

“section 10461(c)(4) of this title”, was redesignated section 10461(c)(1)(D) of this title by Pub. L. 113-4, title I, §102(a)(1)(B)(vi), Mar. 7, 2013, 127 Stat. 72.

CODIFICATION

Section was formerly classified to section 3796hh-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

AMENDMENTS

2013—Subsec. (a)(1). Pub. L. 113-4, §102(a)(2)(A), inserted “court,” after “tribal government,” in introductory provisions.

Subsec. (a)(4). Pub. L. 113-4, §102(a)(2)(B), substituted “victim service providers and, as appropriate, population specific organizations” for “nonprofit, private sexual assault and domestic violence programs”.

2006—Subsec. (b)(1), (2). Pub. L. 109-162 inserted “, dating violence, sexual assault, or stalking” after “involving domestic violence”.

2000—Subsec. (a)(1)(B). Pub. L. 106-386, §1101(b)(3), inserted before semicolon “or, in the case of the condition set forth in subsection 3796hh(c)(4) of this title, the expiration of the 2-year period beginning on October 28, 2000”.

Subsec. (b)(1). Pub. L. 106-386, §1101(a)(3)(A)(i), struck out “and” at the end.

Subsec. (b)(2). Pub. L. 106-386, §1101(a)(3)(A)(ii), substituted “, including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);” for period at end.

Subsec. (b)(3), (4). Pub. L. 106-386, §1101(a)(3)(A)(iii), added pars. (3) and (4).

Subsec. (c). Pub. L. 106-386, §1101(a)(3)(B), added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-162 not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109-162, set out as a note under section 10261 of this title.

§ 10462a. Grants to State and Tribal courts to implement protection order pilot programs

(a) Definition of eligible entity

In this section, the term “eligible entity” means a State or Tribal court that is part of a multidisciplinary partnership that includes, to the extent practicable—

- (1) a State, Tribal, or local law enforcement agency;
- (2) a State, Tribal, or local prosecutor’s office;
- (3) a victim service provider or State or Tribal domestic violence coalition;
- (4) a provider of culturally specific services;
- (5) a nonprofit program or government agency with demonstrated experience in providing legal assistance or legal advice to victims of domestic violence and sexual assault;
- (6) the bar association of the applicable State or Indian Tribe;
- (7) the State or Tribal association of court clerks;

(8) a State, Tribal, or local association of criminal defense attorneys;

(9) not fewer than 2 individuals with expertise in the design and management of court case management systems and systems of integration;

(10) not fewer than 2 State or Tribal court judges with experience in—

- (A) the field of domestic violence; and
- (B) issuing protective orders; and

(11) a judge assigned to the criminal docket of the State or Tribal court.

(b) Grants authorized

(1) In general

The Attorney General shall make grants to eligible entities to carry out the activities described in subsection (c) of this section.

(2) Number

The Attorney General may award not more than 10 grants under paragraph (1).

(3) Amount

The amount of a grant awarded under paragraph (1) may be not more than \$1,500,000.

(c) Mandatory activities

(1) In general

An eligible entity that receives a grant under this section shall use the grant funds, in consultation with the partners of the eligible entity described in subsection (a), to—

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

(i) modernize the service process and make the process more effective and efficient;

(ii) provide for improved safety of victims; and

(iii) make protection orders enforceable as quickly as possible;

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

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

(D) implement any technology necessary to carry out the program developed under subparagraph (A), such as technology to verify and track the receipt of a protection order by the intended party.

(2) Timeline

An eligible entity that receives a grant under this section shall—

(A) implement the program required under paragraph (1)(A) not later than 2 years after the date on which the eligible entity receives the grant; and

(B) carry out the program required under paragraph (1)(A) for not fewer than 3 years.

(d) Diversity of recipients

The Attorney General shall award grants under this section to eligible entities in a variety of areas and situations, including, to the extent practicable—

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

(2) a State court that—

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

(B) has a relatively low rate of successful service with respect to protection orders, as determined by the Attorney General;

(3) a State court that—

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

(B) has a relatively low rate of successful service with respect to protection orders, as determined by the Attorney General;

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

(5) a court that uses a standalone case management system;

(6) a Tribal court; and

(7) a court that primarily serves a culturally specific and underserved population.

(e) Application

(1) In general

An eligible entity desiring a grant under this section shall submit to the Attorney General an application that includes—

(A) a description of the process that the eligible entity uses for service of protection orders at the time of submission of the application;

(B) to the extent practicable, statistics relating to protection orders during the 3 calendar years preceding the date of submission of the application, including rates of—

- (i) successful service; and
- (ii) enforcement;

(C) an initial list of the entities serving as the partners of the eligible entity described in subsection (a); and

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

(2) No other application required

An eligible entity shall not be required to submit an application under section 10462 of this title to receive a grant under this section.

(f) Report to Attorney General

(1) Initial report

Not later than 2 years after the date on which an eligible entity receives a grant under this section, the eligible entity shall submit to the Attorney General a report that details the plan of the eligible entity for implementation of the program under subsection (c).

(2) Subsequent reports

(A) In general

Not later than 1 year after the date on which an eligible entity implements a program under subsection (c), and not later than 2 years thereafter, the eligible entity shall submit to the Attorney General a report that describes the program, including, with respect to the program—

- (i) the viability;
- (ii) the cost;

(iii) service statistics;

(iv) the challenges;

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

(vi) an 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—

(i) future nationwide implementation of the program implemented by the eligible entity; and

(ii) usage of electronic service, similar to the service used by the eligible entity, for other commonly used court orders, including with respect to viability and cost.

(g) No regulations or guidelines required

Notwithstanding section 10464 of this title, the Attorney General shall not be required to publish regulations or guidelines implementing this section.

(h) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$10,000,000 for fiscal years 2023 through 2027.

(Pub. L. 90-351, title I, §2103, as added Pub. L. 117-103, div. W, title XV, §1506(2), Mar. 15, 2022, 136 Stat. 957.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2103 of Pub. L. 90-351 was renumbered section 2104 and is classified to section 10463 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as a note under section 6851 of Title 15, Commerce and Trade.

§ 10463. Reports

Each grantee receiving funds under this subchapter shall submit a report to the Attorney General evaluating the effectiveness of projects developed with funds provided under this subchapter and containing such additional information as the Attorney General may prescribe.

(Pub. L. 90-351, title I, §2104, formerly §2103, as added Pub. L. 103-322, title IV, §40231(a)(3), Sept. 13, 1994, 108 Stat. 1933; renumbered §2104, Pub. L. 117-103, div. W, title XV, §1506(1), Mar. 15, 2022, 136 Stat. 956.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 3796hh-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.