

113TH CONGRESS
2D SESSION

H. R. 5536

To encourage States to provide for enhanced sentencing penalties for persons convicted of committing, or attempting to commit, an act of domestic violence in the presence of minor children.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2014

Ms. JACKSON LEE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To encourage States to provide for enhanced sentencing penalties for persons convicted of committing, or attempting to commit, an act of domestic violence in the presence of minor children.

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 the “Domestic Violence En-
5 hanced Penalty Act of 2014” or as “Candace’s Law”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

1 (1) Approximately 1 in 4 women will experience
2 domestic violence during her lifetime and every year,
3 1 in 3 women who is a victim of homicide is mur-
4 dered by her current or former partner.

5 (2) Every year, more than 3 million children
6 witness domestic violence in their homes and chil-
7 dren who live in homes where there is domestic vio-
8 lence also suffer abuse or neglect at high rates.

9 (3) Children are more likely to intervene when
10 they witness severe violence against a parent, which
11 places them at great risk for injury or even death.

12 (4) Girls who witness domestic violence are
13 more vulnerable to abuse as teens and adults and
14 boys who witness domestic violence are more likely
15 to become adult abusers of their partners, their chil-
16 dren, or both, thus continuing the cycle of violence
17 in the next generation.

18 (5) Most domestic violence incidents are never
19 reported.

20 (6) Family members, close friends, co-workers,
21 and other persons close to a victim of domestic vio-
22 lence frequently observe things that lead to them to
23 suspect that their loved one or colleague is being
24 abused but do not feel they possess the knowledge
25 and skills needed to provide constructive assistance

1 that can make a real difference in the life of the vic-
2 tim.

3 (7) Domestic violence costs the national econ-
4 omy more than \$37 billion a year in law enforce-
5 ment involvement, legal work, medical and mental
6 health treatment, and lost productivity.

7 **SEC. 3. INCENTIVE FOR STATES TO ENACT ENHANCED SEN-**
8 **TENCING PROVISIONS FOR PERSONS CON-**
9 **VICTED OF COMMITTING ACT OF DOMESTIC**
10 **VIOLENCE IN THE PRESENCE OF A MINOR**
11 **CHILD.**

12 (a) IN GENERAL.—For each fiscal year after the ex-
13 piration of the period of implementation specified in sub-
14 section (b), a State shall provide by law enhanced sen-
15 tencing provisions for persons convicted of committing, or
16 attempting to commit, an act of domestic violence in the
17 presence of minor children.

18 (b) PERIOD FOR IMPLEMENTATION BY STATES.—

19 (1) DEADLINE.—Each State shall implement
20 this section before 2 years after the date of the en-
21 actment of this Act.

22 (2) EXTENSIONS.—The Attorney General may
23 authorize up to one 1-year extension of the deadline
24 in paragraph (1).

25 (c) FAILURE OF STATE TO COMPLY.—

1 (1) IN GENERAL.—For any fiscal year after the
2 end of the period for implementation under sub-
3 section (b), a State that fails, as determined by the
4 Attorney General, to substantially implement this
5 section shall not receive 20 percent of the funds that
6 would otherwise be allocated for that fiscal year to
7 the State under the Violence Against Women Act of
8 2000.

9 (2) STATE CONSTITUTIONALITY.—

10 (A) IN GENERAL.—When evaluating
11 whether a State has substantially implemented
12 this section, the Attorney General shall consider
13 whether the State is unable to substantially im-
14 plement this section because of a demonstrated
15 inability to implement certain provisions that
16 would place the State in violation of its con-
17 stitution, as determined by a ruling of the
18 State’s highest court.

19 (B) EFFORTS.—If the circumstances arise
20 under subparagraph (A), then the Attorney
21 General and the State shall make good faith ef-
22 forts to accomplish substantial implementation
23 of this section and to reconcile any conflicts be-
24 tween this section and the State’s constitution.
25 In considering whether compliance with the re-

1 quirements of this section would likely violate
2 the State's constitution or an interpretation
3 thereof by the State's highest court, the Attor-
4 ney General shall consult with the chief execu-
5 tive and chief legal officer of the State con-
6 cerning the State's interpretation of the State's
7 constitution and rulings thereon by the State's
8 highest court.

9 (C) ALTERNATIVE PROCEDURES.—If the
10 State is unable to substantially implement this
11 section because of a limitation imposed by the
12 State's constitution, the Attorney General may
13 determine that the State is in compliance with
14 this Act if the State has implemented, or is in
15 the process of implementing, reasonable alter-
16 native procedures or accommodations that are
17 consistent with the purposes of this Act.

18 (D) FUNDING REDUCTION.—If a State
19 does not comply with subparagraph (C), then
20 the State shall be subject to a funding reduc-
21 tion as specified in paragraph (1).

22 (3) REALLOCATION.—Amounts not allocated
23 under subpart 1 of part E of title I of the Omnibus
24 Crime Control and Safe Streets Act of 1968 (42
25 U.S.C. 3750 et seq.) to a State for failure to sub-

1 stantially implement this section shall be reallocated
2 under such subpart to States that have not failed to
3 substantially implement this section or may be re-
4 allocated to a State from which they were withheld
5 to be used solely for the purpose of implementing
6 this section.

7 (d) DEFINITION OF STATE.—In this section the term
8 “State” shall have the meaning given such term in section
9 901(a) of Omnibus Crime Control and Safe Streets Act
10 of 1968 (42 U.S.C. 3791(a) et seq.).

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