

107TH CONGRESS
1ST SESSION

H. R. 1533

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2001

Mr. WELDON of Florida (for himself, Mr. SENSENBRENNER, Mr. PETRI, Mr. ROYCE, Mr. SMITH of New Jersey, Mr. BACHUS, Mr. NORWOOD, Mr. LARGENT, Mr. PITTS, Mr. STEARNS, and Mr. SOUDER) introduced the following bill; which was referred to the Committee on the Judiciary

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

1 Streets Act of 1968 (42 U.S.C. 3756) is amended by add-
2 ing at the end the following:

3 “(g) SEX OFFENDER HIV TESTING.—

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

14 “(A) That the defendant be tested for HIV
15 disease if—

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

20 “(ii) the victim requests the test.

21 “(B) That if the conditions specified in
22 subparagraph (A) are met—

23 “(i) the defendant undergo the test
24 not later than—

1 “(I) 24 hours after the date on
2 which the information or indictment is
3 presented; or

4 “(II) 24 hours after the request
5 of the victim if that request is made
6 after the date on which the informa-
7 tion or indictment is presented;

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

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

14 “(I) the victim; and

15 “(II) the defendant (or if the de-
16 fendant is a minor, to the legal guard-
17 ian of the defendant).

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

23 “(C) That if the defendant has been tested
24 pursuant to subparagraph (B), the defendant,
25 upon request of the victim, undergo such follow-

1 up tests for HIV as may be medically appro-
2 priate, and that as soon as is practicable after
3 each such test the results of the test be made
4 available in accordance with subparagraph (B)
5 (except that this subparagraph applies only to
6 the extent that the individual involved continues
7 to be a defendant in the judicial proceedings in-
8 volved, or is convicted in the proceedings).

9 “(D) That, if the results of a test con-
10 ducted pursuant to subparagraph (B) or (C) in-
11 dicate that the defendant has HIV disease, such
12 fact may, as relevant, be considered in the judi-
13 cial proceedings conducted with respect to the
14 alleged crime.

15 “(2) REDISTRIBUTION.—Any funds available
16 for redistribution shall be redistributed to partici-
17 pating States that comply with the requirements of
18 paragraph (1).

19 “(3) COMPLIANCE.—The Attorney General
20 shall issue regulations to ensure compliance with the
21 requirements of paragraph (1).”.

22 (b) CONFORMING AMENDMENT.—Section 506(a) of
23 title I of the Omnibus Crime Control and Safe Streets Act
24 of 1968 (42 U.S.C. 3756(a)) is amended by striking “sub-
25 section (f),” and inserting “subsections (f) and (g),”.

1 (c) FUNDING.—Section 501(b) of title I of the Omni-
2 bus Crime Control and Safe Streets Act of 1968 (42
3 U.S.C. 3751(b)) is amended—

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

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

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

9 “(27) programs to test defendants for HIV dis-
10 ease in accordance with the terms of subsection
11 (g).”.

12 (d) EFFECTIVE DATE.—

13 (1) PROGRAM.—The amendments made by sub-
14 sections (a) and (b) shall take effect on the first day
15 of the fiscal year succeeding the first fiscal year be-
16 ginning 2 years after the date of the enactment of
17 this Act.

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

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