

ma-informed, victim-centered care for victims of domestic violence, dating violence, sexual assault, and stalking.

(e) Evaluation

The Attorney General, in consultation with the Director of the National Institute of Justice, shall require each eligible entity that receives a grant under this section to identify a research partner, preferably a local research partner, to—

(1) design a system for generating and collecting the appropriate data to facilitate an independent process or impact evaluation of the use of the grant funds;

(2) periodically conduct an evaluation described in paragraph (1); and

(3) periodically make publicly available, during the grant period—

(A) preliminary results of the evaluations conducted under paragraph (2); and

(B) recommendations for improving the use of the grant funds.

(f) Authorization of appropriations

There are authorized to be appropriated to the Attorney General \$5,000,000 for each of fiscal years 2023 through 2027 to carry out this section.

(g) Rule of construction

Nothing in this section shall be construed to interfere with the due process rights of any individual.

(Pub. L. 103-322, title IV, § 41701, as added Pub. L. 117-103, div. W, title II, § 205(b), Mar. 15, 2022, 136 Stat. 859.)

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.

SHORT TITLE

For short title of section 205 of Pub. L. 117-103, which enacted this part, as the “Abby Honold Act”, see section 205(a) of Pub. L. 117-103, set out as a Short Title of 2022 Amendment note under section 10101 of this title.

PART P—RESTORATIVE PRACTICES

§ 12514. Pilot program on restorative practices

(a) Definitions

In this section:

(1) Director

The term “Director” means the Director of the Office on Violence Against Women.

(2) Eligible entity

The term “eligible entity” means—

(A) a State;

(B) a unit of local government;

(C) a tribal government;

(D) a tribal organization;

(E) a victim service provider;

(F) an institution of higher education (as defined in section 1001(a) of title 20; and

(G) a private or public nonprofit organization, including—

(i) a tribal nonprofit organization; and

(ii) a faith-based nonprofit organization.

(3) Restorative practice

The term “restorative practice” means a practice relating to a specific harm that—

(A) is community-based and unaffiliated with any civil or criminal legal process;

(B) is initiated by a victim of the harm;

(C) involves, on a voluntary basis and without any evidence of coercion or intimidation of any victim of the harm by any individual who committed the harm or anyone associated with any such individual—

(i) 1 or more individuals who committed the harm;

(ii) 1 or more victims of the harm; and

(iii) the community affected by the harm through 1 or more representatives of the community;

(D) shall include and has the goal of—

(i) collectively seeking accountability from 1 or more individuals who committed the harm;

(ii) developing a written process whereby 1 or more individuals who committed the harm will take responsibility for the actions that caused harm to 1 or more victims of the harm; and

(iii) developing a written course of action plan—

(I) that is responsive to the needs of 1 or more victims of the harm; and

(II) upon which 1 or more victims, 1 or more individuals who committed the harm, and the community can agree; and

(E) is conducted in a victim services framework that protects the safety and supports the autonomy of 1 or more victims of the harm and the community.

(b) Grants authorized

The Director shall award grants to eligible entities to develop and implement a program, or to assess best practices, for—

(1) restorative practices to prevent or address domestic violence, dating violence, sexual assault, or stalking;

(2) training by eligible entities, or for eligible entities, courts, or prosecutors, on restorative practices and program implementation; and

(3) evaluations of a restorative practice described in paragraph (1).

(c) Priority

In awarding grants under subsection (b), the Director shall give priority to eligible entities that submit proposals that meaningfully address the needs of culturally specific or underserved populations.

(d) Qualifications

To be eligible to receive a grant under this section, an eligible entity shall demonstrate a history of comprehensive training and experience in working with victims of domestic violence, dating violence, sexual assault, or stalking.

(e) Program requirements

(1) In general

An eligible entity or a subgrantee of an eligible entity that offers a restorative practices

program with funds awarded under this section shall ensure that such program—

(A) includes set practices and procedures for screening the suitability of any individual who committed a harm based on—

(i) the history of civil and criminal complaints against the individual involving domestic violence, sexual assault, dating violence, or stalking;

(ii) parole or probation violations of the individual or whether active parole or probation supervision of the individual is being conducted for prior offenses involving domestic violence, sexual assault, dating violence, or stalking;

(iii) the risk to the safety of any victim of the harm based on an evidence-based risk assessment;

(iv) the risk to public safety, including an evidence-based risk assessment of the danger to the public; and

(v) past participation of any individual who committed the harm in restorative practice programming; and

(B) denies eligibility to participate in the program for any individual who committed a harm against whom there is—

(i) a pending felony or misdemeanor prosecution for an offense against any victim of the harm or a dependent of any such victim;

(ii) a restraining order or a protection order (as defined in section 2266 of title 18) that protects any victim of the harm or a dependent of any such victim, unless there is an exception in the restraining order or protective order allowing for participation in a restorative practices program;

(iii) a pending criminal charge involving or relating to sexual assault, including rape, human trafficking, or child abuse, including child sexual abuse; or

(iv) a conviction for child sexual abuse against the victim or a sibling of the victim if the victim or sibling of the victim is currently a minor.

(2) Referral

With respect to a risk assessment described in paragraph (1)(A)(iii) for which an eligible entity or a subgrantee of an eligible entity determines that a victim or a dependent of a victim are at significant risk of subsequent serious injury, sexual assault, or death, the eligible entity or subgrantee shall refer the victim or dependent to other victim services, instead of restorative practices.

(f) Nondisclosure of confidential or private information

For the purpose of section 12291(b)(2) of this title, an individual described in subsection (a)(3)(C) shall be considered a person receiving services.

(g) Relation to criminal justice intervention

Restorative practices performed with funds awarded under this section are not intended to function as a replacement for criminal justice intervention for a specific harm.

(h) Reports

(1) Report to Director

As a part of the report required to be submitted under section 12291(b)(6) of this title, an eligible entity that receives a grant under this section shall annually submit to the Director information relating to the effectiveness of the restorative practices carried out with amounts from the grant, including—

(A) the number of individuals for whom the eligible entity supported a restorative practice;

(B) if applicable, the number of individuals who—

(i) sought restorative practices from the eligible entity; and

(ii) the eligible entity could not serve;

(C) if applicable, the number of individuals—

(i) who sought restorative practice training;

(ii) who received restorative practice training;

(iii) who provided restorative practice training; and

(iv) to whom the eligible entity could not provide restorative practice training;

(D) a victim evaluation component that is documented through survey or interview, including the satisfaction of victims of a harm with the restorative practice services;

(E) if applicable, the number of individuals who committed a harm and—

(i) successfully completed and executed a written course of action plan;

(ii) failed to successfully complete and execute a written course of action plan; and

(iii) were involved in a criminal or civil complaint involving domestic violence, dating violence, sexual assault, or stalking against the victims¹ or victims during the course of the restorative practice process; and

(F) any other qualitative or quantitative information determined by the Director.

(2) Report to Congress

Not later than 2 years after March 15, 2022, and biennially thereafter, the Director shall submit to Congress a report that summarizes the reports received by the Director under paragraph (1).

(i) Authorization of appropriations

There are authorized to be appropriated to the Director such sums as may be necessary for each of fiscal years 2023 through 2027 to carry out this section.

(Pub. L. 103-322, title IV, § 41801, as added Pub. L. 117-103, div. W, title I, § 109(a), Mar. 15, 2022, 136 Stat. 852.)

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

¹ So in original.

div. W of Pub. L. 117-103, set out as a note under section 6851 of Title 15, Commerce and Trade.

SUBCHAPTER IV—DRUG CONTROL

§ 12521. Increased penalties for drug-dealing in “drug-free” zones

Pursuant to its authority under section 994 of title 28, the United States Sentencing Commission shall amend its sentencing guidelines to provide an appropriate enhancement for a defendant convicted of violating section 860 of title 21.

(Pub. L. 103-322, title IX, § 90102, Sept. 13, 1994, 108 Stat. 1987.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14051 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Section is comprised of section 90102 of Pub. L. 103-322 which is also listed in a table relating to sentencing guidelines set out under section 994 of Title 28, Judiciary and Judicial Procedure.

§ 12522. Enhanced penalties for illegal drug use in Federal prisons and for smuggling drugs into Federal prisons

(a) Declaration of policy

It is the policy of the Federal Government that the use or distribution of illegal drugs in the Nation's Federal prisons will not be tolerated and that such crimes shall be prosecuted to the fullest extent of the law.

(b) Sentencing guidelines

Pursuant to its authority under section 994 of title 28, the United States Sentencing Commission shall amend its sentencing guidelines to appropriately enhance the penalty for a person convicted of an offense—

(1) under section 844 of title 21 involving simple possession of a controlled substance within a Federal prison or other Federal detention facility; or

(2) under section 841(b) of title 21 involving the smuggling of a controlled substance into a Federal prison or other Federal detention facility or the distribution or intended distribution of a controlled substance within a Federal prison or other Federal detention facility.

(c) No probation

Notwithstanding any other law, the court shall not sentence a person convicted of an offense described in subsection (b) to probation.

(Pub. L. 103-322, title IX, § 90103, Sept. 13, 1994, 108 Stat. 1987.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14052 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Section is comprised of section 90103 of Pub. L. 103-322. Subsec. (b) of section 90103 of Pub. L. 103-322 is also listed in a table relating to sentencing guidelines set out under section 994 of Title 28, Judiciary and Judicial Procedure.

§ 12523. Violent crime and drug emergency areas

(a) Definitions

In this section—

“major violent crime or drug-related emergency” means an occasion or instance in which violent crime, drug smuggling, drug trafficking, or drug abuse violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

“State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) Declaration of violent crime and drug emergency areas

If a major violent crime or drug-related emergency exists throughout a State or a part of a State, the President may declare the State or part of a State to be a violent crime or drug emergency area and may take appropriate actions authorized by this section.

(c) Procedure

(1) In general

A request for a declaration designating an area to be a violent crime or drug emergency area shall be made, in writing, by the chief executive officer of a State or local government, respectively (or in the case of the District of Columbia, the mayor), and shall be forwarded to the Attorney General in such form as the Attorney General may by regulation require. One or more cities, counties, States, or the District of Columbia may submit a joint request for designation as a major violent crime or drug emergency area under this subsection.

(2) Finding

A request made under paragraph (1) shall be based on a written finding that the major violent crime or drug-related emergency is of such severity and magnitude that Federal assistance is necessary to ensure an effective response to save lives and to protect property and public health and safety.

(d) Irrelevancy of population density

The President shall not limit declarations made under this section to highly populated centers of violent crime or drug trafficking, drug smuggling, or drug use, but shall also consider applications from governments of less populated areas where the magnitude and severity of such activities is beyond the capability of the State or local government to respond.

(e) Requirements

As part of a request for a declaration under this section, and as a prerequisite to Federal violent crime or drug emergency assistance under this section, the chief executive officer of a State or local government shall—

(1) take appropriate action under State or local law and furnish information on the nature and amount of State and local resources that have been or will be committed to alle-