Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Victims of Crime Act of 1994”.

TITLE I—VICTIMS’ RIGHTS

SEC. 101. VICTIM’S RIGHT OF ALLOCUTION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended by—

(1) striking “and” following the semicolon in subdivision (a)(1)(B);
(2) striking the period at the end of subdivision (a)(1)(C) and inserting in lieu thereof “; and”;

(3) inserting after subdivision (a)(1)(C) the following:

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

(4) in the second to last sentence of subdivision (a)(1), striking “equivalent opportunity” and inserting in lieu thereof “opportunity equivalent to that of the defendant’s counsel”;

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

(6) adding at the end the following:

“(f) Definitions.—For purposes of this rule—

“(1) ‘victim’ means any individual against whom an offense for which a sentence is to be imposed has been committed, but the right of allocu- tion under subdivision (a)(1)(D) may be exercised instead by—
“(A) a parent or legal guardian in case the victim is below the age of eighteen years or incompetent; or

“(B) one or more family members or relatives designated by the court in case the victim is deceased or incapacitated;

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present; and

“(2) ‘crime of violence or sexual abuse’ means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code.”.

TITLE II—CRIME VICTIMS’ FUND
SEC. 201. ALLOCATION OF FUNDS FOR COSTS AND GRANTS.
(a) GENERALLY.—Section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)) is amended by—

(1) striking paragraph (2) and inserting the following:

“(2) the next $10,000,000 deposited in the Fund shall be available for grants under section 1404A.”;

(2) striking paragraph (3) and inserting the following:
“(3) Of the remaining amount deposited in the Fund in a particular fiscal year—

“(A) 48 percent shall be available for grants under section 1403;

“(B) 48 percent shall be available for grants under section 1404(a); and

“(C) 4 percent shall be available for grants under section 1404(c).”;

(3) strike paragraph (4) and inserting the following:

“(4) The Director may retain any portion of the Fund that was deposited during a fiscal year that is in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as a reserve for use in a year in which the Fund falls below the amount available in the previous year. Such reserve may not exceed $20,000,000.”; and

(4) striking paragraph (5).

(b) Conforming Cross Reference.—Section 1402(g)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(g)(1) is amended by striking reference to “(d)(2)(A)(iv)” and inserting “(d)(2)”.

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(c) Amounts Awarded and Unspent.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(e)) is amended to read as follows:

“(e) Amounts Awarded and Unspent.—Any sums awarded as part of a grant under this chapter that remain unspent at the end of a fiscal year in which such grant is made may be expended for the purposes for which such grant is made at any time during the next succeeding 2 fiscal years, at the end of which year any remaining unobligated funds shall be returned to the Fund.”

SEC. 202. RELATIONSHIP OF CRIME VICTIM COMPENSATION TO CERTAIN FEDERAL PROGRAMS.

Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by adding at the end the following:

“(e) Notwithstanding any other provision of law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, or a federally financed State or local program, would otherwise pay, then—

“(1) such crime victim compensation program shall not pay that compensation; and

“(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.”.
SEC. 203. ADMINISTRATIVE COSTS FOR CRIME VICTIM COMPENSATION.

(a) CREATION OF EXCEPTION.—The final sentence of section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(1)) is amended by striking “A grant” and inserting “Except as provided in paragraph (3), a grant”.

(b) REQUIREMENTS OF EXCEPTION.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended by adding at the end the following new paragraph:

“(3) Not more than 5 percent of a grant made under this section may be used for the administration of the State crime victim compensation program receiving the grant.”

SEC. 204. GRANTS FOR DEMONSTRATION PROJECTS.

Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting “demonstration projects and” before “training”.

SEC. 205. ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.

(a) CREATION OF EXCEPTION.—Section 1404(b)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(2)) is amended by striking “An eligible” and inserting “Except as provided in paragraph (3), an eligible”.
(b) Requirements of Exception.—Section 1404(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)) is amended by adding at the end the following new subsection:

“(3) Not more than 5 percent of sums received under subsection (a) may be used for the administration of the State crime victim assistance program receiving such sums.”.

SEC. 206. MAINTENANCE OF EFFORT.

Section 1407 of the Victims of Crime Act of 1984 (42 U.S.C. 10604) is amended by adding at the end the following new subsection:

“(h) Each entity receiving sums made available under this Act for administrative purposes shall certify that such sums will not be used to supplant State or local funds, but will be used to increase the amount of such funds that would, in the absence of Federal funds, be made available for these purposes.”.

SEC. 207. CHANGE OF DUE DATE FOR REQUIRED REPORT.

Section 1407(g) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(g)) is amended by striking “and on December 31 every two years thereafter”, and inserting “and on June 30 every two years thereafter.”.
TITLE III—REPORT ON
BATTERED WOMEN’S SYNDROME

SEC. 301. REPORT ON BATTERED WOMEN’S SYNDROME.

(a) REPORT.—Not less than 1 year after the date of
enactment of this Act, the Attorney General and the Sec-
retary of Health and Human Services shall transmit to
the House Committee on Energy and Commerce, the Sen-
ate Committee on Labor and Human Resources, and the
Committees on the Judiciary of the Senate and the House
of Representatives a report on the medical and psycho-
logical basis of “battered women’s syndrome” and on the
extent to which evidence of the syndrome has been consid-
ered in a criminal trial.

(b) COMPONENTS OF THE REPORT.—The report de-
scribed in subsection (a) shall include—

(1) medical and psychological testimony on the
validity of battered women’s syndrome as a psycho-
logical condition;

(2) a compilation of State and Federal court
cases in which evidence of battered women’s syn-
drome was offered in criminal trials; and

(3) an assessment by State and Federal judges,
prosecutors, and defense attorneys of the effects that
evidence of battered women’s syndrome may have in
criminal trials.