

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

24 “(k) VIEWS OF THE VICTIM.—During a hearing
25 under subsection (f), the judicial officer shall inquire of

1 the attorney for the Government if the victim and any
2 other person whose safety, by reason of a relationship with
3 the victim, may reasonably be threatened has been con-
4 sulted on the issue of detention and the views of such vic-
5 tim or other person, if any.”; and

6 (2) in section 3156(a)—

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

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

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

12 “(6) the term ‘victim’ includes all persons de-
13 fined as victims in section 503(e)(2) of the Victims’
14 Rights and Restitution Act of 1990 (42 U.S.C.
15 10607(e)(2)).”.

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

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

19 “(v) The interests of the victim (as defined in section
20 503(e)(2) of the Victims’ Rights and Restitution Act of
21 1990 (42 U.S.C. 10607(e)(2)) in the prompt and appro-
22 priate disposition of the case, free from unreasonable
23 delay.”.

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

2 (a) RIGHT TO CONSULT CONCERNING PLEA.—Sec-
3 tion 503(c) of the Victims’ Rights and Restitution Act of
4 1990 (42 U.S.C. 10607(c)) is amended—

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

7 (2) by inserting after paragraph (3) the fol-
8 lowing:

9 “(4) A responsible official shall make reason-
10 able efforts to notify a victim of, and consider the
11 views of a victim about, any proposed or con-
12 templated plea agreement. In determining what is
13 reasonable, the responsible official should consider
14 factors relevant to the wisdom and practicality of
15 giving notice and considering views in the context of
16 the particular case, including—

17 “(A) the impact on public safety and risks
18 to personal safety;

19 “(B) the number of victims and any other
20 persons whose safety, by reason of a relation-
21 ship with a victim, may reasonably be threat-
22 ened;

23 “(C) the need for confidentiality, including
24 whether the proposed plea involves confidential
25 information or conditions; and

1 “(D) whether time is of the essence in ne-
2 gotiating or entering a proposed plea.”.

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

6 (1) by redesignating subdivisions (g) and (h) as
7 subdivisions (h) and (i), respectively; and

8 (2) by inserting after subdivision (f) the fol-
9 lowing:

10 “(g) VIEWS OF THE VICTIM.—Notwithstanding the
11 acceptance of a plea of guilty, the court should not enter
12 a judgment upon such plea without making inquiry of the
13 attorney for the Government if the victim (as defined in
14 section 503(e)(2) of the Victims’ Rights and Restitution
15 Act of 1990) and any other person whose safety, by reason
16 of a relationship with the victim, may reasonably be
17 threatened has been consulted on the issue of the plea and
18 the views of such victim or other person, if any.”.

19 (c) EFFECTIVE DATE.—

20 (1) IN GENERAL.—The amendments made by
21 subsection (b) shall become effective as provided in
22 paragraph (3).

23 (2) ACTION BY JUDICIAL CONFERENCE.—

24 (A) RECOMMENDATIONS.—Not later than
25 180 days after the date of enactment of this

1 Act, the Judicial Conference of the United
2 States shall submit to Congress a report con-
3 taining recommendations for amending the
4 Federal Rules of Criminal Procedure to provide
5 enhanced opportunities for victims and any
6 other person whose safety, by reason of a rela-
7 tionship with a victim, may reasonably be
8 threatened to be heard on the issue of whether
9 or not the court should accept a plea of guilty
10 or nolo contendere.

11 (B) INAPPLICABILITY OF OTHER LAW.—
12 Chapter 131 of title 28, United States Code,
13 does not apply to any recommendation made by
14 the Judicial Conference of the United States
15 under this paragraph.

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

19 (A) submits a report in accordance with
20 paragraph (2) containing recommendations de-
21 scribed in that paragraph, and those rec-
22 ommendations are the same as the amendments
23 made by subsection (b), the amendments made
24 by subsection (b) shall become effective 30 days

1 after the date on which the recommendations
2 are submitted to Congress under paragraph (2);

3 (B) submits a report in accordance with
4 paragraph (2) containing recommendations de-
5 scribed in that paragraph, and those rec-
6 ommendations are different in any respect from
7 the amendments made by subsection (b), the
8 recommendations made pursuant to paragraph
9 (2) shall become effective 180 days after the
10 date on which the recommendations are sub-
11 mitted to Congress under paragraph (2), unless
12 an Act of Congress is passed overturning the
13 recommendations; and

14 (C) fails to comply with paragraph (2), the
15 amendments made by subsection (b) shall be-
16 come effective 360 days after the date of enact-
17 ment of this Act.

18 (4) APPLICATION.—Any amendment made pur-
19 suant to this section (including any amendment
20 made pursuant to the recommendations of the Judi-
21 cial Conference of the United States under para-
22 graph (2)) shall apply in any proceeding commenced
23 on or after the effective date of the amendment.

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

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

5 (1) by redesignating subsection (c) as sub-
6 section (e); and

7 (2) by inserting after subsection (b) the fol-
8 lowing:

9 “(c) APPLICATION TO TELEVISED PROCEEDINGS.—
10 This section applies to any victim viewing proceedings pur-
11 suant to section 235 of the Antiterrorism and Effective
12 Death Penalty Act of 1996 (42 U.S.C. 10608), or any
13 rule issued pursuant to that section.

14 “(d) STANDING.—

15 “(1) IN GENERAL.—At the request of any vic-
16 tim of an offense, the attorney for the Government
17 may assert the right of the victim under this section
18 to attend and observe the trial.

19 “(2) VICTIM STANDING.—If the attorney for
20 the Government declines to assert the right of a vic-
21 tim under this section, then the victim has standing
22 to assert such right.

23 “(3) APPELLATE REVIEW.—An adverse ruling
24 on a motion or request by an attorney for the Gov-
25 ernment or a victim under this subsection may be
26 appealed or petitioned under the rules governing ap-

1 pellate actions, provided that no appeal or petition
2 shall constitute grounds for unreasonably delaying a
3 criminal proceeding.”.

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

8 (1) by amending paragraph (4) to read as fol-
9 lows:

10 “(4) The right to be present at all public court
11 proceedings related to the offense, unless the court
12 determines that testimony by the victim at trial
13 would be materially affected if the victim heard the
14 testimony of other witnesses.”; and

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

17 **SEC. 105. ENHANCED PARTICIPATORY RIGHTS AT SEN-**
18 **TENCING.**

19 (a) VIEWS OF THE VICTIM.—Section 3553(a) of title
20 18, United States Code, is amended—

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

23 (2) by redesignating paragraph (7) as para-
24 graph (8); and

1 (3) by inserting after paragraph (6) the fol-
2 lowing:

3 “(7) the impact of the crime upon any victim
4 of the offense as reflected in any victim impact
5 statement and the views of any victim of the offense
6 concerning punishment, if such statement or views
7 are presented to the court; and”.

8 (b) ENHANCED RIGHT TO BE HEARD CONCERNING
9 SENTENCE.—Rule 32 of the Federal Rules of Criminal
10 Procedure is amended—

11 (1) in subdivision (c)(3)(E)—

12 (A) by striking “if the sentence is to be
13 imposed for a crime of violence or sexual
14 abuse,”; and

15 (B) by inserting “written or oral” before
16 “statement”; and

17 (2) by amending subdivision (f) to read as fol-
18 lows:

19 “(f) DEFINITION.—For purposes of this rule, the
20 term ‘victim’ means any individual against whom an of-
21 fense has been committed for which a sentence is to be
22 imposed, but the right of allocution under subdivision
23 (c)(3)(E) may be exercised instead by—

24 “(1) a parent or legal guardian, if the victim is
25 incompetent or has not reached 18 years of age; or

1 “(2) 1 or more family members or relatives or
2 any other person whose safety, by reason of a rela-
3 tionship with the victim, may reasonably be threat-
4 ened designated by the court, if the victim is de-
5 ceased or incapacitated,
6 if such person or persons are present at the sentencing
7 hearing, regardless of whether the victim is present.”.

8 (c) EFFECTIVE DATE.—

9 (1) IN GENERAL.—The amendments made by
10 subsection (b) shall become effective as provided in
11 paragraph (3).

12 (2) ACTION BY JUDICIAL CONFERENCE.—

13 (A) RECOMMENDATIONS.—Not later than
14 180 days after the date of enactment of this
15 Act, the Judicial Conference of the United
16 States shall submit to Congress a report con-
17 taining recommendations for amending the
18 Federal Rules of Criminal Procedure to provide
19 enhanced opportunities for victims to partici-
20 pate during the presentencing and sentencing
21 phase of the criminal process.

22 (B) INAPPLICABILITY OF OTHER LAW.—
23 Chapter 131 of title 28, United States Code,
24 does not apply to any recommendation made by

1 the Judicial Conference of the United States
2 under this paragraph.

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

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

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

1 (C) fails to comply with paragraph (2), the
2 amendments made by subsection (b) shall be-
3 come effective 360 days after the date of enact-
4 ment of this Act.

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

11 **SEC. 106. RIGHT TO NOTICE CONCERNING SENTENCE AD-**
12 **JUSTMENT, DISCHARGE FROM PSYCHIATRIC**
13 **FACILITY, AND EXECUTIVE CLEMENCY.**

14 (a) IN GENERAL.—Paragraph (6) of section 503(c)
15 of the Victims' Rights and Restitution Act of 1990 (42
16 U.S.C. 10607(c)), as redesignated by section 103 of this
17 Act, is amended to read as follows:

18 “(6) After trial, a responsible official shall pro-
19 vide a victim and any other person whose safety, by
20 reason of a relationship with the victim, may reason-
21 ably be threatened the earliest possible notice of—

22 “(A) the scheduling of a parole hearing or
23 a hearing on modification of probation or super-
24 vised release for the offender;

1 “(B) the escape, work release, furlough,
2 discharge or conditional discharge, or any other
3 form of release from custody of the offender, in-
4 cluding an offender who was found not guilty
5 by reason of insanity;

6 “(C) the grant of executive clemency, in-
7 cluding any pardon, reprieve, commutation of
8 sentence, or remission of fine, to the offender;
9 and

10 “(D) the death of the offender, if the of-
11 fender dies while in custody.”.

12 (b) REPORTING REQUIREMENT.—The Attorney Gen-
13 eral shall submit biannually to the Committees on the Ju-
14 diciary of the House of Representatives and the Senate
15 a report on executive clemency matters or cases delegated
16 for review or investigation to the Attorney General by the
17 President, including for each year—

18 (1) the number of petitions so delegated;

19 (2) the number of reports submitted to the
20 President;

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

23 (4) the name of each person whose petition for
24 executive clemency was granted or denied and the

1 offenses of conviction of that person for which execu-
2 tive clemency was granted or denied; and

3 (5) with respect to any person granted execu-
4 tive clemency, the date that any victim of an offense
5 that was the subject of that grant of executive clem-
6 ency was notified, pursuant to Department of Jus-
7 tice regulations, of a petition for executive clemency,
8 and whether such victim submitted a statement con-
9 cerning the petition.

10 **SEC. 107. PROCEDURES TO PROMOTE COMPLIANCE.**

11 (a) REGULATIONS.—Not later than 1 year after the
12 date of enactment of this Act, the Attorney General of
13 the United States shall promulgate regulations to enforce
14 the rights of victims of crime described in section 502 of
15 the Victims' Rights and Restitution Act of 1990 (42
16 U.S.C. 10606) and to ensure compliance by responsible
17 officials with the obligations described in section 503 of
18 that Act (42 U.S.C. 10607).

19 (b) CONTENTS.—The regulations promulgated under
20 subsection (a) shall—

21 (1) establish an administrative authority within
22 the Department of Justice to receive and investigate
23 complaints relating to the provision or violation of
24 the rights of a crime victim;

1 (2) require a course of training for employees
2 and offices of the Department of Justice that fail to
3 comply with provisions of Federal law pertaining to
4 the treatment of victims of crime, and otherwise as-
5 sist such employees and offices in responding more
6 effectively to the needs of victims;

7 (3) contain disciplinary sanctions, including
8 suspension or termination from employment, for em-
9 ployees of the Department of Justice who willfully or
10 wantonly fail to comply with provisions of Federal
11 law pertaining to the treatment of victims of crime;
12 and

13 (4) provide that the Attorney General, or the
14 designee of the Attorney General, shall be the final
15 arbiter of the complaint, and that there shall be no
16 judicial review of the final decision of the Attorney
17 General by a complainant.

18 **TITLE II—VICTIM ASSISTANCE** 19 **INITIATIVES**

20 **SEC. 201. PILOT PROGRAMS TO ENFORCE COMPLIANCE** 21 **WITH STATE CRIME VICTIM'S RIGHTS LAWS.**

22 (a) DEFINITIONS.—In this section, the following defi-
23 nitions shall apply:

24 (1) COMPLIANCE AUTHORITY.—The term “com-
25 pliance authority” means 1 of the compliance au-

1 thorities established and operated under a program
2 under subsection (b) to enforce the rights of victims
3 of crime.

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

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

8 (b) PILOT PROGRAMS.—

9 (1) IN GENERAL.—Not later than 12 months
10 after the date of enactment of this Act, the Attorney
11 General, acting through the Director, shall establish
12 and carry out a program to provide for pilot pro-
13 grams in 5 States to establish and operate compli-
14 ance authorities to enforce the rights of victims of
15 crime.

16 (2) AGREEMENTS.—

17 (A) IN GENERAL.—The Attorney General,
18 acting through the Director, shall enter into an
19 agreement with a State to conduct a pilot pro-
20 gram referred to in paragraph (1), which agree-
21 ment shall provide for a grant to assist the
22 State in carrying out the pilot program.

23 (B) CONTENTS OF AGREEMENT.—The
24 agreement referred to in subparagraph (A)
25 shall specify that—

1 (i) the compliance authority shall be
2 established and operated in accordance
3 with this section; and

4 (ii) except with respect to meeting ap-
5 plicable requirements of this section con-
6 cerning carrying out the duties of a com-
7 pliance authority under this section (in-
8 cluding the applicable reporting duties
9 under subsection (f) and the terms of the
10 agreement), a compliance authority shall
11 operate independently of the Office.

12 (C) NO AUTHORITY OVER DAILY OPER-
13 ATIONS.—The Office shall have no supervisory
14 or decisionmaking authority over the day-to-day
15 operations of a compliance authority.

16 (c) OBJECTIVES.—

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

22 (2) DUTIES.—A compliance authority estab-
23 lished and operated under a pilot program under
24 this section shall—

1 (A) receive and investigate complaints re-
2 relating to the provision or violation of the rights
3 of a crime victim; and

4 (B) issue findings following such investiga-
5 tions.

6 (3) OTHER DUTIES.—A compliance authority
7 established and operated under a pilot program
8 under this section may—

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

11 (B) review procedures established by public
12 agencies and private organizations that provide
13 services to victims, and evaluate the delivery of
14 services to victims by such agencies and organi-
15 zations;

16 (C) coordinate and cooperate with other
17 public agencies and private organizations con-
18 cerned with the implementation, monitoring,
19 and enforcement of the rights of victims and
20 enter into cooperative agreements with such
21 agencies and organizations for the furtherance
22 of the rights of victims;

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

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

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

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

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

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

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

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

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

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

23 (3) Federal funds received under this section
24 will be used to supplement, and not to supplant,

1 non-Federal funds that would otherwise be available
2 to enforce the rights of victims of crime.

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

7 (f) OVERSIGHT.—

8 (1) TECHNICAL ASSISTANCE.—The Director
9 may provide technical assistance and training to a
10 State that receives a grant under this section to
11 achieve the purposes of this section.

12 (2) ANNUAL REPORT.—Each State that re-
13 ceives a grant under this section shall submit to the
14 Director, for each year in which funds from a grant
15 received under this section are expended, a report
16 that contains—

17 (A) a summary of the activities carried out
18 under the grant;

19 (B) an assessment of the effectiveness of
20 such activities in promoting compliance and ef-
21 fective implementation of the laws of that State
22 regarding the rights of victims of crime;

23 (C) a strategic plan for the year following
24 the year covered under subparagraph (A); and

1 (D) such other information as the Director
2 may require.

3 (g) REVIEW OF PROGRAM EFFECTIVENESS.—

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

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

18 (h) DURATION.—A grant under this section shall be
19 made for a period not longer than 4 years, but may be
20 renewed for a period not to exceed 2 years on such terms
21 as the Director may require.

22 (i) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There are authorized to be
24 appropriated to carry out this section, to remain
25 available until expended—

1 (A) \$5,000,000 for fiscal year 2004; and

2 (B) such sums as may be necessary for
3 each of the fiscal years 2005 and 2006.

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

10 **SEC. 202. INCREASED RESOURCES TO DEVELOP STATE-OF-**
11 **THE-ART SYSTEMS FOR NOTIFYING CRIME**
12 **VICTIMS OF IMPORTANT DATES AND DEVEL-**
13 **OPMENTS.**

14 The Victims of Crime Act of 1984 (42 U.S.C. 10601
15 et seq.) is amended by inserting after section 1404C the
16 following:

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

18 “(a) IN GENERAL.—The Director may make grants
19 as provided in section 1404(c)(1)(A) to State, tribal, and
20 local prosecutors’ offices, law enforcement agencies,
21 courts, jails, and correctional institutions, and to qualified
22 private entities, to develop and implement state-of-the-art
23 systems for notifying victims of crime of important dates
24 and developments relating to the criminal proceedings at
25 issue on a timely and efficient basis.

1 “(b) INTEGRATION OF SYSTEMS.—Systems developed
2 and implemented under this section may be integrated
3 with existing case management systems operated by the
4 recipient of the grant.

5 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this sec-
7 tion—

8 “(1) \$10,000,000 for fiscal year 2004;

9 “(2) \$5,000,000 for fiscal year 2005; and

10 “(3) \$5,000,000 for fiscal year 2006.

11 “(d) 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.”.

16 **SEC. 203. RESTORATIVE JUSTICE GRANTS.**

17 (a) PURPOSES.—The purposes of this section are
18 to—

19 (1) hold juvenile offenders accountable for their
20 offenses, while ensuring the continuing safety of vic-
21 tims;

22 (2) involve victims and the community in the
23 juvenile justice process;

24 (3) obligate the offender to pay restitution to
25 the victim and to the community through community

1 service or through financial or other forms of res-
2 titution; and

3 (4) equip juvenile offenders with the skills need-
4 ed to live responsibly and productively.

5 (b) **AUTHORITY TO MAKE GRANTS.**—The Office of
6 Justice Programs of the Department of Justice shall make
7 grants, in accordance with such regulations as the Attor-
8 ney General may prescribe, to units of local governments,
9 tribal governments, and qualified private entities to estab-
10 lish restorative justice programs, such as victim and of-
11 fender mediation, family and community conferences, fam-
12 ily and group conferences, sentencing circles, restorative
13 panels, and reparative boards, as an alternative to, or in
14 addition to, incarceration.

15 (c) **PROGRAM CRITERIA.**—A program funded by a
16 grant made under this section shall—

17 (1) be fully voluntary by both the victim and
18 the offender (who must admit responsibility), once
19 the prosecuting agency has determined that the case
20 is appropriate for this program;

21 (2) include as a critical component account-
22 ability conferences, at which the victim will have the
23 opportunity to address the offender directly, to de-
24 scribe the impact of the offense against the victim,

1 and the opportunity to suggest possible forms of res-
2 titution;

3 (3) require that conferences be attended by the
4 victim, the offender and, when possible, the parents
5 or guardians of the offender, and the arresting offi-
6 cer; and

7 (4) provide an early, individualized assessment
8 and action plan to each juvenile offender in order to
9 prevent further criminal behavior through the devel-
10 opment of appropriate skills in the juvenile offender
11 so that the juvenile is more capable of living produc-
12 tively and responsibly in the community.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this sec-
15 tion—

16 (1) \$8,000,000 for fiscal year 2004; and

17 (2) \$4,000,000 for each of the fiscal years 2005
18 and 2006.

19 **SEC. 204. GRANTS TO DEVELOP INTERDISCIPLINARY CO-**
20 **ORDINATED SERVICE PROGRAMS FOR VIC-**
21 **TIMS OF CRIME.**

22 The Victims of Crime Act of 1984 (42 U.S.C. 10601
23 et seq.) is amended by inserting after section 1404D, as
24 added by section 202 of this Act, the following:

1 **“SEC. 1404E. INTERDISCIPLINARY COORDINATED SERVICE**
2 **PROGRAMS.**

3 “(a) IN GENERAL.—The Director is authorized to
4 award grants under section 1404(c)(1)(A) to States, tribal
5 governments, local governments, and qualified public or
6 private entities, to develop and implement interdisciplinary
7 coordinated service programs for victims of crime.

8 “(b) DEFINITIONS.—In this section, the following
9 definitions shall apply:

10 “(1) INTERDISCIPLINARY COORDINATED SERV-
11 ICE PROGRAM.—The term ‘interdisciplinary coordi-
12 nated service program’ means a case management
13 program that coordinates the various systems and
14 programs that impact or assist victims of crime, in-
15 cluding—

16 “(A) the criminal justice system;

17 “(B) public or private victim assistance or-
18 ganizations;

19 “(C) victim compensation programs;

20 “(D) public or private health care services;

21 “(E) public or private mental health serv-
22 ices;

23 “(F) community-based victim service orga-
24 nizations;

1 “(G) public or private educational services,
2 including preschool, after-school care, and child
3 care programs; and

4 “(H) other public or private sources of
5 services or assistance to victims of crime.

6 “(2) EMERGENCY INTERDISCIPLINARY COORDI-
7 NATED SERVICE PROGRAM.—The term ‘emergency
8 interdisciplinary coordinated service program’ means
9 an interdisciplinary coordinated service program that
10 responds to a community crisis.

11 “(3) COMMUNITY CRISIS.—The term ‘commu-
12 nity crisis’ means a single crime or multiple related
13 crimes that have a wide impact or serious con-
14 sequences on a community.

15 “(4) LEAD ENTITY.—

16 “(A) IN GENERAL.—The term ‘lead entity’
17 means the State, tribal government, local pros-
18 ecutor’s office, or qualified public or private en-
19 tity with experience working across disciplines
20 and agencies, that leads the interdisciplinary
21 coordinated service program or emergency
22 interdisciplinary coordinated service program.

23 “(B) RESPONSIBILITIES.—The lead entity
24 is responsible for distributing funds to any enti-
25 ties collaborating on the interdisciplinary co-

1 ordinated service program or emergency inter-
2 disciplinary coordinated service program, as
3 necessary.

4 “(c) MISSION.—The mission of a program developed
5 and implemented with a grant under this section shall be
6 to—

7 “(1) streamline access to services by victims of
8 crime;

9 “(2) eliminate barriers to services for victims of
10 crime;

11 “(3) coordinate client services across disciplines
12 to assure continuity of care, including the use of
13 technology to link service providers to each other;

14 “(4) improve how victims of crime experience
15 the criminal justice system in order to promote co-
16 operation and trust;

17 “(5) reduce duplication of effort in outreach
18 and provision of services to victims;

19 “(6) assist crime victims in avoiding unneces-
20 sary and repetitive interviewing, retelling of victim-
21 ization, and completion of applications; and

22 “(7) improve service delivery through client
23 input and feedback.

24 “(d) PREFERENCE.—In awarding grants under this
25 section, the Director shall give preference to lead entities

1 that collaborate with the most comprehensive coalition of
2 entities that impact or serve victims of crime.

3 “(e) OVERSIGHT.—

4 “(1) FUNDING PROPOSAL.—The proposed dis-
5 tribution of funding among the lead entity and any
6 collaborating entities shall be included in any grant
7 application for funding.

8 “(2) REPORT.—Each lead entity that receives a
9 grant under this section shall submit to the Direc-
10 tor, for each year in which funds from a grant under
11 this section are expended, a report assessing the ef-
12 fectiveness of the emergency interdisciplinary coordi-
13 nated service program or the interdisciplinary co-
14 ordinated service program.

15 “(f) REVIEW OF PROGRAM EFFECTIVENESS.—

16 “(1) IN GENERAL.—The Director of the Na-
17 tional Institute for Justice shall conduct an evalua-
18 tion of the emergency interdisciplinary coordinated
19 service programs and the interdisciplinary coordi-
20 nated service programs carried out under this sec-
21 tion to determine the effectiveness and cost effective-
22 ness of the programs in carrying out the mission
23 and duties described under subsection (c).

24 “(2) REPORT.—Not later than 5 years after the
25 date of enactment of this Act, the Director of the

1 National Institute of Justice shall submit, to the
2 Committees on the Judiciary of the House of Rep-
3 resentatives and the Senate, a written report on the
4 results of the evaluation required under paragraph
5 (1).

6 “(g) DURATION.—The Director shall award grants
7 under this section for a period not to exceed 4 years, but
8 may renew the grant for a period not to exceed 2 years
9 on such terms as the Director may reasonably require.

10 “(h) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) IN GENERAL.—There are authorized to be
12 appropriated, in addition to funds made available by
13 section 1402(d)(4)(C)—

14 “(A) \$6,000,000 for each of the fiscal
15 years 2004 through 2007 for emergency inter-
16 disciplinary service programs; and

17 “(B) \$14,000,000 for each of the fiscal
18 years 2004 through 2007 for interdisciplinary
19 service programs.

20 “(2) DEADLINES.—Funds appropriated for
21 emergency interdisciplinary service programs shall
22 be made available by the Director not later than 30
23 days after the date of the community crisis and dis-
24 tributed not later than 120 days after the date of
25 the community crisis.

1 “(3) TRANSFER OF UNEXPENDED FUNDS.—All
2 funds appropriated, but not expended, for emergency
3 interdisciplinary service programs during each fiscal
4 year shall be obligated to interdisciplinary service
5 programs for distribution in the subsequent fiscal
6 year and shall not be diverted to offset increased
7 spending.

8 “(4) EVALUATION.—Funds appropriated pursu-
9 ant to paragraph (1) may be used to carry out the
10 provisions under subsection (f).

11 “(5) MAINTENANCE OF EFFORT.—Funds ap-
12 propriated pursuant to this section shall be used to
13 supplement, and not supplant, non-Federal funds
14 that would otherwise be available to support inter-
15 disciplinary service programs and emergency inter-
16 disciplinary service programs.

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

1 **SEC. 205. GRANTS FOR SERVICES TO CRIME VICTIMS WITH**
2 **SPECIAL COMMUNICATION NEEDS.**

3 The Victims of Crime Act of 1984 (42 U.S.C. 10601
4 et seq.) is amended by inserting after section 1404E, as
5 added by section 204 of this Act, the following:

6 **“SEC. 1404F. SERVICES TO VICTIMS WITH SPECIAL COMMU-**
7 **NICATION NEEDS.**

8 “(a) IN GENERAL.—The Director is authorized to
9 award demonstration grants under section 1404(c)(1)(A)
10 to States, tribal governments, local governments, and
11 qualified public or private entities to support the extension
12 of services to victims with special communication needs.

13 “(b) MISSION.—The mission of a demonstration
14 grant awarded under this section shall be to expand the
15 capacity of victim service providers to serve crime victims
16 with special communication needs relating to limited
17 English proficiency, hearing loss, or developmental disabili-
18 ties.

19 “(c) USE OF FUNDS.—Activities funded under a
20 demonstration grant awarded under this section may in-
21 clude—

22 “(1) contracting with a telephonic interpreter
23 service to offer services to a specified pool of victim
24 service providers, at no additional cost to such serv-
25 ice providers or at a discounted rate;

26 “(2) the use of local interpreters;

1 “(3) the use of bilingual or multilingual victim
2 advocates or assistants;

3 “(4) foreign language classes and cultural com-
4 petency training for service providers;

5 “(5) translation of materials;

6 “(6) hearing assistance devices;

7 “(7) services to help individuals with develop-
8 mental disabilities understand court proceedings;

9 “(8) community outreach; and

10 “(9) other means to improve accessibility of vic-
11 tim services for crime victims with special commu-
12 nication needs.

13 “(d) TASK FORCES.—

14 “(1) IN GENERAL.—To be eligible to receive a
15 grant under this section, a State, tribal government,
16 local government, or qualified public or private enti-
17 ty shall have established a task force to study needs
18 and alternatives for promoting greater access to
19 services for crime victims with special communica-
20 tion needs.

21 “(2) MEMBERSHIP.—The task force referred to
22 in paragraph (1) shall be composed of representa-
23 tives of—

24 “(A) system and non-system based victim
25 service providers;

1 “(B) the predominant ethnic communities;
2 and

3 “(C) individuals with severe hearing loss or
4 developmental disabilities.

5 “(3) RECOMMENDATIONS.—Each task force re-
6 ferred to in paragraph (1) shall—

7 “(A) study the issues described under
8 paragraph (1) during the period of any grant
9 awarded; and

10 “(B) make specific recommendations for
11 expenditures by the grant recipient.

12 “(e) ANNUAL REPORT.—Each entity that receives a
13 grant under this section shall submit to the Director, for
14 each year in which funds from a grant received under this
15 section are expended, a report containing—

16 “(1) a summary of the activities carried out
17 under the grant;

18 “(2) an assessment of the effectiveness of such
19 activities in extending services to previously unserved
20 and underserved victims of crime;

21 “(3) a strategic plan for the year following the
22 year covered under paragraph (1); and

23 “(4) such other information as the Director
24 may require.

1 “(f) DURATION.—The Director shall award dem-
2 onstration grants under this section for a period not to
3 exceed 4 years, but may renew the grant for a period not
4 to exceed 2 years on such terms as the Director may rea-
5 sonably require.

6 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section,
8 which shall remain available until expended—

9 “(1) \$500,000 for fiscal year 2004; and

10 “(2) \$5,000,000 for each of the fiscal years
11 2005 through 2007.

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

17 **TITLE III—AMENDMENTS TO**
18 **VICTIMS OF CRIME ACT OF 1984**

19 **SEC. 301. FORMULA FOR DISTRIBUTIONS FROM THE CRIME**
20 **VICTIMS FUND.**

21 (a) FORMULA FOR FUND DISTRIBUTIONS.—Section
22 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C.
23 10601(c)) is amended to read as follows:

1 “(c) FUND DISTRIBUTION; RETENTION OF SUMS IN
2 FUND; AVAILABILITY FOR EXPENDITURE WITHOUT FIS-
3 CAL YEAR LIMITATION.—

4 “(1)(A) Except as provided in subparagraphs
5 (B) and (C), the total amount to be distributed from
6 the Fund in any fiscal year shall be not less than
7 105 percent nor more than 115 percent of the total
8 amount distributed from the Fund in the previous
9 fiscal year, provided that the amount shall at a min-
10 imum be sufficient to fully provide grants in accord-
11 ance with sections 1403(a)(1), 1404(a)(1), and
12 1404(c)(2).

13 “(B) In any fiscal year that there is an insuffi-
14 cient amount in the Fund to fully provide grants in
15 accordance with subparagraph (A), the amounts
16 made available for grants under sections 1403(a),
17 1404(a), and 1404(c) shall be reduced by an equal
18 percentage.

19 “(C) In any fiscal year that the total amount
20 available in the Fund is more than 2 times the total
21 amount distributed in the previous fiscal year, up to
22 125 percent of the amount distributed in the pre-
23 vious fiscal year may be distributed.

24 “(2) In each fiscal year, the Director shall dis-
25 tribute amounts from the Fund in accordance with

1 subsection (d). Notwithstanding any other provision
2 of law, all sums deposited in the Fund that are not
3 distributed shall remain in reserve in the Fund for
4 obligation in future fiscal years, without fiscal year
5 limitation.”.

6 (b) ESTABLISHMENT OF BASE AMOUNT FOR TOTAL
7 VICTIM ASSISTANCE GRANTS.—Section 1404(a)(1) of the
8 Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(1))
9 is amended—

10 (1) by inserting “(A)” after “(1)”; and

11 (2) by adding at the end the following:

12 “(B) Except as provided in section
13 1402(c)(1)(B), the total amount distributed to
14 States under this subsection in any fiscal year shall
15 not be less than the average amount distributed for
16 this purpose during the prior 3 fiscal years.”.

17 (c) ESTABLISHMENT OF BASE AMOUNT FOR OVC
18 DISCRETIONARY GRANTS.—Section 1404(c)(2) of the Vic-
19 tims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is
20 amended by inserting after “(2)” the following: “Except
21 as provided in section 1402(c)(1)(B), the amount available
22 for grants under this subsection in any fiscal year shall
23 not be less than the average amount available for this pur-
24 pose during the prior 3 fiscal years.”.

1 **SEC. 302. CLARIFICATION REGARDING ANTITERRORISM**
2 **EMERGENCY RESERVE.**

3 Section 1402(d)(5)(C) of the Victims of Crime Act
4 of 1984 (42 U.S.C. 10601(d)(5)(C)) is amended by insert-
5 ing “, and any amounts used to replenish such reserve,”
6 after “any such amounts carried over”.

7 **SEC. 303. PROHIBITION ON DIVERTING CRIME VICTIMS**
8 **FUND TO OFFSET INCREASED SPENDING.**

9 (a) PURPOSE.—The purpose of this section is to en-
10 sure that amounts deposited in the Crime Victims Fund
11 (as established by section 1402(a) of the Victims of Crime
12 Act of 1984 (42 U.S.C. 10601(a)) are distributed in a
13 timely manner to assist victims of crime as intended by
14 current law and are not diverted to offset increased spend-
15 ing.

16 (b) TREATMENT OF CRIME VICTIMS FUND.—Section
17 1402 of the Victims of Crime Act of 1984 (42 U.S.C.
18 10601) is amended by adding at the end the following:

19 “(h) For purposes of congressional points of order,
20 the Congressional Budget Act of 1974, and the Balanced
21 Budget and Emergency Deficit Control Act of 1985, any
22 limitation on spending from the Fund included in the
23 President’s budget or enacted in appropriations legislation
24 for fiscal year 2004 or any subsequent fiscal year shall
25 not be scored as discretionary savings.”

