

105TH CONGRESS
1ST SESSION

S. 1081

To enhance rights and protections for victims of crime.

IN THE SENATE OF THE UNITED STATES

JULY 29, 1997

Mr. LEAHY (for himself and Mr. KENNEDY) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To enhance rights and protections for victims of crime.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Crime Victims Assistance Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—VICTIM RIGHTS

Subtitle A—Amendments to Title 18, United States Code

Sec. 101. Right to be notified of detention hearing and right to be heard on
the issue of detention.

- Sec. 102. Right to a speedy trial and prompt disposition free from unreasonable delay.
- Sec. 103. Enhanced right to order of restitution.
- Sec. 104. Enhanced right to be notified of escape or release from prison.
- Sec. 105. Enhanced penalties for witness tampering.

Subtitle B—Amendments to Federal Rules of Criminal Procedure

- Sec. 121. Right to be notified of plea agreement and to be heard on merits of the plea agreement.
- Sec. 122. Enhanced rights of notification and allocution at sentencing.
- Sec. 123. Rights of notification and allocution at a probation revocation hearing.

Subtitle C—Amendment to Federal Rules of Evidence

- Sec. 131. Enhanced right to be present at trial.

Subtitle D—Remedies for Noncompliance

- Sec. 141. Remedies for noncompliance.

TITLE II—VICTIM ASSISTANCE INITIATIVES

- Sec. 201. Increase in victim assistance personnel.
- Sec. 202. Increased training for State and local law enforcement, State court personnel, and officers of the court to respond effectively to the needs of victims of crime.
- Sec. 203. Increased resources for State and local law enforcement agencies, courts, and prosecutors' offices to develop state-of-the-art systems for notifying victims of crime of important dates and developments.
- Sec. 204. Pilot programs to establish ombudsman programs for crime victims.
- Sec. 205. Amendments to Victims of Crime Act of 1984.
- Sec. 206. Technical correction.
- Sec. 207. Services for victims of crime and domestic violence.
- Sec. 208. Pilot program to study effectiveness of restorative justice approach on behalf of victims of crime.

1 **SEC. 2. DEFINITIONS.**

2 In this Act—

3 (1) the term “Attorney General” means the At-
4 torney General of the United States;

5 (2) the term “bodily injury” has the meaning
6 given that term in section 1365(g) of title 18, Unit-
7 ed States Code;

1 (3) the term “Commission” means the Commis-
2 sion on Victims’ Rights established under section
3 204;

4 (4) the term “Indian tribe” has the same mean-
5 ing as in section 4(e) of the Indian Self-Determina-
6 tion and Education Assistance Act (25 U.S.C.
7 450b(e));

8 (5) the term “Judicial Conference” means the
9 Judicial Conference of the United States established
10 under section 331 of title 28, United States Code;

11 (6) the term “law enforcement officer” means
12 an individual authorized by law to engage in or su-
13 pervise the prevention, detection, investigation, or
14 prosecution of any violation of law, and includes cor-
15 rections, probation, parole, and judicial officers;

16 (7) the term “Office of Victims of Crime”
17 means the Office of Victims of Crime of the Depart-
18 ment of Justice;

19 (8) the term “State” means each of the several
20 States of the United States, the District of Colum-
21 bia, the Commonwealth of Puerto Rico, the Virgin
22 Islands, Guam, American Samoa, and the Common-
23 wealth of the Northern Mariana Islands;

24 (9) the term “unit of local government” means
25 any—

1 (A) city, county, township, town, borough,
2 parish, village, or other general purpose politi-
3 cal subdivision of a State; or

4 (B) Indian tribe;

5 (10) the term “victim”—

6 (A) means an individual harmed as a re-
7 sult of a commission of an offense; and

8 (B) in the case of a victim who is less than
9 18 years of age, incompetent, incapacitated, or
10 deceased—

11 (i) the legal guardian of the victim;

12 (ii) a representative of the estate of
13 the victim;

14 (iii) a member of the family of the vic-
15 tim; or

16 (iv) any other person appointed by the
17 court to represent the victim, except that
18 in no event shall a defendant be appointed
19 as the representative or guardian of the
20 victim; and

21 (11) the term “qualified private entity” means
22 a private entity that meets such requirements as the
23 Attorney General may establish.

1 **TITLE I—VICTIM RIGHTS**
2 **Subtitle A—Amendments to Title**
3 **18, United States Code**

4 **SEC. 101. RIGHT TO BE NOTIFIED OF DETENTION HEARING**
5 **AND RIGHT TO BE HEARD ON THE ISSUE OF**
6 **DETENTION.**

7 Section 3142 of title 18, United States Code, is
8 amended by adding at the end the following:

9 “(k) NOTIFICATION OF RIGHT TO BE HEARD.—

10 “(1) IN GENERAL.—In any case involving a de-
11 fendant who is arrested for an offense involving
12 death or bodily injury to any person, a threat of
13 death or bodily injury to any person, a sexual as-
14 sault, or an attempted sexual assault, in which a de-
15 tention hearing is scheduled pursuant to subsection
16 (f)—

17 “(A) the Government shall make a reason-
18 able effort to notify the victim of the hearing,
19 and of the right of the victim to be heard on
20 the issue of detention; and

21 “(B) at the hearing under subsection (f),
22 the court shall inquire of the Government as to
23 whether the efforts at notification of the victim
24 under subparagraph (A) were successful and, if
25 so, whether the victim wishes to be heard on

1 the issue of detention and, if so, shall afford the
2 victim such an opportunity.

3 “(2) LIMITATION.—Upon motion of either
4 party that identification of the defendant by the vic-
5 tim is a fact in dispute, and that no means of ver-
6 ification has been attempted, the Court shall use ap-
7 propriate measures to protect integrity of the identi-
8 fication process.

9 “(3) ADDRESS.—With respect to any case de-
10 scribed in paragraph (1), the victim shall notify the
11 appropriate authority of an address to which notifi-
12 cation under this subsection may be sent.

13 “(4) DEFINITION OF VICTIM.—In this sub-
14 section, the term ‘victim’ means any individual
15 against whom an offense involving death or bodily
16 injury to any person, a threat of death or bodily in-
17 jury to any person, a sexual assault, or an attempted
18 sexual assault, has been committed and also includes
19 the parent or legal guardian of a victim who is less
20 than 18 years of age, or incompetent, or 1 or more
21 family members designated by the court if the victim
22 is deceased or incapacitated.”.

1 **SEC. 102. RIGHT TO A SPEEDY TRIAL AND PROMPT DIS-**
2 **POSITION FREE FROM UNREASONABLE**
3 **DELAY.**

4 Section 3161(h)(8)(B) of title 18, United States
5 Code, is amended by adding at the end the following:

6 “(v) The interests of the victim (or the family
7 of a victim who is deceased or incapacitated) in the
8 prompt and appropriate disposition of the case, free
9 from unreasonable delay.”.

10 **SEC. 103. ENHANCED RIGHT TO ORDER OF RESTITUTION.**

11 Section 3664(d)(2)(A)(iv) of title 18, United States
12 Code, is amended by inserting “, and the right of the vic-
13 tim (or the family of a victim who is deceased or incapaci-
14 tated) to attend the sentencing hearing and to make a
15 statement to the court at the sentencing hearing” before
16 the semicolon.

17 **SEC. 104. ENHANCED RIGHT TO BE NOTIFIED OF ESCAPE**
18 **OR RELEASE FROM PRISON.**

19 Section 503(c)(5)(B) of the Victims’ Rights and Res-
20 titution Act of 1990 (42 U.S.C. 10607(c)(5)(B)) is
21 amended by inserting after “offender” the following: “, in-
22 cluding escape, work release, furlough, or any other form
23 of release from a psychiatric institution or other facility
24 that provides mental health services to offenders”.

1 **SEC. 105. ENHANCED PENALTIES FOR WITNESS TAMPER-**
2 **ING.**

3 Section 1512 of title 18, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1), by striking “as pro-
7 vided in paragraph (2)” and inserting “as pro-
8 vided in paragraph (3)”;

9 (B) by redesignating paragraph (2) as
10 paragraph (3);

11 (C) by inserting after paragraph (1) the
12 following:

13 “(2) Whoever uses physical force or the threat
14 of physical force, or attempts to do so, with intent
15 to—

16 “(A) influence, delay, or prevent the testi-
17 mony of any person in an official proceeding;

18 “(B) cause or induce any person to—

19 “(i) withhold testimony, or withhold a
20 record, document, or other object, from an
21 official proceeding;

22 “(ii) alter, destroy, mutilate, or con-
23 ceal an object with intent to impair the ob-
24 ject’s integrity or availability for use in an
25 official proceeding;

1 “(iii) evade legal process summoning
2 that person to appear as a witness, or to
3 produce a record, document, or other ob-
4 ject, in an official proceeding; and

5 “(iv) be absent from an official pro-
6 ceeding to which such person has been
7 summoned by legal process; or

8 “(C) hinder, delay, or prevent the commu-
9 nication to a law enforcement officer or judge
10 of the United States of information relating to
11 the commission or possible commission of a
12 Federal offense or a violation of conditions of
13 probation, parole, or release pending judicial
14 proceedings;

15 shall be punished as provided in paragraph (3).”;

16 and

17 (D) in paragraph (3)(B), as redesignated,
18 by striking “in the case of” and all that follows
19 before the period and inserting “an attempt to
20 murder, the use of physical force, the threat of
21 physical force, or an attempt to do so, imprison-
22 ment for not more than 20 years”; and

23 (2) in subsection (b), by striking “or physical
24 force”.

1 **Subtitle B—Amendments to Fed-**
2 **eral Rules of Criminal Proce-**
3 **dure**

4 **SEC. 121. RIGHT TO BE NOTIFIED OF PLEA AGREEMENT**
5 **AND TO BE HEARD ON MERITS OF THE PLEA**
6 **AGREEMENT.**

7 (a) IN GENERAL.—Rule 11 of the Federal Rules of
8 Criminal Procedure is amended by adding at the end the
9 following:

10 “(i) RIGHTS OF VICTIMS.—

11 “(1) IN GENERAL.—In any case involving a de-
12 fendant who is charged with an offense involving
13 death or bodily injury to any person, a threat of
14 death or bodily injury to any person, a sexual as-
15 sault, or an attempted sexual assault—

16 “(A) the Government, prior to a hearing at
17 which a plea of guilty or nolo contendere is en-
18 tered, shall make a reasonable effort to notify
19 the victim of—

20 “(i) the date and time of the hearing;
21 and

22 “(ii) the right of the victim to attend
23 the hearing and to address the court; and

24 “(B) if the victim attends a hearing de-
25 scribed in subparagraph (A), the court, before

1 accepting a plea of guilty or nolo contendere,
2 shall afford the victim an opportunity to be
3 heard on the proposed plea agreement.

4 “(2) ADDRESS.—With respect to any case de-
5 scribed in paragraph (1), the victim shall notify the
6 appropriate authority of an address to which notifi-
7 cation under this subsection may be sent.

8 “(3) DEFINITION OF VICTIM.—In this sub-
9 section, the term ‘victim’ means any individual
10 against whom an offense involving death or bodily
11 injury to any person, a threat of death or bodily in-
12 jury to any person, a sexual assault, or an attempted
13 sexual assault, has been committed and also includes
14 the parent or legal guardian of a victim who is less
15 than 18 years of age, or incompetent, or 1 or more
16 family members designated by the court if the victim
17 is deceased or incapacitated.

18 “(4) MASS VICTIM CASES.—In any case involv-
19 ing more than 15 victims, the court, after consulta-
20 tion with the Government and the victims, may ap-
21 point a number of victims to serve as representatives
22 of the victims’ interests.”.

23 (b) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The amendment made by
2 subsection (a) shall become effective as provided in
3 paragraph (3).

4 (2) ACTION BY JUDICIAL CONFERENCE.—

5 (A) RECOMMENDATIONS.—Not later than
6 180 days after the date of enactment of this
7 Act, the Judicial Conference shall submit to
8 Congress a report containing recommendations
9 for amending the Federal Rules of Criminal
10 Procedure to provide enhanced opportunities for
11 victims of offenses involving death or bodily in-
12 jury to any person, the threat of death or bodily
13 injury to any person, a sexual assault, or an at-
14 tempted sexual assault, to be heard on the issue
15 of whether or not the court should accept a plea
16 of guilty or nolo contendere.

17 (B) INAPPLICABILITY OF OTHER LAW.—

18 Chapter 131 of title 28, United States Code,
19 does not apply to any recommendation made by
20 the Judicial Conference under this paragraph.

21 (3) CONGRESSIONAL ACTION.—Except as other-
22 wise provided by law, if the Judicial Conference—

23 (A) submits a report in accordance with
24 paragraph (2) containing recommendations de-
25 scribed in that paragraph, and those rec-

1 ommendations are the same as the amendment
2 made by subsection (a), then the amendment
3 made by subsection (a) shall become effective
4 30 days after the date on which the rec-
5 ommendations are submitted to Congress under
6 paragraph (2);

7 (B) submits a report in accordance with
8 paragraph (2) containing recommendations de-
9 scribed in that paragraph, and those rec-
10 ommendations are different in any respect from
11 the amendment made by subsection (a), the rec-
12 ommendations made pursuant to paragraph (2)
13 shall become effective 180 days after the date
14 on which the recommendations are submitted to
15 Congress under paragraph (2), unless an Act of
16 Congress is passed overturning the rec-
17 ommendations; and

18 (C) fails to comply with paragraph (2), the
19 amendment made by subsection (a) shall be-
20 come effective 360 days after the date of enact-
21 ment of this Act.

22 (4) APPLICATION.—Any amendment made pur-
23 suant to this section (including any amendment
24 made pursuant to the recommendations of the Unit-
25 ed States Sentencing Commission under paragraph

1 (2)) shall apply in any proceeding commenced on or
2 after the effective date of the amendment.

3 **SEC. 122. ENHANCED RIGHTS OF NOTIFICATION AND ALLO-**
4 **CUTION AT SENTENCING.**

5 (a) IN GENERAL.—Rule 32 of the Federal Rules of
6 Criminal Procedure is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (4), by striking subpara-
9 graph (D) and inserting the following:

10 “(D) a victim impact statement, identify-
11 ing, to the maximum extent practicable—

12 “(i) each victim of the offense (except
13 that such identification shall not include
14 information relating to any telephone num-
15 ber, place of employment, or residential ad-
16 dress of any victim);

17 “(ii) an itemized account of any eco-
18 nomic loss suffered by each victim as a re-
19 sult of the offense;

20 “(iii) any physical injury suffered by
21 each victim as a result of the offense,
22 along with its seriousness and permanence;

23 “(iv) a description of any change in
24 the personal welfare or familial relation-

1 ships of each victim as a result of the of-
2 fense; and

3 “(v) a description of the impact of the
4 offense upon each victim and the rec-
5 ommendation of each victim regarding an
6 appropriate sanction for the defendant;”;
7 and

8 (B) by adding at the end the following:

9 “(7) VICTIM IMPACT STATEMENTS.—

10 “(A) IN GENERAL.—Any probation officer
11 preparing a presentence report shall—

12 “(i) make a reasonable effort to notify
13 each victim of the offense that such a re-
14 port is being prepared and the purpose of
15 such report; and

16 “(ii) provide the victim with an oppor-
17 tunity to submit an oral or written state-
18 ment, or a statement on audio or videotape
19 outlining the impact of the offense upon
20 the victim.

21 “(B) USE OF STATEMENTS.—Any written
22 statement submitted by a victim under subpara-
23 graph (A) shall be attached to the presentence
24 report and shall be provided to the sentencing
25 court and to the parties.”;

1 (2) in subsection (c)(1), by adding at the end
2 the following: “Before sentencing in any case in
3 which a defendant has been charged with or found
4 guilty of an offense involving death or bodily injury
5 to any person, a threat of death or bodily injury to
6 any person, a sexual assault, or an attempted sexual
7 assault, the Government shall make a reasonable ef-
8 fort to notify the victim (or the family of a victim
9 who is deceased) of the time and place of sentencing
10 and of their right to attend and to be heard.”; and

11 (3) in subsection (f), by inserting “the right to
12 notification and to submit a statement under sub-
13 division (b)(7), the right to notification and to be
14 heard under subdivision (c)(1), and” before “the
15 right of allocution”.

16 (b) EFFECTIVE DATE.—

17 (1) IN GENERAL.—The amendments made by
18 subsection (a) shall become effective as provided in
19 paragraph (3).

20 (2) ACTION BY JUDICIAL CONFERENCE.—

21 (A) RECOMMENDATIONS.—Not later than
22 180 days after the date of enactment of this
23 Act, the Judicial Conference shall submit to
24 Congress a report containing recommendations
25 for amending the Federal Rules of Criminal

1 Procedure to provide enhanced opportunities for
2 victims of offenses involving death or bodily in-
3 jury to any person, the threat of death or bodily
4 injury to any person, a sexual assault, or an at-
5 tempted sexual assault, to participate during
6 the presentencing phase of the criminal process.

7 (B) INAPPLICABILITY OF OTHER LAW.—
8 Chapter 131 of title 28, United States Code,
9 does not apply to any recommendation made by
10 the Judicial Conference under this paragraph.

11 (3) CONGRESSIONAL ACTION.—Except as other-
12 wise provided by law, if the Judicial Conference—

13 (A) submits a report in accordance with
14 paragraph (2) containing recommendations de-
15 scribed in that paragraph, and those rec-
16 ommendations are the same as the amendments
17 made by subsection (a), then the amendments
18 made by subsection (a) shall become effective
19 30 days after the date on which the rec-
20 ommendations are submitted to Congress under
21 paragraph (2);

22 (B) submits a report in accordance with
23 paragraph (2) containing recommendations de-
24 scribed in that paragraph, and those rec-
25 ommendations are different in any respect from

1 the amendments made by subsection (a), the
2 recommendations made pursuant to paragraph
3 (2) shall become effective 180 days after the
4 date on which the recommendations are submit-
5 ted to Congress under paragraph (2), unless an
6 Act of Congress is passed overturning the rec-
7 ommendations; and

8 (C) fails to comply with paragraph (2), the
9 amendments made by subsection (a) shall be-
10 come effective 360 days after the date of enact-
11 ment of this Act.

12 (4) APPLICATION.—Any amendment made pur-
13 suant to this section (including any amendment
14 made pursuant to the recommendations of the Unit-
15 ed States Sentencing Commission under paragraph
16 (2)) shall apply in any proceeding commenced on or
17 after the effective date of the amendment.

18 **SEC. 123. RIGHTS OF NOTIFICATION AND ALLOCUTION AT A**
19 **PROBATION REVOCATION HEARING.**

20 (a) IN GENERAL.—Rule 32.1 of the Federal Rules
21 of Criminal Procedure is amended by adding at the end
22 the following:

23 “(d) RIGHTS OF VICTIMS.—

24 “(1) IN GENERAL.—At any hearing pursuant to
25 subsection (a)(2) involving one or more persons who

1 have been convicted of an offense involving death or
2 bodily injury to any person, a threat of death or
3 bodily injury to any person, a sexual assault, or an
4 attempted sexual assault, the Government shall
5 make reasonable effort to notify the victim of the of-
6 fense (and the victim of any new charges giving rise
7 to the hearings), of—

8 “(A) the date and time of the hearing; and

9 “(B) the right of the victim to attend the
10 hearing and to address the court regarding
11 whether the terms or conditions of probation or
12 supervised release should be modified.

13 “(2) DUTIES OF COURT AT HEARING.—At any
14 hearing described in paragraph (1) at which a victim
15 is present, the court shall—

16 “(A) address each victim personally; and

17 “(B) afford the victim an opportunity to be
18 heard on the proposed terms or conditions of
19 probation or supervised release.

20 “(3) ADDRESS.—In any case described in para-
21 graph (1), the victim shall notify the appropriate au-
22 thority of an address to which notification under this
23 paragraph may be sent.

24 “(4) DEFINITION OF VICTIM.—In this rule, the
25 term ‘victim’ means any individual against whom an

1 offense involving death or bodily injury to any per-
2 son, a threat of death or bodily injury to any person,
3 a sexual assault, or an attempted sexual assault, has
4 been committed and a hearing pursuant to sub-
5 section (a)(2) is conducted, including—

6 “(A) a parent or legal guardian of the vic-
7 tim, if the victim is less than 18 years of age
8 or is incompetent; or

9 “(B) 1 or more family members or rel-
10 atives of the victim designated by the court, if
11 the victim is deceased or incapacitated.”.

12 (b) EFFECTIVE DATE.—

13 (1) IN GENERAL.—The amendment made by
14 subsection (a) shall become effective as provided in
15 paragraph (3).

16 (2) ACTION BY JUDICIAL CONFERENCE.—

17 (A) RECOMMENDATIONS.—Not later than
18 180 days after the date of enactment of this
19 Act, the Judicial Conference shall submit to
20 Congress a report containing recommendations
21 for amending the Federal Rules of Criminal
22 Procedure to ensure that reasonable efforts are
23 made to notify victims of offenses involving
24 death or bodily injury to any person, or the
25 threat of death or bodily injury to any person,

1 of any revocation hearing held pursuant to rule
2 32.1(a)(2) of the Federal Rules of Criminal
3 Procedure.

4 (B) INAPPLICABILITY OF OTHER LAW.—
5 Chapter 131 of title 28, United States Code,
6 does not apply to any recommendation made by
7 the Judicial Conference under this paragraph.

8 (3) CONGRESSIONAL ACTION.—Except as other-
9 wise provided by law, if the Judicial Conference—

10 (A) submits a report in accordance with
11 paragraph (2) containing recommendations de-
12 scribed in that paragraph, and those rec-
13 ommendations are the same as the amendment
14 made by subsection (a), then the amendment
15 made by subsection (a) shall become effective
16 30 days after the date on which the rec-
17 ommendations are submitted to Congress under
18 paragraph (2);

19 (B) submits a report in accordance with
20 paragraph (2) containing recommendations de-
21 scribed in that paragraph, and those rec-
22 ommendations are different in any respect from
23 the amendment made by subsection (a), the rec-
24 ommendations made pursuant to paragraph (2)
25 shall become effective 180 days after the date

1 on which the recommendations are submitted to
 2 Congress under paragraph (2), unless an Act of
 3 Congress is passed overturning the rec-
 4 ommendations; and

5 (C) fails to comply with paragraph (2), the
 6 amendment made by subsection (a) shall be-
 7 come effective 360 days after the date of enact-
 8 ment of this Act.

9 (4) APPLICATION.—Any amendment made pur-
 10 suant to this section (including any amendment
 11 made pursuant to the recommendations of the Unit-
 12 ed States Sentencing Commission under paragraph
 13 (2)) shall apply in any proceeding commenced on or
 14 after the effective date of the amendment.

15 **Subtitle C—Amendment to Federal** 16 **Rules of Evidence**

17 **SEC. 131. ENHANCED RIGHT TO BE PRESENT AT TRIAL.**

18 (a) IN GENERAL.—Rule 615 of the Federal Rules of
 19 Evidence is amended—

20 (1) by striking “At the request” and inserting
 21 the following:

22 “(a) IN GENERAL.—Except as provided in subsection
 23 (b), at the request”;

24 (2) by striking “This rule” and inserting the
 25 following:

1 “(b) EXCEPTIONS.—Subsection (a)”;

2 (3) by striking “exclusion of (1) a party” and

3 inserting the following: “exclusion of—

4 “(1) a party”;

5 (4) by striking “person, or (2) an officer” and

6 inserting the following: “person;

7 “(2) an officer”;

8 (5) by striking “attorney, or (3) a person” and

9 inserting the following: “attorney;

10 “(3) a person”;

11 (6) by striking the period at the end and insert-

12 ing “; or”; and

13 (7) by adding at the end the following:

14 “(4) a person who is a victim (or a member of

15 the immediate family of a victim who is deceased or

16 incapacitated) of an offense involving death or bodily

17 injury to any person, a threat of death or bodily in-

18 jury to any person, a sexual assault, or an attempted

19 sexual assault, for which a defendant is being tried

20 in a criminal trial, unless the court concludes that—

21 “(A) the testimony of the person will be

22 materially affected by hearing the testimony of

23 other witnesses, and the material effect of hear-

24 ing the testimony of other witnesses on the tes-

1 timony of that person will result in unfair prej-
2 udice to any party; or

3 “(B) due to the large number of victims or
4 family members of victims who may be called as
5 witnesses, permitting attendance in the court-
6 room itself when testimony is being heard is not
7 feasible.

8 “(c) DISCRETION OF COURT; EFFECT ON OTHER
9 LAW.—Nothing in subsection (b)(4) shall be construed—

10 “(1) to limit the ability of a court to exclude a
11 witness, if the court determines that such action is
12 necessary to maintain order during a court proceed-
13 ing; or

14 “(2) to limit or otherwise affect the ability of
15 a witness to be present during court proceedings
16 pursuant to section 3510 of title 18, United States
17 Code.”.

18 (b) EFFECTIVE DATE.—

19 (1) IN GENERAL.—The amendments made by
20 subsection (a) shall become effective as provided in
21 paragraph (3).

22 (2) ACTION BY JUDICIAL CONFERENCE.—

23 (A) RECOMMENDATIONS.—Not later than
24 180 days after the date of enactment of this
25 Act, the Judicial Conference shall submit to

1 Congress a report containing recommendations
2 for amending the Federal Rules of Evidence to
3 provide enhanced opportunities for victims of
4 offenses involving death or bodily injury to any
5 person, or the threat of death or bodily injury
6 to any person, to attend judicial proceedings,
7 even if they may testify as a witness at the pro-
8 ceeding.

9 (B) INAPPLICABILITY OF OTHER LAW.—

10 Chapter 131 of title 28, United States Code,
11 does not apply to any recommendation made by
12 the Judicial Conference under this paragraph.

13 (3) CONGRESSIONAL ACTION.—Except as other-
14 wise provided by law, if the Judicial Conference—

15 (A) submits a report in accordance with
16 paragraph (2) containing recommendations de-
17 scribed in that paragraph, and those rec-
18 ommendations are the same as the amendments
19 made by subsection (a), then the amendments
20 made by subsection (a) shall become effective
21 30 days after the date on which the rec-
22 ommendations are submitted to Congress under
23 paragraph (2);

24 (B) submits a report in accordance with
25 paragraph (2) containing recommendations de-

1 scribed in that paragraph, and those rec-
2 ommendations are different in any respect from
3 the amendments made by subsection (a), the
4 recommendations made pursuant to paragraph
5 (2) shall become effective 180 days after the
6 date on which the recommendations are submit-
7 ted to Congress under paragraph (2), unless an
8 Act of Congress is passed overturning the rec-
9 ommendations; and

10 (C) fails to comply with paragraph (2), the
11 amendments made by subsection (a) shall be-
12 come effective 360 days after the date of enact-
13 ment of this Act.

14 (4) APPLICATION.—Any amendment made pur-
15 suant to this section (including any amendment
16 made pursuant to the recommendations of the Unit-
17 ed States Sentencing Commission under paragraph
18 (2)) shall apply in any proceeding commenced on or
19 after the effective date of the amendment.

20 **Subtitle D—Remedies for** 21 **Noncompliance**

22 **SEC. 141. REMEDIES FOR NONCOMPLIANCE.**

23 (a) GENERAL LIMITATION.—Any failure to comply
24 with any amendment made by this Act shall not give rise
25 to a claim for damages, or any other action against the

1 United States, or any employee of the United States, any
2 court official or officer of the court, or an entity contract-
3 ing with the United States, or any action seeking a rehear-
4 ing or other reconsideration of action taken in connection
5 with a defendant.

6 (b) REGULATIONS TO ENSURE COMPLIANCE.—

7 (1) IN GENERAL.—Notwithstanding subsection
8 (a), not later than 1 year after the date of enact-
9 ment of this Act, the Attorney General and the
10 Chairman of the United States Parole Commission
11 shall promulgate regulations to implement and en-
12 force the amendments made by this title.

13 (2) CONTENTS.—The regulations promulgated
14 under paragraph (1) shall—

15 (A) contain disciplinary sanctions, includ-
16 ing suspension or termination from employ-
17 ment, for employees of the Department of Jus-
18 tice (including employees of the United States
19 Parole Commission) who willfully or repeatedly
20 violate the amendments made by this title, or
21 willfully or repeatedly refuse or fail to comply
22 with provisions of Federal law pertaining to the
23 treatment of victims of crime;

24 (B) include an administrative procedure
25 through which parties can file formal com-

1 plaints with the Department of Justice alleging
2 violations of the amendments made by this title;

3 (C) provide that a complainant is prohib-
4 ited from recovering monetary damages against
5 the United States, or any employee of the Unit-
6 ed States, either in his official or personal ca-
7 pacity; and

8 (D) provide that the Attorney General, or
9 the designee of the Attorney General, shall be
10 the ultimate arbiter of the complaint, and there
11 shall be no judicial review of the final decision
12 of the Attorney General by a complainant.

13 **TITLE II—VICTIM ASSISTANCE** 14 **INITIATIVES**

15 **SEC. 201. INCREASE IN VICTIM ASSISTANCE PERSONNEL.**

16 There are authorized to be appropriated such sums
17 as may be necessary to enable the Attorney General to—

18 (1) hire 50 full-time or full-time equivalent em-
19 ployees to serve victim-witness advocates to provide
20 assistance to victims of any criminal offense inves-
21 tigated by any department or agency of the Federal
22 Government; and

23 (2) provide grants through the Office of Victims
24 of Crime to qualified private entities to fund 50 vic-

1 tim-witness advocate positions within those organiza-
2 tions.

3 **SEC. 202. INCREASED TRAINING FOR STATE AND LOCAL**
4 **LAW ENFORCEMENT, STATE COURT PERSON-**
5 **NEL, AND OFFICERS OF THE COURT TO RE-**
6 **SPOND EFFECTIVELY TO THE NEEDS OF VIC-**
7 **TIMS OF CRIME.**

8 Notwithstanding any other provision of law, amounts
9 collected pursuant to sections 3729 through 3731 of title
10 31, United States Code (commonly known as the “False
11 Claims Act”), may be used by the Office of Victims of
12 Crime to make grants to States, units of local government,
13 and qualified private entities, to provide training and in-
14 formation to prosecutors, judges, law enforcement officers,
15 probation officers, and other officers and employees of
16 Federal and State courts to assist them in responding ef-
17 fectively to the needs of victims of crime.

18 **SEC. 203. INCREASED RESOURCES FOR STATE AND LOCAL**
19 **LAW ENFORCEMENT AGENCIES, COURTS,**
20 **AND PROSECUTORS’ OFFICES TO DEVELOP**
21 **STATE-OF-THE-ART SYSTEMS FOR NOTIFYING**
22 **VICTIMS OF CRIME OF IMPORTANT DATES**
23 **AND DEVELOPMENTS.**

24 (a) IN GENERAL.—Subtitle A of title XXIII of the
25 Violent Crime Control and Law Enforcement Act of 1994

1 (Public Law 103–322; 108 Stat. 2077) is amended by
2 adding at the end the following:

3 **“SEC. 230103. STATE-OF-THE-ART SYSTEMS FOR NOTIFYING**
4 **VICTIMS OF CRIME OF IMPORTANT DATES**
5 **AND DEVELOPMENTS.**

6 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to the Office of Victims
8 of Crime of the Department of Justice such sums as may
9 be necessary for grants to State and local prosecutors’ of-
10 fices, State courts, county jails, State correctional institu-
11 tions, and qualified private entities, to develop and imple-
12 ment state-of-the-art systems for notifying victims of
13 crime of important dates and developments relating to the
14 criminal proceedings at issue.

15 “(b) FALSE CLAIMS ACT.—Notwithstanding any
16 other provision of law, amounts collected pursuant to sec-
17 tions 3729 through 3731 of title 31, United States Code
18 (commonly known as the ‘False Claims Act’), may be used
19 for grants under this section.”.

20 (b) VIOLENT CRIME REDUCTION TRUST FUND.—
21 Section 310004(d) of the Violent Crime Control and Law
22 Enforcement Act of 1994 (42 U.S.C. 14214(d)) is amend-
23 ed—

24 (1) in the first paragraph designated as para-
25 graph (15) (relating to the definition of the term

1 “Federal law enforcement program”), by striking
2 “and” at the end;

3 (2) in the first paragraph designated as para-
4 graph (16) (relating to the definition of the term
5 “Federal law enforcement program”), by striking
6 the period at the end and inserting “; and”; and

7 (3) by inserting after the first paragraph des-
8 ignated as paragraph (16) (relating to the definition
9 of the term “Federal law enforcement program”) the
10 following:

11 “(17) section 230103.”.

12 **SEC. 204. PILOT PROGRAMS TO ESTABLISH OMBUDSMAN**
13 **PROGRAMS FOR CRIME VICTIMS.**

14 (a) DEFINITIONS.—In this section:

15 (1) DIRECTOR.—The term “Director” means
16 the Director of the Office of Victims of Crime.

17 (2) OFFICE.—The term “Office” means the Of-
18 fice of Victims of Crime.

19 (3) QUALIFIED PRIVATE ENTITY.—The term
20 “qualified private entity” means a private entity
21 that meets such requirements as the Attorney Gen-
22 eral, acting through the Director, may establish.

23 (4) QUALIFIED UNIT OF STATE OR LOCAL GOV-
24 ERNMENT.—The term “qualified unit of State or
25 local government” means a unit or a State or local

1 government that meets such requirements as the At-
2 torney General, acting through the Director, may es-
3 tablish.

4 (5) VOICE CENTERS.—The term “VOICE Cen-
5 ters” means the Victim Ombudsman Information
6 Centers established under the program under sub-
7 section (b).

8 (b) PILOT PROGRAMS.—

9 (1) IN GENERAL.—Not later than 12 months
10 after the date of enactment of this Act, the Attorney
11 General, acting through the Director, shall establish
12 and carry out a program to provide for pilot pro-
13 grams to establish and operate Victim Ombudsman
14 Information Centers in each of the following States:

15 (A) Iowa.

16 (B) Massachusetts.

17 (C) Ohio.

18 (D) Tennessee.

19 (E) Utah.

20 (F) Vermont.

21 (2) AGREEMENTS.—

22 (A) IN GENERAL.—The Attorney General,
23 acting through the Director, shall enter into an
24 agreement with a qualified private entity or
25 unit of State or local government to conduct a

1 pilot program referred to in paragraph (1).
2 Under the agreement, the Attorney General,
3 acting through the Director, shall provide for a
4 grant to assist the qualified private entity or
5 unit of State or local government in carrying
6 out the pilot program.

7 (B) CONTENTS OF AGREEMENT.—The
8 agreement referred to in subparagraph (A)
9 shall specify that—

10 (i) the VOICE Center shall be estab-
11 lished in accordance with this section; and

12 (ii) except with respect to meeting ap-
13 plicable requirements of this section con-
14 cerning carrying out the duties of a
15 VOICE Center under this section (includ-
16 ing the applicable reporting duties under
17 subsection (c) and the terms of the agree-
18 ment) each VOICE Center shall operate
19 independently of the Office; and

20 (C) NO AUTHORITY OVER DAILY OPER-
21 ATIONS.—The Office shall have no supervisory
22 or decisionmaking authority over the day-to-day
23 operations of a VOICE Center.

24 (c) OBJECTIVES.—

1 (1) MISSION.—The mission of each VOICE
2 Center established under a pilot program under this
3 section shall be to assist a victim of a Federal or
4 State crime to ensure that the victim—

5 (A) is fully apprised of the rights of that
6 victim under applicable Federal or State law;
7 and

8 (B) participates in the criminal justice
9 process to the fullest extent of the law.

10 (2) DUTIES.—The duties of a VOICE Center
11 shall include—

12 (A) providing information to victims of
13 Federal or State crime regarding the right of
14 those victims to participate in the criminal jus-
15 tice process (including information concerning
16 any right that exists under applicable Federal
17 or State law);

18 (B) identifying and responding to situa-
19 tions in which the rights of victims of crime
20 under applicable Federal or State law may have
21 been violated;

22 (C) attempting to facilitate compliance
23 with Federal or State law referred to in sub-
24 paragraph (B);

1 (D) educating police, prosecutors, Federal
2 and State judges, officers of the court, and em-
3 ployees of jails and prisons concerning the
4 rights of victims under applicable Federal or
5 State law; and

6 (E) taking measures that are necessary to
7 ensure that victims of crime are treated with
8 fairness, dignity, and compassion throughout
9 the criminal justice process.

10 (d) OVERSIGHT.—

11 (1) TECHNICAL ASSISTANCE.—The Office may
12 provide technical assistance to each VOICE Center.

13 (2) ANNUAL REPORT.—Each qualified private
14 entity or qualified unit of State or local government
15 that carries out a pilot program to establish and op-
16 erate a VOICE Center under this section shall pre-
17 pare and submit to the Director, not later than 1
18 year after the VOICE Center is established, and an-
19 nually thereafter, a report that—

20 (A) describes in detail the activities of the
21 VOICE Center during the preceding year; and

22 (B) outlines a strategic plan for the year
23 following the year covered under subparagraph
24 (A).

25 (e) REVIEW OF PROGRAM EFFECTIVENESS.—

1 (1) GAO STUDY.—Not later than 2 years after
2 the date on which each VOICE Center established
3 under a pilot program under this section is fully
4 operational, the Comptroller General of the United
5 States shall conduct a review of each pilot program
6 carried out under this section to determine the effec-
7 tiveness of the VOICE Center that is the subject of
8 the pilot program in carrying out the mission and
9 duties described in subsection (c).

10 (2) OTHER STUDIES.—Not later than 2 years
11 after the date on which each VOICE Center estab-
12 lished under a pilot program under this section is
13 fully operational, the Attorney General, acting
14 through the Director, shall enter into an agreement
15 with 1 or more private entities that meet such re-
16 quirements the Attorney General, acting through the
17 Director, may establish, to study the effectiveness of
18 each VOICE Center established by a pilot program
19 under this section in carrying out the mission and
20 duties described in subsection (c).

21 (f) TERMINATION DATE.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), a pilot program established under this
24 section shall terminate on the date that is 4 years
25 after the date of enactment of this Act.

1 (A) by striking paragraph (1) and insert-
2 ing the following:

3 “(1) All unobligated balances transferred to the
4 judicial branch for administrative costs to carry out
5 functions under sections 3611 and 3612 of title 18,
6 United States Code, shall be returned to the Crime
7 Victims Fund and may be used by the Director to
8 improve services for crime victims in the Federal
9 criminal justice system.”; and

10 (B) in paragraph (4), by adding at the end
11 the following:

12 “(C) States that receive supplemental funding
13 to respond to incidents or terrorism or mass violence
14 under this section shall be required to return to the
15 Crime Victims Fund for deposit in the reserve fund,
16 amounts subrogated to the State as a result of
17 third-party payments to victims.”.

18 (b) CRIME VICTIM COMPENSATION.—Section 1403 of
19 the Victims of Crime Act of 1984 (42 U.S.C. 10602) is
20 amended—

21 (1) in subsection (a)—

22 (A) in each of paragraphs (1) and (2), by
23 striking “40” and inserting “60”; and

24 (B) in paragraph (3), by inserting “and
25 evaluation” after “administration”; and

1 (2) in subsection (b)(7), by inserting “because
2 the identity of the offender was not determined be-
3 yond a reasonable doubt in a criminal trial, because
4 criminal charges were not brought against the of-
5 fender, or” after “deny compensation to any victim”.

6 (c) CRIME VICTIM ASSISTANCE.—Section 1404 of the
7 Victims of Crime Act of 1984 (42 U.S.C. 10603) is
8 amended—

9 (1) in subsection (c)—

10 (A) in paragraph (1)—

11 (i) by striking the comma after “Di-
12 rector”;

13 (ii) by inserting “or enter into cooper-
14 ative agreements” after “make grants”;

15 (iii) by striking subparagraph (A) and
16 inserting the following:

17 “(A) for demonstration projects, evalua-
18 tion, training, and technical assistance services
19 to eligible organizations;”;

20 (iv) in subparagraph (B), by striking
21 the period at the end and inserting
22 “; and”; and

23 (v) by adding at the end the following:

24 “(C) training and technical assistance that
25 address the significance of and effective delivery

1 strategies for providing long-term psychological
2 care.”; and

3 (B) in paragraph (3)—

4 (i) in subparagraph (C), by striking
5 “and” at the end;

6 (ii) in subparagraph (D), by striking
7 the period at the end and inserting
8 “; and”; and

9 (iii) by adding at the end the follow-
10 ing:

11 “(E) use funds made available to the Di-
12 rector under this subsection—

13 “(i) for fellowships and clinical intern-
14 ships; and

15 “(ii) to carry out programs of training
16 and special workshops for the presentation
17 and dissemination of information resulting
18 from demonstrations, surveys, and special
19 projects.”; and

20 (2) in subsection (d)—

21 (A) by striking paragraph (1) and insert-
22 ing the following:

23 “(1) the term ‘State’ includes—

24 “(A) the District of Columbia, the Com-
25 monwealth of Puerto Rico, the United States

1 Virgin Islands, and any other territory or pos-
2 session of the United States; and

3 “(B) for purposes of a subgrant under
4 subsection (a)(1) or a grant or cooperative
5 agreement under subsection (c)(1), the United
6 States Virgin Islands and any agency of the
7 government of the District of Columbia or the
8 Federal Government performing law enforce-
9 ment functions in and on behalf of the District
10 of Columbia.”;

11 (B) in paragraph (2)—

12 (i) in subparagraph (C), by striking
13 “and” at the end; and

14 (ii) by adding at the end the follow-
15 ing:

16 “(E) public awareness and education and
17 crime prevention activities that promote, and
18 are conducted in conjunction with, the provision
19 of victim assistance; and

20 “(F) for purposes of an award under sub-
21 section (c)(1)(A), preparation, publication, and
22 distribution of informational materials and re-
23 sources for victims of crime and crime victims
24 organizations.”;

1 (C) by striking paragraph (4) and insert-
2 ing the following:

3 “(4) the term ‘crisis intervention services’
4 means counseling and emotional support including
5 mental health counseling, provided as a result of cri-
6 sis situations for individuals, couples, or family
7 members following and related to the occurrence of
8 crime;”;

9 (D) in paragraph (5), by striking the pe-
10 riod at the end and inserting “; and”; and

11 (E) by adding at the end the following:

12 “(6) for purposes of an award under subsection
13 (c)(1), the term ‘eligible organization’ includes
14 any—

15 “(A) national or State organization with a
16 commitment to developing, implementing, evalu-
17 ating, or enforcing victims’ rights and the deliv-
18 ery of services;

19 “(B) State agency or unit of local govern-
20 ment;

21 “(C) tribal organization;

22 “(D) organization—

23 “(i) described in section 501(c) of the
24 Internal Revenue Code of 1986; and

1 “(ii) exempt from taxation under sec-
2 tion 501(a) of such Code; or

3 “(E) other entity that the Director deter-
4 mines to be appropriate.”.

5 (d) COMPENSATION AND ASSISTANCE TO VICTIMS OF
6 TERRORISM OF MASS VIOLENCE.—Section 1404B of the
7 Victims of Crime Act of 1984 (42 U.S.C. 10603b) is
8 amended—

9 (1) in subsection (a), by striking “1404(a)” and
10 inserting “1402(d)(4)(B)”; and

11 (2) in subsection (b), by striking
12 “1404(d)(4)(B)” and inserting “1402(d)(4)(B)”.

13 **SEC. 206. TECHNICAL CORRECTION.**

14 Section 233(d) of the Antiterrorism and Effective
15 Death Penalty Act of 1996 (110 Stat. 1245) is amended
16 by striking “1 year after the date of enactment of this
17 Act” and inserting “October 1, 1999”.

18 **SEC. 207. SERVICES FOR VICTIMS OF CRIME AND DOMES-**
19 **TIC VIOLENCE.**

20 Section 504 of Public Law 104–134 (110 Stat. 1321–
21 53) shall not be construed to prohibit a recipient (as that
22 term is used in that section) from using funds derived
23 from a source other than the Legal Services Corporation
24 to provide related legal assistance to any person with
25 whom an alien (as that term is used in subsection (a)(11)

1 of that section) has a relationship covered by the domestic
2 violence laws of the State in which the alien resides or
3 in which an incidence of violence occurred.

4 **SEC. 208. PILOT PROGRAM TO STUDY EFFECTIVENESS OF**
5 **RESTORATIVE JUSTICE APPROACH ON BE-**
6 **HALF OF VICTIMS OF CRIME.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, amounts collected pursuant to sections 3729
9 through 3731 of title 31, United States Code (commonly
10 known as the “False Claims Act”), may be used by the
11 Office of Victims of Crime to make grants to States, units
12 of local government, and qualified private entities for the
13 establishment of pilot programs that implement balanced
14 and restorative justice models.

15 (b) DEFINITION OF BALANCED AND RESTORATIVE
16 JUSTICE MODEL.—In this section, the term “balanced
17 and restorative justice model” means an approach to
18 criminal justice that promotes the maximum degree of in-
19 volvement by a victim, offender, and the community served
20 by a criminal justice system by allowing the criminal jus-
21 tice system and related criminal justice agencies to im-
22 prove the capacity of the system and agencies to—

23 (A) protect the community served by the
24 system and agencies; and

- 1 (B) ensure accountability of the offender
- 2 and the system.