

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 688

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1993

Ms. MOLINARI (for herself, Mr. KYL, Mr. JOHNSON of South Dakota, Mr. MANTON, Ms. FOWLER, Mr. RANGEL, Mr. MOORHEAD, Mr. FORD of Michigan, Mrs. COLLINS of Michigan, Mr. COX, Mr. POSHARD, Mr. SCHIFF, Mr. PETE GEREN of Texas, Mr. INGLIS, Mr. GINGRICH, Mr. OXLEY, Mr. EWING, Mr. BAKER of California, Mr. ZELIFF, Mr. FROST, Mr. HYDE, Mr. CUNNINGHAM, Mr. BLUTE, Mr. ROTH, Mrs. JOHNSON of Connecticut, Mr. BARRETT of Wisconsin, Mr. MORAN, Mr. BAKER of Louisiana, Mr. MACHTLEY, Mr. EMERSON, Mr. GREENWOOD, and Mr. PAXON) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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”.

## 1 **SEC. 2. TABLE OF CONTENTS.**

- Sec. 1. Short title.
- Sec. 2. Table of contents.

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1 TITLE I—SEXUAL VIOLENCE

2 Subtitle A—Penalties and Remedies

3 **SEC. 101. PRETRIAL 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—(a)  
15 by adding the following new section at the end of chapter  
16 51:

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

19 “(a) OFFENSE.—Whoever—

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

4           “(2) causes the death of a person through the  
5           intentional infliction of serious bodily injury;

6 shall be punished as provided in subsection (c) of this sec-  
7 tion.

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

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

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

24                  “(1) MENTAL CAPACITY.—The defendant’s  
25                  mental capacity to appreciate the wrongfulness of

1 his conduct or to conform his conduct to the require-  
2 ments of law was significantly impaired.

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

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

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

15 “(1) KILLING IN COURSE OF DESIGNATED SEX  
16 CRIMES.—The conduct resulting in death occurred  
17 in the course of an offense defined in chapter 109A,  
18 110, or 117 of this title.

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

1           “(3) PRIOR CONVICTION OF SEXUAL ASSAULT  
2           OR CHILD MOLESTATION.—The defendant has pre-  
3           viously been convicted of a crime of sexual assault  
4           or crime of child molestation as defined in sub-  
5           section (x).

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

1       “(g) JUDGE AND JURY AT CAPITAL SENTENCING  
2 HEARING.—A hearing to determine whether the death  
3 penalty will be imposed for an offense under this section  
4 shall be conducted by the judge who presided at trial or  
5 accepted a guilty plea, or by another judge if that judge  
6 is not available. The hearing shall be conducted before the  
7 jury that determined the defendant’s guilt if that jury is  
8 available. A new jury shall be impaneled for the purpose  
9 of the hearing if the defendant pleaded guilty, the trial  
10 of guilt was conducted without a jury, the jury that deter-  
11 mined the defendant’s guilt was discharged for good  
12 cause, or reconsideration of the sentence is necessary after  
13 the initial imposition of a sentence of death. A jury  
14 impaneled under this subsection shall have twelve mem-  
15 bers unless the parties stipulate to a lesser number at any  
16 time before the conclusion of the hearing with the approval  
17 of the judge. Upon motion of the defendant, with the ap-  
18 proval of the attorney for the government, the hearing  
19 shall be carried out before the judge without a jury. If  
20 there is no jury, references to “the jury” in this section,  
21 where applicable, shall be understood as referring to the  
22 judge.

23       “(h) PROOF OF MITIGATING AND AGGRAVATING  
24 FACTORS.—No presentence report shall be prepared if a  
25 capital sentencing hearing is held under this section. Any

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

1 shall be permitted to reply, and the government shall then  
2 be permitted to reply in rebuttal.

3       “(i) FINDINGS OF AGGRAVATING AND MITIGATING  
4 FACTORS.—The jury shall return special findings identify-  
5 ing any aggravating factor or factors for which notice has  
6 been provided under subsection (f) and which the jury  
7 unanimously determines have been established by the gov-  
8 ernment beyond a reasonable doubt. A mitigating factor  
9 is established if the defendant has proven its existence by  
10 a preponderance of the evidence, and any member of the  
11 jury who finds the existence of such a factor may regard  
12 it as established for purposes of this section regardless of  
13 the number of jurors who concur that the factor has been  
14 established.

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

1 factors in its decision, and should make such a rec-  
2 ommendation as the information warrants.

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

22       “(l) IMPOSITION OF A SENTENCE OF DEATH.—Upon  
23 a recommendation under subsection (j) that a sentence of  
24 death be imposed, the court shall sentence the defendant

1 to death. Otherwise the court shall impose a sentence,  
2 other than death, that is authorized by law.

3       “(m) REVIEW OF A SENTENCE OF DEATH.—The de-  
4 fendant may appeal a sentence of death under this section  
5 by filing a notice of appeal of the sentence within the time  
6 provided for filing a notice of appeal of the judgment of  
7 conviction. An appeal of a sentence under this subsection  
8 may be consolidated with an appeal of the judgment of  
9 conviction and shall have priority over all noncapital mat-  
10 ters in the court of appeals. The court of appeals shall  
11 review the entire record in the case including the evidence  
12 submitted at trial and information submitted during the  
13 sentencing hearing, the procedures employed in the sen-  
14 tencing hearing, and the special findings returned under  
15 subsection (i). The court of appeals shall uphold the sen-  
16 tence if it determines that the sentence of death was not  
17 imposed under the influence of passion, prejudice, or any  
18 other arbitrary factor, that the evidence and information  
19 support the special findings under subsection (i), and that  
20 the proceedings were otherwise free of prejudicial error  
21 that was properly preserved for and raised on appeal. In  
22 any other case, the court of appeals shall remand the case  
23 for reconsideration of the sentence or imposition of an-  
24 other authorized sentence as appropriate, except that the  
25 court shall not reverse a sentence of death on the ground

1 that an aggravating factor was not supported by the evi-  
2 dence and information if at least one aggravating factor  
3 set forth in subsection (e) which was found to exist re-  
4 mains and the court, on the basis of the evidence submit-  
5 ted at trial and the information submitted at the sentenc-  
6 ing hearing, finds no mitigating factor or finds that the  
7 remaining aggravating factor or factors which were found  
8 to exist outweigh any mitigating factors. The court of ap-  
9 peals shall state in writing the reasons for its disposition  
10 of an appeal of a sentence of death under this section.

11       “(n) IMPLEMENTATION OF SENTENCE OF DEATH.—  
12 A person sentenced to death under this section shall be  
13 committed to the custody of the Attorney General until  
14 exhaustion of the procedures for appeal of the judgment  
15 of conviction and review of the sentence. When the sen-  
16 tence is to be implemented, the Attorney General shall re-  
17 lease the person sentenced to death to the custody of a  
18 United States Marshal. The Marshal shall supervise im-  
19 plementation of the sentence in the manner prescribed by  
20 the law of the State in which the sentence is imposed, or  
21 in the manner prescribed by the law of another State des-  
22 igned by the court if the law of the State in which the  
23 sentence was imposed does not provide for implementation  
24 of a sentence of death. The Marshal may use State or local  
25 facilities, may use the services of an appropriate State or

1 local official or of a person such an official employs, and  
2 shall pay the costs thereof in an amount approved by the  
3 Attorney General.

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

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

21 “(q) APPOINTMENT OF COUNSEL FOR INDIGENT  
22 CAPITAL DEFENDANTS.—A defendant against whom a  
23 sentence of death is sought, or on whom a sentence of  
24 death has been imposed, under this section, shall be enti-  
25 tled to appointment of counsel from the commencement

1 of trial proceedings until one of the conditions specified  
2 in subsection (v) has occurred, if the defendant is or be-  
3 comes financially unable to obtain adequate representa-  
4 tion. Counsel shall be appointed for trial representation  
5 as provided in section 3005 of this title, and at least one  
6 counsel so appointed shall continue to represent the de-  
7 fendant until the conclusion of direct review of the judg-  
8 ment, unless replaced by the court with other qualified  
9 counsel. Except as otherwise provided in this section, the  
10 provisions of section 3006A of this title shall apply to ap-  
11 pointments under this section.

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

1 and wishes to have counsel appointed or is unable com-  
2 petently to decide whether to accept or reject appointment  
3 of counsel. The court shall issue an order denying appoint-  
4 ment of counsel upon a finding that the defendant is fi-  
5 nancially able to obtain adequate representation or that  
6 the defendant rejected appointment of counsel with an un-  
7 derstanding of the consequences of that decision. Counsel  
8 appointed pursuant to this subsection shall be different  
9 from the counsel who represented the defendant at trial  
10 and on direct review unless the defendant and counsel re-  
11 quest a continuation or renewal of the earlier representa-  
12 tion.

13       “(s) STANDARDS FOR COMPETENCE OF COUNSEL.—  
14 In relation to a defendant who is entitled to appointment  
15 of counsel under subsections (q)–(r), at least one counsel  
16 appointed for trial representation must have been admit-  
17 ted to the bar for at least 5 years and have at least three  
18 years of experience in the trial of felony cases in the Fed-  
19 eral district courts. If new counsel is appointed after judg-  
20 ment, at least one counsel so appointed must have been  
21 admitted to the bar for at least 5 years and have at least  
22 3 years of experience in the litigation of felony cases in  
23 the Federal courts of appeals or the Supreme Court. The  
24 court, for good cause, may appoint counsel who does not  
25 meet these standards, but whose background, knowledge,

1 or experience would otherwise enable him or her to prop-  
2 erly represent the defendant, with due consideration of the  
3 seriousness of the penalty and the nature of the litigation.

4 “(t) CLAIMS OF INEFFECTIVENESS OF COUNSEL IN  
5 COLLATERAL PROCEEDINGS.—The ineffectiveness or in-  
6 competence of counsel during proceedings on a motion  
7 under section 2255 of title 28, United States Code, shall  
8 not be a ground for relief from the judgment or sentence  
9 in any proceeding. This limitation shall not preclude the  
10 appointment of different counsel at any stage of the pro-  
11 ceedings.

12 “(u) TIME FOR COLLATERAL ATTACK ON DEATH  
13 SENTENCE.—A motion under section 2255 of title 28,  
14 United States Code, attacking a sentence of death under  
15 this section, or the conviction on which it is predicated,  
16 must be filed within 90 days of the issuance of the order  
17 under subsection (r) appointing or denying the appoint-  
18 ment of counsel for such proceedings. The court in which  
19 the motion is filed, for good cause shown, may extend the  
20 time for filing for a period not exceeding 60 days. Such  
21 a motion shall have priority over all non-capital matters  
22 in the district court, and in the court of appeals on review  
23 of the district court’s decision.

24 “(v) STAY OF EXECUTION.—The execution of a sen-  
25 tence of death under this section shall be stayed in the

1 course of direct review of the judgment and during the  
2 litigation of an initial motion in the case under section  
3 2255 of title 28, United States Code. The stay shall run  
4 continuously following imposition of the sentence and shall  
5 expire if—

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

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

18           “(3) before a district court, in the presence of  
19 counsel and after having been advised of the con-  
20 sequences of such a decision, the defendant waives  
21 the right to file a motion under section 2255 of title  
22 28, United States Code.

23           “(w) FINALITY OF THE DECISION ON REVIEW.—If  
24 one of the conditions specified in subsection (v) has oc-  
25 curred, no court thereafter shall have the authority to

1 enter a stay of execution or grant relief in the case un-  
2 less—

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

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

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

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

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

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

1           “(B) contact, without consent, between the  
2           genitals or anus of the defendant and any part  
3           of the body of another person;

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

7           “(D) an attempt or conspiracy to engage  
8           in any conduct described in paragraphs (A)–  
9           (C);

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

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

15           “(B) contact between the genitals or anus  
16           of the defendant and any part of the body of  
17           a child;

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

21           “(D) an attempt or conspiracy to engage  
22           in any conduct described in paragraphs (A)–  
23           (C); and

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

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

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

3 **SEC. 103. INCREASED PENALTIES FOR RECIDIVIST SEX OF-**  
4 **FENDERS.**

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

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

“2245. Penalties for subsequent offenses

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

16 (c) The table of sections for chapter 109A of title  
17 18, United States Code, is amended by—

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

20 (2) inserting the following after the item relat-  
21 ing to section 2244:

“2245. Penalties for subsequent offenses.”.

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

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

5 (1) in subparagraph (B) by striking “or” after  
6 the semicolon;

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

9 (3) by inserting a new subparagraph (D) as fol-  
10 lows:

11 “(D) the intentional touching, not through  
12 the clothing, of the genitalia of another person  
13 who has not attained the age of 16 years with  
14 an intent to abuse, humiliate, harass, degrade,  
15 or arouse or gratify the sexual desire of any  
16 person;”.

17 **SEC. 105. SENTENCING GUIDELINES INCREASE FOR SEX OF-**  
18 **FENSES.**

19 The United States Sentencing Commission shall  
20 amend the sentencing guidelines to increase by at least  
21 four levels the base offense level for an offense under sec-  
22 tion 2241 (aggravated sexual abuse) or section 2242 (sex-  
23 ual abuse) of title 18, United States Code, and shall con-  
24 sider whether any other changes are warranted in the  
25 guidelines provisions applicable to such offenses to ensure  
26 realization of the objectives of sentencing. In amending the

1 guidelines in conformity with this section, the Sentencing  
2 Commission shall review the appropriateness and ade-  
3 quacy of existing offense characteristics and adjustments  
4 applicable to such offenses, taking into account the hei-  
5 nousness of sexual abuse offenses, the severity and dura-  
6 tion of the harm caused to victims, and any other relevant  
7 factors. In any subsequent amendment to the sentencing  
8 guidelines, the Sentencing Commission shall maintain  
9 minimum guidelines sentences for the offenses referenced  
10 in this section which are at least equal to those required  
11 by this section.

12 **SEC. 106. HIV TESTING AND PENALTY ENHANCEMENT IN**  
13 **SEXUAL OFFENSE CASES**

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

17 **“§ 2247. Testing for Human Immunodeficiency Virus;**  
18 **Disclosure of Test Results to Victim; Ef-**  
19 **fect on Penalty**

20 “(a) TESTING AT TIME OF PRE-TRIAL RELEASE DE-  
21 TERMINATION.—In a case in which a person is charged  
22 with an offense under this chapter, a judicial officer issu-  
23 ing an order pursuant to section 3142(a) of this title shall  
24 include in the order a requirement that a test for the  
25 human immunodeficiency virus be performed upon the

1 person, and that follow-up tests for the virus be performed  
2 6 months and 12 months following the date of the initial  
3 test, unless the judicial officer determines that the conduct  
4 of the person created no risk of transmission of the virus  
5 to the victim, and so states in the order. The order shall  
6 direct that the initial test be performed within 24 hours,  
7 or as soon thereafter as feasible. The person shall not be  
8 released from custody until the test is performed.

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

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

1       “(d) DISCLOSURE OF TEST RESULTS.—The results  
2 of any test for the human immunodeficiency virus per-  
3 formed pursuant to an order under this section shall be  
4 provided to the judicial officer or court. The judicial offi-  
5 cer or court shall ensure that the results are disclosed to  
6 the victim (or to the victim’s parent or legal guardian, as  
7 appropriate), the attorney for the government, and the  
8 person tested.

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

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

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

21 **SEC. 107. PAYMENT OF COST OF HIV TESTING FOR VICTIMS**  
22 **IN SEX OFFENSE CASES.**

23       Section 503(c)(7) of the Victims’ Rights and Restitu-  
24 tion Act of 1990 is amended by inserting before the period

1 at the end thereof the following: “, the cost of up to two  
2 tests of the victim for the human immunodeficiency virus  
3 during the 12 months following the assault, and the cost  
4 of a counseling session by a medically trained professional  
5 on the accuracy of such tests and the risk of transmission  
6 of the human immunodeficiency virus to the victim as the  
7 result of the assault”.

8 **SEC. 108. INCREASED PENALTIES FOR DRUG DISTRIBUTION**  
9 **TO PREGNANT WOMEN.**

10 Section 405 of the Controlled Substances Act (21  
11 U.S.C. 859) is amended by inserting “, or to a woman  
12 while she is pregnant,” after “to a person under 21 years  
13 of age” in subsection (a) and subsection (b).

14 **SEC. 109. EXTENSION AND STRENGTHENING OF RESTITU-**  
15 **TION.**

16 Section 3663 of title 18, United States Code, is  
17 amended—

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

22 (2) in subsection (b), by striking “and” at the  
23 end of paragraph (3), by redesignating paragraph  
24 (4) as paragraph (5), and by inserting after para-  
25 graph (4) the following new paragraph:

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

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

14 **SEC. 110. ENFORCEMENT OF RESTITUTION ORDERS**  
15 **THROUGH SUSPENSION OF FEDERAL BENE-**  
16 **FITS.**

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

19           (1) by redesignating subsections (g) and (h) as  
20 subsections (h) and (i), respectively; and

21           (2) by inserting after subsection (f) the follow-  
22 ing new subsection:

23           “(g)(1) If the defendant is delinquent in making res-  
24 titution in accordance with any schedule of payments or  
25 any requirement of immediate payment imposed under

1 this section, the court may, after a hearing, suspend the  
2 defendant's eligibility for all Federal benefits until such  
3 time as the defendant demonstrates to the court good-  
4 faith efforts to return to such schedule.

5 “(2) For purposes of this subsection—

6 “(A) the term ‘Federal benefits’—

7 “(i) means any grant, contract, loan, pro-  
8 fessional license, or commercial license provided  
9 by an agency of the United States or appro-  
10 priated funds of the United States; and

11 “(ii) does not include any retirement, wel-  
12 fare, Social Security, health, disability, veterans  
13 benefit, public housing, or other similar benefit,  
14 or any other benefit for which payments or  
15 services are required for eligibility; and

16 “(B) the term ‘veterans benefit’ means all bene-  
17 fits provided to veterans, their families, or survivors  
18 by virtue of the service of a veteran in the Armed  
19 Forces of the United States.”.

20 **SEC. 111. CIVIL REMEDY FOR VICTIMS OF SEXUAL VIO-**  
21 **LENCE.**

22 (a) CAUSE OF ACTION.—Whoever, in violation of the  
23 Constitution or laws of the United States, engages in sex-  
24 ual violence against another, shall be liable to the injured  
25 party in an action under this section. The relief available

1 in such an action shall include compensatory and punitive  
2 damages and any appropriate equitable or declaratory re-  
3 lief.

4 (b) DEFINITION.—For purposes of this section, “sex-  
5 ual violence” means any conduct proscribed by chapter  
6 109A of title 18, United States Code, whether or not the  
7 conduct occurs in the special maritime and territorial ju-  
8 risdiction of the United States or in a Federal prison.

9 (c) ATTORNEY’S FEES.—The Civil Rights Attorney’s  
10 Fees Award Act of 1976 (42 U.S.C. 1988) is amended  
11 by striking “or” after “Public Law 92–318” and by in-  
12 serting after “1964” the following: “, or section 111 of  
13 the Sexual Assault Prevention Act of 1993,”.

14 Subtitle B—Rules of Evidence, Practice, and Procedure

15 **SEC. 121. ADMISSIBILITY OF EVIDENCE OF SIMILAR**  
16 **CRIMES IN SEX OFFENSE CASES.**

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

19 **“Rule 413. Evidence of Similar Crimes in Sexual As-**  
20 **sault Cases**

21 “(a) In a criminal case in which the defendant is ac-  
22 cused of an offense of sexual assault, evidence of the de-  
23 fendant’s commission of another offense or offenses of sex-  
24 ual assault is admissible, and may be considered for its  
25 bearing on any matter to which it is relevant.

1       “(b) In a case in which the government intends to  
2 offer evidence under this Rule, the attorney for the govern-  
3 ment shall disclose the evidence to the defendant, includ-  
4 ing statements of witnesses or a summary of the substance  
5 of any testimony that is expected to be offered, at least  
6 fifteen days before the scheduled date of trial or at such  
7 later time as the court may allow for good cause.

8       “(c) This Rule shall not be construed to limit the ad-  
9 mission or consideration of evidence under any other Rule.

10       “(d) For purposes of this Rule and Rule 415, “of-  
11 fense of sexual assault” means a crime under Federal law  
12 or the law of a State (as defined in section 513 of title  
13 18, United States Code) that involved—

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

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

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

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



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

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

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

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

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

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

16 **“Rule 415. Evidence of Similar Acts in Civil Cases**  
17 **Concerning Sexual Assault or Child Mo-**  
18 **lestation**

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

1       “(b) A party who intends to offer evidence under this  
2 Rule shall disclose the evidence to the party against whom  
3 it will be offered, including statements of witnesses or a  
4 summary of the substance of any testimony that is ex-  
5 pected to be offered, at least 15 days before the scheduled  
6 date of trial or at such later time as the court may allow  
7 for good cause.

8       “(c) This Rule shall not be construed to limit the ad-  
9 mission or consideration of evidence under any other  
10 Rule.”

11 **SEC. 122. EXTENSION AND STRENGTHENING OF RAPE VIC-**  
12 **TIM SHIELD LAW.**

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

15           (1) in subdivisions (a) and (b), by striking  
16 “criminal case” and inserting “criminal or civil  
17 case”;

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

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

4           (4) in subdivision (c)—

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

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

19           (5) in subdivision (d), by striking “an offense  
20 under chapter 109A of title 18, United States Code”  
21 and inserting “the conduct proscribed by chapter  
22 109A of title 18, United States Code,”.

23           (b) INTERLOCUTORY APPEAL.—Section 3731 of title  
24 18, United States Code, is amended by inserting after the  
25 second paragraph the following:

1       “An appeal by the United States before trial shall  
2 lie to a court of appeals from an order of a district court  
3 admitting evidence of an alleged victim’s past sexual be-  
4 havior in a criminal case in which the defendant is charged  
5 with an offense involving conduct proscribed by chapter  
6 109A of title 18, United States Code, whether or not the  
7 conduct occurred in the special maritime and territorial  
8 jurisdiction of the United States or in a Federal prison.”.

9       **SEC. 123. INADMISSIBILITY OF EVIDENCE TO SHOW PROVO-**  
10                                   **CATION OR INVITATION BY VICTIM IN SEX**  
11                                   **OFFENSE CASES.**

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

15       **“Rule 416. Inadmissibility of evidence to show invita-**  
16                                   **tion or provocation by victim in sexual**  
17                                   **abuse cases.**

18       “*In a criminal case in which a person is accused of*  
19 *an offense involving conduct proscribed by chapter 109A*  
20 *of title 18, United States Code, whether or not the conduct*  
21 *occurred in the special maritime and territorial jurisdic-*  
22 *tion of the United States or in a Federal prison, evidence*  
23 *is not admissible to show that the alleged victim invited*  
24 *or provoked the commission of the offense. This Rule does*  
25 *not limit the admission of evidence of consent by the al-*

1 leged victim if the issue of consent is relevant to liability  
 2 and the evidence is otherwise admissible under these  
 3 Rules.”.

4 **SEC. 124. RIGHT OF THE VICTIM TO FAIR TREATMENT IN**  
 5 **LEGAL PROCEEDINGS.**

6 The following rules, to be known as the Rules of Pro-  
 7 fessional Conduct for Lawyers in Federal Practice, are en-  
 8 acted as an appendix to title 28, United State Code:

9 “RULES OF PROFESSIONAL CONDUCT FOR  
 10 LAWYERS IN FEDERAL PRACTICE

Rule

“1. Scope.

“2. Abuse of Victims and Others Prohibited.

“3. Duty of Enquiry in Relation to Client.

“4. Duty to Expedite Litigation.

“5. Duty to Prevent Commission of Crime.

11 **“Rule 1. Scope.**

12 “(a) These rules apply to the conduct of lawyers in  
 13 their representation of clients in relation to proceedings  
 14 and potential proceedings before Federal tribunals.

15 “(b) For purposes of these rules, ‘Federal tribunal’  
 16 and ‘tribunal’ mean a court of the United States or an  
 17 agency of the federal government that carries out adju-  
 18 dicatory or quasi-adjudicatory functions.

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

20 “(a) A lawyer shall not engage in any action or course  
 21 of conduct for the purpose of increasing the expense of

1 litigation for any person, other than a liability under an  
2 order or judgment of a tribunal.

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

7 “(c) A lawyer shall not offer evidence that the lawyer  
8 knows to be false or attempt to discredit evidence that the  
9 lawyer knows to be true.

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

11 “A lawyer shall attempt to elicit from the client a  
12 truthful account of the material facts concerning the mat-  
13 ters in issue. In representing a client charged with a crime  
14 or civil wrong, the duty of enquiry under this rule in-  
15 cludes—

16 “(1) attempting to elicit from the client a mate-  
17 rially complete account of the alleged criminal activ-  
18 ity or civil wrong if the client acknowledges involve-  
19 ment in the alleged activity or wrong; and

20 “(2) attempting to elicit from the client the ma-  
21 terial facts relevant to a defense of alibi if the client  
22 denies such involvement.

### 23 **“Rule 4. Duty to Expedite Litigation**

24 “(a) A lawyer shall seek to bring about the expedi-  
25 tious conduct and conclusion of litigation.

1       “(b) A lawyer shall not seek a continuance or other-  
2 wise attempt to delay or prolong proceedings in the hope  
3 or expectation that—

4               “(1) evidence will become unavailable;

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

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

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

13       “(a) A lawyer may disclose information relating to  
14 the representation of a client to the extent necessary to  
15 prevent the commission of a crime or other unlawful act.

16       “(b) A lawyer shall disclose information relating to  
17 the representation of a client where disclosure is required  
18 by law. A lawyer shall also disclose such information to  
19 the extent necessary to prevent—

20               “(1) the commission of a crime involving the  
21 use or threatened use of force against another, or a  
22 substantial risk of death or serious bodily injury to  
23 another; or

24               “(2) the commission of a crime of sexual as-  
25 sult or child molestation.

1       “(c) For purposes of this rule, ‘crime’ means a crime  
2 under the law of the United States or the law of a State,  
3 and ‘unlawful act’ means an act in violation of the law  
4 of the United States or the law of a State.”.

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

6       Rule 24(b) of the Federal Rules of Criminal Proce-  
7 dure is amended by striking “the Government is entitled  
8 to 6 peremptory challenges and the defendant or defend-  
9 ants jointly to 10 peremptory challenges” and inserting  
10 “each side is entitled to 6 peremptory challenges”.

11 **SEC. 126. VICTIM’S RIGHT OF ALLOCUTION IN SENTENCING.**

12       Rule 32 of the Federal Rules of Criminal Procedure  
13 is amended—

14             (1) by striking “and” at the end of subdivision

15             (a)(1)(B);

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

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

20             “(D) if sentence is to be imposed for a crime  
21 of violence or sexual abuse, address the victim per-  
22 sonally if the victim is present at the sentencing  
23 hearing and determine if the victim wishes to make  
24 a statement and to present any information in rela-  
25 tion to the sentence.”;

1           (4) in the penultimate sentence of subdivision  
2           (a)(1) by striking “equivalent opportunity” and in-  
3           serting “opportunity equivalent to that of the de-  
4           fendant’s counsel”;

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

8           (6) by adding at the end the following new sub-  
9           division:

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

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

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

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

22           or

23           “(B) one or more family members or rel-  
24           atives designated by the court if the victim is  
25           deceased or incapacitated,

1 if such person or persons are present at the sentenc-  
2 ing hearing, regardless of whether the victim is  
3 present.

4 **SEC. 127. VICTIM'S RIGHT OF PRIVACY.**

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

6 (1) the crime of rape is underreported to law  
7 enforcement authorities because of its traumatic ef-  
8 fect on victims and the stigmatizing nature of the  
9 crime;

10 (2) rape victims may be further victimized by  
11 involuntary public disclosure of their identities;

12 (3) rape victims should be encouraged to come  
13 forward and report the crime without fear of being  
14 revictimized through involuntary public disclosure of  
15 their identities; and

16 (4) any interest of the public in knowing the  
17 identity of a rape victim notwithstanding the vic-  
18 tim's wishes to the contrary is outweighed by the in-  
19 terest of protecting the privacy of rape victims and  
20 encouraging rape victims to report the crime and as-  
21 sist in prosecution.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-  
23 gress that news media, law enforcement personnel, and  
24 other persons should exercise restraint and respect a rape  
25 victim's privacy by not disclosing the victim's identity to

1 the general public or facilitating such disclosure without  
2 the consent of the victim.

3                   Subtitle C—Safe Campuses

4 **SEC. 131. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL**  
5 **ASSAULT.**

6           (a) **STUDY.**—The Attorney General shall provide for  
7 a national baseline study to examine the scope of the prob-  
8 lem of campus sexual assaults and the effectiveness of in-  
9 stitutional and legal policies in addressing such crimes and  
10 protecting victims. The Attorney General may utilize the  
11 Bureau of Justice Statistics, the National Institute of Jus-  
12 tice, and the Office for Victims of Crime in carrying out  
13 this section.

14           (b) **REPORT.**—Based on the study required by sub-  
15 section (a), the Attorney General shall prepare a report  
16 including an analysis of—

17                   (1) the number of reported allegations and esti-  
18 mated number of unreported allegations of campus  
19 sexual assaults, and to whom the allegations are re-  
20 ported (including authorities of the educational insti-  
21 tution, sexual assault victim service entities, and  
22 local criminal authorities);

23                   (2) the number of campus sexual assault allega-  
24 tions reported to authorities of educational institu-  
25 tions which are reported to criminal authorities;

1           (3) the number of campus sexual assault allega-  
2           tions that result in criminal prosecution in compari-  
3           son with the number of non-campus sexual assault  
4           allegations that result in criminal prosecution;

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

7           (5) the adequacy of policies and practices of  
8           educational institutions in addressing campus sexual  
9           assaults and protecting victims, including consider-  
10          ation of—

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

19                 (B) the articulation and communication to  
20                 students of the institution's policies concerning  
21                 sexual assaults;

22                 (C) policies and practices that may prevent  
23                 or discourage the reporting of campus sexual  
24                 assaults to local criminal authorities, or that  
25                 may otherwise obstruct justice or interfere with

1 the prosecution of perpetrators of campus sexual  
2 assaults;

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

5 (E) the ability of educational institutions'  
6 disciplinary processes to address allegations of  
7 sexual assault adequately and fairly;

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

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

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

24 (7) any recommendations the Attorney General  
25 may have for reforms to address campus sexual as-

1       saults and protect victims more effectively, and any  
2       other matters that the Attorney General deems rel-  
3       evant to the subject of the study and report required  
4       by this section.

5       (c) SUBMISSION OF REPORT.—The report required  
6       by subsection (b) shall be submitted to the Congress no  
7       later than September 1, 1995.

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

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

16      Subtitle D—Assistance to States and Localities

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

18      (a) PURPOSE.—The purpose of this section is to  
19      strengthen and improve State and local efforts to prevent  
20      and punish sexual violence, and to assist and protect the  
21      victims of sexual violence.

22      (b) AUTHORIZATION OF GRANTS.—The Attorney  
23      General, through the Bureau of Justice Assistance, the  
24      Office for Victims of Crime, and the Bureau of Justice

1 Statistics, may make grants to support projects and pro-  
2 grams relating to sexual violence, including support of—

3 (1) training and policy development programs  
4 for law enforcement officers and prosecutors con-  
5 cerning the investigation and prosecution of sexual  
6 violence;

7 (2) law enforcement and prosecutorial units and  
8 teams that target sexual violence;

9 (3) victim services programs for victims of sex-  
10 ual violence;

11 (4) educational and informational programs re-  
12 lating to sexual violence;

13 (5) improved systems for collecting, keeping,  
14 and disseminating records and data concerning sex-  
15 ual violence and offenders who engage in sexual vio-  
16 lence;

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

1           (7) registration systems which require persons  
2 convicted of sexual violence to keep law enforcement  
3 authorities informed of their addresses or locations;

4           (8) security measures in parks, public transpor-  
5 tation systems, public buildings and facilities, and  
6 other public places which reduce the risk that acts  
7 of sexual violence will occur in such places;

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

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

15          (11) training programs for judges and court  
16 personnel in relation to cases involving sexual vio-  
17 lence; and

18          (12) treatment programs in a correctional set-  
19 ting for offenders who engage in sexual violence,  
20 which may include aftercare components, and which  
21 shall include an evaluation component to determine  
22 the effectiveness of the treatment in reducing recidi-  
23 vism.

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

4 (1) 0.25 percent shall be set aside for each par-  
5 ticipating State; and

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

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

14 (e) APPLICATION FOR FORMULA GRANTS.—To re-  
15 quest a grant under subsection (c), the chief executive offi-  
16 cer of a State must, in each fiscal year, submit to the  
17 Attorney General a plan for addressing sexual violence in  
18 the State, including a specification of the uses to which  
19 funds provided under subsection (c) will be put in carrying  
20 out the plan. The application must include—

21 (1) certification that the Federal funding pro-  
22 vided will be used to supplement and not supplant  
23 State and local funds;

24 (2) certification that any requirement of State  
25 law for review by the State legislature or a des-

1       ignated body, and any requirement of State law for  
2       public notice and comment concerning the proposed  
3       plan, has been satisfied; and

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

8       (f) CONDITIONS ON GRANTS.—

9               (1) MATCHING FUNDS.—Grants under sub-  
10       section (c) may be for up to 50 percent of the overall  
11       cost of a project or program funded. Discretionary  
12       grants under subsection (d) may be for up to 100  
13       percent of the overall cost of a project of program  
14       funded.

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

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

23              (4) PAYMENT OF COST OF FORENSIC MEDICAL  
24       EXAMINATIONS.—It is a condition of eligibility for  
25       grants under subsection (c) that a State pay the cost

1 of forensic medical examinations for victims of sex-  
2 ual violence.

3 (5) POLICIES AGAINST CAMPUS SEXUAL AS-  
4 SAULTS.—For an institution of postsecondary edu-  
5 cation seeking a grant under subsection (d), it is a  
6 condition of eligibility that the institution articulate  
7 and communicate to its students a clear policy that  
8 sexual violence will not be tolerated by the institu-  
9 tion.

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

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

1 and Family Support Grant Program established by section  
2 208 of this Act, and coordinating the program under this  
3 section with other grant programs administered by compo-  
4 nents of the Department of Justice.

5 (i) DEFINITION.—For purposes of this section, “sex-  
6 ual violence” includes nonconsensual sex offenses and sex  
7 offenses involving victims who are not able to give legally  
8 effective consent because of age or incompetency.

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 **SEC. 142. SUPPLEMENTARY GRANTS FOR STATES ADOPT-**  
18 **ING EFFECTIVE LAWS RELATING TO SEXUAL**  
19 **VIOLENCE.**

20 (a) SUPPLEMENTARY GRANTS.—The Attorney Gen-  
21 eral may, in each fiscal year, authorize the award to a  
22 State of an aggregate amount of up to \$1 million under  
23 the Sexual Violence Grant Program established by section  
24 141 of this Act, in addition to any funds that are other-  
25 wise authorized under that program. The authority to

1 award additional funding under this section is conditional  
2 on certification by the Attorney General that the State has  
3 laws relating to sexual violence that exceed or are reason-  
4 ably comparable to the provisions of Federal law (includ-  
5 ing changes in Federal law adopted by this Act) in the  
6 following areas:

7           (1) Authorization of pretrial detention of de-  
8 fendants in sexual assault cases where prevention of  
9 flight or the safety of others cannot be reasonably  
10 assured by other means, and denial of release pend-  
11 ing appeal for persons convicted of sexual assault of-  
12 fenses who have been sentenced to imprisonment.

13           (2) Authorization of severe penalties for sexual  
14 assault offenses.

15           (3) Pretrial testing for the human  
16 immunodeficiency virus of persons charged with sex-  
17 ual assault offenses, with disclosure of test results to  
18 the victim.

19           (4) Payment of the cost of medical examina-  
20 tions and the cost of testing for the human  
21 immunodeficiency virus for victims of sexual as-  
22 saults.

23           (5) According the victim of a sexual assault the  
24 right to be present at judicial proceedings in the  
25 case.

1           (6) Protection of victims from injury into unre-  
2           lated sexual behavior in sexual assault cases.

3           (7) Rules of professional conduct for lawyers  
4           that protect victims from unwarranted cross-exam-  
5           ination and impeachment, dilatory tactics, and other  
6           abuses in sexual assault cases.

7           (8) Authorization of admission and consider-  
8           ation in sexual assault cases of evidence that the de-  
9           fendant has committed sexual assaults on other oc-  
10          casions.

11          (9) Authorization of the victim in sexual assault  
12          cases to address the court concerning the sentence  
13          to be imposed.

14          (10) Authorization of the award of restitution  
15          to victims of sexual assaults as part of a criminal  
16          sentence.

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

1 TITLE II—DOMESTIC VIOLENCE, STALKING,  
2 AND OFFENSES AGAINST THE FAMILY  
3 **SEC. 201. INTERSTATE TRAVEL TO COMMIT SPOUSE ABUSE**  
4 **OR TO VIOLATE PROTECTIVE ORDER; INTER-**  
5 **STATE STALKING.**

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

9 **“CHAPTER 110A—DOMESTIC VIOLENCE AND**  
10 **STALKING**

“Sec.  
“2261. Domestic violence and stalking.

11 **§ 2261. Domestic violence stalking**

12 “(a) OFFENSE.—Whoever causes or attempts to  
13 cause bodily injury to, engages in sexual abuse against,  
14 or violates a protective order in relation to, another shall  
15 be punished—

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

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

21 “(3) if serious bodily injury results, or if a fire-  
22 arm, knife, or other dangerous weapon is possessed,  
23 carried, or used during the commission of the of-

1 fense, by imprisonment for not more than 10 years;  
2 and

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

5 If, however, the defendant engages in sexual abuse and  
6 the penalty authorized for such conduct under chapter  
7 109A exceeds the penalty which would otherwise be au-  
8 thorized under this subsection, then the penalty authorized  
9 for such conduct under chapter 109A shall apply.

10 “(b) MANDATORY PENALTIES.—A sentence under  
11 this section shall include at least 3 months of imprison-  
12 ment if the offense involves the infliction of bodily injury  
13 on or the commission of sexual abuse against the victim.  
14 A sentence under this section shall include at least 6  
15 months of imprisonment if the offense involves the viola-  
16 tion of a protective order and the defendant has previously  
17 violated a protective order in relation to the same victim.

18 “(c) JURISDICTION.—There is Federal jurisdiction to  
19 prosecute an offense under this section if the defendant  
20 traveled in interstate or foreign commerce, or transported  
21 or caused another to move in interstate or foreign com-  
22 merce, with the intention of committing or in furtherance  
23 of committing the offense, and—

24 “(1) the victim was a spouse or former spouse  
25 of the defendant, was cohabiting with or had

1 cohabited with the defendant, or had a child in com-  
2 mon with the defendant; or

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

4 “(A) has caused or attempted or threat-  
5 ened to cause death or serious bodily injury to  
6 or engaged in sexual abuse in relation to the  
7 victim; or

8 “(B) has engaged in any conduct that  
9 caused or was intended to cause apprehension  
10 by the victim that the victim would be subjected  
11 to death, serious bodily injury, or sexual abuse.

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

13 “(1) ‘protective order’ means an order issued by  
14 a court of a State prohibiting or limiting violence  
15 against, harassment of, contact or communication  
16 with, or physical proximity to another person;

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

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

24 “(4) ‘State’ has the meaning given in section  
25 513(c)(5).”.

1 (b) CLERICAL AMENDMENT.—The analysis for part  
 2 1 of title 18, United States Code, is amended by inserting  
 3 after the item for chapter 110 the following:

“**110A. Domestic violence and stalking** ..... **2261**”.

4 (c) MANDATORY RESTITUTION.—Section 3663 of  
 5 title 18, United States Code, as amended by section 109  
 6 of this Act, is further amended by striking “or chapter  
 7 110” and inserting “, chapter 110, or section 2261” in  
 8 each of subsection (b)(2) and subsection (d).

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

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

17 **SEC. 202. FULL FAITH AND CREDIT FOR PROTECTIVE OR-**  
 18 **DERS.**

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

23 **“§2262. Full Faith and Credit for Protective Orders**

24 “(a) A protective order issued by a court of a State  
 25 shall have the same full faith and credit in a court in an-

1 other State that it would have in a court of the State in  
 2 which issued, and shall be enforced by the courts of any  
 3 State as if it were issued in that State.

4 “(b) For purposes of this section—

5 “(1) ‘protective order’ means an order prohibit-  
 6 ing or limiting violence against, harassment of, con-  
 7 tact or communication with, or physical proximity to  
 8 another person; and

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

11 (b) CLERICAL AMENDMENT.—The analysis for chap-  
 12 ter 110A of title 18, United States Code, as enacted by  
 13 section 201, is amended by inserting at the end the follow-  
 14 ing:

15 **“§ 2262. Full Faith and Credit for Protective Orders.”.**

16 **SEC. 203. NON-COMPLIANCE WITH CHILD SUPPORT OBLI-**  
 17 **GATIONS IN INTERSTATE CASES.**

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

20 **“CHAPTER 11A—CHILD SUPPORT**

“Sec.

“228. Non-compliance with child support obligations.

21 **“§ 228. Non-compliance with child support obliga-**  
 22 **tions.**

23 “(a) OFFENSE.—Whoever—

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

4           “(2) fails to pay a major child support obliga-  
5           tion, as defined in subsection (e), with respect to a  
6           child who resides in another State, despite having  
7           the financial resources to pay the obligation or the  
8           ability to acquire such resources through reasonable  
9           diligence;

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

11           “(b) PRESUMPTION.—In relation to an offense  
12 charged under paragraph (1) of subsection (a), the ab-  
13 sence of the defendant from the State for an aggregate  
14 period of 6 months without payment of the child support  
15 obligation shall create a rebuttable presumption that the  
16 intent existed to avoid payment of the obligation.

17           “(c) PENALTY.—A person convicted of an offense  
18 under this section shall be punished by imprisonment for  
19 up to 6 months, and on a second or subsequent conviction,  
20 by imprisonment for up to two years.

21           “(d) RESTITUTION.—In addition to any restitution  
22 that may be ordered pursuant to section 3663, a sentence  
23 for an offense under this section shall include an order  
24 of restitution in an amount equal to the past due support  
25 obligation as it exists at the time of sentencing. Sub-

1 sections (e)–(i) of section 3663 shall apply to an order  
2 of restitution pursuant to this subsection.

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

4 “(1) ‘child support obligation’ means an  
5 amount determined under a court order or an order  
6 of an administrative process pursuant to the law of  
7 a State to be due from a person for the support of  
8 a child or of a child and the parent with whom the  
9 child is living;

10 “(2) ‘major child support obligation’ means a  
11 child support obligation that has remained unpaid  
12 for a period exceeding one year, or that is greater  
13 than \$5,000;

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

17 “(4) ‘State’ has the meaning given in section  
18 513(c)(5).”.

19 **SEC. 204. PRESUMPTION AGAINST CHILD CUSTODY FOR**  
20 **SPOUSE ABUSERS.**

21 (a) The Congress finds that—

22 (1) courts fail to recognize the detrimental ef-  
23 fects of having as a custodial parent an individual  
24 who physically abuses his or her spouse, insofar as

1 they do not hear or weigh evidence of domestic vio-  
2 lence in child custody litigation;

3 (2) joint custody forced upon hostile parents  
4 can create a damaging psychological environment for  
5 a child;

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

8 (4) the effects on children of physical abuse of  
9 a spouse include—

10 (A) traumatization and psychological dam-  
11 age to children resulting from observation of  
12 the abuse and the climate of violence and fear  
13 existing in a home where abuse takes place;

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

17 (C) the negative effects on children of ex-  
18 posure to an inappropriate role model, in that  
19 witnessing an aggressive parent may commu-  
20 nicate to children that violence is an acceptable  
21 means of dealing with others; and

22 (5) the harm to children from spouse abuse  
23 may be compounded by award of exclusive or joint  
24 custody to an abuser because further abuse may  
25 occur when the abused spouse is forced to have con-

1 tact with the abuser as a result of the custody ar-  
2 rangement, and because the child or children may be  
3 exposed to abuse committed by the abuser against a  
4 subsequent spouse or partner.

5 (b) SENSE OF CONGRESS.—It is the sense of the  
6 Congress that, for purposes of determining child custody,  
7 evidence establishing that a parent engages in physical  
8 abuse of a spouse should create a statutory presumption  
9 that it is detrimental to the child to be placed in the cus-  
10 tody of the abusive spouse.

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

12 (a) REPORT.—The Attorney General shall prepare  
13 and transmit to the Congress a report on the status of  
14 battered women's syndrome as a medical and psycho-  
15 logical condition and on its effect in criminal trials. The  
16 Attorney General may utilize the National Institute of  
17 Justice to obtain information required for the preparation  
18 of the report.

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

21 (1) a review of medical and psychological views  
22 concerning the existence, nature, and effects of bat-  
23 tered women's syndrome as a psychological condi-  
24 tion;

1           (2) a compilation of judicial decisions that have  
2 admitted or excluded evidence of battered women's  
3 syndrome as evidence of guilt or as a defense in  
4 criminal trials; and

5           (3) information on the views of judges, prosecu-  
6 tors, and defense attorneys concerning the effects  
7 that evidence of battered women's syndrome may  
8 have in criminal trials.

9 **SEC. 206. REPORT ON CONFIDENTIALITY OF ADDRESSES**  
10 **FOR VICTIMS OF DOMESTIC VIOLENCE.**

11       (a) The Attorney General shall conduct a study of  
12 the means by which abusive spouses may obtain informa-  
13 tion concerning the addresses or locations of estranged or  
14 former spouses, notwithstanding the desire of the victims  
15 to have such information withheld to avoid further expo-  
16 sure to abuse. Based on the study, the Attorney General  
17 shall transmit a report to Congress including—

18           (1) the findings of the study concerning the  
19 means by which information concerning the address-  
20 es or locations of abused spouses may be obtained  
21 by abusers; and

22           (2) analysis of the feasibility of creating effec-  
23 tive means of protecting the confidentiality of infor-  
24 mation concerning the addresses and locations of  
25 abused spouses to protect such persons from expo-



1 and punish domestic violence and other criminal and un-  
2 lawful acts that particularly affect women, and to assist  
3 and protect the victims of such crimes and acts.

4 (b) AUTHORIZATION OF GRANTS.—The Attorney  
5 General, through the Bureau of Justice Assistance, the  
6 Office for Victims of Crime, and the Bureau of Justice  
7 Statistics, may make grants to support projects and pro-  
8 grams relating to domestic violence and other criminal and  
9 unlawful acts that particularly affect women, including  
10 support of—

11 (1) training and policy development programs  
12 for law enforcement officers and prosecutors con-  
13 cerning the investigation and prosecution of domes-  
14 tic violence;

15 (2) law enforcement and prosecutorial units and  
16 teams that target domestic violence;

17 (3) model, innovative, and demonstration law  
18 enforcement programs relating to domestic violence  
19 that involve proarrest and aggressive prosecution  
20 policies;

21 (4) model, innovative, and demonstration pro-  
22 grams for the effective utilization and enforcement  
23 of protective orders;

24 (5) programs addressing stalking and persistent  
25 menacing;

1           (6) victim services programs for victims of do-  
2           mestic violence;

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

5           (8) educational and informational programs re-  
6           lating to domestic violence;

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

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

12          (11) training programs for judges and court  
13          personnel in relation to cases involving domestic vio-  
14          lence; and

15          (12) enforcement of child support obligations,  
16          including cooperative efforts and arrangements of  
17          States to improve enforcement in cases involving  
18          interstate elements.

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

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

24                 (2) the remainder shall be allocated to the par-  
25                 ticipating States in proportion to their populations;

1 for the use of State and local governments in the  
2 States.

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

8 (e) APPLICATION FOR FORMULA GRANTS.—To re-  
9 quest a grant under subsection (c), the chief executive offi-  
10 cer of a State must, in each fiscal year, submit to the  
11 Attorney General a plan for addressing domestic violence  
12 and other criminal and unlawful acts that particularly af-  
13 fect women in the State, including a specification of the  
14 uses to which funds provided under subsection (c) will be  
15 put in carrying out the plan. The application must in-  
16 clude—

17 (1) certification that the Federal funding pro-  
18 vided will be used to supplement and not supplant  
19 State and local funds;

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

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

5           (f) CONDITIONS ON GRANTS.—

6           (1) MATCHING FUNDS.—Grants under sub-  
7           section (c) may be for up to 50 percent of the overall  
8           cost of a project or program funded. Discretionary  
9           grants under subsection (d) may for up to 100 per-  
10          cent of the overall cost of a project or program fund-  
11          ed.

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

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

20          (g) EVALUATION.—The National Institute of Justice  
21          shall have the authority to carry out evaluations of pro-  
22          grams funded under this section. The recipient of any  
23          grant under this section may be required to include an  
24          evaluation component to determine the effectiveness of the

1 project or program funded that is consistent with guide-  
2 lines issued by the National Institute of Justice.

3 (h) COORDINATION.—The Attorney General may uti-  
4 lize the Office of Justice Programs to coordinate the ad-  
5 ministration of grants under this section. The coordination  
6 of grants under this section shall include prescribing con-  
7 sistent program requirements for grantees, allocating  
8 functions and the administration of particular grants  
9 among the components that participate in the administra-  
10 tion of the program under this section, coordinating the  
11 program under this section with the Sexual Violence Grant  
12 Program established by section 141 of this Act, and co-  
13 ordinating the program under this section with other  
14 grant programs administered by components of the De-  
15 partment of Justice.

16 (i) DEFINITION.—For purposes of this section, “do-  
17 mestic violence” includes any act of criminal violence in  
18 which the offender and the victim are members of the  
19 same household or relatives, or in which the offender and  
20 the victim are present or former spouses or cohabitators or  
21 have a child in common.

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

1 (k) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated, in each of fiscal years  
3 1994, 1995, and 1996, \$250,000,000 to carry out this  
4 section, and such sums as may be necessary in each fiscal  
5 year thereafter.

6 TITLE III—NATIONAL TASK FORCE ON  
7 VIOLENCE AGAINST WOMEN

8 **SEC. 301. ESTABLISHMENT.**

9 Not later than 30 days after the date of enactment  
10 of this Act, the Attorney General shall establish a task  
11 force to be known as the “National Task Force on Vio-  
12 lence Against Women” (referred to in this title as the  
13 “task force”).

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

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

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

24 (1) considering the reports and recommenda-  
25 tions of past Federal and State studies of violent

1 crime, family violence, and the treatment of crime  
2 victims, including the Report of the Attorney Gen-  
3 eral to the President on Combating Violent Crime  
4 (1992), the Report of the Attorney General's Task  
5 Force on Family Violence (1984), the Report of the  
6 President's Task Force on Victims of Crime (1982),  
7 and the reports and recommendations of the task  
8 forces and commissions established by the States of  
9 Alabama, Alaska, Arkansas, Hawaii, Idaho, Indiana,  
10 Kansas, Louisiana, Michigan, Minnesota, Nebraska,  
11 New Mexico, New York, North Carolina, Rhode Is-  
12 land, Virginia, Texas, and Wyoming;

13 (2) developing strategies for Federal, State, and  
14 local law enforcement designed to protect women  
15 against violent crime, and to prosecute and punish  
16 those responsible for such crime;

17 (3) evaluating the adequacy of rules of evi-  
18 dence, practice, and procedure to ensure the effective  
19 prosecution and conviction of violent offenders  
20 against women and to protect victims from abuse in  
21 legal proceedings, and making recommendations for  
22 the improvement of such rules;

23 (4) evaluating the adequacy of pretrial release,  
24 sentencing, incarceration, and postconviction release  
25 in relation to violent offenders against women, and

1 making recommendations designed to ensure that  
2 such offenders are restrained from causing further  
3 harm to the victim and others and receive appro-  
4 priate punishment, including means of ensuring that  
5 the efficacy of criminal sanctions will not be under-  
6 mined by parole or other early release mechanisms;

7 (5) assessing the issuance, formulation, and en-  
8 forcement of protective orders, whether or not relat-  
9 ed to a criminal proceeding, and making rec-  
10 ommendations for the effective use of such orders to  
11 protect women from violence;

12 (6) assessing the problem of stalking and per-  
13 sistent menacing of women, and recommending ef-  
14 fective means of response to the problem;

15 (7) assessing the problem of sexual exploitation  
16 of women and youths through prostitution and in  
17 the production of pornography, and recommending  
18 effective means of response to the problem; and

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

23 **SEC. 303. MEMBERSHIP.**

24 (a) IN GENERAL.—The task force shall consist of up  
25 to 10 members, who shall be appointed by the Attorney

1 General not later than 60 days after the date of enactment  
2 of this Act. The Attorney General shall ensure that the  
3 task force includes representatives of State and local law  
4 enforcement, the State and local judiciary, and groups  
5 dedicated to protecting the rights of victims.

6 (b) CHAIRMAN.—The Attorney General or the Attor-  
7 ney General’s designee shall serve as chairman of the task  
8 force.

9 **SEC. 304. PAY.**

10 (A) NO ADDITIONAL COMPENSATION.—Members of  
11 the task force who are officers or employees of a govern-  
12 mental agency shall receive no additional compensation by  
13 reason of their service on the task force.

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

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

21 (a) EXECUTIVE DIRECTOR.—

22 (1) APPOINTMENT.—The task force shall have  
23 an Executive Director who shall be appointed by the  
24 Attorney General not later than 30 days after the  
25 task force is fully constituted under section 303.

1           (2) COMPENSATION.—The Executive Director  
2           shall be compensated at a rate of not to exceed the  
3           maximum rate of the basic pay payable under GS–  
4           18 of the General Schedule as contained in title 5,  
5           United States Code.

6           (b) STAFF.—With the approval of the task force, the  
7           Executive Director may appoint and fix the compensation  
8           of such additional personnel as the Executive Director  
9           considers necessary to carry out the duties of the task  
10          force.

11          (c) APPLICABILITY OF CIVIL SERVICE LAWS.—The  
12          Executive Director and the additional personnel of the  
13          task force appointed under subsection (b) may be ap-  
14          pointed without regard to the provisions of title 5, United  
15          States Code, governing appointments in the competitive  
16          service, and may be paid without regard to the provisions  
17          of chapter 51 and subchapter III of chapter 53 of such  
18          title relating to classification and General Schedule pay  
19          rates.

20          (d) CONSULTANTS.—Subject to such rules as may be  
21          prescribed by the task force, the Executive Director may  
22          procure temporary intermittent services under section  
23          3109(b) of title 5, United States Code, at rates for individ-  
24          uals not to exceed \$200 per day.

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

2 (a) HEARINGS.—For the purpose of carrying out this  
3 title, the task force may conduct such hearings, sit and  
4 act at such times and places, take such testimony, and  
5 receive such evidence, as the task force considers appro-  
6 priate. The task force may administer oaths before the  
7 task force.

8 (b) DELEGATION.—Any member or employee of the  
9 task force may, if authorized by the task force, take any  
10 action that the task force is authorized to take under this  
11 title.

12 (c) ACCESS TO INFORMATION.—The task force may  
13 secure directly from any executive department or agency  
14 such information as may be necessary to enable the task  
15 force to carry out this title, to the extent access to such  
16 information is permitted by law. On request of the Attor-  
17 ney General, the head of such a department or agency  
18 shall furnish such permitted information to the task force.

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

22 **SEC. 307. REPORT.**

23 Not later than 1 years after the date on which the  
24 task force is fully constituted under section 303, the Attor-  
25 ney General shall submit a detailed report to the Congress  
26 on the findings and recommendations of the task force.

1 **SEC. 308. AUTHORIZATION OF APPROPRIATION.**

2       There is authorized to be appropriated for fiscal year  
3 1994, \$500,000 to carry out the purposes of this title.

4 **SEC. 309. TERMINATION.**

5       The task force shall cease to exist 30 days after the  
6 date on which the Attorney General's report is submitted  
7 under section 307. The Attorney General may extend the  
8 life of the task force for a period of not to exceed one  
9 year.

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