

106TH CONGRESS  
2D SESSION

# S. 3206

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional protections to victims of rape.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 13 (legislative day, SEPTEMBER 22), 2000

Mr. ABRAHAM introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional protections to victims of rape.

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 “Victims of Rape  
5 Health Protection Act”.

6 **SEC. 2. BYRNE GRANT REDUCTION FOR NONCOMPLIANCE.**

7 (a) GRANT REDUCTION FOR NONCOMPLIANCE.—Sec-  
8 tion 506 of title I of the Omnibus Crime Control and Safe  
9 Streets Act of 1968 (42 U.S.C. 3756) is amended by add-  
10 ing at the end the following:

1 “(g) SEX OFFENDER HIV TESTING.—

2 “(1) IN GENERAL.—The funds available under  
3 this subpart for a State shall be reduced by 10 per-  
4 cent and redistributed under paragraph (2) unless  
5 the State demonstrates to the satisfaction of the Di-  
6 rector that the laws or regulations of the State with  
7 respect to a defendant against whom an information  
8 or indictment is presented for a crime in which by  
9 force or threat of force the perpetrator compels the  
10 victim to engage in a sexual act (as defined in sub-  
11 section (f)(3)(B)), the State requires as follows:

12 “(A) That the defendant be tested for HIV  
13 disease if—

14 “(i) the nature of the alleged crime is  
15 such that the sexual act would have placed  
16 the victim at risk of becoming infected  
17 with HIV; and

18 “(ii) the victim requests the test.

19 “(B) That if the conditions specified in  
20 subparagraph (A) are met—

21 “(i) the defendant undergo the test  
22 not later than—

23 “(I) 48 hours after the date on  
24 which the information or indictment is  
25 presented; or

1                   “(II) 48 hours after the request  
2                   of the victim if that request is made  
3                   after the date on which the informa-  
4                   tion or indictment is presented;

5                   “(ii) the results of the test shall be  
6                   confidential except as provided in clause  
7                   (iii) and except as otherwise provided  
8                   under State law; and

9                   “(iii) that as soon as is practicable the  
10                  results of the test be made available to—

11                  “(I) the victim; and

12                  “(II) the defendant (or if the de-  
13                  fendant is a minor, to the legal guard-  
14                  ian of the defendant).

15                  Nothing in this subparagraph shall be con-  
16                  strued to bar a State from restricting the vic-  
17                  tim’s disclosure of the defendant’s test results  
18                  to third parties as a condition of making such  
19                  results available to the victim.

20                  “(C) That if the defendant has been tested  
21                  pursuant to subparagraph (B), the defendant,  
22                  upon request of the victim, undergo such follow-  
23                  up tests for HIV as may be medically appro-  
24                  priate, and that as soon as is practicable after  
25                  each such test the results of the test be made

1 available in accordance with subparagraph (B)  
2 (except that this subparagraph applies only to  
3 the extent that the individual involved continues  
4 to be a defendant in the judicial proceedings in-  
5 volved, or is convicted in the proceedings).

6 “(2) REDISTRIBUTION.—Any funds available  
7 for redistribution shall be redistributed to partici-  
8 pating States that comply with the requirements of  
9 paragraph (1).

10 “(3) COMPLIANCE.—The Attorney General  
11 shall issue regulations to ensure compliance with the  
12 requirements of paragraph (1).”.

13 (b) CONFORMING AMENDMENT.—Section 506(a) of  
14 title I of the Omnibus Crime Control and Safe Streets Act  
15 of 1968 is amended by striking “subsection (f),” and in-  
16 serting “subsections (f) and (g),”.

17 (c) FUNDING.—Section 501(b) of title I of the Omni-  
18 bus Crime Control and Safe Streets Act of 1968 is  
19 amended—

20 (1) in paragraph (25), by striking “and” after  
21 the semicolon;

22 (2) in paragraph (26), by striking the period  
23 and inserting “; and”; and

24 (3) by inserting at the end the following:

1           “(27) programs to test defendants for HIV dis-  
2           ease in accordance with the terms of subsection  
3           (g).”.

4           (d) EFFECTIVE DATE.—

5           (1) PROGRAM.—The amendments made by sub-  
6           sections (a) and (b) shall take effect on the first day  
7           of the fiscal year succeeding the first fiscal year be-  
8           ginning 2 years after the date of the enactment of  
9           this Act.

10          (2) FUNDING.—The amendment made by sub-  
11          section (c) shall take effect on the date of enactment  
12          of this Act.

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