

106TH CONGRESS
2D SESSION

H. R. 3088

AN ACT

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

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

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Victims of Rape
3 Health Protection Act”.

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

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

9 “(g) LAWS OF REGULATIONS.—

10 “(1) IN GENERAL.—The funds available under
11 this subpart for a State shall be reduced by 10 per-
12 cent and redistributed under paragraph (2) unless
13 the State demonstrates to the satisfaction of the Di-
14 rector that the law or regulations of the State with
15 respect to a defendant against whom an information
16 or indictment is presented for a crime in which by
17 force or threat of force the perpetrator compels the
18 victim to engage in sexual activity, the State re-
19 quires as follows:

20 “(A) That the defendant be tested for HIV
21 disease if—

22 “(i) the nature of the alleged crime is
23 such that the sexual activity would have
24 placed the victim at risk of becoming in-
25 fected with HIV; or

1 “(ii) the victim requests that the de-
2 fendant be so tested.

3 “(B) That if the conditions specified in
4 subparagraph (A) are met, the defendant un-
5 dergo the test not later than 48 hours after the
6 date on which the information or indictment is
7 presented, and that as soon thereafter as is
8 practicable the results of the test be made avail-
9 able to the victim; the defendant (or if the de-
10 fendant is a minor, to the legal guardian of the
11 defendant); the attorneys of the victim; the at-
12 torneys of the defendant; the prosecuting attor-
13 neys; and the judge presiding at the trial, if
14 any.

15 “(C) That if the defendant has been tested
16 pursuant to subparagraph (B), the defendant,
17 upon request of the victim, undergo such follow-
18 up tests for HIV as may be medically appro-
19 priate, and that as soon as is practicable after
20 each such test the results of the test be made
21 available in accordance with subparagraph (B)
22 (except that this subparagraph applies only to
23 the extent that the individual involved continues
24 to be a defendant in the judicial proceedings in-
25 volved, or is convicted in the proceedings).

1 “(D) That, if the results of a test con-
2 ducted pursuant to subparagraph (B) or (C) in-
3 dicate that the defendant has HIV disease, such
4 fact may, as relevant, be considered in the judi-
5 cial proceedings conducted with respect to the
6 alleged crime.

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

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

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

18 (c) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall take effect on the first day of each

1 fiscal year succeeding the first fiscal year beginning 2
2 years after the date of the enactment of this Act.

Passed the House of Representatives October 2,
2000.

Attest:

Clerk.