

106TH CONGRESS  
1ST SESSION

# H.R. 3088

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 14, 1999

Mr. WELDON of Florida introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Victims of Rape  
5 Health Protection Act”.

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

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

1 “(g) LAWS OF REGULATIONS.—

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

12 “(A) That the defendant be tested for HIV  
13 disease if—

14 “(i) the nature of the alleged crime is  
15 such that the sexual activity would have  
16 placed the victim at risk of becoming in-  
17 fected with HIV; or

18 “(ii) the victim requests that the de-  
19 fendant be so tested.

20 “(B) That if the conditions specified in  
21 subparagraph (A) are met, the defendant un-  
22 dergo the test not later than 48 hours after the  
23 date on which the information or indictment is  
24 presented, and that as soon thereafter as is  
25 practicable the results of the test be made avail-

1           able to the victim; the defendant (or if the de-  
2           fendant is a minor, to the legal guardian of the  
3           defendant); the attorneys of the victim; the at-  
4           torneys of the defendant; the prosecuting attor-  
5           neys; and the judge presiding at the trial, if  
6           any.

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

18          “(D) That, if the results of a test con-  
19          ducted pursuant to subparagraph (B) or (C) in-  
20          dicate that the defendant has HIV disease, such  
21          fact may, as relevant, be considered in the judi-  
22          cial proceedings conducted with respect to the  
23          alleged crime.

24          “(2) REDISTRIBUTION.—Any funds available  
25          for redistribution shall be redistributed to partici-

1       pating States that comply with the requirements of  
2       paragraph (1).

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

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

10       (c) EFFECTIVE DATE.—The amendments made by  
11       subsection (a) shall take effect on the first day of each  
12       fiscal year succeeding the first fiscal year beginning 2  
13       years after the date of the enactment of this Act.

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