

**(2) Voluntary participation**

Nothing in this Act may be construed to require that a parent or guardian use a tracking device to monitor the location of a child or adult under that parent or guardian's supervision if the parent or guardian does not believe that the use of such device is necessary or in the interest of the child or adult under supervision.

(Pub. L. 115-141, div. Q, title III, §302, Mar. 23, 2018, 132 Stat. 1121.)

**Editorial Notes**

## REFERENCES IN TEXT

This Act, referred to in text, means div. Q of Pub. L. 115-141, Mar. 23, 2018, 132 Stat. 1115, known as Kevin and Avonte's Law of 2018. For complete classification of div. Q to the Code, see section 1 of div. Q of Pub. L. 115-141, set out as a Short Title of 2018 Amendment note under section 10101 of this title and Tables.

The Civil Rights Act of 1964, referred to in subsec. (a)(2)(B)(iv), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241. Title VII of the Act is classified generally to subchapter VI (§2000e et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

## CODIFICATION

Section was enacted as part of Kevin and Avonte's Law of 2018, and also as part of the Consolidated Appropriations Act, 2018, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

**Statutory Notes and Related Subsidiaries**

## DEFINITIONS

Pub. L. 115-141, div. Q, title III, §301, Mar. 23, 2018, 132 Stat. 1120, provided that: "In this title [enacting this section]:

"(1) CHILD.—The term 'child' means an individual who is less than 18 years of age.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

"(3) LAW ENFORCEMENT AGENCY.—The term 'law enforcement agency' means an agency of a State, unit of local government, or Indian tribe that is authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

"(4) NON-INVASIVE AND NON-PERMANENT.—The term 'non-invasive and non-permanent' means, with regard to any technology or device, that the procedure to install the technology or device does not create an external or internal marker or implant a device, such as a microchip, or other trackable items.

"(5) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

"(6) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level."

**SUBCHAPTER XI—VIOLENT CRIME  
REDUCTION TRUST FUND**

**§ 12631. Creation of Violent Crime Reduction Trust Fund****(a) Violent Crime Reduction Trust Fund**

There is established a separate account in the Treasury, known as the "Violent Crime Reduc-

tion Trust Fund" (referred to in this section as the "Fund") into which shall be transferred, in accordance with subsection (b), savings realized from implementation of section 5 of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 3101 note; Public Law 103-226).

**(b) Transfers into Fund**

On the first day of the following fiscal years (or as soon thereafter as possible for fiscal year 1995), the following amounts shall be transferred from the general fund to the Fund—

- (1) for fiscal year 1995, \$2,423,000,000;
- (2) for fiscal year 1996, \$4,287,000,000;
- (3) for fiscal year 1997, \$5,000,000,000;
- (4) for fiscal year 1998, \$5,500,000,000;
- (5) for fiscal year 1999, \$6,500,000,000; and
- (6) for fiscal year 2000, \$6,500,000,000.

**(c) Appropriations from Fund**

(1) Amounts in the Fund may be appropriated exclusively for the purposes authorized in this Act and for those expenses authorized by any Act enacted before this Act that are expressly qualified for expenditure from the Fund.

(2) Amounts appropriated under paragraph (1) and outlays flowing from such appropriations shall not be taken into account for purposes of any budget enforcement procedures under the Balanced Budget and Emergency Deficit Control Act of 1985 except section 251A<sup>1</sup> of that Act as added by subsection (g), or for purposes of section 665d(b)<sup>1</sup> of title 2. Amounts of new budget authority and outlays under paragraph (1) that are included in concurrent resolutions on the budget shall not be taken into account for purposes of sections 665(b), 665e(b), and 665e(c) of title 2,<sup>1</sup> or for purposes of section 24 of House Concurrent Resolution 218 (One Hundred Third Congress).

(Pub. L. 103-322, title XXXI, §310001(a)-(c), Sept. 13, 1994, 108 Stat. 2102, 2103.)

**Editorial Notes**

## REFERENCES IN TEXT

This section, referred to in subsec. (a), is section 310001 of Pub. L. 103-322, which enacted this section and section 901a of Title 2. The Congress, and amended sections 665a and 904 of Title 2 and sections 1105 and 1321 of Title 31, Money and Finance.

This Act, referred to in subsec. (c)(1), is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title of 1994 Act note set out under section 10101 of this title and Tables.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (c)(2), is title II of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, which enacted chapter 20 (§900 et seq.) and sections 654 to 656 of Title 2. The Congress, amended sections 602, 622, 631 to 642, and 651 to 653 of Title 2, sections 1104 to 1106, and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of Title 2, enacted provisions set out as notes under section 900 of Title 2 and section 911 of Title 42, and amended provisions set out as a note under section 621 of Title 2. Section 251A of the Act was classified to section 901a of Title 2 and was repealed by Pub. L. 105-33, title X, §10204(a)(1), Aug. 5, 1997, 111 Stat. 702. For complete classification of this Act to the Code, see Short

<sup>1</sup> See References in Text note below.

Title note set out under section 900 of Title 2 and Tables.

Sections 665, 665d, and 665e of title 2, referred to in subsec. (c)(2), were repealed by Pub. L. 105-33, title X, §10118(a), Aug. 5, 1997, 111 Stat. 695.

House Concurrent Resolution 218, referred to in subsec. (c)(2), is H. Con. Res. 218, May 12, 1994, 108 Stat. 5075, which is not classified to the Code.

#### CODIFICATION

Section was formerly classified to section 14211 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### § 12632. Extension of authorizations of appropriations for fiscal years for which full amount authorized is not appropriated

If, in making an appropriation under any provision of this Act or amendment made by this Act that authorizes the making of an appropriation for a certain purpose for a certain fiscal year in a certain amount, the Congress makes an appropriation for that purpose for that fiscal year in a lesser amount, that provision or amendment shall be considered to authorize the making of appropriations for that purpose for later fiscal years in an amount equal to the difference between the amount authorized to be appropriated and the amount that has been appropriated.

(Pub. L. 103-322, title XXXI, §310003, Sept. 13, 1994, 108 Stat. 2105.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title of 1994 Act note set out under section 10101 of this title and Tables.

#### CODIFICATION

Section was formerly classified to section 14213 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### § 12633. Flexibility in making of appropriations

#### (a) Federal law enforcement

In the making of appropriations under any provision of this Act or amendment made by this Act that authorizes the making of an appropriation for a Federal law enforcement program for a certain fiscal year in a certain amount out of the Violent Crime Reduction Trust Fund, not to exceed 10 percent of that amount is authorized to be appropriated for that fiscal year for any other Federal law enforcement program for which appropriations are authorized by any other Federal law enforcement provision of this Act or amendment made by this Act. The aggregate reduction in the authorization for any particular Federal law enforcement program may not exceed 10 percent of the total amount authorized to be appropriated from the Violent Crime Reduction Trust Fund for that program in this Act or amendment made by this Act.

#### (b) State and local law enforcement

In the making of appropriations under any provision of this Act or amendment made by

this Act that authorizes the making of an appropriation for a State and local law enforcement program for a certain fiscal year in a certain amount out of the Violent Crime Reduction Trust Fund, not to exceed 10 percent of that amount is authorized to be appropriated for that fiscal year for any other State and local law enforcement program for which appropriations are authorized by any other State and local law enforcement provision of this Act or amendment made by this Act. The aggregate reduction in the authorization for any particular State and local law enforcement program may not exceed 10 percent of the total amount authorized to be appropriated from the Violent Crime Reduction Trust Fund for that program in this Act or amendment made by this Act.

#### (c) Prevention

In the making of appropriations under any provision of this Act or amendment made by this Act that authorizes the making of an appropriation for a prevention program for a certain fiscal year in a certain amount out of the Violent Crime Reduction Trust Fund, not to exceed 10 percent of that amount is authorized to be appropriated for that fiscal year for any other prevention program for which appropriations are authorized by any other prevention provision of this Act or amendment made by this Act. The aggregate reduction in the authorization for any particular prevention program may not exceed 10 percent of the total amount authorized to be appropriated from the Violent Crime Reduction Trust Fund for that program in this Act or amendment made by this Act.

#### (d) Definitions

In this section—“Federal law enforcement program” means a program authorized in any of the following sections:

- (1) section 190001(a);<sup>1</sup>
- (2) section 190001(b);<sup>1</sup>
- (3) section 190001(c);<sup>1</sup>
- (4) section 190001(d);<sup>1</sup>
- (5) section 190001(e);<sup>1</sup>
- (6) section 320925;<sup>2</sup>
- (7) section 12532 of this title;
- (8) section 12611 of this title;
- (9) section 130002;<sup>1</sup>
- (10) section 130005;<sup>1</sup>
- (11) section 130006;<sup>1</sup>
- (12) section 130007;<sup>1</sup>
- (13) section 250005;<sup>1</sup>
- (14) sections 12591–12593 of this title and section 14134 of title 42;
- (15) section 14083 of title 42; and
- (16) section 14199 of title 42.

“State and local law enforcement program” means a program authorized in any of the following sections:

- (1) sections 10001–10003;<sup>1</sup>
- (2) section 210201;<sup>1</sup>
- (3) section 210603;<sup>1</sup>
- (4) section 180101;<sup>1</sup>
- (5) section 12542 of this title;
- (6) sections 12221–12227 of this title and section 13867 of title 42;

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Pub. L. 103-322 does not contain a section 320925.