

116TH CONGRESS
1ST SESSION

S. 2397

To authorize the Attorney General to make grants to State and Tribal courts in order to allow the electronic service of certain court orders, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2019

Mr. SULLIVAN (for himself and Mr. COONS) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To authorize the Attorney General to make grants to State and Tribal courts in order to allow the electronic service of certain court orders, 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.**

4 This Act may be cited as the “Electronic Service for
5 Effectiveness, Reduction of Violence, and Improved Court
6 Efficiency Act of 2019” or the “E-SERVICE Act”.

1 **SEC. 2. GRANTS TO STATE AND TRIBAL COURTS TO IMPLE-**
 2 **MENT PROTECTION ORDER PILOT PRO-**
 3 **GRAMS.**

4 Part U of title I of the Omnibus Crime Control and
 5 Safe Streets Act of 1968 (34 U.S.C. 10461 et seq.) is
 6 amended—

7 (1) by redesignating sections 2103, 2104, and
 8 2105 as sections 2104, 2105, and 2106, respectively;
 9 and

10 (2) by inserting after section 2102 the fol-
 11 lowing:

12 **“SEC. 2103. GRANTS TO STATE AND TRIBAL COURTS TO IM-**
 13 **PLEMENT PROTECTION ORDER PILOT PRO-**
 14 **GRAMS.**

15 “(a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
 16 tion, the term ‘eligible entity’ means a State or tribal court
 17 that is part of a multidisciplinary partnership that in-
 18 cludes, to the extent practicable—

19 “(1) State, tribal, or local law enforcement
 20 agency;

21 “(2) a State, tribal, or local prosecutor advocate
 22 group;

23 “(3) a victim service provider or State or tribal
 24 domestic violence coalition;

25 “(4) a nonprofit program or government agency
 26 with demonstrated experience in providing legal as-

1 sistance or legal advice to victims of domestic vio-
 2 lence and sexual assault;

3 “(5) the bar association of the applicable State
 4 or Indian Tribe;

5 “(6) the State or tribal association of court
 6 clerks;

7 “(7) a State, tribal, or local association of
 8 criminal defense attorneys;

9 “(8) not fewer than 2 individuals with expertise
 10 in the design and management of court case man-
 11 agement systems and systems of integration;

12 “(9) not fewer than 2 State or tribal court
 13 judges with experience in—

14 “(A) the field of domestic violence; and

15 “(B) issuing protective orders; and

16 “(10) a judge assigned to the criminal docket of
 17 the State or tribal court.

18 “(b) GRANTS AUTHORIZED.—

19 “(1) IN GENERAL.—In addition to grants au-
 20 thorized under section 2101, the Attorney General
 21 shall make grants to eligible entities to carry out the
 22 activities described in subsection (c) of this section.

23 “(2) NUMBER.—The Attorney General may
 24 award not more than 10 grants under paragraph
 25 (1).

1 “(3) AMOUNT.—The amount of a grant award-
2 ed under paragraph (1) may be not more than
3 \$1,500,000.

4 “(c) MANDATORY ACTIVITIES.—

5 “(1) IN GENERAL.—An eligible entity that re-
6 ceives a grant under this section shall use the grant
7 funds, in consultation with the partners required
8 under subsection (a), to—

9 “(A) develop and implement a program for
10 properly and legally serving protection orders
11 through electronic communication methods to—

12 “(i) modernize the service process and
13 make the process more effective and effi-
14 cient;

15 “(ii) provide for improved safety of
16 victims; and

17 “(iii) make protection orders enforce-
18 able as quickly as possible;

19 “(B) develop best practices relating to the
20 service of protection orders through electronic
21 communication methods;

22 “(C) ensure that the program developed
23 under subparagraph (A) complies with due
24 process requirements and any other procedures
25 required by law or by a court; and

1 “(D) implement any technology necessary
2 to carry out the program developed under sub-
3 paragraph (A), such as technology to verify and
4 track the receipt of a protection order by the
5 intended party.

6 “(2) TIMELINE.—An eligible entity that re-
7 ceives a grant under this section shall—

8 “(A) implement the program required
9 under paragraph (1)(A) not later than 2 years
10 after receiving the grant; and

11 “(B) carry out the program for not fewer
12 than 3 years.

13 “(d) DIVERSITY OF RECIPIENTS.—The Attorney
14 General shall award grants under this section to eligible
15 entities in a variety of areas and situations, including—

16 “(1) a State court that serves a population of
17 not fewer than 1,000,000 individuals;

18 “(2) a State court that—

19 “(A) serves a State that is among the 7
20 States with the lowest population density in the
21 United States; and

22 “(B) has a relatively low rate of successful
23 service with respect to protection orders, as de-
24 termined by the Attorney General;

25 “(3) a State court that—

1 “(A) serves a State that is among the 7
2 States with the highest population density in
3 the United States; and

4 “(B) has a relatively low rate of successful
5 service with respect to protection orders, as de-
6 termined by the Attorney General;

7 “(4) a court that uses an integrated, statewide
8 case management system;

9 “(5) a court that uses a standalone case man-
10 agement system;

11 “(6) a tribal court; and

12 “(7) a court that serves a culturally specific
13 and underserved population.

14 “(e) APPLICATION.—

15 “(1) IN GENERAL.—An eligible entity shall sub-
16 mit an application to the Attorney General that in-
17 cludes—

18 “(A) a description of the process that the
19 eligible entity uses for service of protection or-
20 ders at the time of submission of the applica-
21 tion;

22 “(B) to the extent practicable, statistics re-
23 lating to protection orders during the 3 cal-
24 endar years preceding the date of submission of
25 the application, including rates of—

1 “(i) successful service; and

2 “(ii) enforcement;

3 “(C) an initial list of the entities serving as
4 the partners required under subsection (a); and

5 “(D) any other information the Attorney
6 General may reasonably require.

7 “(2) NO OTHER APPLICATION REQUIRED.—An
8 eligible entity shall not be required to submit an ap-
9 plication under section 2102 to receive a grant
10 under this section.

11 “(f) TECHNICAL ASSISTANCE.—Notwithstanding sec-
12 tion 40002(b)(11) of the Violence Against Women Act of
13 1994 (34 U.S.C. 12291(b)(11)), as applied under section
14 2106 of this part, not less than 5 percent and not more
15 than 8 percent of the total amounts appropriated to carry
16 out this section shall be available to the Attorney General
17 for technical assistance relating to the purposes of this
18 section.

19 “(g) REPORT TO ATTORNEY GENERAL.—

20 “(1) INITIAL REPORT.—Not later than 2 years
21 after receiving a grant under this section, an eligible
22 entity shall submit to the Attorney General a report
23 that details the plan of the entity for implementation
24 of the program under subsection (c).

25 “(2) SUBSEQUENT REPORTS.—

“(A) IN GENERAL.—Not later than 1 year after implementing the program under subsection (c), and not later than 2 years thereafter, an eligible entity shall submit to the Attorney General a report that describes the program implemented under subsection (c), including with respect to—

“(i) viability;

“(ii) cost;

“(iii) service statistics;

“(iv) challenges;

“(v) analysis of the technology used to fulfill the goals of the program;

“(vi) analysis of any legal or due process issues resulting from the electronic service method described in subsection (c)(1)(A); and

“(vii) best practices for implementing such a program in other similarly situated locations.

“(B) CONTENTS OF FINAL REPORT.—An eligible entity shall include in the second report submitted under subparagraph (A) recommendations for—

1 “(i) future nationwide implementation
2 of the program implemented by the eligible
3 entity; and

4 “(ii) usage of electronic service, simi-
5 lar to the service used by the eligible enti-
6 ty, for other commonly used court orders,
7 including with respect to viability and cost.

8 “(h) NO REGULATIONS OR GUIDELINES RE-
9 QUIRED.—Notwithstanding section 2105, the Attorney
10 General shall not be required to publish regulations or
11 guidelines implementing this section.

12 “(i) AUTHORIZATION OF APPROPRIATIONS.—In addi-
13 tion to amounts otherwise made available to carry out this
14 part, there is authorized to be appropriated to carry out
15 this section \$10,000,000 for fiscal years 2019 through
16 2024.”.

○