

111TH CONGRESS  
1ST SESSION

# H. R. 3521

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2009

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

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. PROTECTION FOR VICTIMS OF SEX OFFENSES.**

6 (a) IN GENERAL.—For each fiscal year beginning  
7 after the expiration of the period specified in subsection

8 (b)(1) in which a State receives funds under the subpart

1 referred to in subsection (b)(2), the State shall have in  
2 effect throughout the State laws and policies that ensure  
3 that, with respect to criminal cases involving sex offenses  
4 (as defined by the State), protections similar to those of-  
5 fered to victims of domestic violence are extended to vic-  
6 tims of sex offenses who are not in a familiar or dating  
7 relationship with the perpetrators of such offenses. To  
8 demonstrate compliance with the preceding sentence, a  
9 State shall have in effect laws and policies that—

10           (1) expressly authorize judges and courts to  
11           issue, as a condition of bail, protective orders that  
12           prohibit a defendant charged with a sex offense from  
13           having any contact with the victim or with the vic-  
14           tim’s friends, co-workers, or relatives;

15           (2) permit judges and courts, after finding a  
16           defendant guilty of a sex offense, to order a continu-  
17           ation of a protective order described in paragraph  
18           (1), or to otherwise restrict a defendant’s contact  
19           with the victim, as a condition of bail, parole, proba-  
20           tion, or other supervised release; and

21           (3) provide judges and courts with the author-  
22           ity to grant or extend a protection order until fur-  
23           ther order of a judge or court, as an alternative to  
24           issuing protective orders that expire on a specific

1 date or upon termination of a sentence or period of  
2 supervised release.

3 (b) COMPLIANCE AND INELIGIBILITY.—

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

10 (2) INELIGIBILITY FOR FUNDS.—For any fiscal  
11 year after the expiration of the period specified in  
12 paragraph (1), a State that fails to fully implement  
13 this section, as determined by the Attorney General,  
14 shall not receive 10 percent of the funds that would  
15 otherwise be allocated for that fiscal year to the  
16 State under subpart 1 of part E of title I of the Om-  
17 nibus Crime Control and Safe Streets Act of 1968  
18 (42 U.S.C. 3750 et seq.).

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

24 (d) DEFINITION OF STATE.—In this section, The  
25 term “State” includes each of the several States, the Dis-

- 1 triet of Columbia, and any commonwealth, territory, or
- 2 possession of the United States.

