

## AMENDMENTS

2012—Subsec. (b). Pub. L. 112-166 struck out “, by and with the advice and consent of the Senate” before period at end of first sentence.

## Statutory Notes and Related Subsidiaries

## EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

## EFFECTIVE DATE

Section not applicable with respect to a State compensation program that was an eligible State crime victim compensation program on Nov. 18, 1988, until Oct. 1, 1991, see section 7129 of Pub. L. 100-690, as amended, set out as an Effective Date of 1988 Amendment note under section 20101 of this title.

## SUBCHAPTER II—VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

## § 20121. Legal assistance for victims

## (a) In general

The purpose of this section is to enable the Attorney General to award grants to increase the availability of civil and criminal legal assistance necessary to provide effective aid to adult and youth victims of domestic violence, dating violence, stalking, or sexual assault who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimal or no cost to the victims. When legal assistance to a dependent is necessary for the safety of a victim, such assistance may be provided. Criminal legal assistance provided for under this section shall be limited to criminal matters relating to or arising out of domestic violence, sexual assault, dating violence, and stalking.

## (b) Definitions and grant conditions

In this section, the definitions and grant conditions provided in section 12291 of this title shall apply.

## (c) Legal assistance for victims grants

The Attorney General may award grants under this subsection to private nonprofit entities, Indian tribal governments and tribal organizations, territorial organizations, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence, dating violence, and sexual assault victim service providers and legal assistance providers to provide legal assistance for victims of domestic violence, dating violence, stalking, and sexual assault;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, dating violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to implement, expand, and establish efforts and projects to provide competent, super-

vised pro bono legal assistance for victims of domestic violence, dating violence, sexual assault, or stalking, except that not more than 10 percent of the funds awarded under this section may be used for the purpose described in this paragraph.

## (d) Eligibility

To be eligible for a grant under subsection (c), applicants shall certify in writing that—

(1) any person providing legal assistance through a program funded under this section—

(A)(i) is a licensed attorney or is working under the direct supervision of a licensed attorney;

(ii) in immigration proceedings, is a Board of Immigration Appeals accredited representative;

(iii) in Veterans' Administration claims, is an accredited representative; or

(iv) is any person who functions as an attorney or lay advocate in Tribal court; and

(B)(i) has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault, or stalking in the targeted population; or

(ii)(I) is partnered with an entity or person that has demonstrated expertise described in clause (i); and

(II) has completed, or will complete, training in connection with domestic violence, dating violence, stalking, or sexual assault and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide;

(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, local, or culturally specific domestic violence, dating violence, sexual assault or stalking victim service provider or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;

(3) any person or organization providing legal assistance through a program funded under subsection (c) has informed and will continue to inform State, local, or tribal domestic violence, dating violence, or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work; and

(4) the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, dating violence, stalking, or child sexual abuse is an issue.

## (e) Evaluation

The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, dating violence, stalking, and sexual assault, and on evaluation research.

## (f) Authorization of appropriations

## (1) In general

There is authorized to be appropriated to carry out this section \$60,000,000 for each of fiscal years 2023 through 2027.

**(2) Allocation of funds****(A) Tribal programs**

Of the amount made available under this subsection in each fiscal year, not less than 3 percent shall be used for grants for programs that assist adult and youth victims of domestic violence, dating violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

**(B) Tribal government program****(i) In general**

Not less than 7 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 10452 of this title.

**(ii) Applicability of part<sup>1</sup>**

The requirements of this section shall not apply to funds allocated for the program described in clause (i).

**(C) Victims of sexual assault**

Of the amount made available under this subsection in each fiscal year, not less than 25 percent shall be used for direct services, training, and technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault.

**(3) Nonsupplantation**

Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

(Pub. L. 106–386, div. B, title II, § 1201, Oct. 28, 2000, 114 Stat. 1504; Pub. L. 108–405, title II, § 205, Oct. 30, 2004, 118 Stat. 2271; Pub. L. 109–162, title I, § 103, title IX, § 906(f), formerly § 906(g), Jan. 5, 2006, 119 Stat. 2978, 3082, renumbered § 906(f), Pub. L. 109–271, § 7(b)(2)(B), Aug. 12, 2006, 120 Stat. 764; Pub. L. 109–271, § 7(d)(1), Aug. 12, 2006, 120 Stat. 765; Pub. L. 113–4, title I, § 103, Mar. 7, 2013, 127 Stat. 73; Pub. L. 117–103, div. W, title I, § 103, Mar. 15, 2022, 136 Stat. 850.)

**Editorial Notes****REFERENCES IN TEXT**

The reference to “part” in subsec. (f)(2)(B)(ii) heading, appearing in the original, is unidentifiable because title II of div. B of Pub. L. 106–386 does not contain parts.

**CODIFICATION**

Section was formerly classified to section 3796gg–6 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**

2022—Subsec. (a). Pub. L. 117–103, § 103(1), inserted “When legal assistance to a dependent is necessary for the safety of a victim, such assistance may be provided.” after “no cost to the victims.”

Subsec. (d)(1). Pub. L. 117–103, § 103(2)(A), amended par. (1) generally. Prior to amendment, par. (1) related

to any person providing legal assistance through a program funded under subsection (c) of this section.

Subsec. (d)(2). Pub. L. 117–103, § 103(2)(B), substituted “local, or culturally specific” for “or local”.

Subsec. (d)(4). Pub. L. 117–103, § 103(2)(C), inserted “stalking,” after “dating violence,”.

Subsec. (f)(1). Pub. L. 117–103, § 103(3), substituted “\$60,000,000” for “\$57,000,000” and “2023 through 2027” for “2014 through 2018”.

2013—Subsec. (a). Pub. L. 113–4, § 103(1), substituted “relating to or arising out of” for “arising as a consequence of” and inserted “or arising out of” after “criminal matters relating to”.

Subsec. (b). Pub. L. 113–4, § 103(2), inserted “and grant conditions” after “Definitions” in heading and after “definitions” in text.

Subsec. (c)(1). Pub. L. 113–4, § 103(3)(A), which directed the substitution of “victim service providers” for “victims services organizations”, was executed by making the substitution for “victim services organizations” to reflect the probable intent of Congress.

Subsec. (c)(3). Pub. L. 113–4, § 103(3)(B), added par. (3) and struck out former par. (3) which read as follows: “to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, dating violence, stalking, and sexual assault.”

Subsec. (d)(1). Pub. L. 113–4, § 103(4)(A), which directed substitution of “this section—” and subpars. (A) and (B) for “this section has completed or will complete training in connection with domestic violence, dating violence, or sexual assault and related legal issues;”, was executed by making the substitution for “has completed or will complete training in connection with domestic violence, dating violence, or sexual assault and related legal issues;” to reflect the probable intent of Congress because “this section” did not appear in text prior to the amendment.

Subsec. (d)(2). Pub. L. 113–4, § 103(4)(B), substituted “stalking victim service provider” for “stalking organization”.

Subsec. (f)(1). Pub. L. 113–4, § 103(5), substituted “this section \$57,000,000 for each of fiscal years 2014 through 2018.” for “this section \$65,000,000 for each of fiscal years 2007 through 2011.”

2006—Subsec. (a). Pub. L. 109–162, § 103(1), inserted “civil and criminal” after “availability of”, “adult and youth” after “effective aid to”, and “Criminal legal assistance provided for under this section shall be limited to criminal matters relating to domestic violence, sexual assault, dating violence, and stalking.” at end.

Subsec. (b). Pub. L. 109–162, § 103(2), reenacted subsec. heading without change and amended text generally. Prior to amendment, text defined for purposes of this section the terms “dating violence”, “domestic violence”, “legal assistance”, and “sexual assault”.

Subsec. (c). Pub. L. 109–162, § 103(3), inserted “and tribal organizations, territorial organizations” after “Indian tribal governments” in introductory provisions.

Subsec. (d)(2). Pub. L. 109–162, § 103(4), added par. (2) and struck out former par. (2) which read as follows: “any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a State, local, or tribal domestic violence, dating violence, or sexual assault program or coalition, as well as appropriate State and local law enforcement officials;”.

Subsec. (e). Pub. L. 109–162, § 103(5), which directed amendment identical to that made by Pub. L. 108–405, § 205(5), was not executed. See 2004 Amendment note below.

Subsec. (f)(1). Pub. L. 109–162, § 103(6)(A), added par. (1) and struck out former par. (1). Former text read as follows: “There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2001 through 2005.”

Subsec. (f)(2)(A). Pub. L. 109–271, § 7(d)(1)(A)(i), substituted “3 percent” for “10 percent”.

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

Pub. L. 109-162, §103(6)(B), substituted “10 percent” for “5 percent” and inserted “adult and youth” after “that assist”.

Subsec. (f)(2)(B), (C). Pub. L. 109-271, §7(d)(1)(A)(ii), (iii), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (f)(4). Pub. L. 109-271, §7(d)(1)(B), struck out par. (4) which read as follows: “Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 3796gg-10 of this title. The requirements of this paragraph shall not apply to funds allocated for such program.”

Pub. L. 109-162, §906(f), formerly §906(g), as renumbered by Pub. L. 109-271, §7(b)(2)(B), added par. (4).

2004—Subsec. (a). Pub. L. 108-405, §205(1), inserted “dating violence,” after “domestic violence.”

Subsec. (b)(1) to (4). Pub. L. 108-405, §205(2), added par. (1), redesignated former pars. (1) to (3) as (2) to (4), respectively, and inserted “dating violence,” after “domestic violence,” in par. (3).

Subsec. (c)(1). Pub. L. 108-405, §205(3)(A), inserted “, dating violence,” after “between domestic violence” and “dating violence,” after “victims of domestic violence.”

Subsec. (c)(2), (3). Pub. L. 108-405, §205(3)(B), (C), inserted “dating violence,” after “domestic violence.”

Subsec. (d)(1) to (3). Pub. L. 108-405, §205(4)(A)–(C), inserted “, dating violence,” after “domestic violence.”

Subsec. (d)(4). Pub. L. 108-405, §205(4)(D), inserted “dating violence,” after “domestic violence.”

Subsec. (e). Pub. L. 108-405, §205(5), inserted “dating violence,” after “domestic violence.”

Subsec. (f)(2)(A). Pub. L. 108-405, §205(6), inserted “dating violence,” after “domestic violence.”

#### 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.

##### 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.

### § 20122. Education, training, and enhanced services to end violence against and abuse of individuals with disabilities and Deaf people

#### (a) In general

The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to eligible entities—

(1) to provide training, consultation, and information on domestic violence, dating violence, stalking, sexual assault, and abuse by caregivers against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)) and Deaf people; and

(2) to enhance direct services to such individuals.

#### (b) Use of funds

Grants awarded under this section shall be used—

(1) to provide personnel, training, technical assistance, advocacy, intervention, risk reduction (including using evidence-based indicators to assess the risk of domestic and dating violence homicide) and prevention of domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities and Deaf people;

(2) to conduct outreach activities to ensure that individuals with disabilities and Deaf people who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

(3) to conduct cross-training for victim service organizations, governmental agencies, courts, law enforcement and other first responders, and nonprofit, nongovernmental organizations serving individuals with disabilities about risk reduction, intervention, prevention and the nature of domestic violence, dating violence, stalking, and sexual assault for individuals with disabilities and Deaf people;

(4) to provide technical assistance to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service providers for individuals with disabilities and Deaf people;

(5) to provide training and technical assistance on the requirements of shelters and victim service providers under Federal anti-discrimination laws, including—

(A) the Americans with Disabilities Act of 1990 [42 U.S.C. 12101 et seq.]; and

(B) section 794 of title 29;

(6) to modify facilities, purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of individuals with disabilities and Deaf people;

(7) to provide advocacy and intervention services for individuals with disabilities and Deaf people who are victims of domestic violence, dating violence, stalking, or sexual assault; or

(8) to develop model programs to enhance the capacity of organizations serving individuals with disabilities and Deaf people who are victims of domestic violence, dating violence, sexual assault, or stalking.

#### (c) Eligible entities

##### (1) In general

An entity shall be eligible to receive a grant under this section if the entity is—

(A) a State;

(B) a unit of local government;

(C) an Indian tribal government or tribal organization; or

(D) a victim service provider, such as a State or tribal domestic violence or sexual assault coalition or a nonprofit, nongovernmental organization serving individuals with disabilities and Deaf people.

##### (2) Limitation

A grant awarded for the purpose described in subsection (b)(8) shall only be awarded to an eligible agency (as defined in section 796f-5<sup>1</sup> of title 29).

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