

114TH CONGRESS
2D SESSION

S. 2613

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2016

Referred to the Committee on the Judiciary

AN ACT

To reauthorize certain programs established by the Adam
Walsh Child Protection and Safety Act of 2006.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Adam Walsh Reau-
3 thorization Act of 2016”.

4 **SEC. 2. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA)**
5 **PROGRAM REAUTHORIZATION.**

6 Section 126(d) of the Adam Walsh Child Protection
7 and Safety Act of 2006 (42 U.S.C. 16926(d)) is amended
8 to read as follows:

9 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to the Attorney General
11 \$20,000,000 for each of fiscal years 2017 through 2018,
12 to be available only for—

13 “(1) the SOMA program; and

14 “(2) the Jessica Lunsford Address Verification
15 Grant Program established under section 631.”.

16 **SEC. 3. REAUTHORIZATION OF FEDERAL ASSISTANCE WITH**
17 **RESPECT TO VIOLATIONS OF REGISTRATION**
18 **REQUIREMENTS.**

19 Section 142(b) of the Adam Walsh Child Protection
20 and Safety Act of 2006 (42 U.S.C. 16941(b)) is amended
21 by striking “such sums as may be necessary for fiscal
22 years 2007 through 2009” and inserting “to the United
23 States Marshals Service \$61,300,000 for each of fiscal
24 years 2017 through 2018”.

1 **SEC. 4. ENSURING SUPERVISION OF RELEASED SEXUALLY**
 2 **DANGEROUS PERSONS.**

3 (a) PROBATION OFFICERS.—Section 3603 of title 18,
 4 United States Code, is amended in paragraph (8)(A) by
 5 striking “or 4246” and inserting “, 4246, or 4248”.

6 (b) PRETRIAL SERVICES OFFICERS.—Section 3154
 7 of title 18, United States Code, is amended in paragraph
 8 (12)(A) by striking “or 4246” and inserting “, 4246, or
 9 4248”.

10 **SEC. 5. SEXUAL ASSAULT SURVIVORS’ RIGHTS.**

11 (a) IN GENERAL.—Part II of title 18, United States
 12 Code, is amended by adding after chapter 237 the fol-
 13 lowing:

14 **“CHAPTER 238—SEXUAL ASSAULT**
 15 **SURVIVORS’ RIGHTS**

“Sec.
 “3772. Sexual assault survivors’ rights.

16 **“§ 3772. Sexual assault survivors’ rights**

17 “(a) RIGHTS OF SEXUAL ASSAULT SURVIVORS.—In
 18 addition to those rights provided in section 3771, a sexual
 19 assault survivor has the following rights:

20 “(1) The right not to be prevented from, or
 21 charged for, receiving a medical forensic examina-
 22 tion.

23 “(2) The right to—

1 “(A) subject to paragraph (3), have a sexual
2 assault evidence collection kit or its probative
3 contents preserved, without charge, for
4 the duration of the maximum applicable statute
5 of limitations or 20 years, whichever is shorter;

6 “(B) be informed of any result of a sexual
7 assault evidence collection kit, including a DNA
8 profile match, toxicology report, or other information
9 collected as part of a medical forensic
10 examination, if such disclosure would not impede
11 or compromise an ongoing investigation;
12 and

13 “(C) be informed in writing of policies governing
14 the collection and preservation of a sexual
15 assault evidence collection kit.

16 “(3) The right, if the Government intends to
17 destroy or dispose of a sexual assault evidence collection
18 kit or its probative contents before the expiration
19 of the applicable time period under paragraph
20 (2)(A), to—

21 “(A) upon written request, receive written
22 notification from the appropriate official with
23 custody not later than 60 days before the date
24 of the intended destruction or disposal; and

1 “(B) upon written request, be granted fur-
 2 ther preservation of the kit or its probative con-
 3 tents.

4 “(4) The right to be informed of the rights
 5 under this subsection.

6 “(b) APPLICABILITY.—Subsections (b) through (f) of
 7 section 3771 shall apply to sexual assault survivors.

8 “(c) DEFINITION OF SEXUAL ASSAULT.—In this sec-
 9 tion, the term ‘sexual assault’ means any nonconsensual
 10 sexual act proscribed by Federal, tribal, or State law, in-
 11 cluding when the victim lacks capacity to consent.

12 “(d) FUNDING.—This section, other than paragraphs
 13 (2)(A) and (3)(B) of subsection (a), shall be carried out
 14 using funds made available under section 1402(d)(3)(A)(i)
 15 of the Victims of Crime Act of 1984 (42 U.S.C.
 16 10601(d)(3)(A)(i)). No additional funds are authorized to
 17 be appropriated to carry out this section.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 19 The table of chapters for part II of title 18, United States
 20 Code, is amended by adding at the end the following:

“238. Sexual assault survivors’ rights 3772”.

21 (c) AMENDMENT TO VICTIMS OF CRIME ACT OF
 22 1984.—Section 1402(d)(3)(A)(i) of the Victims of Crime
 23 Act of 1984 (42 U.S.C. 10601(d)(3)(A)(i)) is amended by
 24 inserting after “section 3771” the following: “or section
 25 3772, as it relates to direct services,”.

1 **SEC. 6. SEXUAL ASSAULT SURVIVORS' NOTIFICATION**
2 **GRANTS.**

3 The Victims of Crime Act of 1984 is amended by
4 adding after section 1404E (42 U.S.C. 10603e) the fol-
5 lowing:

6 **"SEC. 1404F. SEXUAL ASSAULT SURVIVORS' NOTIFICATION**
7 **GRANTS.**

8 "(a) IN GENERAL.—The Attorney General may make
9 grants as provided in section 1404(c)(1)(A) to States to
10 develop and disseminate to entities described in subsection
11 (c)(1) of this section written notice of applicable rights
12 and policies for sexual assault survivors.

13 "(b) NOTIFICATION OF RIGHTS.—Each recipient of
14 a grant awarded under subsection (a) shall make its best
15 effort to ensure that each entity described in subsection
16 (c)(1) provides individuals who identify as a survivor of
17 a sexual assault, and who consent to receiving such infor-
18 mation, with written notice of applicable rights and poli-
19 cies regarding—

20 "(1) the right not to be charged fees for or oth-
21 erwise prevented from pursuing a sexual assault evi-
22 dence collection kit;

23 "(2) the right to have a sexual assault medical
24 forensic examination regardless of whether the sur-
25 vivor reports to or cooperates with law enforcement;

1 “(3) the availability of a sexual assault advoca-
2 cate;

3 “(4) the availability of protective orders and
4 policies related to their enforcement;

5 “(5) policies regarding the storage, preserva-
6 tion, and disposal of sexual assault evidence collec-
7 tion kits;

8 “(6) the process, if any, to request preservation
9 of sexual assault evidence collection kits or the pro-
10 bative evidence from such kits; and

11 “(7) the availability of victim compensation and
12 restitution.

13 “(c) DISSEMINATION OF WRITTEN NOTICE.—Each
14 recipient of a grant awarded under subsection (a) shall—

15 “(1) provide the written notice described in sub-
16 section (b) to medical centers, hospitals, forensic ex-
17 aminers, sexual assault service providers, State and
18 local law enforcement agencies, and any other State
19 agency or department reasonably likely to serve sex-
20 ual assault survivors; and

21 “(2) make the written notice described in sub-
22 section (b) publicly available on the Internet website
23 of the attorney general of the State.

24 “(d) PROVISION TO PROMOTE COMPLIANCE.—The
25 Attorney General may provide such technical assistance

1 and guidance as necessary to help recipients meet the re-
 2 quirements of this section.

3 “(e) INTEGRATION OF SYSTEMS.—Any system devel-
 4 oped and implemented under this section may be inte-
 5 grated with an existing case management system operated
 6 by the recipient of the grant if the system meets the re-
 7 quirements listed in this section.”.

8 **SEC. 7. WORKING GROUP.**

9 (a) IN GENERAL.—The Attorney General, in con-
 10 sultation with the Secretary of Health and Human Serv-
 11 ices (referred to in this section as the “Secretary”), shall
 12 establish a joint working group (referred to in this section
 13 as the “Working Group”) to develop, coordinate, and dis-
 14 seminate best practices regarding the care and treatment
 15 of sexual assault survivors and the preservation of forensic
 16 evidence.

17 (b) CONSULTATION WITH STAKEHOLDERS.—The
 18 Working Group shall consult with—

19 (1) stakeholders in law enforcement, prosecu-
 20 tion, forensic laboratory, counseling, forensic exam-
 21 iner, medical facility, and medical provider commu-
 22 nities; and

23 (2) representatives of not less than 3 entities
 24 with demonstrated expertise in sexual assault pre-
 25 vention, sexual assault advocacy, or representation

1 of sexual assault victims, of which not less than 1
2 representative shall be a sexual assault victim.

3 (c) MEMBERSHIP.—The Working Group shall be
4 composed of governmental or nongovernmental agency
5 heads at the discretion of the Attorney General, in con-
6 sultation with the Secretary.

7 (d) DUTIES.—The Working Group shall—

8 (1) develop recommendations for improving the
9 coordination of the dissemination and implementa-
10 tion of best practices and protocols regarding the
11 care and treatment of sexual assault survivors and
12 the preservation of evidence to hospital administra-
13 tors, physicians, forensic examiners, and other med-
14 ical associations and leaders in the medical commu-
15 nity;

16 (2) encourage, where appropriate, the adoption
17 and implementation of best practices and protocols
18 regarding the care and treatment of sexual assault
19 survivors and the preservation of evidence among
20 hospital administrators, physicians, forensic exam-
21 iners, and other medical associations and leaders in
22 the medical community;

23 (3) develop recommendations to promote the co-
24 ordination of the dissemination and implementation
25 of best practices regarding the care and treatment of

1 sexual assault survivors and the preservation of evi-
2 dence to State attorneys general, United States at-
3 torneys, heads of State law enforcement agencies, fo-
4 rensic laboratory directors and managers, and other
5 leaders in the law enforcement community;

6 (4) develop and implement, where practicable,
7 incentives to encourage the adoption or implementa-
8 tion of best practices regarding the care and treat-
9 ment of sexual assault survivors and the preserva-
10 tion of evidence among State attorneys general,
11 United States attorneys, heads of State law enforce-
12 ment agencies, forensic laboratory directors and
13 managers, and other leaders in the law enforcement
14 community;

15 (5) collect feedback from stakeholders, practi-
16 tioners, and leadership throughout the Federal and
17 State law enforcement, victim services, forensic
18 science practitioner, and health care communities to
19 inform development of future best practices or clin-
20 ical guidelines regarding the care and treatment of
21 sexual assault survivors; and

22 (6) perform other activities, such as activities
23 relating to development, dissemination, outreach, en-
24 gagement, or training associated with advancing vic-
25 tim-centered care for sexual assault survivors.

1 (e) REPORT.—Not later than 2 years after the date
2 of enactment of this Act, the Working Group shall submit
3 to the Attorney General, the Secretary, and Congress a
4 report containing the findings and recommended actions
5 of the Working Group.

6 **SEC. 8. CIVIL REMEDY FOR SURVIVORS OF CHILD SEXUAL**
7 **EXPLOITATION AND HUMAN TRAFFICKING.**

8 Section 2255(b) of title 18, United States Code, is
9 amended—

10 (1) by striking “three years” and inserting “10
11 years”; and

12 (2) by inserting “ends” before the period at the
13 end.

Passed the Senate May 23, 2016.

Attest: JULIE E. ADAMS,
Secretary.