

Calendar No. 438

105TH CONGRESS
2^D SESSION

S. 1976

A BILL

To increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

JUNE 25, 1998.

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

APRIL 23, 1998

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

JUNE 25, 1998

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Crime Victims With
3 Disabilities Awareness Act”.

4 **SEC. 2. FINDINGS; PURPOSES.**

5 (a) FINDINGS.—Congress finds that—

6 (1) although research conducted abroad dem-
7 onstrates that individuals with developmental dis-
8 abilities are at a 4 to 10 times higher risk of becom-
9 ing crime victims than those without disabilities,
10 there have been no significant studies on this subject
11 conducted in the United States;

12 (2) in fact, the National Crime Victim’s Survey,
13 conducted annually by the Bureau of Justice Statis-
14 tics of the Department of Justice, does not specifi-
15 cally collect data relating to crimes against individ-
16 uals with developmental disabilities;

17 (3) studies in Canada, Australia, and Great
18 Britain consistently show that victims with develop-
19 mental disabilities suffer repeated victimization be-
20 cause so few of the crimes against them are re-
21 ported, and even when they are, there is sometimes
22 a reluctance by justice officials to rely on the testi-
23 mony of a disabled individual, making individuals
24 with developmental disabilities a target for criminal
25 predators; and

1 (4) research in the United States needs to be
2 done to—

3 (A) understand the nature and extent of
4 crimes against individuals with developmental
5 disabilities;

6 (B) describe how the justice system re-
7 sponds to crimes against the developmentally
8 disabled; and

9 (C) identify programs, policies, or laws
10 that hold promises for making the justice sys-
11 tem more responsive to crimes against individ-
12 uals with developmental disabilities.

13 (b) PURPOSES.—The purposes of this Act are—

14 (1) to increase public awareness of the plight of
15 victims of crime who are individuals with develop-
16 mental disabilities;

17 (2) to collect data to measure the extent of the
18 problem of crimes against individuals with develop-
19 mental disabilities; and

20 (3) to develop strategies to address the safety
21 and justice needs of victims of crime who are indi-
22 viduals with developmental disabilities.

23 **SEC. 3. DEFINITION OF DEVELOPMENTAL DISABILITY.**

24 In this Act, the term “developmental disability” has
25 the meaning given the term in section 102 of the Develop-

1 mental Disabilities Assistance and Bill of Rights Act (42
2 U.S.C. 6001).

3 **SEC. 4. RESEARCH AGENDA.**

4 (a) **REQUEST FOR CONTRACT.**—Not later than 90
5 days after the date of enactment of this Act, the Attorney
6 General shall submit a request to the National Research
7 Council, that the Committee on Law and Justice of the
8 National Academy of Sciences, acting through the Na-
9 tional Research Council, enter into a contract with the At-
10 torney General to develop a research agenda to increase
11 public awareness of crimes against individuals with devel-
12 opmental disabilities and to reduce the incidence of crimes
13 against those individuals.

14 (b) **RESEARCH AGENDA.**—The research agenda de-
15 veloped under this section shall—

16 (1) address such issues as—

17 (A) the nature and extent of crimes
18 against individuals with developmental disabil-
19 ities;

20 (B) the risk factors associated with victim-
21 ization of the developmentally disabled;

22 (C) strategies to reduce crimes against in-
23 dividuals with developmental disabilities;

24 (D) the manner in which the justice and
25 social service systems respond to crimes against

1 the developmentally disabled, and the means by
2 which that response can be improved;

3 ~~(E)~~ the personal and social consequences
4 of victimization;

5 ~~(F)~~ the importance of place and context in
6 understanding crimes against the develop-
7 mentally disabled; and

8 ~~(G)~~ the means by which to achieve a better
9 understanding of the interaction between care-
10 giver, victim, and other circumstances in im-
11 proving public safety; and

12 ~~(2)~~ include an analysis of various methodologies
13 for addressing the issues described in paragraph (1),
14 which may include—

15 ~~(A)~~ appropriate longitudinal designs to in-
16 crease understanding of its causes;

17 ~~(B)~~ rigorous evaluation research designs to
18 inform and improve prevention, intervention,
19 and control efforts;

20 ~~(C)~~ a multidisciplinary approach to meas-
21 uring the nature and frequency of crimes
22 against the developmentally disabled, and the
23 personal and social consequences of those
24 crimes;

1 ~~(D)~~ survey data and analysis efforts that
 2 better describe the victimization experiences of
 3 the developmentally disabled, the context in
 4 which victimization occurs, and the social and
 5 institutional responses to these experiences; and

6 ~~(E)~~ the development of a Federal research
 7 response and a coordinated research strategy by
 8 Federal agencies.

9 ~~(c)~~ ~~PANEL OF EXPERTS.~~—In developing the research
 10 agenda under this section, the Committee on Law and
 11 Justice shall—

12 ~~(1)~~ convene and consult with a panel, which
 13 shall be composed of—

14 ~~(A)~~ nationally recognized experts on vic-
 15 tims of crime who are individuals with disabil-
 16 ities, in the fields of—

17 ~~(i)~~ law;

18 ~~(ii)~~ services to individuals with disabil-
 19 ities;

20 ~~(iii)~~ criminology;

21 ~~(iv)~~ education;

22 ~~(v)~~ direct services to victims of crime;

23 and

24 ~~(vi)~~ the social sciences; and

1 ~~(B)~~ crime victims with disabilities who are
 2 members of diverse ethnic, social, and religious
 3 communities; and

4 ~~(2)~~ focus primarily on preventive, educative, so-
 5 cial, and legal strategies, including addressing the
 6 needs of underserved populations.

7 ~~(d) REPORT.—~~

8 ~~(1) IN GENERAL.—~~Not later than 2 years after
 9 the date of enactment of this Act, the Attorney Gen-
 10 eral shall submit to the Committees on the Judiciary
 11 of the Senate and the House of Representatives a
 12 report describing the research agenda developed
 13 under this section.

14 ~~(2) REPORT.—~~The Attorney General shall en-
 15 sure that—

16 ~~(A)~~ the report submitted under paragraph
 17 ~~(1)~~ is disseminated widely in governmental,
 18 nonprofit, and academic arenas, including by
 19 seminars, briefings, and the Internet; and

20 ~~(B)~~ shall make not less than 100 copies of
 21 the report available upon request to nonprofit
 22 organizations free of charge.

23 ~~(e) AUTHORIZATION OF APPROPRIATIONS.—~~There is
 24 authorized to be appropriated to carry out this section
 25 \$375,000 for each of fiscal years 1999 and 2000.

1 **SEC. 5. NATIONAL CRIME VICTIMS SURVEY.**

2 (a) SURVEY.—As part of each National Crime Vic-
3 tims Survey, the Attorney General shall include statistics
4 relating to the nature and characteristics of victims of
5 crime who are individuals with developmental disabilities.

6 (b) CONSULTATION.—In carrying out subsection (a),
7 the Attorney General shall use a methodology developed
8 in consultation with experts in the collection of criminal
9 justice data, statistics, services to individuals with disabil-
10 ities, and victims of crime.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$100,000 for fiscal year 1999.

14 **SEC. 6. STATE DATABASES.**

15 (a) IN GENERAL.—The Attorney General shall con-
16 duct a study and submit to Congress and to each State
17 a report on the means by which each State may establish
18 and maintain a centralized computer database on the inci-
19 dence of crimes against individuals with disabilities within
20 the State.

21 (b) CONSULTATION.—In conducting the study under
22 subsection (a), the Attorney General shall consult with—

23 (1) individuals who are experts in the collection
24 of criminal justice data;

25 (2) State statistical administrators;

26 (3) law enforcement personnel;

1 (4) nonprofit nongovernmental agencies that
2 provide direct services to victims of crime who are
3 individuals with disabilities; and

4 (5) such other individuals and entities as the
5 Attorney General considers to be appropriate.

6 (c) REPORT.—Not later than 2 years after the date
7 of enactment of this Act, the Attorney General shall sub-
8 mit to the Committees on the Judiciary of the Senate and
9 the House of Representatives, a report describing the re-
10 sults of the study under subsection (a), which report shall
11 include the views of the individuals and agencies consulted
12 under subsection (b).

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “Crime Victims With Dis-*
15 *abilities Awareness Act”.*

16 **SEC. 2. FINDINGS; PURPOSES.**

17 (a) FINDINGS.—Congress finds that—

18 (1) *although research conducted abroad dem-*
19 *onstrates that individuals with developmental disabil-*
20 *ities are at a 4 to 10 times higher risk of becoming*
21 *crime victims than those without disabilities, there*
22 *have been no significant studies on this subject con-*
23 *ducted in the United States;*

24 (2) *in fact, the National Crime Victim’s Survey,*
25 *conducted annually by the Bureau of Justice Statis-*

1 *tics of the Department of Justice, does not specifically*
2 *collect data relating to crimes against individuals*
3 *with developmental disabilities;*

4 *(3) studies in Canada, Australia, and Great*
5 *Britain consistently show that victims with develop-*
6 *mental disabilities suffer repeated victimization be-*
7 *cause so few of the crimes against them are reported,*
8 *and even when they are, there is sometimes a reluc-*
9 *tance by police, prosecutors, and judges to rely on the*
10 *testimony of a disabled individual, making individ-*
11 *uals with developmental disabilities a target for*
12 *criminal predators;*

13 *(4) research in the United States needs to be*
14 *done to—*

15 *(A) understand the nature and extent of*
16 *crimes against individuals with developmental*
17 *disabilities;*

18 *(B) describe the manner in which the justice*
19 *system responds to crimes against individuals*
20 *with developmental disabilities; and*

21 *(C) identify programs, policies, or laws that*
22 *hold promises for making the justice system more*
23 *responsive to crimes against individuals with de-*
24 *velopmental disabilities; and*

1 (5) *the National Academy of Science Committee*
2 *on Law and Justice of the National Research Council*
3 *is a premier research institution with unique experi-*
4 *ence in developing seminal, multidisciplinary studies*
5 *to establish a strong research base from which to make*
6 *public policy.*

7 (b) *PURPOSES.—The purposes of this Act are—*

8 (1) *to increase public awareness of the plight of*
9 *victims of crime who are individuals with develop-*
10 *mental disabilities;*

11 (2) *to collect data to measure the extent of the*
12 *problem of crimes against individuals with develop-*
13 *mental disabilities; and*

14 (3) *to develop a basis to find new strategies to*
15 *address the safety and justice needs of victims of*
16 *crime who are individuals with developmental dis-*
17 *abilities.*

18 **SEC. 3. DEFINITION OF DEVELOPMENTAL DISABILITY.**

19 *In this Act, the term “developmental disability” has*
20 *the meaning given the term in section 102 of the Develop-*
21 *mental Disabilities Assistance and Bill of Rights Act (42*
22 *U.S.C. 6001).*

23 **SEC. 4. STUDY.**

24 (a) *IN GENERAL.—The Attorney General shall conduct*
25 *a study to increase knowledge and information about crimes*

1 *against individuals with developmental disabilities that*
2 *will be useful in developing new strategies to reduce the in-*
3 *cidence of crimes against those individuals.*

4 (b) *ISSUES ADDRESSED.*—*The study conducted under*
5 *this section shall address such issues as—*

6 (1) *the nature and extent of crimes against indi-*
7 *viduals with developmental disabilities;*

8 (2) *the risk factors associated with victimization*
9 *of individuals with developmental disabilities;*

10 (3) *the manner in which the justice system re-*
11 *sponds to crimes against individuals with develop-*
12 *mental disabilities; and*

13 (4) *the means by which States may establish and*
14 *maintain a centralized computer database on the in-*
15 *cidence of crimes against individuals with disabilities*
16 *within a State.*

17 (c) *NATIONAL ACADEMY OF SCIENCES.*—*In carrying*
18 *out this section, the Attorney General shall consider con-*
19 *tracting with the Committee on Law and Justice of the Na-*
20 *tional Research Council of the National Academy of*
21 *Sciences to provide research for the study conducted under*
22 *this section.*

23 (d) *REPORT.*—*Not later than 18 months after the date*
24 *of enactment of this Act, the Attorney General shall submit*
25 *to the Committees on the Judiciary of the Senate and the*

1 *House of Representatives a report describing the results of*
2 *the study conducted under this section.*

3 **SEC. 5. NATIONAL CRIME VICTIM'S SURVEY.**

4 *Not later than 2 years after the date of enactment of*
5 *this Act, as part of each National Crime Victim's Survey,*
6 *the Attorney General shall include statistics relating to—*

7 *(1) the nature of crimes against individuals with*
8 *developmental disabilities; and*

9 *(2) the specific characteristics of the victims of*
10 *those crimes.*