

## AMENDMENTS

2000—Par. (10). Pub. L. 106-386, §1406(d)(2)(A), inserted “and dating violence (as defined in section 3796gg-2 of this title)” before the semicolon.

Par. (11). Pub. L. 106-386, §1406(d)(2)(B), inserted “and dating violence” after “domestic violence”.

Par. (13). Pub. L. 106-386, §1406(d)(2)(C), inserted “and dating violence” after “domestic violence” in two places.

Par. (17). Pub. L. 106-386, §1406(d)(2)(D), inserted “or dating violence” after “domestic violence” in two places.

Par. (18). Pub. L. 106-386, §1406(d)(2)(E), inserted “and dating violence” after “domestic violence”.

Pars. (20) to (22). Pub. L. 106-386, §1406(a)(1), added pars. (20) to (22).

### § 12373. Cooperation in developing programs in making grants under this part

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this part are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, including national, State, tribal, and local domestic violence and sexual assault programs and coalitions, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

(Pub. L. 103-322, title IV, §40413, Sept. 13, 1994, 108 Stat. 1944; Pub. L. 106-386, div. B, title IV, §1406(c)(1), Oct. 28, 2000, 114 Stat. 1516.)

## Editorial Notes

## CODIFICATION

Section was formerly classified to section 13993 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

2000—Pub. L. 106-386 inserted “, including national, State, tribal, and local domestic violence and sexual assault programs and coalitions” after “victim advocates”.

#### SUBPART 2—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS

### § 12381. Authorization of circuit studies; education and training grants

#### (a) Studies

In order to gain a better understanding of the nature and the extent of gender bias in the Federal courts, the circuit judicial councils are encouraged to conduct studies of the instances, if any, of gender bias in their respective circuits and to implement recommended reforms.

#### (b) Matters for examination

The studies under subsection (a) may include an examination of the effects of gender on—

- (1) the treatment of litigants, witnesses, attorneys, jurors, and judges in the courts, including before magistrate and bankruptcy judges;
- (2) the interpretation and application of the law, both civil and criminal;
- (3) treatment of defendants in criminal cases;
- (4) treatment of victims of violent crimes in judicial proceedings;

(5) sentencing;

(6) sentencing alternatives and the nature of supervision of probation and parole;

(7) appointments to committees of the Judicial Conference and the courts;

(8) case management and court sponsored alternative dispute resolution programs;

(9) the selection, retention, promotion, and treatment of employees;

(10) appointment of arbitrators, experts, and special masters;

(11) the admissibility of the victim’s past sexual history in civil and criminal cases; and

(12) the aspects of the topics listed in section 12372 of this title that pertain to issues within the jurisdiction of the Federal courts.

#### (c) Clearinghouse

The Administrative Office of the United States Courts shall act as a clearinghouse to disseminate any reports and materials issued by the gender bias task forces under subsection (a) and to respond to requests for such reports and materials. The gender bias task forces shall provide the Administrative Office of the Courts of the United States<sup>1</sup> with their reports and related material.

#### (d) Continuing education and training programs

The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, shall include in the educational programs it prepares, including the training programs for newly appointed judges, information on the aspects of the topics listed in section 12372 of this title that pertain to issues within the jurisdiction of the Federal courts, and shall prepare materials necessary to implement this subsection.

(Pub. L. 103-322, title IV, §40421, Sept. 13, 1994, 108 Stat. 1944; Pub. L. 106-386, div. B, title IV, §1406(b)(1), Oct. 28, 2000, 114 Stat. 1516.)

## Editorial Notes

## CODIFICATION

Section was formerly classified to section 14001 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

2000—Subsec. (d). Pub. L. 106-386 amended heading and text of subsec. (d) generally, substituting provisions relating to continuing education and training programs for provisions relating to model programs.

#### PART E—VIOLENCE AGAINST WOMEN ACT IMPROVEMENTS

### § 12391. Payment of cost of testing for sexually transmitted diseases

#### (a) Omitted

#### (b) Limited testing of defendants

##### (1) Court order

The victim of an offense of the type referred to in subsection (a)<sup>1</sup> may obtain an order in the district court of the United States for the district in which charges are brought against

<sup>1</sup>So in original. Probably should be “Administrative Office of the United States Courts”.

<sup>1</sup>See Codification note below.

the defendant charged with the offense, after notice to the defendant and an opportunity to be heard, requiring that the defendant be tested for the presence of the etiologic agent for acquired immune deficiency syndrome, and that the results of the test be communicated to the victim and the defendant. Any test result of the defendant given to the victim or the defendant must be accompanied by appropriate counseling.

**(2) Showing required**

To obtain an order under paragraph (1), the victim must demonstrate that—

(A) the defendant has been charged with the offense in a State or Federal court, and if the defendant has been arrested without a warrant, a probable cause determination has been made;

(B) the test for the etiologic agent for acquired immune deficiency syndrome is requested by the victim after appropriate counseling; and

(C) the test would provide information necessary for the health of the victim of the alleged offense and the court determines that the alleged conduct of the defendant created a risk of transmission, as determined by the Centers for Disease Control, of the etiologic agent for acquired immune deficiency syndrome to the victim.

**(3) Follow-up testing**

The court may order follow-up tests and counseling under paragraph (1) if the initial test was negative. Such follow-up tests and counseling shall be performed at the request of the victim on dates that occur six months and twelve months following the initial test.

**(4) Termination of testing requirements**

An order for follow-up testing under paragraph (3) shall be terminated if the person obtains an acquittal on, or dismissal of, all charges of the type referred to in subsection (a).<sup>1</sup>

**(5) Confidentiality of test**

The results of any test ordered under this subsection shall be disclosed only to the victim or, where the court deems appropriate, to the parent or legal guardian of the victim, and to the person tested. The victim may disclose the test results only to any medical professional, counselor, family member or sexual partner(s) the victim may have had since the attack. Any such individual to whom the test results are disclosed by the victim shall maintain the confidentiality of such information.

**(6) Disclosure of test results**

The court shall issue an order to prohibit the disclosure by the victim of the results of any test performed under this subsection to anyone other than those mentioned in paragraph (5). The contents of the court proceedings and test results pursuant to this section shall be sealed. The results of such test performed on the defendant under this section shall not be used as evidence in any criminal trial.

**(7) Contempt for disclosure**

Any person who discloses the results of a test in violation of this subsection may be held in contempt of court.

**(c) Penalties for intentional transmission of HIV**

Not later than 6 months after September 13, 1994, the United States Sentencing Commission shall conduct a study and prepare and submit to the committees<sup>2</sup> on the Judiciary of the Senate and the House of Representatives a report concerning recommendations for the revision of sentencing guidelines that relate to offenses in which an HIV infected individual engages in sexual activity if the individual knows that he or she is infected with HIV and intends, through such sexual activity, to expose another to HIV.

(Pub. L. 103-322, title IV, §40503, Sept. 13, 1994, 108 Stat. 1946; Pub. L. 104-294, title VI, §604(b)(1), Oct. 11, 1996, 110 Stat. 3506.)

**Editorial Notes**

**CODIFICATION**

Section was formerly classified to section 14011 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Section is comprised of section 40503 of Pub. L. 103-322. Subsec. (a) of section 40503 of Pub. L. 103-322 amended section 20141 of this title. Subsec. (c) of section 40503 of Pub. L. 103-322 also enacted provisions listed in a table relating to sentencing guidelines set out under section 994 of Title 28, Judiciary and Judicial Procedure.

**AMENDMENTS**

1996—Subsec. (b)(3). Pub. L. 104-294 substituted “paragraph (1)” for “paragraph (b)(1)”.

**Statutory Notes and Related Subsidiaries**

**CHANGE OF NAME**

Centers for Disease Control changed to Centers for Disease Control and Prevention by Pub. L. 102-531, title III, §312, Oct. 27, 1992, 106 Stat. 3504.

**EFFECTIVE DATE OF 1996 AMENDMENT**

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of Title 18, Crimes and Criminal Procedure.

**§ 12392. Enforcement of statutory rape laws**

**(a) Sense of Senate**

It is the sense of the Senate that States and local jurisdictions should aggressively enforce statutory rape laws.

**(b) Justice Department program on statutory rape**

Not later than January 1, 1997, the Attorney General shall establish and implement a program that—

(1) studies the linkage between statutory rape and teenage pregnancy, particularly by predatory older men committing repeat offenses; and

(2) educates State and local criminal law enforcement officials on the prevention and prosecution of statutory rape, focusing in par-

<sup>2</sup> So in original. Probably should be capitalized.