

103^D CONGRESS
1ST SESSION

S. 6

To prevent and punish sexual violence and domestic violence, to assist and protect the victims of such crimes, to assist State and local efforts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. DOLE (for himself, Mr. THURMOND, Mr. SIMPSON, Mr. MCCAIN, Mr. COVERDELL, and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prevent and punish sexual violence and domestic violence, to assist and protect the victims of such crimes, to assist State and local efforts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sexual Assault Preven-
5 tion Act of 1993”.

6 **SEC. 2. TABLE OF CONTENTS.**

Sec. 1. Short title.

Sec. 2. Table of contents.

Subtitle A—Penalties and Remedies

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- Sec. 102. Death penalty for murders committed by sex offenders.
- Sec. 103. Increased penalties for recidivist sex offenders.
- Sec. 104. Increased penalties for sex offenses against victims below the age of 16.
- Sec. 105. Sentencing guidelines increase for sex offenses.
- Sec. 106. HIV testing and penalty enhancement in sex offense cases.
- Sec. 107. Payment of cost of HIV testing for victims in sex offense cases.
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- Sec. 109. Extension and strengthening of restitution.
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- Sec. 111. Civil remedy for victims of sexual violence.

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- Sec. 121. Admissibility of evidence of similar crimes in sex offense cases.
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- Sec. 131. National baseline study on campus sexual assault.

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TITLE II—DOMESTIC VIOLENCE, STALKING, AND OFFENSES AGAINST THE FAMILY

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1 **TITLE I—SEXUAL VIOLENCE**

2 **Subtitle A—Penalties and Remedies**

3 **SEC. 101. PRE-TRIAL DETENTION IN SEX OFFENSE CASES.**

4 Section 3156(a)(4) of title 18, United States Code,
 5 is amended by striking “, or” at the end of subparagraph
 6 (A) and inserting a semicolon, by striking the period at
 7 the end of subparagraph (B) and inserting “; or”, and
 8 by adding after subparagraph (B) the following new sub-
 9 paragraph:

10 “(C) any felony under chapter 109A or
 11 chapter 110 of this title.”

12 **SEC. 102. DEATH PENALTY FOR MURDERS COMMITTED BY**
 13 **SEX OFFENDERS.**

14 Title 18 of the United States Code is amended—

15 (a) by adding the following new section at the
 16 end of chapter 51:

17 **“§1118. Capital Punishment for Murders Committed**
 18 **by Sex Offenders**

19 “(a) OFFENSE.—Whoever—

20 “(1) causes the death of a person intentionally,
 21 knowingly, or through recklessness manifesting ex-
 22 treme indifference to human life; or

1 “(2) causes the death of a person through the
2 intentional infliction of serious bodily injury;
3 shall be punished as provided in subsection (c) of this sec-
4 tion.

5 “(b) FEDERAL JURISDICTION.—There is Federal ju-
6 risdiction over an offense described in this section if the
7 conduct resulting in death occurs in the course of another
8 offense against the United States.

9 “(c) PENALTY.—An offense described in this section
10 is a Class A felony. A sentence of death may be imposed
11 for an offense described in this section as provided in sub-
12 sections (d)(1), except that a sentence of death may not
13 be imposed on a defendant who was below the age of eight-
14 een at the time of the commission of the crime.

15 “(d) MITIGATING FACTORS.—In determining wheth-
16 er to recommend a sentence of death, the jury shall con-
17 sider whether any aspect of the defendant’s character,
18 background, or record or any circumstance of the offense
19 that the defendant may proffer as a mitigating factor ex-
20 ists, including the following factors:

21 “(1) MENTAL CAPACITY.—The defendant’s
22 mental capacity to appreciate the wrongfulness of
23 his conduct or to conform his conduct to the require-
24 ments of law was significantly impaired.

1 “(2) DURESS.—The defendant was under un-
2 usual and substantial duress.

3 “(3) PARTICIPATION IN OFFENSE MINOR.—The
4 defendant is punishable as a principal (pursuant to
5 section 2 of this title) in the offense, which was com-
6 mitted by another, but the defendant’s participation
7 was relatively minor.

8 “(e) AGGRAVATING FACTORS.—In determining
9 whether to recommend a sentence of death, the jury shall
10 consider any aggravating factor for which notice has been
11 provided under subsection (f), including the following fac-
12 tors—

13 “(1) KILLING IN COURSE OF DESIGNATED SEX
14 CRIMES.—The conduct resulting in death occurred
15 in the course of an offense defined in chapter 109A,
16 110, or 117 of this title.

17 “(2) KILLING IN CONNECTION WITH SEXUAL
18 ASSAULT OR CHILD MOLESTATION.—The defendant
19 committed a crime of sexual assault or crime of
20 child molestation, as defined in subsection (x), in the
21 course of an offense on which Federal jurisdiction is
22 based under subsection (b).

23 “(3) PRIOR CONVICTION OF SEXUAL ASSAULT
24 OR CHILD MOLESTATION.—The defendant has pre-
25 viously been convicted of a crime of sexual assault

1 or crime of child molestation as defined in sub-
2 section (x).

3 “(f) NOTICE OF INTENT TO SEEK DEATH PEN-
4 ALTY.—If the Government intends to seek the death pen-
5 alty for an offense under this section, the attorney for the
6 Government shall file with the court and serve on the de-
7 fendant a notice of such intent. The notice shall be pro-
8 vided a reasonable time before the trial or acceptance of
9 a guilty plea, or at such later time before trial as the court
10 may permit for good cause. If the court permits a late
11 filing of the notice upon a showing of good cause, the court
12 shall ensure that the defendant has adequate time to pre-
13 pare for trial. The notice shall set forth the aggravating
14 factor or factors set forth in subsection (e) and any other
15 aggravating factor or factors that the Government will
16 seek to prove as the basis for the death penalty. The fac-
17 tors for which notice is provided under this subsection may
18 include factors concerning the effect of the offense on the
19 victim and the victim’s family. The court may permit the
20 attorney for the Government to amend the notice upon
21 a showing of good cause.

22 “(g) JUDGE AND JURY AT CAPITAL SENTENCING
23 HEARING.—A hearing to determine whether the death
24 penalty will be imposed for an offense under this section
25 shall be conducted by the judge who presided at trial or

1 accepted a guilty plea, or by another judge if that judge
2 is not available. The hearing shall be conducted before the
3 jury that determined the defendant's guilt if that jury is
4 available. A new jury shall be impaneled for the purpose
5 of the hearing if the defendant pleaded guilty, the trial
6 of guilt was conducted without a jury, the jury that deter-
7 mined the defendant's guilt was discharged for good
8 cause, or reconsideration of the sentence is necessary after
9 the initial imposition of a sentence of death. A jury
10 impaneled under this subsection shall have twelve mem-
11 bers unless the parties stipulate to a lesser number at any
12 time before the conclusion of the hearing with the approval
13 of the judge. Upon motion of the defendant, with the ap-
14 proval of the attorney for the Government, the hearing
15 shall be carried out before the judge without a jury. If
16 there is no jury, references to 'the jury' in this section,
17 where applicable, shall be understood as referring to the
18 judge.

19 “(h) PROOF OF MITIGATING AND AGGRAVATING
20 FACTORS.—No presentence report shall be prepared if a
21 capital sentencing hearing is held under this section. Any
22 information relevant to the existence of mitigating factors,
23 or to the existence of aggravating factors for which notice
24 has been provided under subsection (f), may be presented
25 by either the Government or the defendant. The informa-

1 tion presented may include trial transcripts and exhibits.
2 Information presented by the Government in support of
3 factors concerning the effect of the offense on the victim
4 and the victim's family may include oral testimony, a vic-
5 tim impact statement that identifies the victim of the of-
6 fense and the nature and extent of harm and loss suffered
7 by the victim and the victim's family, and other relevant
8 information. Information is admissible regardless of its
9 admissibility under the rules governing the admission of
10 evidence at criminal trials, except that information may
11 be excluded if its probative value is outweighed by the dan-
12 ger of creating unfair prejudice, confusing the issues, or
13 misleading the jury. The attorney for the Government and
14 for the defendant shall be permitted to rebut any informa-
15 tion received at the hearing, and shall be given fair oppor-
16 tunity to present argument as to the adequacy of the in-
17 formation to establish the existence of any aggravating or
18 mitigating factor, and as to the appropriateness in that
19 case of imposing a sentence of death. The attorney for
20 the Government shall open the argument, the defendant
21 shall be permitted to reply, and the Government shall then
22 be permitted to reply in rebuttal.

23 “(i) FINDINGS OF AGGRAVATING AND MITIGATING
24 FACTORS.—The jury shall return special findings identify-
25 ing any aggravating factor or factors for which notice has

1 been provided under subsection (f) and which the jury
2 unanimously determines have been established by the Gov-
3 ernment beyond a reasonable doubt. A mitigating factor
4 is established if the defendant has proven its existence by
5 a preponderance of the evidence, and any member of the
6 jury who finds the existence of such a factor may regard
7 it as established for purposes of this section regardless of
8 the number of jurors who concur that the factor has been
9 established.

10 “(j) FINDING CONCERNING A SENTENCE OF
11 DEATH.—If the jury specially finds under subsection (i)
12 that one or more aggravating factors set forth in sub-
13 section (e) exist, and the jury further finds unanimously
14 that there are no mitigating factors or that the aggravat-
15 ing factor or factors specially found under subsection (i)
16 outweigh any mitigating factors, then the jury shall rec-
17 ommend a sentence of death. In any other case, the jury
18 shall not recommend a sentence of death. The jury shall
19 be instructed that it must avoid any influence of sym-
20 pathy, sentiment, passion, prejudice, or other arbitrary
21 factors in its decision, and should make such a rec-
22 ommendation as the information warrants.

23 “(k) SPECIAL PRECAUTION TO ASSURE AGAINST
24 DISCRIMINATION.—In a hearing held before a jury, the
25 court, before the return of a finding under subsection (j),

1 shall instruct the jury that, in considering whether to rec-
2 ommend a sentence of death, it shall not be influenced
3 by prejudice or bias relating to the race, color, religion,
4 national origin, or sex of the defendant or any victim, and
5 that the jury is not to recommend a sentence of death
6 unless it has concluded that it would recommend a sen-
7 tence of death for such a crime regardless of the race,
8 color, religion, national origin, or sex of the defendant or
9 any victim. The jury, upon the return of a finding under
10 subsection (j), shall also return to the court a certificate,
11 signed by each juror, that the race, color, religion, national
12 origin, or sex of the defendant or any victim did not affect
13 the juror's individual decision and that the individual juror
14 would have recommended the same sentence for such a
15 crime regardless of the race, color, religion, national ori-
16 gin, or sex of the defendant or any victim.

17 “(l) IMPOSITION OF A SENTENCE OF DEATH.—Upon
18 a recommendation under subsection (j) that a sentence of
19 death be imposed, the court shall sentence the defendant
20 to death. Otherwise the court shall impose a sentence,
21 other than death, that is authorized by law.

22 “(m) REVIEW OF A SENTENCE OF DEATH.—The de-
23 fendant may appeal a sentence of death under this section
24 by filing a notice of appeal of the sentence within the time
25 provided for filing a notice of appeal of the judgment of

1 conviction. An appeal of a sentence under this subsection
2 may be consolidated with an appeal of the judgment of
3 conviction and shall have priority over all non-capital mat-
4 ters in the court of appeals. The court of appeals shall
5 review the entire record in the case including the evidence
6 submitted at trial and information submitted during the
7 sentencing hearing, the procedures employed in the sen-
8 tencing hearing, and the special findings returned under
9 subsection (i). The court of appeals shall uphold the sen-
10 tence if it determines that the sentence of death was not
11 imposed under the influence of passion, prejudice, or any
12 other arbitrary factor, that the evidence and information
13 support the special findings under subsection (i), and that
14 the proceedings were otherwise free of prejudicial error
15 that was properly preserved for and raised on appeal. In
16 any other case, the court of appeals shall remand the case
17 for reconsideration of the sentence or imposition of an-
18 other authorized sentence as appropriate, except that the
19 court shall not reverse a sentence of death on the ground
20 that an aggravating factor was not supported by the evi-
21 dence and information if at least one aggravating factor
22 set forth in subsection (e) which was found to exist re-
23 mains and the court, on the basis of the evidence submit-
24 ted at trial and the information submitted at the sentenc-
25 ing hearing, finds no mitigating factor or finds that the

1 remaining aggravating factor or factors which were found
2 to exist outweigh any mitigating factors. The court of ap-
3 peals shall state in writing the reasons for its disposition
4 of an appeal of a sentence of death under this section.

5 “(n) IMPLEMENTATION OF SENTENCE OF DEATH.—

6 A person sentenced to death under this section shall be
7 committed to the custody of the Attorney General until
8 exhaustion of the procedures for appeal of the judgment
9 of conviction and review of the sentence. When the sen-
10 tence is to be implemented, the Attorney General shall re-
11 lease the person sentenced to death to the custody of a
12 United States Marshal. The marshal shall supervise imple-
13 mentation of the sentence in the manner prescribed by the
14 law of the State in which the sentence is imposed, or in
15 the manner prescribed by the law of another State des-
16 igned by the court if the law of the State in which the
17 sentence was imposed does not provide for implementation
18 of a sentence of death. The marshal may use State or local
19 facilities, may use the services of an appropriate State or
20 local official or of a person such an official employs, and
21 shall pay the costs thereof in an amount approved by the
22 Attorney General.

23 “(o) SPECIAL BAR TO EXECUTION.—A sentence of
24 death shall not be carried out upon a woman while she
25 is pregnant.

1 “(p) CONSCIENTIOUS OBJECTION TO PARTICIPATION
2 IN EXECUTION.—No employee of any State department
3 of corrections, the Federal Bureau of Prisons, or the Unit-
4 ed States Marshals Service, and no person providing serv-
5 ices to that department, bureau, or service under contract
6 shall be required, as a condition of that employment or
7 contractual obligation, to be in attendance at or to partici-
8 pate in any execution carried out under this section if such
9 participation is contrary to the moral or religious convic-
10 tions of the employee. For purposes of this subsection, the
11 term ‘participate in any execution’ includes personal prep-
12 aration of the condemned individual and the apparatus
13 used for the execution, and supervision of the activities
14 of other personnel in carrying out such activities.

15 “(q) APPOINTMENT OF COUNSEL FOR INDIGENT
16 CAPITAL DEFENDANTS.—A defendant against whom a
17 sentence of death is sought, or on whom a sentence of
18 death has been imposed, under this section, shall be enti-
19 tled to appointment of counsel from the commencement
20 of trial proceedings until one of the conditions specified
21 in subsection (v) has occurred, if the defendant is or be-
22 comes financially unable to obtain adequate representa-
23 tion. Counsel shall be appointed for trial representation
24 as provided in section 3005 of this title, and at least one
25 counsel so appointed shall continue to represent the de-

1 fendant until the conclusion of direct review of the judg-
2 ment, unless replaced by the court with other qualified
3 counsel. Except as otherwise provided in this section, the
4 provisions of section 3006A of this title shall apply to ap-
5 pointments under this section.

6 “(r) REPRESENTATION AFTER FINALITY OF JUDG-
7 MENT.—When a judgment imposing a sentence of death
8 under this section has become final through affirmance by
9 the Supreme Court on direct review, denial of certiorari
10 by the Supreme Court on direct review, or expiration of
11 the time for seeking direct review in the court of appeals
12 or the Supreme Court, the government shall promptly no-
13 tify the court that imposed the sentence. The court, within
14 ten days of receipt of such notice, shall proceed to make
15 a determination whether the defendant is eligible for ap-
16 pointment of counsel for subsequent proceedings. The
17 court shall issue an order appointing one or more counsel
18 to represent the defendant upon a finding that the defend-
19 ant is financially unable to obtain adequate representation
20 and wishes to have counsel appointed or is unable com-
21 petently to decide whether to accept or reject appointment
22 of counsel. The court shall issue an order denying appoint-
23 ment of counsel upon a finding that the defendant is fi-
24 nancially able to obtain adequate representation or that
25 the defendant rejected appointment of counsel with an un-

1 derstanding of the consequences of that decision. Counsel
2 appointed pursuant to this subsection shall be different
3 from the counsel who represented the defendant at trial
4 and on direct review unless the defendant and counsel re-
5 quest a continuation or renewal of the earlier representa-
6 tion.

7 “(s) STANDARDS FOR COMPETENCE OF COUNSEL.—
8 In relation to a defendant who is entitled to appointment
9 of counsel under subsections (q)–(r), at least one counsel
10 appointed for trial representation must have been admit-
11 ted to the bar for at least five years and have at least
12 three years of experience in the trial of felony cases in
13 the Federal district courts. If new counsel is appointed
14 after judgment, at least one counsel so appointed must
15 have been admitted to the bar for at least five years and
16 have at least three years of experience in the litigation
17 of felony cases in the Federal courts of appeals or the Su-
18 preme Court. The court, for good cause, may appoint
19 counsel who does not meet these standards, but whose
20 background, knowledge, or experience would otherwise en-
21 able him or her to properly represent the defendant, with
22 due consideration of the seriousness of the penalty and
23 the nature of the litigation.

24 “(t) CLAIMS OF INEFFECTIVENESS OF COUNSEL IN
25 COLLATERAL PROCEEDINGS.—The ineffectiveness or in-

1 competence of counsel during proceedings on a motion
2 under section 2255 of title 28, United States Code, shall
3 not be a ground for relief from the judgment or sentence
4 in any proceeding. This limitation shall not preclude the
5 appointment of different counsel at any stage of the pro-
6 ceedings.

7 “(u) TIME FOR COLLATERAL ATTACK ON DEATH
8 SENTENCE.—A motion under section 2255 of title 28,
9 United States Code, attacking a sentence of death under
10 this section, or the conviction on which it is predicated,
11 must be filed within ninety days of the issuance of the
12 order under subsection (r) appointing or denying the ap-
13 pointment of counsel for such proceedings. The court in
14 which the motion is filed, for good cause shown, may ex-
15 tend the time for filing for a period not exceeding sixty
16 days. Such a motion shall have priority over all non-capital
17 matters in the district court, and in the court of appeals
18 on review of the district court’s decision.

19 “(v) STAY OF EXECUTION.—The execution of a sen-
20 tence of death under this section shall be stayed in the
21 course of direct review of the judgment and during the
22 litigation of an initial motion in the case under section
23 2255 of title 28, United States Code. The stay shall run
24 continuously following imposition of the sentence and shall
25 expire if—

1 “(1) the defendant fails to file a motion under
2 section 2255 of title 28, United States Code, within
3 the time specified in subsection (u), or fails to make
4 a timely application for court of appeals review fol-
5 lowing the denial of such a motion by a district
6 court;

7 “(2) upon completion of district court and court
8 of appeals review under section 2255 of title 28,
9 United States Code, the Supreme Court disposes of
10 a petition for certiorari in a manner that leaves the
11 capital sentence undisturbed, or the defendant fails
12 to file a timely petition for certiorari; or

13 “(3) before a district court, in the presence of
14 counsel and after having been advised of the con-
15 sequences of such a decision, the defendant waives
16 the right to file a motion under section 2255 of title
17 28, United States Code.

18 “(w) FINALITY OF THE DECISION ON REVIEW.—If
19 one of the conditions specified in subsection (v) has oc-
20 curred, no court thereafter shall have the authority to
21 enter a stay of execution or grant relief in the case un-
22 less—

23 “(1) the basis for the stay and request for relief
24 is a claim not presented in earlier proceedings;

1 “(2) the failure to raise the claim is the result
2 of governmental action in violation of the Constitu-
3 tion or laws of the United States, the result of the
4 Supreme Court’s recognition of a new Federal right
5 that is retroactively applicable, or the result of the
6 fact that the factual predicate of the claim could not
7 have been discovered through the exercise of reason-
8 able diligence in time to present the claim in earlier
9 proceedings; and

10 “(3) the facts underlying the claim would be
11 sufficient, if proven, to undermine the court’s con-
12 fidence in the determination of guilt on the offense
13 or offenses for which the death penalty was imposed.

14 “(x) DEFINITIONS.—For purposes of this section—

15 “(1) ‘crime of sexual assault’ means a crime
16 under Federal or State law that involved—

17 “(A) contact, without consent, between any
18 part of the defendant’s body or an object and
19 the genitals or anus of another person;

20 “(B) contact, without consent, between the
21 genitals or anus of the defendant and any part
22 of the body of another person;

23 “(C) deriving sexual pleasure or gratifi-
24 cation from the infliction of death, bodily in-
25 jury, or physical pain on another person; or

1 “(D) an attempt or conspiracy to engage
2 in any conduct described in paragraphs (A)–
3 (C);

4 “(2) ‘crime of child molestation’ means a crime
5 under Federal or State law that involved—

6 “(A) contact between any part of the de-
7 fendant’s body or an object and the genitals or
8 anus of a child;

9 “(B) contact between the genitals or anus
10 of the defendant and any part of the body of
11 a child;

12 “(C) deriving sexual pleasure or gratifi-
13 cation from the infliction of death, bodily in-
14 jury, or physical pain on a child; or

15 “(D) an attempt or conspiracy to engage
16 in any conduct described in paragraphs (A)–
17 (C); and

18 “(3) ‘child’ means a person below the age of
19 14.”; and

20 (b) by adding the following at the end of the
21 table of sections for chapter 51:

“1118. Capital Punishment for Murders Committed by Sex Offenders.”.

22 **SEC. 103. INCREASED PENALTIES FOR RECIDIVIST SEX OF-**
23 **FENDERS.**

24 (a) Section 2245 of title 18, United States Code, is
25 redesignated section 2246.

1 (b) Chapter 109A of title 18, United States Code,
2 is amended by inserting the following new section after
3 section 2244:

4 **“§ 2245. Penalties for subsequent offenses**

5 “Any person who violates a provision of this chapter
6 after a prior conviction under a provision of this chapter
7 or the law of a State (as defined in section 513 of this
8 title) for conduct proscribed by this chapter has become
9 final is punishable by a term of imprisonment up to twice
10 that otherwise authorized.”.

11 (c) The table of sections for chapter 109A of title
12 18, United States Code, is amended by—

13 (1) striking “2245” and inserting in lieu there-
14 of “2246”; and

15 (2) inserting the following after the item relat-
16 ing to section 2244:

“2245. Penalties for subsequent offenses.”.

17 **SEC. 104. INCREASED PENALTIES FOR SEX OFFENSES**
18 **AGAINST VICTIMS BELOW THE AGE OF 16.**

19 Paragraph (2) of section 2245 of title 18, United
20 States Code, is amended—

21 (1) in subparagraph (B) by striking “or” after
22 the semicolon;

23 (2) in subparagraph (C) by striking “; and”
24 and inserting in lieu thereof “; or”; and

1 (3) by inserting a new subparagraph (D) as fol-
2 lows:

3 “(D) the intentional touching, not through
4 the clothing, of the genitalia of another person
5 who has not attained the age of 16 years with
6 an intent to abuse, humiliate, harass, degrade,
7 or arouse or gratify the sexual desire of any
8 person;”.

9 **SEC. 105. SENTENCING GUIDELINES INCREASE FOR SEX OF-**
10 **FENSES.**

11 The United States Sentencing Commission shall
12 amend the sentencing guidelines to increase by at least
13 4 levels the base offense level for an offense under section
14 2241 (aggravated sexual abuse) or section 2242 (sexual
15 abuse) of title 18, United States Code, and shall consider
16 whether any other changes are warranted in the guidelines
17 provisions applicable to such offenses to ensure realization
18 of the objectives of sentencing. In amending the guidelines
19 in conformity with this section, the sentencing commission
20 shall review the appropriateness and adequacy of existing
21 offense characteristics and adjustments applicable to such
22 offenses, taking into account the heinousness of sexual
23 abuse offenses, the severity and duration of the harm
24 caused to victims, and any other relevant factors. In any
25 subsequent amendment to the sentencing guidelines, the

1 sentencing commission shall maintain minimum guidelines
2 sentences for the offenses referenced in this section which
3 are at least equal to those required by this section.

4 **SEC. 106. HIV TESTING AND PENALTY ENHANCEMENT IN**
5 **SEXUAL OFFENSE CASES.**

6 (a) Chapter 109A of title 18, United States Code,
7 is amended by inserting at the end the following new sec-
8 tion:

9 **“§2247. Testing for Human Immunodeficiency Virus;**
10 **Disclosure of Test Results to Victim; Ef-**
11 **fect on Penalty**

12 “(a) TESTING AT TIME OF PRE-TRIAL RELEASE DE-
13 TERMINATION.—In a case in which a person is charged
14 with an offense under this chapter, a judicial officer issu-
15 ing an order pursuant to section 3142(a) of this title shall
16 include in the order a requirement that a test for the
17 human immunodeficiency virus be performed upon the
18 person, and that follow-up tests for the virus be performed
19 six months and twelve months following the date of the
20 initial test, unless the judicial officer determines that the
21 conduct of the person created no risk of transmission of
22 the virus to the victim, and so states in the order. The
23 order shall direct that the initial test be performed within
24 twenty-four hours, or as soon thereafter as feasible. The

1 person shall not be released from custody until the test
2 is performed.

3 “(b) TESTING AT LATER TIME.—If a person charged
4 with an offense under this chapter was not tested for the
5 human immunodeficiency virus pursuant to subsection (a),
6 the court may at a later time direct that such a test be
7 performed upon the person, and that follow-up tests be
8 performed six months and twelve months following the
9 date of the initial test, if it appears to the court that the
10 conduct of the person may have risked transmission of the
11 virus to the victim. A testing requirement under this sub-
12 section may be imposed at any time while the charge is
13 pending, or following conviction at any time prior to the
14 person’s completion of service of the sentence.

15 “(c) TERMINATION OF TESTING REQUIREMENT.—A
16 requirement of follow-up testing imposed under this sec-
17 tion shall be canceled if any test is positive for the virus
18 or the person obtains an acquittal on, or dismissal of, all
19 charges under this chapter.

20 “(d) DISCLOSURE OF TEST RESULTS.—The results
21 of any test for the human immunodeficiency virus per-
22 formed pursuant to an order under this section shall be
23 provided to the judicial officer or court. The judicial offi-
24 cer or court shall ensure that the results are disclosed to
25 the victim (or to the victim’s parent or legal guardian, as

1 appropriate), the attorney for the government, and the
2 person tested.

3 “(e) EFFECT ON PENALTY.—The United States Sen-
4 tencing Commission shall amend existing guidelines for
5 sentences for offenses under this chapter to enhance the
6 sentence if the offender knew or had reason to know that
7 he was infected with the human immunodeficiency virus,
8 except where the offender did not engage or attempt to
9 engage in conduct creating a risk of transmission of the
10 virus to the victim.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 for chapter 109A of title 18, United States Code, is
13 amended by inserting at the end thereof the following new
14 item:

“2247. Testing for Human Immunodeficiency Virus; Disclosure of Test Results
to Victim; Effect on Penalty”.

15 **SEC. 107. PAYMENT OF COST OF HIV TESTING FOR VICTIMS**
16 **IN SEX OFFENSE CASES.**

17 Section 503(c)(7) of the Victims’ Rights and Restitu-
18 tion Act of 1990 is amended by inserting before the period
19 at the end thereof the following: “, the cost of up to two
20 tests of the victim for the human immunodeficiency virus
21 during the twelve months following the assault, and the
22 cost of a counseling session by a medically trained profes-
23 sional on the accuracy of such tests and the risk of trans-

1 mission of the human immunodeficiency virus to the vic-
2 tim as the result of the assault”.

3 **SEC. 108. INCREASED PENALTIES FOR DRUG DISTRIBUTION**
4 **TO PREGNANT WOMEN.**

5 Section 405 of the Controlled Substances Act (21
6 U.S.C. 859) is amended by inserting “, or to a woman
7 while she is pregnant,” after “to a person under twenty-
8 one years of age” in subsection (a) and subsection (b).

9 **SEC. 109. EXTENSION AND STRENGTHENING OF RESTITU-**
10 **TION.**

11 Section 3663 of title 18, United States Code, is
12 amended—

13 (1) in subsection (b), by inserting “or an of-
14 fense under chapter 109A or chapter 110” after “an
15 offense resulting in bodily injury to a victim” in
16 paragraph (2);

17 (2) in subsection (b), by striking “and” at the
18 end of paragraph (3), by redesignating paragraph
19 (4) as paragraph (5), and by inserting after para-
20 graph (4) the following new paragraph:

21 “(4) in any case, reimburse the victim for lost
22 income and necessary child care, transportation, and
23 other expenses related to participation in the inves-
24 tigation or prosecution of the offense or attendance
25 at proceedings related to the offense; and”;

1 (3) in subsection (d), by inserting at the end
2 the following: “However, the court shall issue an
3 order requiring restitution of the full amount of the
4 victim’s losses and expenses for which restitution is
5 authorized under this section in imposing sentence
6 for an offense under chapter 109A or chapter 110
7 unless the Government and the victim do not request
8 such restitution.”.

9 **SEC. 110. ENFORCEMENT OF RESTITUTION ORDERS**
10 **THROUGH SUSPENSION OF FEDERAL BENE-**
11 **FITS.**

12 Section 3663 of title 18, United States Code, is
13 amended—

14 (1) by redesignating subsections (g) and (h) as
15 subsections (h) and (i), respectively; and

16 (2) by inserting after subsection (f) the follow-
17 ing new subsection:

18 “(g)(1) If the defendant is delinquent in making res-
19 titution in accordance with any schedule of payments or
20 any requirement of immediate payment imposed under
21 this section, the court may, after a hearing, suspend the
22 defendant’s eligibility for all Federal benefits until such
23 time as the defendant demonstrates to the court good-
24 faith efforts to return to such schedule.

25 “(2) For purposes of this subsection—

1 “(A) the term ‘Federal benefit’—

2 “(i) means any grant, contract, loan, pro-
3 fessional license, or commercial license provided
4 by an agency of the United States or appro-
5 priated funds of the United States; and

6 “(ii) does not include any retirement, wel-
7 fare, Social Security, health, disability, veterans
8 benefit, public housing, or other similar benefit,
9 or any other benefit for which payments or
10 services are required for eligibility; and

11 “(B) the term ‘veterans benefit’ means all bene-
12 fits provided to veterans, their families, or survivors
13 by virtue of the service of a veteran in the Armed
14 Force of the United States.”.

15 **SEC. 111. CIVIL REMEDY FOR VICTIMS OF SEXUAL VIO-**
16 **LENCE.**

17 (a) CAUSE OF ACTION.—Whoever, in violation of the
18 Constitution or laws of the United States, engages in sex-
19 ual violence against another, shall be liable to the injured
20 party in an action under this section. The relief available
21 in such an action shall include compensatory and punitive
22 damages and any appropriate equitable or declaratory re-
23 lief.

24 (b) DEFINITION.—For purposes of this section “sex-
25 ual violence” means any conduct proscribed by chapter

1 109A of title 18, United States Code, whether or not the
2 conduct occurs in the special maritime and territorial ju-
3 risdiction of the United States or in a Federal prison.

4 (c) ATTORNEY'S FEES.—The Civil Rights Attorney's
5 Fees Award Act of 1976 (42 U.S.C. 1988) is amended
6 by striking "or" after Public Law 92-318" and by insert-
7 ing after "1964" the following: ", or section 111 of the
8 Sexual Assault Prevention Act of 1993,".

9 **Subtitle B—Rules of Evidence, Practice and**
10 **Procedure**

11 **SEC. 121. ADMISSIBILITY OF EVIDENCE OF SIMILAR**
12 **CRIMES IN SEX OFFENSE CASES.**

13 The Federal Rules of Evidence are amended by add-
14 ing after Rule 412 the following new rules:

15 **"Rule 413. Evidence of Similar Crimes in Sexual As-**
16 **sault Cases**

17 "(a) In a criminal case in which the defendant is ac-
18 cused of an offense of sexual assault, evidence of the de-
19 fendant's commission of another offense or offenses of sex-
20 ual assault is admissible, and may be considered for its
21 bearing on any matter to which it is relevant.

22 "(b) In a case in which the Government intends to
23 offer evidence under this rule, the attorney for the Govern-
24 ment shall disclose the evidence to the defendant, includ-
25 ing statements of witnesses or a summary of the substance

1 of any testimony that is expected to be offered, at least
2 fifteen days before the scheduled date of trial or at such
3 later time as the court may allow for good cause.

4 “(c) This rule shall not be construed to limit the ad-
5 mission or consideration of evidence under any other rule.

6 “(d) For purposes of this rule and Rule 415, “offense
7 of sexual assault” means a crime under Federal law or
8 the law of a State (as defined in section 513 of title 18,
9 United States Code) that involved—

10 “(1) any conduct proscribed by chapter 109A of
11 title 18, United States Code;

12 “(2) contact, without consent, between any part
13 of the defendant’s body or an object and the genitals
14 or anus of another person;

15 “(3) contact, without consent, between the geni-
16 tals or anus of the defendant and any part of an-
17 other person’s body;

18 “(4) deriving sexual pleasure or gratification
19 from the infliction of death, bodily injury, or phys-
20 ical pain on another person; or

21 “(5) an attempt or conspiracy to engage in con-
22 duct described in paragraphs (1)–(4).

1 **“Rule 414. Evidence of Similar Crimes in Child Mo-**
2 **lestation Cases**

3 “(a) In a criminal case in which the defendant is ac-
4 cused of an offense of child molestation, evidence of the
5 defendant’s commission of another offense or offenses of
6 child molestation is admissible, and may be considered for
7 its bearing on any matter to which it is relevant.

8 “(b) In a case in which the Government intends to
9 offer evidence under this rule, the attorney for the Govern-
10 ment shall disclose the evidence to the defendant, includ-
11 ing statements of witnesses or a summary of the substance
12 of any testimony that is expected to be offered, at least
13 fifteen days before the scheduled date of trial or at such
14 later time as the court may allow for good cause.

15 “(c) This rule shall not be construed to limit the ad-
16 mission or consideration of evidence under any other rule.

17 “(d) For purposes of this rule and Rule 415, “child”
18 means a person below the age of fourteen, and “offense
19 of child molestation” means a crime under Federal law
20 or the law of a State (as defined in section 513 of title
21 18, United States Code) that involved—

22 “(1) any conduct proscribed by chapter 109A of
23 title 18, United States Code, that was committed in
24 relation to a child;

25 “(2) any conduct proscribed by chapter 110 of
26 title 18, United States Code;

1 “(3) contact between any part of the defend-
2 ant’s body or an object and the genitals or anus of
3 a child;

4 “(4) contact between the genitals or anus of the
5 defendant and any part of the body of a child;

6 “(5) deriving sexual pleasure or gratification
7 from the infliction of death, bodily injury, or phys-
8 ical pain on a child; or

9 “(6) an attempt or conspiracy to engage in con-
10 duct described in paragraphs (1)–(5).

11 **“Rule 415. Evidence of Similar Acts in Civil Cases**
12 **Concerning Sexual Assault or Child Mo-**
13 **lestation**

14 “(a) In a civil case in which a claim for damages or
15 other relief is predicated on a party’s alleged commission
16 of conduct constituting an offense of sexual assault or
17 child molestation, evidence of that party’s commission of
18 another offense or offenses of sexual assault or child mo-
19 lestation is admissible and may be considered as provided
20 in Rule 413 and Rule 414 of these rules.

21 “(b) A party who intends to offer evidence under this
22 Rule shall disclose the evidence to the party against whom
23 it will be offered, including statements of witnesses or a
24 summary of the substance of any testimony that is ex-
25 pected to be offered, at least fifteen days before the sched-

1 uled date of trial or at such later time as the court may
2 allow for good cause.

3 “(c) This rule shall not be construed to limit the ad-
4 mission or consideration of evidence under any other
5 rule.”

6 **SEC. 122. EXTENSION AND STRENGTHENING OF RAPE VIC-**
7 **TIM SHIELD LAW.**

8 “(a) AMENDMENTS TO RAPE VICTIM SHIELD LAW.—
9 Rule 412 of the Federal Rules of Evidence is amended—

10 “(1) in subdivisions (a) and (b), by striking
11 “criminal case” and inserting “criminal or civil
12 case”;

13 “(2) in subdivisions (a) and (b), by striking “an
14 offense under chapter 109A of title 18, United
15 States Code,” and inserting “an offense or civil
16 wrong involving conduct proscribed by chapter 109A
17 of title 18, United States Code, whether or not the
18 conduct occurred in the special maritime and terri-
19 torial jurisdiction of the United States or in a Fed-
20 eral prison,”;

21 “(3) in subdivision (a), by striking “victim of
22 such offense” and inserting “victim of such con-
23 duct”;

24 “(4) in subdivision (c)—

1 (A) by striking in paragraph (1) “the per-
2 son accused of committing an offense under
3 chapter 109A of title 18, United States Code”
4 and inserting “the accused”; and

5 (B) by inserting at the end of paragraph
6 (3) the following: “An order admitting evidence
7 under this paragraph shall explain the reason-
8 ing leading to the finding of relevance, and the
9 basis of the finding that the probative value of
10 the evidence outweighs the danger of unfair
11 prejudice notwithstanding the potential of the
12 evidence to humiliate and embarrass the alleged
13 victim and to result in unfair or biased infer-
14 ences.”; and

15 (5) in subdivision (d), by striking “an offense
16 under chapter 109A of title 18, United States Code”
17 and inserting “the conduct proscribed by chapter
18 109A of title 18, United States Code,”.

19 “(b) INTERLOCUTORY APPEAL.—Section 3731 of
20 title 18, United States Code, is amended by inserting after
21 the second paragraph the following:

22 “An appeal by the United States before trial shall
23 lie to a court of appeals from an order of a district court
24 admitting evidence of an alleged victim’s past sexual be-
25 havior in a criminal case in which the defendant is charged

1 with an offense involving conduct proscribed by chapter
2 109A of title 18, United States Code, whether or not the
3 conduct occurred in the special maritime and territorial
4 jurisdiction of the United States or in a Federal prison.”.

5 **SEC. 123. INADMISSIBILITY OF EVIDENCE TO SHOW PROVO-**
6 **CATION OR INVITATION BY VICTIM IN SEX**
7 **OFFENSE CASES.**

8 The Federal Rules of Evidence are amended by add-
9 ing after Rule 415 (as added by section 121 of this Act)
10 the following:

11 **“Rule 416. Inadmissibility of evidence to show invita-**
12 **tion or provocation by victim in sexual**
13 **abuse cases**

14 “In a criminal case in which a person is accused of
15 an offense involving conduct proscribed by chapter 109A
16 of title 18, United States Code, whether or not the conduct
17 occurred in the special maritime and territorial jurisdic-
18 tion of the United States or in a Federal prison, evidence
19 is not admissible to show that the alleged victim invited
20 or provoked the commission of the offense. This rule does
21 not limit the admission of evidence of consent by the al-
22 leged victim if the issue of consent is relevant to liability
23 and the evidence is otherwise admissible under these
24 rules.”.

1 **SEC. 124. RIGHT OF THE VICTIM TO FAIR TREATMENT IN**
 2 **LEGAL PROCEEDINGS.**

3 The following rules, to be known as the Rules of Pro-
 4 fessional Conduct for Lawyers in Federal Practice, are en-
 5 acted as an appendix to title 28, United States Code:

“RULES OF PROFESSIONAL CONDUCT FOR LAWYERS IN
 FEDERAL PRACTICE

“Rule 1. Scope.

“Rule 2. Abuse of Victims and Others Prohibited.

“Rule 3. Duty of Enquiry in Relation to Client.

“Rule 4. Duty to Expedite Litigation.

“Rule 5. Duty to Prevent Commission of Crime.

6 **“Rule 1. Scope**

7 “(a) These rules apply to the conduct of lawyers in
 8 their representation of clients in relation to proceedings
 9 and potential proceedings before federal tribunals.

10 “(b) For purposes of these rules, ‘Federal tribunal’ and
 11 ‘tribunal’ mean a court of the United States or an agency
 12 of the Federal Government that carries out adjudicatory
 13 or quasi-adjudicatory functions.

14 **“Rule 2. Abuse of Victims and Others Prohibited**

15 “(a) A lawyer shall not engage in any action or course
 16 of conduct for the purpose of increasing the expense of
 17 litigation for any person, other than a liability under an
 18 order or judgment of a tribunal.

19 “(b) A lawyer shall not engage in any action or course
 20 of conduct that has no substantial purpose other than to
 21 distress, harass, embarrass, burden, or inconvenience an-
 22 other person.

1 “(c) A lawyer shall not offer evidence that the lawyer
2 knows to be false or attempt to discredit evidence that the
3 lawyer knows to be true.

4 **“Rule 3. Duty of Enquiry in Relation to Client**

5 “A lawyer shall attempt to elicit from the client a truth-
6 ful account of the material facts concerning the matters
7 in issue. In representing a client charged with a crime or
8 civil wrong, the duty of enquiry under this rule includes—

9 “(1) attempting to elicit from the client a materi-
10 ally complete account of the alleged criminal activity
11 or civil wrong if the client acknowledges involvement
12 in the alleged activity or wrong; and

13 “(2) attempting to elicit from the client the mate-
14 rial facts relevant to a defense of alibi if the client
15 denies such involvement.

16 **“Rule 4. Duty to Expedite Litigation**

17 “(a) A lawyer shall seek to bring about the expeditious
18 conduct and conclusion of litigation.

19 “(b) a lawyer shall not seek a continuance or otherwise
20 attempt to delay or prolong proceedings in the hope or
21 expectation that—

22 “(1) evidence will become unavailable;

23 “(2) evidence will become more subject to im-
24 peachment or otherwise less useful to another party
25 because of the passage of time; or

1 “(3) an advantage will be obtained in relation to
2 another party because of the expense, frustration,
3 distress, or other hardship resulting from prolonged
4 or delayed proceedings.

5 **“Rule 5. Duty to Prevent Commission of Crime**

6 “(a) A lawyer may disclose information relating to the
7 representation of a client to the extent necessary to pre-
8 vent the commission of a crime or other unlawful act.

9 “(b) A lawyer shall disclose information relating to the
10 representation of a client where disclosure is required by
11 law. A lawyer shall also disclose such information to the
12 extent necessary to prevent—

13 “(1) the commission of a crime involving the use
14 or threatened use of force against another, or a sub-
15 stantial risk of death or serious bodily injury to an-
16 other; or

17 “(2) the commission of a crime of sexual assault
18 or child molestation.

19 “(c) For purposes of this rule, ‘crime’ means a crime
20 under the law of the United States or the law of a State,
21 and ‘unlawful act’ means an act in violation of the law
22 of the United States or the law of a State.”.

23 **SEC. 125. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY.**

24 Rule 24(b) of the Federal Rules of Criminal Procedure
25 is amended by striking “the Government is entitled to 6

1 peremptory challenges and the defendant or defendants
2 jointly to 10 peremptory challenges” and inserting “each
3 side is entitled to 6 peremptory challenges”.

4 **SEC. 126. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.**

5 Rule 32 of the Federal Rules of Criminal Procedure is
6 amended—

7 (1) by striking “and” at the end of subdivision
8 (a)(1)(B);

9 (2) by striking the period at the end of subdivi-
10 sion (a)(1)(C) and inserting “; and”;

11 (3) by inserting after subdivision (a)(1)(C) the fol-
12 lowing:

13 “(D) if sentence is to be imposed for a
14 crime of violence or sexual abuse, address the
15 victim personally if the victim is present at the
16 sentencing hearing and determine if the victim
17 wishes to make a statement and to present any
18 information in relation to the sentence.”;

19 (4) in the penultimate sentence of subdivision
20 (a)(1) by striking “equivalent opportunity” and in-
21 sserting “opportunity equivalent to that of the de-
22 fendant’s counsel”;

23 (5) in the last sentence of subdivision (a)(1) by
24 inserting “the victim,” before “, or the attorney for
25 the Government.”;

1 (6) by adding at the end the following new sub-
2 division:

3 “(f) DEFINITIONS.—For purposes of this rule—

4 “(1) ‘crime of violence or sexual abuse’ means
5 a crime that involved the use or attempted or threat-
6 ened use of physical force against the person or
7 property of another, or a crime under chapter 109A
8 of title 18, United States Code; and

9 “(2) ‘victim’ means an individual against whom
10 an offense for which a sentence is to be imposed has
11 been committed, but the right of allocution under
12 subdivision (a)(1)(D) may be exercised instead by—

13 “(A) a parent or legal guardian if the vic-
14 tim is below the age of 18 years or incompetent;
15 or

16 “(B) one or more family members or rel-
17 atives designated by the court if the victim is
18 deceased or incapacitated,

19 if such person or persons are present at the sentenc-
20 ing hearing, regardless of whether the victim is
21 present.”.

22 **SEC. 127. VICTIM’S RIGHT OF PRIVACY.**

23 (a) FINDINGS.—The Congress finds that—

24 (1) the crime of rape is underreported to law
25 enforcement authorities because of its traumatic ef-

1 fect on victims and the stigmatizing nature of the
2 crime;

3 “(2) rape victims may be further victimized by
4 involuntary public disclosure of their identities;

5 (3) rape victims should be encouraged to come
6 forward and report the crime without fear of being
7 revictimized through involuntary public disclosure of
8 their identities; and

9 (4) any interest of the public in knowing the
10 identity of a rape victim notwithstanding the vic-
11 tim’s wishes to the contrary is outweighed by the in-
12 terest of protecting the privacy of rape victims and
13 encouraging rape victims to report the crime and as-
14 sist in prosecution.

15 (b) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that news media, law enforcement personnel, and
17 other persons should exercise restraint and respect a rape
18 victim’s privacy by not disclosing the victim’s identity to
19 the general public or facilitating such disclosure without
20 the consent of the victim.

21 Subtitle C—Safe Campuses

22 **SEC. 131. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL**
23 **ASSAULT.**

24 (a) STUDY.—The Attorney General shall provide for
25 a national baseline study to examine the scope of the prob-

1 lem of campus sexual assaults and the effectiveness of in-
2 stitutional and legal policies in addressing such crimes and
3 protecting victims. The Attorney General may utilize the
4 Bureau of Justice Statistics, the National Institute of Jus-
5 tice, and the Office for Victims of Crime in carrying out
6 this section.

7 (b) REPORT.—Based on the study required by sub-
8 section (a), the Attorney General shall prepare a report
9 including an analysis of—

10 (1) the number of reported allegations and esti-
11 mated number of unreported allegations of campus
12 sexual assaults, and to whom the allegations are re-
13 ported (including authorities of the educational insti-
14 tution, sexual assault victim service entities, and
15 local criminal authorities);

16 (2) the number of campus sexual assault allega-
17 tions reported to authorities of educational institu-
18 tions which are reported to criminal authorities;

19 (3) the number of campus sexual assault allega-
20 tions that result in criminal prosecution in compari-
21 son with the number of non-campus sexual assault
22 allegations that result in criminal prosecution;

23 (4) Federal and State laws or regulations per-
24 taining specifically to campus sexual assaults;

1 (5) the adequacy of policies and practices of
2 educational institutions in addressing campus sexual
3 assaults and protecting victims, including consider-
4 ation of—

5 (A) the security measures in effect at edu-
6 cational institutions, such as utilization of cam-
7 pus police and security guards, control over ac-
8 cess to grounds and buildings, supervision of
9 student activities and student living arrange-
10 ments, control over the consumption of alcohol
11 by students, lighting, and the availability of es-
12 cort services;

13 (B) the articulation and communication to
14 students of the institution’s policies concerning
15 sexual assaults;

16 (C) policies and practices that may prevent
17 or discourage the reporting of campus sexual
18 assaults to local criminal authorities, or that
19 may otherwise obstruct justice or interfere with
20 the prosecution of perpetrators of campus sex-
21 ual assaults;

22 (D) the nature and availability of victim
23 services for victims of campus sexual assaults;

1 (E) the ability of educational institutions'
2 disciplinary processes to address allegations of
3 sexual assault adequately and fairly;

4 (F) measures that are taken to ensure that
5 victims are free of unwanted contact with al-
6 leged assailants, and disciplinary sanctions that
7 are imposed when a sexual assault is deter-
8 mined to have occurred; and

9 (G) the grounds on which educational in-
10 stitutions are subject to lawsuits based on cam-
11 pus sexual assaults, the resolution of these
12 cases, and measures that can be taken to avoid
13 the likelihood of lawsuits and civil liability;

14 (6) an assessment of the policies and practices
15 of educational institutions that are of greatest effec-
16 tiveness in addressing campus sexual assaults and
17 protecting victims, including policies and practices
18 relating to the particular issues described in para-
19 graph (5); and

20 (7) any recommendations the Attorney General
21 may have for reforms to address campus sexual as-
22 saults and protect victims more effectively, and any
23 other matters that the Attorney General deems rel-
24 evant to the subject of the study and report required
25 by this section.

1 (c) SUBMISSION OF REPORT.—The report re-
2 quired by subsection (b) shall be submitted to the
3 Congress no later than September 1, 1995.

4 (d) DEFINITION.—For purposes of this section,
5 “campus sexual assaults” includes sexual assaults occur-
6 ring at institutions of postsecondary education and sexual
7 assaults committed against or by students or employees
8 of such institutions.

9 (e) AUTHORIZATION OF APPROPRIATION.—There is
10 authorized to be appropriated \$200,000 to carry out the
11 study required by this section.

12 Subtitle D—Assistance to States and Localities

13 **SEC. 141. SEXUAL VIOLENCE GRANT PROGRAM.**

14 (a) PURPOSE.—The purpose of this section is to
15 strengthen and improve State and local efforts to prevent
16 and punish sexual violence, and to assist and protect the
17 victims of sexual violence.

18 (b) AUTHORIZATION OF GRANTS.—The Attorney
19 General, through the Bureau of Justice Assistance, the
20 Office for Victims of Crime, and the Bureau of Justice
21 Statistics, may make grants to support projects and pro-
22 grams relating to sexual violence, including support of—

23 (1) training and policy development programs
24 for law enforcement officers and prosecutors con-

1 cerning the investigation and prosecution of sexual
2 violence;

3 (2) law enforcement and prosecutorial units and
4 teams that target sexual violence;

5 (3) victim services programs for victims of sex-
6 ual violence;

7 (4) educational and informational programs re-
8 lating to sexual violence;

9 (5) improved systems for collecting, keeping,
10 and disseminating records and data concerning sex-
11 ual violence and offenders who engage in sexual vio-
12 lence;

13 (6) background check systems that enable em-
14 ployers to determine whether employees and appli-
15 cants for employment have criminal histories involv-
16 ing sexual violence, in relation to employment posi-
17 tions for which a person may be unsuitable on the
18 basis of such a history, such as child care positions
19 and positions involving access to people's homes;

20 (7) registration systems which require persons
21 convicted of sexual violence to keep law enforcement
22 authorities informed of their addresses or locations;

23 (8) security measures in parks, public transpor-
24 tation systems, public buildings and facilities, and

1 other public places which reduce the risk that acts
2 of sexual violence will occur in such places;

3 (9) programs addressing campus sexual as-
4 saults, as defined in section 131 of this Act;

5 (10) programs assisting runaway and homeless
6 children or other persons who have been subjected to
7 or are at risk of sexual violence or sexual exploi-
8 tation, including sexual exploitation through pros-
9 titution or in the production of pornography;

10 (11) training programs for judges in relation to
11 cases involving sexual violence; and

12 (12) treatment programs in a correctional set-
13 ting for offenders who engage in sexual violence,
14 which may include aftercare components, and which
15 shall include an evaluation component to determine
16 the effectiveness of the treatment in reducing recidi-
17 vism.

18 (c) FORMULA GRANTS.—Of the amount appropriated
19 in each fiscal year for grants under this section, other than
20 the amount set aside to carry out subsection (d)—

21 (1) 0.25 percent shall be set aside for each par-
22 ticipating State; and

23 (2) the remainder shall be allocated to the par-
24 ticipating States in proportion to their populations;
25 for the use of State and local governments in the States.

1 (d) DISCRETIONARY GRANTS.—Of the amount appro-
2 priated in each fiscal year, 20 percent shall be set aside
3 in a discretionary fund to provide grants to public and
4 private agencies to further the purposes and objectives set
5 forth in subsections (a) and (b).

6 (e) APPLICATION FOR FORMULA GRANTS.—To re-
7 quest a grant under subsection (c), the chief executive offi-
8 cer of a State must, in each fiscal year, submit to the
9 Attorney General a plan for addressing sexual violence in
10 the State, including a specification of the uses to which
11 funds provided under subsection (c) will be put in carrying
12 out the plan. The application must include—

13 (1) certification that the Federal funding pro-
14 vided will be used to supplement and not supplant
15 State and local funds;

16 (2) certification that any requirement of State
17 law for review by the State legislature or a des-
18 ignated body, and any requirement of State law for
19 public notice and comment concerning the proposed
20 plan, has been satisfied; and

21 (3) provisions for fiscal control, management,
22 recordkeeping, and submission of reports in relation
23 to funds provided under this section that are consist-
24 ent with requirements prescribed for the program.

25 (f) CONDITIONS ON GRANTS.—

1 (1) MATCHING FUNDS.—Grants under sub-
2 section (c) may be for up to 50 percent of the overall
3 cost of a project or program funded. Discretionary
4 grants under subsection (d) may be for up to 100
5 percent of the overall cost of a project or program
6 funded.

7 (2) DURATION OF GRANTS.—Grants under sub-
8 section (c) may be provided in relation to a particu-
9 lar project or program for up to an aggregate maxi-
10 mum period of four years.

11 (3) LIMIT ON ADMINISTRATIVE COSTS.—Not
12 more than 5 percent of a grant under subsection (c)
13 may be used for costs incurred to administer the
14 grant.

15 (4) PAYMENT OF COST OF FORENSIC MEDICAL
16 EXAMINATIONS.—It is a condition of eligibility for
17 grants under subsection (c) that a State pay the cost
18 of forensic medical examinations for victims of sex-
19 ual violence.

20 (5) POLICIES AGAINST CAMPUS SEXUAL ASSAULTS.—
21 For an institution of postsecondary education seeking a
22 grant under subsection (d), it is a condition of eligibility
23 that the institution articulate and communicate to its stu-
24 dents a clear policy that sexual violence will not be toler-
25 ated by the institution.

1 (g) EVALUATION.—The National Institute of Justice
2 shall have the authority to carry out evaluations of pro-
3 grams funded under this section. The recipient of any
4 grant under this section may be required to include an
5 evaluation component to determine the effectiveness of the
6 project or program funded that is consistent with guide-
7 lines issued by the National Institute of Justice.

8 (h) COORDINATION.—The Attorney General may uti-
9 lize the Office of Justice Programs to coordinate the ad-
10 ministration of grants under this section. The coordination
11 of grants under this section shall include prescribing con-
12 sistent program requirements for grantees, allocating
13 functions and the administration of particular grants
14 among the components that participate in the administra-
15 tion of the program under this section, coordinating the
16 program under this section with the Domestic Violence
17 and Family Support Grant Program established by section
18 208 of this Act, and coordinating the program under this
19 section with other grant programs administered by compo-
20 nents of the Department of Justice.

21 (i) DEFINITION.—For purposes of this section, “sex-
22 ual violence” includes non-consensual sex offenses and sex
23 offenses involving victims who are not able to give legally
24 effective consent because of age or incompetency.

1 (j) REPORT.—The Attorney General shall submit an
2 annual report to Congress concerning the operation and
3 effectiveness of the program under this section.

4 (k) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated, in each of fiscal years
6 1994, 1995, and 1996, \$250,000,000 to carry out this
7 section, and such sums as may be necessary in each fiscal
8 year thereafter.

9 **SEC. 142. SUPPLEMENTARY GRANTS FOR STATES ADOPT-**
10 **ING EFFECTIVE LAWS RELATING TO SEXUAL**
11 **VIOLENCE.**

12 (a) SUPPLEMENTARY GRANTS.—The Attorney Gen-
13 eral may, in each fiscal year, authorize the award to a
14 State of an aggregate amount of up to \$1,000,000 under
15 the Sexual Violence Grant Program established by section
16 141 of this Act, in addition to any funds that are other-
17 wise authorized under that program. The authority to
18 award additional funding under this section is conditional
19 on certification by the Attorney General that the State has
20 laws relating to sexual violence that exceed or are reason-
21 ably comparable to the provisions of Federal law (includ-
22 ing changes in Federal law adopted by this Act) in the
23 following areas:

24 (1) Authorization of pre-trial detention of de-
25 fendants in sexual assault cases where prevention of

1 flight or the safety of others cannot be reasonably
2 assured by other means, and denial of release pend-
3 ing appeal for persons convicted of sexual assault of-
4 fenses who have been sentenced to imprisonment.

5 (2) Authorization of severe penalties for sexual
6 assault offenses.

7 (3) Pre-trial testing for the human
8 immunodeficiency virus of persons charged with sex-
9 ual assault offenses, with disclosure of test results to
10 the victim.

11 (4) Payment of the cost of medical examina-
12 tions and the cost of testing for the human
13 immunodeficiency virus for victims of sexual as-
14 saults.

15 (5) According the victim of a sexual assault the
16 right to be present at judicial proceedings in the
17 case.

18 (6) Protection of victims from inquiry into un-
19 related sexual behavior in sexual assault cases.

20 (7) Rules of professional conduct for lawyers
21 that protect victims from unwarranted cross-exam-
22 ination and impeachment, dilatory tactics, and other
23 abuses in sexual assault cases.

24 (8) Authorization of admission and consider-
25 ation in sexual assault cases of evidence that the de-

1 fendant has committed sexual assaults on other oc-
2 casions.

3 (9) Authorization of the victim in sexual assault
4 cases to address the court concerning the sentence
5 to be imposed.

6 (10) Authorization of the award of restitution
7 to victims of sexual assaults as part of a criminal
8 sentence.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated in each fiscal year such
11 sums as may be necessary to carry out this section.

12 **TITLE II—DOMESTIC VIOLENCE, STALK-**
13 **ING, AND OFFENSES AGAINST THE**
14 **FAMILY**

15 **SEC. 201. INTERSTATE TRAVEL TO COMMIT SPOUSE ABUSE**
16 **OR TO VIOLATE PROTECTIVE ORDER; INTER-**
17 **STATE STALKING.**

18 (a) OFFENSE.—Part 1 of title 18, United States
19 Code, is amended by inserting after chapter 110 the fol-
20 lowing:

 “CHAPTER 110A—DOMESTIC VIOLENCE AND STALKING

 “Sec.

 “2261. Domestic violence and stalking.

21 **“§ 2261. Domestic violence and stalking**

22 “(a) OFFENSE.—Whoever causes or attempts to
23 cause bodily injury to, engages in sexual abuse against,

1 or violates a protective order in relation to, another shall
2 be punished—

3 “(1) if death results, by death or by imprison-
4 ment for any term of years or for life;

5 “(2) if permanent disfigurement or life-threat-
6 ening bodily injury results, by imprisonment for not
7 more than 20 years;

8 “(3) if serious bodily injury results, or if a fire-
9 arm, knife, or other dangerous weapon is possessed,
10 carried, or used during the commission of the of-
11 fense, by imprisonment for not more than 10 years;
12 and

13 “(4) in any other case, by imprisonment for not
14 more than five years.

15 If, however, the defendant engages in sexual abuse and
16 the penalty authorized for such conduct under chapter
17 109A exceeds the penalty which would otherwise be au-
18 thorized under this subsection, then the penalty authorized
19 for such conduct under chapter 109A shall apply.

20 “(b) MANDATORY PENALTIES.—A sentence under
21 this section shall include at least three months of impris-
22 onment if the offense involves the infliction of bodily injury
23 on or the commission of sexual abuse against the victim.
24 A sentence under this section shall include at least six
25 months of imprisonment if the offense involves the viola-

1 tion of a protective order and the defendant has previously
2 violated a protective order in relation to the same victim.

3 “(c) JURISDICTION.—There is Federal jurisdiction to
4 prosecute an offense under this section if the defendant
5 traveled in interstate or foreign commerce, or transported
6 or caused another to move in interstate or foreign com-
7 merce, with the intention of committing or in furtherance
8 of committing the offense, and —

9 “(1) the victim was a spouse or former spouse
10 of the defendant, was cohabiting with or had
11 cohabited with the defendant, or had a child in com-
12 mon with the defendant; or

13 “(2) the defendant on two or more occasions—

14 “(A) has caused or attempted or threat-
15 ened to cause death or serious bodily injury to
16 or engaged in sexual abuse in relation to the
17 victim; or

18 “(B) has engaged in any conduct that
19 caused or was intended to cause apprehension
20 by the victim that the victim would be subjected
21 to death, serious bodily injury, or sexual abuse.

22 “(d) DEFINITIONS.—For purposes of this section—

23 “(1) ‘protective order’ means an order issued by
24 a court of a State prohibiting or limiting violence

1 against, harassment of, contact or communication
2 with, or physical proximity to another person;

3 “(2) ‘sexual abuse’ means any conduct pro-
4 scribed by chapter 109A of this title, whether or not
5 the conduct occurs in the special maritime and terri-
6 torial jurisdiction of the United States or in a Fed-
7 eral prison;

8 “(3) ‘serious bodily injury’ and ‘bodily injury’
9 have the meanings given in section 1365(g); and

10 “(4) ‘State’ has the meaning given in section
11 513(c)(5).”.

12 (b) CLERICAL AMENDMENT.—The analysis for Part
13 1 of title 18, United States Code, is amended by inserting
14 after the item for chapter 110 the following:

“**110A. Domestic violence and offenses against the
family 2261**”.

15 (c) MANDATORY RESTITUTION.—Section 3663 of
16 title 18, United States Code, as amended by section 109
17 of this Act, is further amended by striking “or chapter
18 110” and inserting “, chapter 110, or section 2261” in
19 each of subsection (b)(2) and subsection (d).

20 (d) INTERIM PROTECTION.—Section
21 3156(a)(4)(C)—of title 18, United States Code, as added
22 by section 101 of this Act, is amended by striking “or
23 chapter 110” and inserting “, chapter 110, or section
24 2261”.

1 (e) DEATH PENALTY PROCEDURES.—Section 1118
2 of title 18, United States Code, as enacted by section 102
3 of this Act, is amended in paragraph (1) of subsection (e)
4 by inserting “or section 2261” after “117”.

5 **SEC. 202. FULL FAITH AND CREDIT FOR PROTECTIVE OR-**
6 **DERS.**

7 (a) REQUIREMENT OF FULL FAITH AND CREDIT.—
8 Chapter 110A of title 18, United States Code, as enacted
9 by section 201, is amended by adding at the end the fol-
10 lowing:

11 **“§ 2262. Full Faith and Credit for Protective Orders**

12 “(a) A protective order issued by a court of a State
13 shall have the same full faith and credit in a court in an-
14 other State that it would have in a court of the State in
15 which issued, and shall be enforced by the courts of any
16 State as if it were issued in that State.

17 “(b) For purposes of this section—

18 “(1) ‘protective order’ means an order prohibit-
19 ing or limiting violence against, harassment of, con-
20 tact or communication with, or physical proximity to
21 another person; and

22 “(2) ‘State’ has the meaning given in section
23 513(c)(5).”.

24 (b) CLERICAL AMENDMENT.—The analysis for chap-
25 ter 110A of title 18, United States Code, as enacted by

1 section 201, is amended by inserting at the end the follow-
2 ing:

“2262. Full Faith and Credit for Protective Orders.”.

3 **SEC. 203. NON-COMPLIANCE WITH CHILD SUPPORT OBLI-**
4 **GATIONS IN INTERSTATE CASES.**

5 Chapter 11A of title 18, United States Code, is
6 amended to read as follows:

“CHAPTER 11A—CHILD SUPPORT

“Sec.

“228. Non-compliance with child support obligations.

7 **“§ 228. Non-compliance with child support obliga-**
8 **tions.**

9 “(a) OFFENSE.—Whoever—

10 “(1) leaves or remains outside a State with in-
11 tent to avoid payment of a child support obligation;
12 or

13 “(2) fails to pay a major child support obliga-
14 tion, as defined in subsection (e), with respect to a
15 child who resides in another State, despite having
16 the financial resources to pay the obligation or the
17 ability to acquire such resources through reasonable
18 diligence;

19 shall be punished as provided in subsection (c).

20 “(b) PRESUMPTION.—In relation to an offense
21 charged under paragraph (1) of subsection (a), the ab-
22 sence of the defendant from the State for an aggregate
23 period of six months without payment of the child support

1 obligation shall create a rebuttable presumption that the
2 intent existed to avoid payment of the obligation.

3 “(c) PENALTY.—A person convicted of an offense
4 under this section shall be punished by imprisonment for
5 up to six months, and on a second or subsequent convic-
6 tion, by imprisonment for up to two years.

7 “(d) RESTITUTION.—In addition to any restitution
8 that may be ordered pursuant to section 3663, a sentence
9 for an offense under this section shall include an order
10 of restitution in an amount equal to the past due support
11 obligation as it exists at the time of sentencing. Sub-
12 sections (e)–(i) of section 3663 shall apply to an order
13 of restitution pursuant to this subsection.

14 “(e) DEFINITIONS.—For purposes of this section—

15 “(1) ‘child support obligation’ means an
16 amount determined under a court order or an order
17 of an administrative process pursuant to the law of
18 a State to be due from a person for the support of
19 a child or of a child and the parent with whom the
20 child is living;

21 “(2) ‘major child support obligation’ means a
22 child support obligation that has remained unpaid
23 for a period exceeding one year, or that is greater
24 than \$5,000;

1 “(3) ‘past due support obligation’ means a child
2 support obligation that is unpaid at the time of sen-
3 tencing for an offense under this section; and

4 “(4) ‘State’ has the meaning given in section
5 513(c)(5).”.

6 **SEC. 204. PRESUMPTION AGAINST CHILD CUSTODY FOR**
7 **SPOUSE ABUSERS.**

8 (a) The Congress finds that—

9 (1) courts fail to recognize the detrimental ef-
10 fects of having as a custodial parent an individual
11 who physically abuses his or her spouse, insofar as
12 they do not hear or weigh evidence of domestic vio-
13 lence in child custody litigation;

14 (2) joint custody forced upon hostile parents
15 can create a damaging psychological environment for
16 a child;

17 (3) physical abuse of a spouse is relevant to the
18 likelihood of child abuse in child custody disputes;

19 (4) the effects on children of physical abuse of
20 a spouse include—

21 (A) traumatization and psychological dam-
22 age to children resulting from observation of
23 the abuse and the climate of violence and fear
24 existing in a home where abuse takes place;

1 (B) the risk that children may become tar-
2 gets of physical abuse when they attempt to in-
3 tervene on behalf of an abused parent; and

4 (C) the negative effects on children of ex-
5 posure to an inappropriate role model, in that
6 witnessing an aggressive parent may commu-
7 nicate to children that violence is an acceptable
8 means of dealing with others; and

9 (5) the harm to children from spouse abuse
10 may be compounded by award of exclusive or joint
11 custody to an abuser because further abuse may
12 occur when the abused spouse is forced to have con-
13 tact with the abuser as a result of the custody ar-
14 rangement, and because the child or children may be
15 exposed to abuse committed by the abuser against a
16 subsequent spouse or partner.

17 (b) SENSE OF CONGRESS.—It is the sense of the
18 Congress that, for purposes of determining child custody,
19 evidence establishing that a parent engages in physical
20 abuse of a spouse should create a statutory presumption
21 that it is detrimental to the child to be placed in the cus-
22 tody of the abusive spouse

23 **SEC. 205. REPORT ON BATTERED WOMEN'S SYNDROME.**

24 (a) REPORT.—The Attorney General shall prepare
25 and transmit to the Congress a report on the status of

1 battered women's syndrome as a medical and psycho-
2 logical condition and on its effect in criminal trials. The
3 Attorney General may utilize the National Institute of
4 Justice to obtain information required for the preparation
5 of the report.

6 (b) COMPONENTS OF REPORT.—The report described
7 in subsection (a) shall include—

8 (1) a review of medical and psychological views
9 concerning the existence, nature, and effects of bat-
10 tered women's syndrome as a psychological condi-
11 tion;

12 (2) a compilation of judicial decisions that have
13 admitted or excluded evidence of battered women's
14 syndrome as evidence of guilt or as a defense in
15 criminal trials; and

16 (3) information on the views of judges, prosecu-
17 tors, and defense attorneys concerning the effects
18 that evidence of battered women's syndrome may
19 have in criminal trials.

20 **SEC. 206. REPORT ON CONFIDENTIALITY OF ADDRESSES**
21 **FOR VICTIMS OF DOMESTIC VIOLENCE.**

22 (a) The Attorney General shall conduct a study of
23 the means by which abusive spouses may obtain informa-
24 tion concerning the addresses or locations of estranged or
25 former spouses, notwithstanding the desire of the victims

1 to have such information withheld to avoid further expo-
2 sure to abuse. Based on the study, the Attorney General
3 shall transmit a report to Congress including—

4 (1) the findings of the study concerning the
5 means by which information concerning the address-
6 es or locations of abused spouses may be obtained
7 by abusers; and

8 (2) analysis of the feasibility of creating effec-
9 tive means of protecting the confidentiality of infor-
10 mation concerning the addresses and locations of
11 abused spouses to protect such persons from expo-
12 sure to further abuse while preserving access to such
13 information for legitimate purposes.

14 (b) The Attorney General may utilize the National
15 Institute of Justice and the Office for Victims of Crime
16 in carrying out this section.

17 **SEC. 207. REPORT ON RECORDKEEPING RELATING TO DO-**
18 **MESTIC VIOLENCE.**

19 Not later than one year after the date of enactment
20 of this Act, the Attorney General shall complete a study
21 of, and shall submit to Congress a report and rec-
22 ommendations on, problems of recordkeeping of criminal
23 complaints involving domestic violence. The study and re-
24 port shall examine—

1 (1) The efforts that have been made by the De-
2 partment of Justice, including the Federal Bureau
3 of Investigation, to collect statistics on domestic vio-
4 lence; and

5 (2) the feasibility of requiring that the relation-
6 ship between an offender and victim be reported in
7 Federal records of crimes of aggravated assault,
8 rape, and other violent crimes.

9 **SEC. 208. DOMESTIC VIOLENCE AND FAMILY SUPPORT**
10 **GRANT PROGRAM.**

11 (a) PURPOSE.—The purpose of this section is to
12 strengthen and improve State and local efforts to prevent
13 and punish domestic violence and other criminal and un-
14 lawful acts that particularly affect women, and to assist
15 and protect the victims of such crimes and acts.

16 (b) AUTHORIZATION OF GRANTS.—The Attorney
17 General, through the Bureau of Justice Assistance, the
18 Office for Victims of Crime, and the Bureau of Justice
19 Statistics, may make grants to support projects and pro-
20 grams relating to domestic violence and other criminal and
21 unlawful acts that particularly affect women, including
22 support of—

23 (1) training and policy development programs
24 for law enforcement officers and prosecutors con-

1 cerning the investigation and prosecution of domes-
2 tic violence;

3 (2) law enforcement and prosecutorial units and
4 teams that target domestic violence;

5 (3) model, innovative, and demonstration law
6 enforcement programs relating to domestic violence
7 that involve pro-arrest and aggressive prosecution
8 policies;

9 (4) model, innovative, and demonstration pro-
10 grams for the effective utilization and enforcement
11 of protective orders;

12 (5) programs addressing stalking and persistent
13 menacing;

14 (6) victim services programs for victims of do-
15 mestic violence;

16 (7) shelters that provide services for victims of
17 domestic violence and related programs;

18 (8) educational and informational programs re-
19 lating to domestic violence;

20 (9) resource centers providing information,
21 technical assistance, and training to domestic vio-
22 lence service providers, agencies, and programs;

23 (10) coalitions of domestic violence service pro-
24 viders, agencies, and programs;

1 (11) training programs for judges and court
2 personnel in relation to cases involving domestic vio-
3 lence; and

4 (12) enforcement of child support obligations,
5 including cooperative efforts and arrangements of
6 States to improve enforcement in cases involving
7 interstate elements.

8 (c) FORMULA GRANTS.—Of the amount appropriated
9 in each fiscal year for grants under this section, other than
10 the amount set aside to carry out subsection (d)—

11 (1) 0.25 percent shall be set aside for each par-
12 ticipating State; and

13 (2) the remainder shall be allocated to the par-
14 ticipating States in proportion to their populations;
15 for the use of State and local governments in the States.

16 (d) DISCRETIONARY GRANTS.—Of the amount appro-
17 priated in each fiscal year, 20 percent shall be set aside
18 in a discretionary fund to provide grants to public and
19 private agencies to further the purposes and objectives set
20 forth in subsections (a) and (b).

21 (e) APPLICATION FOR FORMULA GRANTS.—To re-
22 quest a grant under subsection (c), the chief executive offi-
23 cer of a State must, in each fiscal year, submit to the
24 Attorney General a plan for addressing domestic violence
25 and other criminal and unlawful acts that particularly af-

1 fect women in the State, including a specification of the
2 uses to which funds provided under subsection (c) will be
3 put in carrying out the plan. The application must in-
4 clude—

5 (1) certification that the Federal funding pro-
6 vided will be used to supplement and not supplant
7 State and local funds;

8 (2) certification that any requirement of State
9 law for review by the State legislature or a des-
10 ignated body, and any requirement of State law for
11 public notice and comment concerning the proposed
12 plan, has been satisfied; and

13 (3) provisions for fiscal control, management,
14 recordkeeping, and submission of reports in relation
15 to funds provided under this section that are consist-
16 ent with requirements prescribed for the program.

17 (f) CONDITIONS ON GRANTS.—

18 (1) MATCHING FUNDS.—Grants under sub-
19 section (c) may be for up to 50 percent of the overall
20 cost of a project or program funded. Discretionary
21 grants under subsection (d) may be for up to 100
22 percent of the overall cost of a project or program
23 funded.

24 (2) DURATION OF GRANTS.—Grants under sub-
25 section (c) may be provided in relation to a particu-

1 lar project or program for up to an aggregate maxi-
2 mum period of four years.

3 (3) LIMIT ON ADMINISTRATIVE COSTS.—Not
4 more than 5 percent of a grant under subsection (c)
5 may be used for costs incurred to administer the
6 grant.

7 (g) EVALUATION.—The National Institute of Justice
8 shall have the authority to carry out evaluations of pro-
9 grams funded under this section. The recipient of any
10 grant under this section may be required to include an
11 evaluation component to determine the effectiveness of the
12 project or program funded that is consistent with guide-
13 lines issued by the National Institute of Justice.

14 (h) COORDINATION.—The Attorney General may uti-
15 lize the Office of Justice Programs to coordinate the ad-
16 ministration of grants under this section. The coordination
17 of grants under this section shall include prescribing con-
18 sistent program requirements for grantees, allocating
19 functions and the administration of particular grants
20 among the components that participate in the administra-
21 tion of the program under this section, coordinating the
22 program under this section with the Sexual Violence Grant
23 Program established by section 141 of this Act, and co-
24 ordinating the program under this section with other

1 grant programs administered by components of the De-
2 partment of Justice.

3 (i) DEFINITION.—For purposes of this section, “do-
4 mestic violence” includes any act of criminal violence in
5 which the offender and the victim are members of the
6 same household or relatives, or in which the offender and
7 the victim are present or former spouses or cohabitators or
8 have a child in common.

9 (j) REPORT.—The Attorney General shall submit an
10 annual report to Congress concerning the operation and
11 effectiveness of the program under this section.

12 (k) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated, in each of fiscal years
14 1994, 1995, and 1996, \$250,000,000 to carry out this
15 section, and such sums as may be necessary in each fiscal
16 year thereafter.

17 **TITLE III—NATIONAL TASK FORCE ON**
18 **VIOLENCE AGAINST WOMEN**

19 **SEC. 301. ESTABLISHMENT.**

20 Not later than thirty days after the date of enactment
21 of this Act, the Attorney General shall establish a task
22 force to be known as the “National Task Force on Vio-
23 lence Against Women” (referred to in this title as the
24 “task force”).

1 **SEC. 302. DUTIES OF TASK FORCE.**

2 (a) GENERAL PURPOSE OF TASK FORCE.—The task
3 force shall recommend Federal, State, and local strategies
4 aimed at protecting women against violent crime, punish-
5 ing persons who commit such crimes, and enhancing the
6 rights of victims of such crimes.

7 (b) DUTIES OF TASK FORCE.—The task force shall
8 perform such functions as the Attorney General deems ap-
9 propriate to carry out the purposes of the task force, in-
10 cluding—

11 (1) considering the reports and recommenda-
12 tions of past Federal and State studies of violent
13 crime, family violence, and the treatment of crime
14 victims, including the Report of the Attorney Gen-
15 eral to the President on Combating Violent Crime
16 (1992), the Report of the Attorney General’s Task
17 Force on Family Violence (1984), the Report of the
18 President’s Task Force on Victims of Crime (1982),
19 and the reports and recommendations of the task
20 forces and commissions established by the States of
21 Alabama, Alaska, Arkansas, Hawaii, Idaho, Indiana,
22 Kansas, Louisiana, Michigan, Minnesota, Nebraska,
23 New Mexico, New York, North Carolina, Rhode Is-
24 land, Virginia, Texas, and Wyoming;

25 (2) developing strategies for Federal, State, and
26 local law enforcement designed to protect women

1 against violent crime, and to prosecute and punish
2 those responsible for such crime;

3 (3) evaluating the adequacy of rules of evi-
4 dence, practice, and procedure to ensure the effective
5 prosecution and conviction of violent offenders
6 against women and to protect victims from abuse in
7 legal proceedings, and making recommendations for
8 the improvement of such rules;

9 (4) evaluating the adequacy of pre-trial release,
10 sentencing, incarceration, and post-conviction release
11 in relation to violent offenders against women, and
12 making recommendations designed to ensure that
13 such offenders are restrained from causing further
14 harm to the victim and others and receive appro-
15 priate punishment, including means of ensuring that
16 the efficacy of criminal sanctions will not be under-
17 mined by parole or other early release mechanisms;

18 (5) assessing the issuance, formulation, and en-
19 forcement of protective orders, whether or not relat-
20 ed to a criminal proceeding, and making rec-
21 ommendations for the effective use of such orders to
22 protect women from violence;

23 (6) assessing the problem of stalking and per-
24 sistent menacing of women, and recommending ef-
25 fective means of response to the problem;

1 (7) assessing the problem of sexual exploitation
2 of women and youths through prostitution and in
3 the production of pornography, and recommending
4 effective means of response to the problem; and

5 (8) generally evaluating the treatment of
6 women as victims of violent crime in the criminal
7 justice system, and making recommendations de-
8 signed to improve such treatment.

9 **SEC. 303. MEMBERSHIP.**

10 (a) IN GENERAL.—The task force shall consist of up
11 to ten members, who shall be appointed by the Attorney
12 General not later than sixty days after the date of enact-
13 ment of this Act. The Attorney General shall ensure that
14 the task force includes representatives of State and local
15 law enforcement, the State and local judiciary, and groups
16 dedicated to protecting the rights of victims.

17 (b) CHAIRMAN.—The Attorney General or the Attor-
18 ney General's designee shall serve as chairman of the task
19 force.

20 **SEC. 304. PAY.**

21 (a) NO ADDITIONAL COMPENSATION.—Members of
22 the task force who are officers or employees of a govern-
23 mental agency shall receive no additional compensation by
24 reason of their service on the task force.

1 (b) PER DIEM.—While away from their homes or reg-
2 ular places of business in the performance of duties for
3 the task force, members of the task force shall be allowed
4 travel expenses, including per diem in lieu of subsistence,
5 at rates authorized for employees of agencies under sec-
6 tions 5702 and 5703 of title 5, United States Code.

7 **SEC. 305 EXECUTIVE DIRECTOR AND STAFF.**

8 (a) EXECUTIVE DIRECTOR.—

9 (1) APPOINTMENT.—The task force shall have
10 an Executive Director who shall be appointed by the
11 Attorney General not later than thirty days after the
12 task force is fully constituted under section 303.

13 (2) COMPENSATION.—The Executive Director
14 shall be compensated at a rate not to exceed the
15 maximum rate of the basic pay payable under GS-
16 18 of the General Schedule as contained in title 5,
17 United States Code.

18 (b) STAFF.—With the approval of the task force, the
19 Executive Director may appoint and fix the compensation
20 of such additional personnel as the Executive Director
21 considers necessary to carry out the duties of the task
22 force.

23 (c) APPLICABILITY OF CIVIL SERVICE LAWS.—The
24 Executive Director and the additional personnel of the
25 task force appointed under subsection (b) may be ap-

1 pointed without regard to the provisions of title 5, United
2 States Code, governing appointments in the competitive
3 service, and may be paid without regard to the provisions
4 of chapter 51 and subchapter III of chapter 53 of such
5 title relating to classification and General Schedule pay
6 rates.

7 (d) CONSULTANTS.—Subject to such rules as may be
8 prescribed by the task force, the Executive Director may
9 procure temporary intermittent services under section
10 3109(b) of title 5, United States Code, at rates for individ-
11 uals not to exceed \$200 per day.

12 **SEC. 306. POWERS OF TASK FORCE.**

13 (a) HEARINGS.—For the purpose of carrying out this
14 title, the task force may conduct such hearings, sit and
15 act at such times and places, take such testimony, and
16 receive such evidence, as the task force considers appro-
17 priate. The task force may administer oaths before the
18 task force.

19 (b) DELEGATION.—Any member or employee of the
20 task force may, if authorized by the task force, take any
21 action that the task force is authorized to take under this
22 title.

23 (c) ACCESS TO INFORMATION.—The task force may
24 secure directly from any executive department or agency
25 such information as may be necessary to enable the task

1 force to carry out this title, to the extent access to such
 2 information is permitted by law. On request of the Attor-
 3 ney General, the head of such a department or agency
 4 shall furnish such permitted information to the task force.

5 (d) MAIL.—The task force may use the United States
 6 mails in the same manner and under the same conditions
 7 as other departments and agencies of the United States.

8 **SEC. 307. REPORT.**

9 Not later than one year after the date on which the
 10 task force is fully constituted under section 303, the Attor-
 11 ney General shall submit a detailed report to the Congress
 12 on the findings and recommendations of the task force.

13 **SEC. 308. AUTHORIZATION OF APPROPRIATION.**

14 There is authorized to be appropriated for fiscal year
 15 1994, \$500,000 to carry out the purposes of this title.

16 **SEC. 309. TERMINATION.**

17 The task force shall cease to exist thirty days after
 18 the date on which the Attorney General's report is submit-
 19 ted under section 307. The Attorney General may extend
 20 the life of the task force for a period of not to exceed one
 21 year.

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S 6 IS—2

S 6 IS—3

S 6 IS—4