

106TH CONGRESS
1ST SESSION

S. 934

To enhance rights and protections for victims of crime.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 1999

Mr. LEAHY (for himself, Mr. KENNEDY, Mr. SARBANES, Mr. KERRY, Mr. HARKIN, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To enhance rights and protections for victims of crime.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Crime Victims Assistance Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—VICTIM RIGHTS

Subtitle A—Amendments to Title 18, United States Code

Sec. 101. Right to be notified of detention hearing and right to be heard on
the issue of detention.

- Sec. 102. Right to a speedy trial and prompt disposition free from unreasonable delay.
- Sec. 103. Enhanced right to order of restitution.
- Sec. 104. Enhanced right to be notified of escape or release from prison.
- Sec. 105. Enhanced penalties for witness tampering.

Subtitle B—Amendments to Federal Rules of Criminal Procedure

- Sec. 121. Right to be notified of plea agreement and to be heard on merits of the plea agreement.
- Sec. 122. Enhanced rights of notification and allocution at sentencing.
- Sec. 123. Rights of notification and allocution at a probation revocation hearing.

Subtitle C—Amendment to Federal Rules of Evidence

- Sec. 131. Enhanced right to be present at trial.

Subtitle D—Remedies for Noncompliance

- Sec. 141. Remedies for noncompliance.

TITLE II—VICTIM ASSISTANCE INITIATIVES

- Sec. 201. Increase in victim assistance personnel.
- Sec. 202. Increased training for State and local law enforcement, State court personnel, and officers of the court to respond effectively to the needs of victims of crime.
- Sec. 203. Increased resources for State and local law enforcement agencies, courts, and prosecutors' offices to develop state-of-the-art systems for notifying victims of crime of important dates and developments.
- Sec. 204. Pilot programs to establish ombudsman programs for crime victims.
- Sec. 205. Amendments to Victims of Crime Act of 1984.
- Sec. 206. Services for victims of crime and domestic violence.
- Sec. 207. Pilot program to study effectiveness of restorative justice approach on behalf of victims of crime.
- Sec. 208. Victims of terrorism.

1 SEC. 2. DEFINITIONS.

2 In this Act—

3 (1) the term “Attorney General” means the At-
4 torney General of the United States;

5 (2) the term “bodily injury” has the meaning
6 given that term in section 1365(g) of title 18,
7 United States Code;

1 (3) the term “Commission” means the Commis-
2 sion on Victims’ Rights established under section
3 204;

4 (4) the term “Indian tribe” has the same mean-
5 ing as in section 4(e) of the Indian Self-Determina-
6 tion and Education Assistance Act (25 U.S.C.
7 450b(e));

8 (5) the term “Judicial Conference” means the
9 Judicial Conference of the United States established
10 under section 331 of title 28, United States Code;

11 (6) the term “law enforcement officer” means
12 an individual authorized by law to engage in or su-
13 pervise the prevention, detection, investigation, or
14 prosecution of any violation of law, and includes cor-
15 rections, probation, parole, and judicial officers;

16 (7) the term “Office of Victims of Crime”
17 means the Office of Victims of Crime of the Depart-
18 ment of Justice;

19 (8) the term “State” means each of the several
20 States of the United States, the District of Colum-
21 bia, the Commonwealth of Puerto Rico, the Virgin
22 Islands, Guam, American Samoa, and the Common-
23 wealth of the Northern Mariana Islands;

24 (9) the term “unit of local government” means
25 any—

1 (A) city, county, township, town, borough,
2 parish, village, or other general purpose polit-
3 ical subdivision of a State; or

4 (B) Indian tribe;

5 (10) the term “victim”—

6 (A) means an individual harmed as a re-
7 sult of a commission of an offense; and

8 (B) in the case of a victim who is less than
9 18 years of age, incompetent, incapacitated, or
10 deceased—

11 (i) the legal guardian of the victim;

12 (ii) a representative of the estate of
13 the victim;

14 (iii) a member of the family of the vic-
15 tim; or

16 (iv) any other person appointed by the
17 court to represent the victim, except that
18 in no event shall a defendant be appointed
19 as the representative or guardian of the
20 victim; and

21 (11) the term “qualified private entity” means
22 a private entity that meets such requirements as the
23 Attorney General may establish.

1 **TITLE I—VICTIM RIGHTS**
2 **Subtitle A—Amendments to Title**
3 **18, United States Code**

4 **SEC. 101. RIGHT TO BE NOTIFIED OF DETENTION HEARING**
5 **AND RIGHT TO BE HEARD ON THE ISSUE OF**
6 **DETENTION.**

7 Section 3142 of title 18, United States Code, is
8 amended by adding at the end the following:

9 “(k) NOTIFICATION OF RIGHT TO BE HEARD.—

10 “(1) IN GENERAL.—In any case involving a de-
11 fendant who is arrested for an offense involving
12 death or bodily injury to any person, a threat of
13 death or bodily injury to any person, a sexual as-
14 sault, or an attempted sexual assault, in which a de-
15 tention hearing is scheduled pursuant to subsection
16 (f)—

17 “(A) the Government shall make a reason-
18 able effort to notify the victim of the hearing,
19 and of the right of the victim to be heard on
20 the issue of detention; and

21 “(B) at the hearing under subsection (f),
22 the court shall inquire of the Government as to
23 whether the efforts at notification of the victim
24 under subparagraph (A) were successful and, if
25 so, whether the victim wishes to be heard on

1 the issue of detention and, if so, shall afford the
 2 victim such an opportunity.

3 “(2) LIMITATION.—Upon motion of either
 4 party that identification of the defendant by the vic-
 5 tim is a fact in dispute, and that no means of
 6 verification has been attempted, the Court shall use
 7 appropriate measures to protect integrity of the
 8 identification process.

9 “(3) DEFINITION OF VICTIM.—In this sub-
 10 section, the term ‘victim’ means any individual
 11 against whom an offense involving death or bodily
 12 injury to any person, a threat of death or bodily in-
 13 jury to any person, a sexual assault, or an attempted
 14 sexual assault, has been committed and also includes
 15 the parent or legal guardian of a victim who is less
 16 than 18 years of age, or incompetent, or 1 or more
 17 family members designated by the court if the victim
 18 is deceased or incapacitated.”.

19 **SEC. 102. RIGHT TO A SPEEDY TRIAL AND PROMPT DIS-**
 20 **POSITION FREE FROM UNREASONABLE**
 21 **DELAY.**

22 Section 3161(h)(8)(B) of title 18, United States
 23 Code, is amended by adding at the end the following:

24 “(v) The interests of the victim (or the family
 25 of a victim who is deceased or incapacitated) in the

1 prompt and appropriate disposition of the case, free
 2 from unreasonable delay.”.

3 **SEC. 103. ENHANCED RIGHT TO ORDER OF RESTITUTION.**

4 Section 3664(d)(2)(A)(iv) of title 18, United States
 5 Code, is amended by inserting “, and the right of the vic-
 6 tim (or the family of a victim who is deceased or incapac-
 7 itated) to attend the sentencing hearing and to make a
 8 statement to the court at the sentencing hearing” before
 9 the semicolon.

10 **SEC. 104. ENHANCED RIGHT TO BE NOTIFIED OF ESCAPE**
 11 **OR RELEASE FROM PRISON.**

12 Section 503(c)(5)(B) of the Victims’ Rights and Res-
 13 titution Act of 1990 (42 U.S.C. 10607(c)(5)(B)) is
 14 amended by inserting after “offender” the following: “, in-
 15 cluding escape, work release, furlough, or any other form
 16 of release from a psychiatric institution or other facility
 17 that provides mental health services to offenders”.

18 **SEC. 105. ENHANCED PENALTIES FOR WITNESS TAM-**
 19 **PERING.**

20 Section 1512 of title 18, United States Code, is
 21 amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1), by striking “as pro-
 24 vided in paragraph (2)” and inserting “as pro-
 25 vided in paragraph (3)”;

1 (B) by redesignating paragraph (2) as
2 paragraph (3);

3 (C) by inserting after paragraph (1) the
4 following:

5 “(2) Whoever uses physical force or the threat
6 of physical force, or attempts to do so, with intent
7 to—

8 “(A) influence, delay, or prevent the testi-
9 mony of any person in an official proceeding;

10 “(B) cause or induce any person to—

11 “(i) withhold testimony, or withhold a
12 record, document, or other object, from an
13 official proceeding;

14 “(ii) alter, destroy, mutilate, or con-
15 ceal an object with intent to impair the ob-
16 ject’s integrity or availability for use in an
17 official proceeding;

18 “(iii) evade legal process summoning
19 that person to appear as a witness, or to
20 produce a record, document, or other ob-
21 ject, in an official proceeding; and

22 “(iv) be absent from an official pro-
23 ceeding to which such person has been
24 summoned by legal process; or

1 “(C) hinder, delay, or prevent the commu-
2 nication to a law enforcement officer or judge
3 of the United States of information relating to
4 the commission or possible commission of a
5 Federal offense or a violation of conditions of
6 probation, parole, or release pending judicial
7 proceedings;
8 shall be punished as provided in paragraph (3).”;
9 and

10 (D) in paragraph (3)(B), as redesignated,
11 by striking “in the case of” and all that follows
12 before the period and inserting “an attempt to
13 murder, the use of physical force, the threat of
14 physical force, or an attempt to do so, imprison-
15 ment for not more than 20 years”; and
16 (2) in subsection (b), by striking “or physical
17 force”.

1 **Subtitle B—Amendments to Fed-**
 2 **eral Rules of Criminal Proce-**
 3 **dure**

4 **SEC. 121. RIGHT TO BE NOTIFIED OF PLEA AGREEMENT**
 5 **AND TO BE HEARD ON MERITS OF THE PLEA**
 6 **AGREEMENT.**

7 (a) IN GENERAL.—Rule 11 of the Federal Rules of
 8 Criminal Procedure is amended by adding at the end the
 9 following:

10 “(i) RIGHTS OF VICTIMS.—

11 “(1) IN GENERAL.—In any case involving a de-
 12 fendant who is charged with an offense involving
 13 death or bodily injury to any person, a threat of
 14 death or bodily injury to any person, a sexual as-
 15 sault, or an attempted sexual assault—

16 “(A) the Government, prior to a hearing at
 17 which a plea of guilty or nolo contendere is en-
 18 tered, shall make a reasonable effort to notify
 19 the victim of—

20 “(i) the date and time of the hearing;
 21 and

22 “(ii) the right of the victim to attend
 23 the hearing and to address the court; and

24 “(B) if the victim attends a hearing de-
 25 scribed in subparagraph (A), the court, before

1 accepting a plea of guilty or nolo contendere,
2 shall afford the victim an opportunity to be
3 heard on the proposed plea agreement.

4 “(2) DEFINITION OF VICTIM.—In this sub-
5 section, the term ‘victim’ means any individual
6 against whom an offense involving death or bodily
7 injury to any person, a threat of death or bodily in-
8 jury to any person, a sexual assault, or an attempted
9 sexual assault, has been committed and also includes
10 the parent or legal guardian of a victim who is less
11 than 18 years of age, or incompetent, or 1 or more
12 family members designated by the court if the victim
13 is deceased or incapacitated.

14 “(4) MASS VICTIM CASES.—In any case involv-
15 ing more than 15 victims, the court, after consulta-
16 tion with the Government and the victims, may ap-
17 point a number of victims to serve as representatives
18 of the victims’ interests.”.

19 (b) EFFECTIVE DATE.—

20 (1) IN GENERAL.—The amendment made by
21 subsection (a) shall become effective as provided in
22 paragraph (3).

23 (2) ACTION BY JUDICIAL CONFERENCE.—

24 (A) RECOMMENDATIONS.—Not later than
25 180 days after the date of enactment of this

1 Act, the Judicial Conference shall submit to
2 Congress a report containing recommendations
3 for amending the Federal Rules of Criminal
4 Procedure to provide enhanced opportunities for
5 victims of offenses involving death or bodily in-
6 jury to any person, the threat of death or bodily
7 injury to any person, a sexual assault, or an at-
8 tempted sexual assault, to be heard on the issue
9 of whether or not the court should accept a plea
10 of guilty or nolo contendere.

11 (B) INAPPLICABILITY OF OTHER LAW.—
12 Chapter 131 of title 28, United States Code,
13 does not apply to any recommendation made by
14 the Judicial Conference under this paragraph.

15 (3) CONGRESSIONAL ACTION.—Except as other-
16 wise provided by law, if the Judicial Conference—

17 (A) submits a report in accordance with
18 paragraph (2) containing recommendations de-
19 scribed in that paragraph, and those rec-
20 ommendations are the same as the amendment
21 made by subsection (a), then the amendment
22 made by subsection (a) shall become effective
23 30 days after the date on which the rec-
24 ommendations are submitted to Congress under
25 paragraph (2);

1 (B) submits a report in accordance with
 2 paragraph (2) containing recommendations de-
 3 scribed in that paragraph, and those rec-
 4 ommendations are different in any respect from
 5 the amendment made by subsection (a), the rec-
 6 ommendations made pursuant to paragraph (2)
 7 shall become effective 180 days after the date
 8 on which the recommendations are submitted to
 9 Congress under paragraph (2), unless an Act of
 10 Congress is passed overturning the rec-
 11 ommendations; and

12 (C) fails to comply with paragraph (2), the
 13 amendment made by subsection (a) shall be-
 14 come effective 360 days after the date of enact-
 15 ment of this Act.

16 (4) APPLICATION.—Any amendment made pur-
 17 suant to this section (including any amendment
 18 made pursuant to the recommendations of the
 19 United States Sentencing Commission under para-
 20 graph (2)) shall apply in any proceeding commenced
 21 on or after the effective date of the amendment.

22 **SEC. 122. ENHANCED RIGHTS OF NOTIFICATION AND ALLO-**
 23 **CUTION AT SENTENCING.**

24 (a) IN GENERAL.—Rule 32 of the Federal Rules of
 25 Criminal Procedure is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (4), by striking subpara-
3 graph (D) and inserting the following:

4 “(D) a victim impact statement, identi-
5 fying, to the maximum extent practicable—

6 “(i) each victim of the offense (except
7 that such identification shall not include
8 information relating to any telephone num-
9 ber, place of employment, or residential ad-
10 dress of any victim);

11 “(ii) an itemized account of any eco-
12 nomic loss suffered by each victim as a re-
13 sult of the offense;

14 “(iii) any physical injury suffered by
15 each victim as a result of the offense,
16 along with its seriousness and permanence;

17 “(iv) a description of any change in
18 the personal welfare or familial relation-
19 ships of each victim as a result of the of-
20 fense; and

21 “(v) a description of the impact of the
22 offense upon each victim and the rec-
23 ommendation of each victim regarding an
24 appropriate sanction for the defendant;”;
25 and

1 (B) by adding at the end the following:

2 “(7) VICTIM IMPACT STATEMENTS.—

3 “(A) IN GENERAL.—Any probation officer
4 preparing a presentence report shall—

5 “(i) make a reasonable effort to notify
6 each victim of the offense that such a re-
7 port is being prepared and the purpose of
8 such report; and

9 “(ii) provide the victim with an oppor-
10 tunity to submit an oral or written state-
11 ment, or a statement on audio or videotape
12 outlining the impact of the offense upon
13 the victim.

14 “(B) USE OF STATEMENTS.—Any written
15 statement submitted by a victim under subpara-
16 graph (A) shall be attached to the presentence
17 report and shall be provided to the sentencing
18 court and to the parties.”;

19 (2) in subsection (c)(1), by adding at the end
20 the following: “Before sentencing in any case in
21 which a defendant has been charged with or found
22 guilty of an offense involving death or bodily injury
23 to any person, a threat of death or bodily injury to
24 any person, a sexual assault, or an attempted sexual
25 assault, the Government shall make a reasonable ef-

1 fort to notify the victim (or the family of a victim
2 who is deceased) of the time and place of sentencing
3 and of their right to attend and to be heard.”; and

4 (3) in subsection (f), by inserting “the right to
5 notification and to submit a statement under sub-
6 division (b)(7), the right to notification and to be
7 heard under subdivision (c)(1), and” before “the
8 right of allocution”.

9 (b) EFFECTIVE DATE.—

10 (1) IN GENERAL.—The amendments made by
11 subsection (a) shall become effective as provided in
12 paragraph (3).

13 (2) ACTION BY JUDICIAL CONFERENCE.—

14 (A) RECOMMENDATIONS.—Not later than
15 180 days after the date of enactment of this
16 Act, the Judicial Conference shall submit to
17 Congress a report containing recommendations
18 for amending the Federal Rules of Criminal
19 Procedure to provide enhanced opportunities for
20 victims of offenses involving death or bodily in-
21 jury to any person, the threat of death or bodily
22 injury to any person, a sexual assault, or an at-
23 tempted sexual assault, to participate during
24 the presentencing phase of the criminal process.

1 (B) INAPPLICABILITY OF OTHER LAW.—
2 Chapter 131 of title 28, United States Code,
3 does not apply to any recommendation made by
4 the Judicial Conference under this paragraph.

5 (3) CONGRESSIONAL ACTION.—Except as other-
6 wise provided by law, if the Judicial Conference—

7 (A) submits a report in accordance with
8 paragraph (2) containing recommendations de-
9 scribed in that paragraph, and those rec-
10 ommendations are the same as the amendments
11 made by subsection (a), then the amendments
12 made by subsection (a) shall become effective
13 30 days after the date on which the rec-
14 ommendations are submitted to Congress under
15 paragraph (2);

16 (B) submits a report in accordance with
17 paragraph (2) containing recommendations de-
18 scribed in that paragraph, and those rec-
19 ommendations are different in any respect from
20 the amendments made by subsection (a), the
21 recommendations made pursuant to paragraph
22 (2) shall become effective 180 days after the
23 date on which the recommendations are sub-
24 mitted to Congress under paragraph (2), unless

1 an Act of Congress is passed overturning the
2 recommendations; and

3 (C) fails to comply with paragraph (2), the
4 amendments made by subsection (a) shall be-
5 come effective 360 days after the date of enact-
6 ment of this Act.

7 (4) APPLICATION.—Any amendment made pur-
8 suant to this section (including any amendment
9 made pursuant to the recommendations of the
10 United States Sentencing Commission under para-
11 graph (2)) shall apply in any proceeding commenced
12 on or after the effective date of the amendment.

13 **SEC. 123. RIGHTS OF NOTIFICATION AND ALLOCUTION AT A**
14 **PROBATION REVOCATION HEARING.**

15 (a) IN GENERAL.—Rule 32.1 of the Federal Rules
16 of Criminal Procedure is amended by adding at the end
17 the following:

18 “(d) RIGHTS OF VICTIMS.—

19 “(1) IN GENERAL.—At any hearing pursuant to
20 subsection (a)(2) involving one or more persons who
21 have been convicted of an offense involving death or
22 bodily injury to any person, a threat of death or
23 bodily injury to any person, a sexual assault, or an
24 attempted sexual assault, the Government shall
25 make reasonable effort to notify the victim of the of-

1 fense (and the victim of any new charges giving rise
2 to the hearings), of—

3 “(A) the date and time of the hearing; and

4 “(B) the right of the victim to attend the
5 hearing and to address the court regarding
6 whether the terms or conditions of probation or
7 supervised release should be modified.

8 “(2) DUTIES OF COURT AT HEARING.—At any
9 hearing described in paragraph (1) at which a victim
10 is present, the court shall—

11 “(A) address each victim personally; and

12 “(B) afford the victim an opportunity to be
13 heard on the proposed terms or conditions of
14 probation or supervised release.

15 “(3) DEFINITION OF VICTIM.—In this rule, the
16 term ‘victim’ means any individual against whom an
17 offense involving death or bodily injury to any per-
18 son, a threat of death or bodily injury to any person,
19 a sexual assault, or an attempted sexual assault, has
20 been committed and a hearing pursuant to sub-
21 section (a)(2) is conducted, including—

22 “(A) a parent or legal guardian of the vic-
23 tim, if the victim is less than 18 years of age
24 or is incompetent; or

1 “(B) 1 or more family members or rel-
2 atives of the victim designated by the court, if
3 the victim is deceased or incapacitated.”.

4 (b) EFFECTIVE DATE.—

5 (1) IN GENERAL.—The amendment made by
6 subsection (a) shall become effective as provided in
7 paragraph (3).

8 (2) ACTION BY JUDICIAL CONFERENCE.—

9 (A) RECOMMENDATIONS.—Not later than
10 180 days after the date of enactment of this
11 Act, the Judicial Conference shall submit to
12 Congress a report containing recommendations
13 for amending the Federal Rules of Criminal
14 Procedure to ensure that reasonable efforts are
15 made to notify victims of offenses involving
16 death or bodily injury to any person, or the
17 threat of death or bodily injury to any person,
18 of any revocation hearing held pursuant to rule
19 32.1(a)(2) of the Federal Rules of Criminal
20 Procedure.

21 (B) INAPPLICABILITY OF OTHER LAW.—
22 Chapter 131 of title 28, United States Code,
23 does not apply to any recommendation made by
24 the Judicial Conference under this paragraph.

1 (3) CONGRESSIONAL ACTION.—Except as other-
2 wise provided by law, if the Judicial Conference—

3 (A) submits a report in accordance with
4 paragraph (2) containing recommendations de-
5 scribed in that paragraph, and those rec-
6 ommendations are the same as the amendment
7 made by subsection (a), then the amendment
8 made by subsection (a) shall become effective
9 30 days after the date on which the rec-
10 ommendations are submitted to Congress under
11 paragraph (2);

12 (B) submits a report in accordance with
13 paragraph (2) containing recommendations de-
14 scribed in that paragraph, and those rec-
15 ommendations are different in any respect from
16 the amendment made by subsection (a), the rec-
17 ommendations made pursuant to paragraph (2)
18 shall become effective 180 days after the date
19 on which the recommendations are submitted to
20 Congress under paragraph (2), unless an Act of
21 Congress is passed overturning the rec-
22 ommendations; and

23 (C) fails to comply with paragraph (2), the
24 amendment made by subsection (a) shall be-

1 come effective 360 days after the date of enact-
2 ment of this Act.

3 (4) APPLICATION.—Any amendment made pur-
4 suant to this section (including any amendment
5 made pursuant to the recommendations of the
6 United States Sentencing Commission under para-
7 graph (2)) shall apply in any proceeding commenced
8 on or after the effective date of the amendment.

9 **Subtitle C—Amendment to Federal** 10 **Rules of Evidence**

11 **SEC. 131. ENHANCED RIGHT TO BE PRESENT AT TRIAL.**

12 (a) IN GENERAL.—Rule 615 of the Federal Rules of
13 Evidence is amended—

14 (1) by striking “At the request” and inserting
15 the following:

16 “(a) IN GENERAL.—Except as provided in subsection
17 (b), at the request”;

18 (2) by striking “This rule” and inserting the
19 following:

20 “(b) EXCEPTIONS.—Subsection (a)”;

21 (3) by striking “exclusion of (1) a party” and
22 inserting the following: “exclusion of—

23 “(1) a party”;

24 (4) by striking “person, or (2) an officer” and
25 inserting the following: “person;

1 “(2) an officer”;

2 (5) by striking “attorney, or (3) a person” and

3 inserting the following: “attorney;

4 “(3) a person”;

5 (6) by striking the period at the end and insert-

6 ing “; or”; and

7 (7) by adding at the end the following:

8 “(4) a person who is a victim (or a member of
9 the immediate family of a victim who is deceased or
10 incapacitated) of an offense involving death or bodily
11 injury to any person, a threat of death or bodily in-
12 jury to any person, a sexual assault, or an attempted
13 sexual assault, for which a defendant is being tried
14 in a criminal trial, unless the court concludes that—

15 “(A) the testimony of the person will be
16 materially affected by hearing the testimony of
17 other witnesses, and the material effect of hear-
18 ing the testimony of other witnesses on the tes-
19 timony of that person will result in unfair prej-
20 udice to any party; or

21 “(B) due to the large number of victims or
22 family members of victims who may be called as
23 witnesses, permitting attendance in the court-
24 room itself when testimony is being heard is not
25 feasible.

1 “(c) DISCRETION OF COURT; EFFECT ON OTHER
2 LAW.—Nothing in subsection (b)(4) shall be construed—

3 “(1) to limit the ability of a court to exclude a
4 witness, if the court determines that such action is
5 necessary to maintain order during a court pro-
6 ceeding; or

7 “(2) to limit or otherwise affect the ability of
8 a witness to be present during court proceedings
9 pursuant to section 3510 of title 18, United States
10 Code.”.

11 (b) EFFECTIVE DATE.—

12 (1) IN GENERAL.—The amendments made by
13 subsection (a) shall become effective as provided in
14 paragraph (3).

15 (2) ACTION BY JUDICIAL CONFERENCE.—

16 (A) RECOMMENDATIONS.—Not later than
17 180 days after the date of enactment of this
18 Act, the Judicial Conference shall submit to
19 Congress a report containing recommendations
20 for amending the Federal Rules of Evidence to
21 provide enhanced opportunities for victims of
22 offenses involving death or bodily injury to any
23 person, or the threat of death or bodily injury
24 to any person, to attend judicial proceedings,

1 even if they may testify as a witness at the pro-
2 ceeding.

3 (B) INAPPLICABILITY OF OTHER LAW.—
4 Chapter 131 of title 28, United States Code,
5 does not apply to any recommendation made by
6 the Judicial Conference under this paragraph.

7 (3) CONGRESSIONAL ACTION.—Except as other-
8 wise provided by law, if the Judicial Conference—

9 (A) submits a report in accordance with
10 paragraph (2) containing recommendations de-
11 scribed in that paragraph, and those rec-
12 ommendations are the same as the amendments
13 made by subsection (a), then the amendments
14 made by subsection (a) shall become effective
15 30 days after the date on which the rec-
16 ommendations are submitted to Congress under
17 paragraph (2);

18 (B) submits a report in accordance with
19 paragraph (2) containing recommendations de-
20 scribed in that paragraph, and those rec-
21 ommendations are different in any respect from
22 the amendments made by subsection (a), the
23 recommendations made pursuant to paragraph
24 (2) shall become effective 180 days after the
25 date on which the recommendations are sub-

mitted to Congress under paragraph (2), unless
 an Act of Congress is passed overturning the
 recommendations; and

(C) fails to comply with paragraph (2), the
 amendments made by subsection (a) shall be-
 come effective 360 days after the date of enact-
 ment of this Act.

(4) APPLICATION.—Any amendment made pur-
 suant to this section (including any amendment
 made pursuant to the recommendations of the
 United States Sentencing Commission under para-
 graph (2)) shall apply in any proceeding commenced
 on or after the effective date of the amendment.

Subtitle D—Remedies for Noncompliance

SEC. 141. REMEDIES FOR NONCOMPLIANCE.

(a) GENERAL LIMITATION.—Any failure to comply
 with any amendment made by this Act shall not give rise
 to a claim for damages, or any other action against the
 United States, or any employee of the United States, any
 court official or officer of the court, or an entity con-
 tracting with the United States, or any action seeking a
 rehearing or other reconsideration of action taken in con-
 nection with a defendant.

(b) REGULATIONS TO ENSURE COMPLIANCE.—

1 (1) IN GENERAL.—Notwithstanding subsection
2 (a), not later than 1 year after the date of enact-
3 ment of this Act, the Attorney General and the
4 Chairman of the United States Parole Commission
5 shall promulgate regulations to implement and en-
6 force the amendments made by this title.

7 (2) CONTENTS.—The regulations promulgated
8 under paragraph (1) shall—

9 (A) contain disciplinary sanctions, includ-
10 ing suspension or termination from employ-
11 ment, for employees of the Department of Jus-
12 tice (including employees of the United States
13 Parole Commission) who willfully or repeatedly
14 violate the amendments made by this title, or
15 willfully or repeatedly refuse or fail to comply
16 with provisions of Federal law pertaining to the
17 treatment of victims of crime;

18 (B) include an administrative procedure
19 through which parties can file formal com-
20 plaints with the Department of Justice alleging
21 violations of the amendments made by this title;

22 (C) provide that a complainant is prohib-
23 ited from recovering monetary damages against
24 the United States, or any employee of the

1 United States, either in his official or personal
2 capacity; and

3 (D) provide that the Attorney General, or
4 the designee of the Attorney General, shall be the
5 ultimate arbiter of the complaint, and there
6 shall be no judicial review of the final decision
7 of the Attorney General by a complainant.

8 **TITLE II—VICTIM ASSISTANCE**
9 **INITIATIVES**

10 **SEC. 201. INCREASE IN VICTIM ASSISTANCE PERSONNEL.**

11 There are authorized to be appropriated such sums
12 as may be necessary to enable the Attorney General to—

13 (1) hire 50 full-time or full-time equivalent em-
14 ployees to serve victim-witness advocates to provide
15 assistance to victims of any criminal offense inves-
16 tigated by any department or agency of the Federal
17 Government; and

18 (2) provide grants through the Office of Victims
19 of Crime to qualified private entities to fund 50 vic-
20 tim-witness advocate positions within those organiza-
21 tions.

1 **SEC. 202. INCREASED TRAINING FOR STATE AND LOCAL**
 2 **LAW ENFORCEMENT, STATE COURT PER-**
 3 **SONNEL, AND OFFICERS OF THE COURT TO**
 4 **RESPOND EFFECTIVELY TO THE NEEDS OF**
 5 **VICTIMS OF CRIME.**

6 Notwithstanding any other provision of law, amounts
 7 collected pursuant to sections 3729 through 3731 of title
 8 31, United States Code (commonly known as the “False
 9 Claims Act”), may be used by the Office of Victims of
 10 Crime to make grants to States, units of local government,
 11 and qualified private entities, to provide training and in-
 12 formation to prosecutors, judges, law enforcement officers,
 13 probation officers, and other officers and employees of
 14 Federal and State courts to assist them in responding ef-
 15 fectively to the needs of victims of crime.

16 **SEC. 203. INCREASED RESOURCES FOR STATE AND LOCAL**
 17 **LAW ENFORCEMENT AGENCIES, COURTS,**
 18 **AND PROSECUTORS’ OFFICES TO DEVELOP**
 19 **STATE-OF-THE-ART SYSTEMS FOR NOTIFYING**
 20 **VICTIMS OF CRIME OF IMPORTANT DATES**
 21 **AND DEVELOPMENTS.**

22 (a) IN GENERAL.—Subtitle A of title XXIII of the
 23 Violent Crime Control and Law Enforcement Act of 1994
 24 (Public Law 103–322; 108 Stat. 2077) is amended by
 25 adding at the end the following:

1 **“SEC. 230103. STATE-OF-THE-ART SYSTEMS FOR NOTIFYING**
 2 **VICTIMS OF CRIME OF IMPORTANT DATES**
 3 **AND DEVELOPMENTS.**

4 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
 5 are authorized to be appropriated to the Office of Victims
 6 of Crime of the Department of Justice such sums as may
 7 be necessary for grants to State and local prosecutors’ of-
 8 fices, State courts, county jails, State correctional institu-
 9 tions, and qualified private entities, to develop and imple-
 10 ment state-of-the-art systems for notifying victims of
 11 crime of important dates and developments relating to the
 12 criminal proceedings at issue.

13 “(b) FALSE CLAIMS ACT.—Notwithstanding any
 14 other provision of law, amounts collected pursuant to sec-
 15 tions 3729 through 3731 of title 31, United States Code
 16 (commonly known as the ‘False Claims Act’), may be used
 17 for grants under this section.”.

18 (b) VIOLENT CRIME REDUCTION TRUST FUND.—
 19 Section 310004(d) of the Violent Crime Control and Law
 20 Enforcement Act of 1994 (42 U.S.C. 14214(d)) is
 21 amended—

22 (1) in the first paragraph designated as para-
 23 graph (15) (relating to the definition of the term
 24 “Federal law enforcement program”), by striking
 25 “and” at the end;

1 (2) in the first paragraph designated as para-
 2 graph (16) (relating to the definition of the term
 3 “Federal law enforcement program”), by striking
 4 the period at the end and inserting “; and”; and

5 (3) by inserting after the first paragraph des-
 6 ignated as paragraph (16) (relating to the definition
 7 of the term “Federal law enforcement program”) the
 8 following:

9 “(17) section 230103.”.

10 **SEC. 204. PILOT PROGRAMS TO ESTABLISH OMBUDSMAN**
 11 **PROGRAMS FOR CRIME VICTIMS.**

12 (a) DEFINITIONS.—In this section:

13 (1) DIRECTOR.—The term “Director” means
 14 the Director of the Office of Victims of Crime.

15 (2) OFFICE.—The term “Office” means the Of-
 16 fice of Victims of Crime.

17 (3) QUALIFIED PRIVATE ENTITY.—The term
 18 “qualified private entity” means a private entity
 19 that meets such requirements as the Attorney Gen-
 20 eral, acting through the Director, may establish.

21 (4) QUALIFIED UNIT OF STATE OR LOCAL GOV-
 22 ERNMENT.—The term “qualified unit of State or
 23 local government” means a unit or a State or local
 24 government that meets such requirements as the At-

1 torney General, acting through the Director, may es-
2 tablish.

3 (5) VOICE CENTERS.—The term “VOICE Cen-
4 ters” means the Victim Ombudsman Information
5 Centers established under the program under sub-
6 section (b).

7 (b) PILOT PROGRAMS.—

8 (1) IN GENERAL.—Not later than 12 months
9 after the date of enactment of this Act, the Attorney
10 General, acting through the Director, shall establish
11 and carry out a program to provide for pilot pro-
12 grams to establish and operate Victim Ombudsman
13 Information Centers in each of the following States:

14 (A) Iowa.

15 (B) Massachusetts.

16 (C) Ohio.

17 (D) Tennessee.

18 (E) Utah.

19 (F) Vermont.

20 (2) AGREEMENTS.—

21 (A) IN GENERAL.—The Attorney General,
22 acting through the Director, shall enter into an
23 agreement with a qualified private entity or
24 unit of State or local government to conduct a
25 pilot program referred to in paragraph (1).

Under the agreement, the Attorney General, acting through the Director, shall provide for a grant to assist the qualified private entity or unit of State or local government in carrying out the pilot program.

(B) CONTENTS OF AGREEMENT.—The agreement referred to in subparagraph (A) shall specify that—

(i) the VOICE Center shall be established in accordance with this section; and

(ii) except with respect to meeting applicable requirements of this section concerning carrying out the duties of a VOICE Center under this section (including the applicable reporting duties under subsection (c) and the terms of the agreement) each VOICE Center shall operate independently of the Office; and

(C) NO AUTHORITY OVER DAILY OPERATIONS.—The Office shall have no supervisory or decisionmaking authority over the day-to-day operations of a VOICE Center.

(c) OBJECTIVES.—

(1) MISSION.—The mission of each VOICE Center established under a pilot program under this

1 section shall be to assist a victim of a Federal or
2 State crime to ensure that the victim—

3 (A) is fully apprised of the rights of that
4 victim under applicable Federal or State law;
5 and

6 (B) participates in the criminal justice
7 process to the fullest extent of the law.

8 (2) DUTIES.—The duties of a VOICE Center
9 shall include—

10 (A) providing information to victims of
11 Federal or State crime regarding the right of
12 those victims to participate in the criminal jus-
13 tice process (including information concerning
14 any right that exists under applicable Federal
15 or State law);

16 (B) identifying and responding to situa-
17 tions in which the rights of victims of crime
18 under applicable Federal or State law may have
19 been violated;

20 (C) attempting to facilitate compliance
21 with Federal or State law referred to in sub-
22 paragraph (B);

23 (D) educating police, prosecutors, Federal
24 and State judges, officers of the court, and em-
25 ployees of jails and prisons concerning the

1 rights of victims under applicable Federal or
2 State law; and

3 (E) taking measures that are necessary to
4 ensure that victims of crime are treated with
5 fairness, dignity, and compassion throughout
6 the criminal justice process.

7 (d) OVERSIGHT.—

8 (1) TECHNICAL ASSISTANCE.—The Office may
9 provide technical assistance to each VOICE Center.

10 (2) ANNUAL REPORT.—Each qualified private
11 entity or qualified unit of State or local government
12 that carries out a pilot program to establish and op-
13 erate a VOICE Center under this section shall pre-
14 pare and submit to the Director, not later than 1
15 year after the VOICE Center is established, and an-
16 nually thereafter, a report that—

17 (A) describes in detail the activities of the
18 VOICE Center during the preceding year; and

19 (B) outlines a strategic plan for the year
20 following the year covered under subparagraph
21 (A).

22 (e) REVIEW OF PROGRAM EFFECTIVENESS.—

23 (1) GAO STUDY.—Not later than 2 years after
24 the date on which each VOICE Center established
25 under a pilot program under this section is fully

1 operational, the Comptroller General of the United
2 States shall conduct a review of each pilot program
3 carried out under this section to determine the effec-
4 tiveness of the VOICE Center that is the subject of
5 the pilot program in carrying out the mission and
6 duties described in subsection (c).

7 (2) OTHER STUDIES.—Not later than 2 years
8 after the date on which each VOICE Center estab-
9 lished under a pilot program under this section is
10 fully operational, the Attorney General, acting
11 through the Director, shall enter into an agreement
12 with 1 or more private entities that meet such re-
13 quirements the Attorney General, acting through the
14 Director, may establish, to study the effectiveness of
15 each VOICE Center established by a pilot program
16 under this section in carrying out the mission and
17 duties described in subsection (c).

18 (f) TERMINATION DATE.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), a pilot program established under this
21 section shall terminate on the date that is 4 years
22 after the date of enactment of this Act.

23 (2) RENEWAL.—If the Attorney General deter-
24 mines that any of the pilot programs established
25 under this section should be renewed for an addi-

1 tional period, the Attorney General may renew that
 2 pilot program for a period not to exceed 2 years.

3 (g) FUNDING.—Notwithstanding any other provision
 4 of law, an aggregate amount not to exceed \$5,000,000 of
 5 the amounts collected pursuant to sections 3729 through
 6 3731 of title 31, United States Code (commonly known
 7 as the “False Claims Act”), may be used by the Director
 8 to make grants under subsection (b).

9 **SEC. 205. AMENDMENTS TO VICTIMS OF CRIME ACT OF**
 10 **1984.**

11 (a) CRIME VICTIMS FUND.—Section 1402 of the Vic-
 12 tims of Crime Act of 1984 (42 U.S.C. 10601) is
 13 amended—

14 (1) in subsection (b)—

15 (A) in paragraph (3), by striking “and” at
 16 the end;

17 (B) in paragraph (4), by striking the pe-
 18 riod at the end and inserting “; and”; and

19 (C) by adding at the end the following:

20 “(5) any gifts, bequests, and donations from
 21 private entities or individuals.”; and

22 (2) in subsection (d)—

23 (A) by striking paragraph (1) and insert-
 24 ing the following:

1 “(1) All unobligated balances transferred to the
 2 judicial branch for administrative costs to carry out
 3 functions under sections 3611 and 3612 of title 18,
 4 United States Code, shall be returned to the Crime
 5 Victims Fund and may be used by the Director to
 6 improve services for crime victims in the Federal
 7 criminal justice system.”; and

8 (B) in paragraph (4), by adding at the end
 9 the following:

10 “(C) States that receive supplemental funding
 11 to respond to incidents of terrorism or mass violence
 12 under this section shall be required to return to the
 13 Crime Victims Fund for deposit in the reserve fund,
 14 amounts subrogated to the State as a result of
 15 third-party payments to victims.”.

16 (b) CRIME VICTIM COMPENSATION.—Section 1403 of
 17 the Victims of Crime Act of 1984 (42 U.S.C. 10602) is
 18 amended—

19 (1) in subsection (a)—

20 (A) in each of paragraphs (1) and (2), by
 21 striking “40” and inserting “60”; and

22 (B) in paragraph (3), by inserting “and
 23 evaluation” after “administration”; and

24 (2) in subsection (b)(7), by inserting “because
 25 the identity of the offender was not determined be-

1 yond a reasonable doubt in a criminal trial, because
 2 criminal charges were not brought against the of-
 3 fender, or” after “deny compensation to any victim”.

4 (c) CRIME VICTIM ASSISTANCE.—Section 1404 of the
 5 Victims of Crime Act of 1984 (42 U.S.C. 10603) is
 6 amended—

7 (1) in subsection (c)—

8 (A) in paragraph (1)—

9 (i) by striking the comma after “Di-
 10 rector”;

11 (ii) by inserting “or enter into cooper-
 12 ative agreements” after “make grants”;

13 (iii) by striking subparagraph (A) and
 14 inserting the following:

15 “(A) for demonstration projects, evalua-
 16 tion, training, and technical assistance services
 17 to eligible organizations;”;

18 (iv) in subparagraph (B), by striking
 19 the period at the end and inserting
 20 “; and”; and

21 (v) by adding at the end the following:

22 “(C) training and technical assistance that
 23 address the significance of and effective delivery
 24 strategies for providing long-term psychological
 25 care.”; and

1 (B) in paragraph (3)—

2 (i) in subparagraph (C), by striking
3 “and” at the end;

4 (ii) in subparagraph (D), by striking
5 the period at the end and inserting
6 “; and”; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(E) use funds made available to the Di-
10 rector under this subsection—

11 “(i) for fellowships and clinical intern-
12 ships; and

13 “(ii) to carry out programs of training
14 and special workshops for the presentation
15 and dissemination of information resulting
16 from demonstrations, surveys, and special
17 projects.”; and

18 (2) in subsection (d)—

19 (A) by striking paragraph (1) and insert-
20 ing the following:

21 “(1) the term ‘State’ includes—

22 “(A) the District of Columbia, the Com-
23 monwealth of Puerto Rico, the United States
24 Virgin Islands, and any other territory or pos-
25 session of the United States; and

1 “(B) for purposes of a subgrant under
2 subsection (a)(1) or a grant or cooperative
3 agreement under subsection (c)(1), the United
4 States Virgin Islands and any agency of the
5 government of the District of Columbia or the
6 Federal Government performing law enforce-
7 ment functions in and on behalf of the District
8 of Columbia.”;

9 (B) in paragraph (2)—

10 (i) in subparagraph (C), by striking
11 “and” at the end; and

12 (ii) by adding at the end the fol-
13 lowing:

14 “(E) public awareness and education and
15 crime prevention activities that promote, and
16 are conducted in conjunction with, the provision
17 of victim assistance; and

18 “(F) for purposes of an award under sub-
19 section (c)(1)(A), preparation, publication, and
20 distribution of informational materials and re-
21 sources for victims of crime and crime victims
22 organizations.”;

23 (C) by striking paragraph (4) and insert-
24 ing the following:

1 “(4) the term ‘crisis intervention services’
 2 means counseling and emotional support including
 3 mental health counseling, provided as a result of cri-
 4 sis situations for individuals, couples, or family
 5 members following and related to the occurrence of
 6 crime;”;

7 (D) in paragraph (5), by striking the pe-
 8 riod at the end and inserting “; and”; and

9 (E) by adding at the end the following:

10 “(6) for purposes of an award under subsection
 11 (c)(1), the term ‘eligible organization’ includes
 12 any—

13 “(A) national or State organization with a
 14 commitment to developing, implementing, evalu-
 15 ating, or enforcing victims’ rights and the deliv-
 16 ery of services;

17 “(B) State agency or unit of local govern-
 18 ment;

19 “(C) tribal organization;

20 “(D) organization—

21 “(i) described in section 501(c) of the
 22 Internal Revenue Code of 1986; and

23 “(ii) exempt from taxation under sec-
 24 tion 501(a) of such Code; or

1 “(E) other entity that the Director deter-
2 mines to be appropriate.”.

3 (d) COMPENSATION AND ASSISTANCE TO VICTIMS OF
4 TERRORISM OF MASS VIOLENCE.—Section 1404B of the
5 Victims of Crime Act of 1984 (42 U.S.C. 10603b) is
6 amended—

7 (1) in subsection (a), by striking “1404(a)” and
8 inserting “1402(d)(4)(B)”; and

9 (2) in subsection (b), by striking
10 “1404(d)(4)(B)” and inserting “1402(d)(4)(B)”.

11 **SEC. 206. SERVICES FOR VICTIMS OF CRIME AND DOMES-**
12 **TIC VIOLENCE.**

13 Section 504 of the Departments of Commerce, Jus-
14 tice, and State, the Judiciary, and Related Agencies Ap-
15 propriations Act, 1996 (110 Stat. 1321–53) may not be
16 construed to prohibit a recipient (as that term is used in
17 that section) from using funds derived from a source other
18 than the Legal Services Corporation to provide related
19 legal assistance (as defined in section 502(b) of Public
20 Law 105–119 (111 Stat. 2511)) to any person with whom
21 an alien (as that term is used in subsection (a)(11) of that
22 section) has a relationship covered by the domestic vio-
23 lence laws of the State in which the alien resides or in
24 which an incidence of violence occurred.

1 **SEC. 207. PILOT PROGRAM TO STUDY EFFECTIVENESS OF**
2 **RESTORATIVE JUSTICE APPROACH ON BE-**
3 **HALF OF VICTIMS OF CRIME.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, amounts collected pursuant to sections 3729
6 through 3731 of title 31, United States Code (commonly
7 known as the “False Claims Act”), may be used by the
8 Office of Victims of Crime to make grants to States, units
9 of local government, and qualified private entities for the
10 establishment of pilot programs that implement balanced
11 and restorative justice models.

12 (b) DEFINITION OF BALANCED AND RESTORATIVE
13 JUSTICE MODEL.—In this section, the term “balanced
14 and restorative justice model” means an approach to
15 criminal justice that promotes the maximum degree of in-
16 volvement by a victim, offender, and the community served
17 by a criminal justice system by allowing the criminal jus-
18 tice system and related criminal justice agencies to im-
19 prove the capacity of the system and agencies to—

20 (1) protect the community served by the system
21 and agencies; and

22 (2) ensure accountability of the offender and
23 the system.

1 **SEC. 208. VICTIMS OF TERRORISM.**

2 (a) IN GENERAL.—Section 1404B of the Victims of
3 Crime Act of 1984 (42 U.S.C. 10603b) is amended to read
4 as follows:

5 **“SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS**
6 **OF TERRORISM OR MASS VIOLENCE.**

7 “(a) IN GENERAL.—The Director may make grants,
8 as provided in either section 1402(d)(4)(B) or 1404—

9 “(1) to States, which shall be used for eligible
10 crime victim compensation and assistance programs
11 for the benefit of victims described in subsection (b);
12 and

13 “(2) to victim service organizations, and public
14 agencies that provide emergency or ongoing assist-
15 ance to victims of crime, which shall be used to pro-
16 vide, for the benefit of victims described in sub-
17 section (b)—

18 “(A) emergency relief (including compensa-
19 tion, assistance, and crisis response) and other
20 related victim services; and

21 “(B) emergency response training and
22 technical assistance.

23 “(b) VICTIMS DESCRIBED.—Victims described in this
24 subsection are victims of a terrorist act or mass violence,
25 whether occurring within or outside the United States,
26 who are—

1 “(1) citizens or employees of the United States;
2 and

3 “(2) not eligible for compensation under title
4 VIII of the Omnibus Diplomatic Security and
5 Antiterrorism Act of 1986.”.

6 (b) APPLICABILITY.—The amendment made by this
7 section applies to any terrorist act or mass violence occur-
8 ring on or after December 20, 1989.

○