

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).¹

(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 committees² 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-

² So in original. Probably should be capitalized.

particular on the commission of statutory rape by predatory older men committing repeat offenses, and any links to teenage pregnancy.

(c) Violence against women initiative

The Attorney General shall ensure that the Department of Justice's Violence Against Women initiative addresses the issue of statutory rape, particularly the commission of statutory rape by predatory older men committing repeat offenses.

(Pub. L. 104-193, title IX, §906, Aug. 22, 1996, 110 Stat. 2349.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14016 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Section was enacted as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

PART F—NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION

§ 12401. Grant program

(a) In general

The Attorney General is authorized to provide grants to States and units of local government to improve and implement processes for entering data regarding stalking and domestic violence into local, State, and national crime information databases.

(b) Eligibility

To be eligible to receive a grant under subsection (a), a State or unit of local government shall certify that it has or intends to establish a program that enters into the National Crime Information Center records of—

- (1) warrants for the arrest of persons violating protection orders intended to protect victims from stalking or domestic violence;
- (2) arrests or convictions of persons violating protection¹ or domestic violence; and
- (3) protection orders for the protection of persons from stalking or domestic violence.

(Pub. L. 103-322, title IV, §40602, Sept. 13, 1994, 108 Stat. 1951; Pub. L. 106-386, div. B, title I, §1106(b), Oct. 28, 2000, 114 Stat. 1497.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14031 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-386 inserted “and implement” after “improve”.

§ 12402. Authorization of appropriations

There is authorized to be appropriated to carry out this part \$3,000,000 for fiscal years 2023 through 2027.

¹So in original. Probably should be followed by “orders intended to protect victims from stalking”.

(Pub. L. 103-322, title IV, §40603, Sept. 13, 1994, 108 Stat. 1951; Pub. L. 106-386, div. B, title I, §1106(a), Oct. 28, 2000, 114 Stat. 1497; Pub. L. 109-162, title I, §109, Jan. 5, 2006, 119 Stat. 2984; Pub. L. 113-4, title XI, §1103, Mar. 7, 2013, 127 Stat. 135; Pub. L. 117-103, div. W, title XIII, §1301, Mar. 15, 2022, 136 Stat. 927.)

Editorial Notes

REFERENCES IN TEXT

This part, referred to in text, was in the original “this subtitle”, meaning subtitle F of title IV of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1950, which enacted this part, amended section 534 of Title 28, Judiciary and Judicial Procedure, and enacted provisions set out as a note under section 534 of Title 28.

CODIFICATION

Section was formerly classified to section 14032 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2022—Pub. L. 117-103 substituted “2023 through 2027” for “2014 through 2018”.

2013—Pub. L. 113-4 substituted “\$3,000,000 for fiscal years 2014 through 2018.” for “\$3,000,000 for each of fiscal years 2007 through 2011.”

2006—Pub. L. 109-162, §109(2), which directed substitution of “2011” for “2006”, was executed by substituting “2011” for “2005” to reflect the probable intent of Congress, because “2006” does not appear in text.

Pub. L. 109-162, §109(1), substituted “2007” for “2001”.

2000—Pub. L. 106-386 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this part—

- “(1) \$1,500,000 for fiscal year 1996;
- “(2) \$1,750,000 for fiscal year 1997; and
- “(3) \$2,750,000 for fiscal year 1998.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-103 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 an Effective Date note under section 6851 of Title 15, Commerce and Trade.

§ 12403. Application requirements

An application for a grant under this part shall be submitted in such form and manner, and contain such information, as the Attorney General may prescribe. In addition, applications shall include documentation showing—

- (1) the need for grant funds and that State or local funding, as the case may be, does not already cover these operations;
- (2) intended use of the grant funds, including a plan of action to increase record input; and
- (3) an estimate of expected results from the use of the grant funds.

(Pub. L. 103-322, title IV, §40604, Sept. 13, 1994, 108 Stat. 1951.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14033 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.