

Calendar No. 422

114TH CONGRESS
2D SESSION**S. 2613**

To reauthorize certain programs established by the Adam Walsh Child
Protection and Safety Act of 2006.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2016

Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. HATCH, Mrs. FEINSTEIN, Mr.
LEAHY, Mr. COONS, and Ms. KLOBUCHAR) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

APRIL 14, 2016

Reported by Mr. GRASSLEY, with an amendment

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

A BILL

To reauthorize certain programs established by the Adam
Walsh Child Protection and Safety Act of 2006.

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 “Adam Walsh Reau-
5 thorization Act of 2016”.

1 **SEC. 2. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA)**
 2 **PROGRAM REAUTHORIZATION.**

3 Section ~~126(d)~~ of the Adam Walsh Child Protection
 4 and Safety Act of 2006 (42 U.S.C. ~~16926(d)~~) is amended
 5 to read as follows:

6 “(d) **AUTHORIZATION OF APPROPRIATIONS.**—There
 7 are authorized to be appropriated to the Attorney General
 8 \$20,000,000 for each of fiscal years 2017 through 2018,
 9 to be available only for—

10 “(1) the SOMA program; and

11 “(2) the Jessica Lunsford Address Verification
 12 Grant Program established under section ~~631~~.”

13 **SEC. 3. REAUTHORIZATION OF FEDERAL ASSISTANCE WITH**
 14 **RESPECT TO VIOLATIONS OF REGISTRATION**
 15 **REQUIREMENTS.**

16 Section ~~142(b)~~ of the Adam Walsh Child Protection
 17 and Safety Act of 2006 (42 U.S.C. ~~16941(b)~~) is amended
 18 by striking “such sums as may be necessary for fiscal
 19 years 2007 through 2009” and inserting “to the United
 20 States Marshals Service \$61,300,000 for each of fiscal
 21 years 2017 through 2018”.

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “Adam Walsh Reauthor-*
 24 *ization Act of 2016”.*

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 4 *and Safety Act of 2006 (42 U.S.C. 16926(d)) is amended*
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13 **SEC. 3. REAUTHORIZATION OF FEDERAL ASSISTANCE WITH**
 14 **RESPECT TO VIOLATIONS OF REGISTRATION**
 15 **REQUIREMENTS.**

16 *Section 142(b) of the Adam Walsh Child Protection*
 17 *and Safety Act of 2006 (42 U.S.C. 16941(b)) is amended*
 18 *by striking “such sums as may be necessary for fiscal years*
 19 *2007 through 2009” and inserting “to the United States*
 20 *Marshals Service \$61,300,000 for each of fiscal years 2017*
 21 *through 2018”.*

22 **SEC. 4. ENSURING SUPERVISION OF RELEASED SEXUALLY**
 23 **DANGEROUS PERSONS.**

24 (a) *PROBATION OFFICERS.—Section 3603 of title 18,*
 25 *United States Code, is amended in paragraph (8)(A) by*
 26 *striking “or 4246” and inserting “, 4246, or 4248”.*

1 (b) *PRETRIAL SERVICES OFFICERS*.—Section 3154 of
 2 title 18, United States Code, is amended in paragraph
 3 (12)(A) by striking “or 4246” and inserting “, 4246, or
 4 4248”.

5 **SEC. 5. SEXUAL ASSAULT SURVIVORS’ RIGHTS.**

6 (a) *IN GENERAL*.—Part II of title 18, United States
 7 Code, is amended by adding after chapter 237 the following:

8 **“CHAPTER 238—SEXUAL ASSAULT**
 9 **SURVIVORS’ RIGHTS**

 “Sec.
 “3772. *Sexual assault survivors’ rights.*

10 **“§ 3772. Sexual assault survivors’ rights**

11 “(a) *RIGHTS OF SEXUAL ASSAULT SURVIVORS*.—In
 12 addition to those rights provided in section 3771, a sexual
 13 assault survivor has the following rights:

14 “(1) *The right not to be prevented from, or*
 15 *charged for, receiving a medical forensic examination.*

16 “(2) *The right to—*

17 “(A) *subject to paragraph (3), have a sexual*
 18 *assault evidence collection kit or its probative*
 19 *contents preserved, without charge, for the dura-*
 20 *tion of the maximum applicable statute of limi-*
 21 *tations or 20 years, whichever is shorter;*

22 “(B) *be informed of any result of a sexual*
 23 *assault evidence collection kit, including a DNA*
 24 *profile match, toxicology report, or other infor-*

1 *mation collected as part of a medical forensic ex-*
 2 *amination, if such disclosure would not impede*
 3 *or compromise an ongoing investigation; and*

4 *“(C) be informed in writing of policies gov-*
 5 *erning the collection and preservation of a sexual*
 6 *assault evidence collection kit.*

7 *“(3) The right, if the Government intends to de-*
 8 *stroy or dispose of a sexual assault evidence collection*
 9 *kit or its probative contents before the expiration of*
 10 *the applicable time period under paragraph (2)(A),*
 11 *to—*

12 *“(A) upon written request, receive written*
 13 *notification from the appropriate official with*
 14 *custody not later than 60 days before the date of*
 15 *the intended destruction or disposal; and*

16 *“(B) upon written request, be granted fur-*
 17 *ther preservation of the kit or its probative con-*
 18 *tents.*

19 *“(4) The right to be informed of the rights under*
 20 *this subsection.*

21 *“(b) APPLICABILITY.—Subsections (b) through (f) of*
 22 *section 3771 shall apply to sexual assault survivors.*

23 *“(c) DEFINITION OF SEXUAL ASSAULT.—The Attorney*
 24 *General shall by regulation define the term ‘sexual assault’*
 25 *for purposes of this section.*

1 “(d) *FUNDING.*—This section, other than paragraphs
 2 (2)(A) and (3)(B) of subsection (a), shall be carried out
 3 using funds made available under section 1402(d)(3)(A)(i)
 4 of the Victims of Crime Act of 1984 (42 U.S.C.
 5 10601(d)(3)(A)(i)). No additional funds are authorized to
 6 be appropriated to carry out this section.”.

7 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The
 8 table of chapters for part II of title 18, United States Code,
 9 is amended by adding at the end the following:

“238. Sexual assault survivors’ rights 3772”.

10 (c) *AMENDMENT TO VICTIMS OF CRIME ACT OF*
 11 1984.—Section 1402(d)(3)(A)(i) of the Victims of Crime
 12 Act of 1984 (42 U.S.C. 10601(d)(3)(A)(i)) is amended by
 13 inserting after “section 3771” the following: “or section
 14 3772, as it relates to direct services,”.

15 **SEC. 6. SEXUAL ASSAULT SURVIVORS’ NOTIFICATION**
 16 **GRANTS.**

17 The Victims of Crime Act of 1984 is amended by add-
 18 ing after section 1404E (42 U.S.C. 10603e) the following:

19 **“SEC. 1404F. SEXUAL ASSAULT SURVIVORS’ NOTIFICATION**
 20 **GRANTS.**

21 “(a) *IN GENERAL.*—The Attorney General may make
 22 grants as provided in section 1404(c)(1)(A) to States to de-
 23 velop and disseminate to entities described in subsection
 24 (c)(1) of this section written notice of applicable rights and
 25 policies for sexual assault survivors.

1 “(b) *NOTIFICATION OF RIGHTS.*—Each recipient of a
 2 grant awarded under subsection (a) shall make its best ef-
 3 fort to ensure that each entity described in subsection (c)(1)
 4 provides individuals who identify as a survivor of a sexual
 5 assault, and who consent to receiving such information,
 6 with written notice of applicable rights and policies regard-
 7 ing—

8 “(1) the right not to be charged fees for or other-
 9 wise prevented from pursuing a sexual assault evi-
 10 dence collection kit;

11 “(2) the right to have a sexual assault medical
 12 forensic examination regardless of whether the sur-
 13 vivor reports to or cooperates with law enforcement;

14 “(3) the availability of a sexual assault advocate;

15 “(4) the availability of protective orders and
 16 policies related to their enforcement;

17 “(5) policies regarding the storage, preservation,
 18 and disposal of sexual assault evidence collection kits;

19 “(6) the process, if any, to request preservation
 20 of sexual assault evidence collection kits or the pro-
 21 bative evidence from such kits; and

22 “(7) the availability of victim compensation and
 23 restitution.

24 “(c) *DISSEMINATION OF WRITTEN NOTICE.*—Each re-
 25 cipient of a grant awarded under subsection (a) shall—

1 “(1) provide the written notice described in sub-
 2 section (b) to medical centers, hospitals, forensic ex-
 3 aminers, sexual assault service providers, State and
 4 local law enforcement agencies, and any other State
 5 agency or department reasonably likely to serve sex-
 6 ual assault survivors; and

7 “(2) make the written notice described in sub-
 8 section (b) publicly available on the Internet website
 9 of the attorney general of the State.

10 “(d) *PROVISION TO PROMOTE COMPLIANCE.*—The At-
 11 torney General may provide such technical assistance and
 12 guidance as necessary to help recipients meet the require-
 13 ments of this section.

14 “(e) *INTEGRATION OF SYSTEMS.*—Any system devel-
 15 oped and implemented under this section may be integrated
 16 with an existing case management system operated by the
 17 recipient of the grant if the system meets the requirements
 18 listed in this section.”.

19 **SEC. 7. WORKING GROUP.**

20 “(a) *IN GENERAL.*—The Attorney General, in consulta-
 21 tion with the Secretary of Health and Human Services (re-
 22 ferred to in this section as the “Secretary”), shall establish
 23 a joint working group (referred to in this section as the
 24 “Working Group”) to develop, coordinate, and disseminate

1 *best practices regarding the care and treatment of sexual*
 2 *assault survivors and the preservation of forensic evidence.*

3 (b) *CONSULTATION WITH STAKEHOLDERS.—The*
 4 *Working Group shall consult with—*

5 (1) *stakeholders in law enforcement, prosecution,*
 6 *forensic laboratory, counseling, forensic examiner,*
 7 *medical facility, and medical provider communities;*
 8 *and*

9 (2) *representatives of not less than 3 entities*
 10 *with demonstrated expertise in sexual assault preven-*
 11 *tion, sexual assault advocacy, or representation of*
 12 *sexual assault victims, of which not less than 1 rep-*
 13 *resentative shall be a sexual assault victim.*

14 (c) *MEMBERSHIP.—The Working Group shall be com-*
 15 *posed of governmental or nongovernmental agency heads at*
 16 *the discretion of the Attorney General, in consultation with*
 17 *the Secretary.*

18 (d) *DUTIES.—The Working Group shall—*

19 (1) *develop recommendations for improving the*
 20 *coordination of the dissemination and implementa-*
 21 *tion of best practices and protocols regarding the care*
 22 *and treatment of sexual assault survivors and the*
 23 *preservation of evidence to hospital administrators,*
 24 *physicians, forensic examiners, and other medical as-*
 25 *sociations and leaders in the medical community;*

1 (2) encourage, where appropriate, the adoption
2 and implementation of best practices and protocols
3 regarding the care and treatment of sexual assault
4 survivors and the preservation of evidence among hos-
5 pital administrators, physicians, forensic examiners,
6 and other medical associations and leaders in the
7 medical community;

8 (3) develop recommendations to promote the co-
9 ordination of the dissemination and implementation
10 of best practices regarding the care and treatment of
11 sexual assault survivors and the preservation of evi-
12 dence to State attorneys general, United States attor-
13 neys, heads of State law enforcement agencies, foren-
14 sic laboratory directors and managers, and other
15 leaders in the law enforcement community;

16 (4) develop and implement, where practicable,
17 incentives to encourage the adoption or implementa-
18 tion of best practices regarding the care and treat-
19 ment of sexual assault survivors and the preservation
20 of evidence among State attorneys general, United
21 States attorneys, heads of State law enforcement
22 agencies, forensic laboratory directors and managers,
23 and other leaders in the law enforcement community;

24 (5) collect feedback from stakeholders, practi-
25 tioners, and leadership throughout the Federal and

1 *State law enforcement, victim services, forensic*
2 *science practitioner, and health care communities to*
3 *inform development of future best practices or clinical*
4 *guidelines regarding the care and treatment of sexual*
5 *assault survivors; and*

6 *(6) perform other activities, such as activities re-*
7 *lating to development, dissemination, outreach, en-*
8 *gagement, or training associated with advancing vic-*
9 *tim-centered care for sexual assault survivors.*

10 *(e) REPORT.—Not later than 2 years after the date of*
11 *enactment of this Act, the Working Group shall submit to*
12 *the Attorney General, the Secretary, and Congress a report*
13 *containing the findings and recommended actions of the*
14 *Working Group.*

15 **SEC. 8. CIVIL REMEDY FOR SURVIVORS OF CHILD SEXUAL**
16 **EXPLOITATION AND HUMAN TRAFFICKING.**

17 *Section 2255(b) of title 18, United States Code, is*
18 *amended—*

19 *(1) by striking “three years” and inserting “10*
20 *years”; and*

21 *(2) by inserting “ends” before the period at the*
22 *end.*

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