

116TH CONGRESS
1ST SESSION

H. R. 4729

To protect the rights of crime victims, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 2019

Ms. SPEIER (for herself, Mr. BROOKS of Alabama, Ms. FRANKEL, Mr. PERRY, Mrs. BUSTOS, Ms. CASTOR of Florida, Mr. CISNEROS, Mr. COHEN, Mrs. DINGELL, Ms. NORTON, Mr. RYAN, Mrs. TORRES of California, and Mrs. WAGNER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To protect the rights of crime victims, and for other purposes.

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 “Courtney Wild Crime
5 Victims’ Rights Reform Act of 2019”.

6 **SEC. 2. CRIME VICTIMS’ RIGHTS.**

7 Section 3771 of title 18, United States Code, is
8 amended—

9 (1) in subsection (a)—

1 (A) in paragraph (5), by striking “Govern-
2 ment in the case” and inserting “the Govern-
3 ment, including the right to confer about any
4 plea bargain or other resolution of the case be-
5 fore such plea bargain or resolution is presented
6 to the court or otherwise finalized”; and

7 (B) in paragraph (9), by striking “or de-
8 ferred prosecution agreement” and inserting
9 “deferred prosecution agreement, nonprosecu-
10 tion agreement, or the referral of a criminal in-
11 vestigation to another Federal, State, or local
12 law enforcement entity. In the case of a non-
13 prosecution agreement or referral of a criminal
14 investigation to another law enforcement entity,
15 upon a showing of good cause, which shall be
16 based upon public safety and the needs of re-
17 lated ongoing prosecutions, the victim may be
18 required to maintain the confidentiality of any
19 nonpublic information disclosed to the victim.
20 Any such duty of confidentiality may not be
21 greater than that of the Government or the de-
22 fendant. The Attorney General may assess a
23 civil penalty for any breach of confidentiality
24 under this section, after notice and an oppor-

1 tunity for a hearing, of not more than \$500 for
2 each violation.”;

3 (2) in subsection (c)(1), by inserting after the
4 period at the end the following: “If a dispute arises
5 about whether the officers and employees have made
6 such best efforts, the Department of Justice shall
7 promptly provide to the victim and, if requested, to
8 the court reviewing the issue all relevant information
9 and documents concerning the circumstances, in-
10 cluding steps taken to comply with this subsection.”;

11 (3) in subsection (d)—

12 (A) in paragraph (1), by inserting after
13 “the Government” the following: “with the in-
14 formed consent of the victim, the Government
15 (including a Special Victims’ Advocate appear-
16 ing pursuant to paragraph (8))”;

17 (B) in paragraph (2), by inserting after
18 the period at the end the following: “The proce-
19 dure fashioned by the court under this para-
20 graph shall have no effect on the duty of offi-
21 cers and employees of the Government to make
22 their best efforts to accord crime victims the
23 rights described in subsection (a).”;

24 (C) in paragraph (3), by striking “forth-
25 with” and inserting “forthwith, and the Govern-

1 ment shall provide promptly to the Court all in-
2 formation and documents relevant to the asser-
3 tion of the right”;

4 (D) by amending paragraph (5) to read as
5 follows:

6 “(5) RE-OPENING PROCEEDINGS.—

7 “(A) In no case shall a failure to afford a
8 right under this chapter provide grounds for a
9 new trial.

10 “(B) A victim who received reasonable no-
11 tice of the relevant proceedings may make a
12 motion to re-open a plea or sentence only if—

13 “(i) the victim has asserted the right
14 to be heard before or during the pro-
15 ceeding at issue and such right was denied;

16 “(ii) the victim petitions the court of
17 appeals for a writ of mandamus within 30
18 days; and

19 “(iii) in the case of a plea, the ac-
20 cused has not pled to the highest offense
21 charged.

22 “(C) A victim may bring a motion to re-
23 open a plea or sentence, not later than 180
24 days after the relevant proceeding, upon the
25 basis that the victim was not able to assert the

1 right to be heard during the proceeding because
2 the victim did not have reasonable and timely
3 notice of the proceeding.”;

4 (E) by redesignating paragraph (6) as
5 paragraph (10); and

6 (F) by inserting after paragraph (5) the
7 following:

8 “(6) MOTION TO ANNUL PROSECUTORIAL
9 AGREEMENTS.—A crime victim may make a motion
10 to rescind a deferred prosecution or may bring an
11 action in the district court to annul a nonprosecu-
12 tion agreement based upon a showing by clear and
13 convincing evidence that the Government violated
14 the rights provided for crime victims in this section.

15 “(7) REMEDIES.—For proceedings under para-
16 graphs (5) and (6), upon a finding that a victim’s
17 rights have been violated, the court shall impose a
18 just and appropriate remedy to address such viola-
19 tion. In determining the appropriate remedy, the
20 court may convene a hearing for victim impact state-
21 ments, and consider the testimony at any such hear-
22 ing.

23 “(8) SPECIAL VICTIMS’ ADVOCATE.—The Na-
24 tional Coordinator may appear in a criminal action

1 as a Special Victims' Advocate to protect the rights
2 of crime victims in this section.

3 “(9) ATTORNEYS’ FEES.—A crime victim who
4 prevails against the United States in an action to
5 enforce a right under this section shall be entitled to
6 an award of reasonable attorneys’ fees and expenses,
7 as provided in section 2412 of title 28, United
8 States Code.”;

9 (4) in subsection (e)(2)(A), by striking “the
10 commission of a” and inserting “a suspected, al-
11 leged, charged, or convicted”; and

12 (5) by striking subsection (f).

13 **SEC. 3. DEPARTMENT OF JUSTICE OFFICIALS RESPON-**
14 **SIBLE FOR ENSURING VICTIMS’ RIGHTS.**

15 (a) IN GENERAL.—Chapter 237 of title 18, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 **“§ 3772. Office of the National Coordinator for Vic-**
19 **tims’ Rights**

20 “(a) ESTABLISHMENT.—There is established within
21 the Office of the Deputy Attorney General of the Depart-
22 ment of Justice, the Office of the National Coordinator
23 for Victims’ Rights, headed by the National Coordinator
24 for Victims’ Rights (in this section referred to as the ‘Na-
25 tional Coordinator’), for the purpose of reviewing deter-

1 minations of the Ombudsman, monitoring and appearing
2 in court proceedings as Special Victim’s Advocate to pro-
3 tect the rights of victims, and developing standards for
4 treatment of victims.

5 “(b) DUTIES.—The National Coordinator shall have
6 the following duties:

7 “(1) REVISIONS.—Not less than once every 2
8 years, the National Coordinator, in consultation with
9 the Ombudsman, the Director of the Office of Vio-
10 lence Against Women, the Director of the Federal
11 Bureau of Investigation, the litigating components of
12 the Department of Justice, and victims’ rights and
13 services groups, shall review and, if necessary, rec-
14 ommend the revision of the rules issued by the At-
15 torney General under section 3774.

16 “(2) ADVOCATE.—The National Coordinator
17 may appear before the court and act as a Special
18 Victims’ Advocate, either upon receiving a request
19 from the Ombudsman pursuant to section
20 3773(b)(5), upon a request from a prosecutor, or in
21 the discretion of the National Coordinator based on
22 the circumstances.

23 “(3) TRAINING.—The National Coordinator
24 shall coordinate a mandatory course of training on
25 the treatment of crime victims for each officer or

1 employee of the Department of Justice who interacts
2 with crime victims as a part of their official duties.

3 “(4) SANCTIONS.—The National Coordinator
4 may apply disciplinary sanctions, including suspen-
5 sion or termination from employment and delay of
6 promotion on the General Schedule or other relevant
7 pay schedule, for officers and employees of the De-
8 partment of Justice who fail to comply with section
9 3771(a) or section 503 of the Victims’ Rights and
10 Restitution Act of 1990 (34 U.S.C. 20141).

11 “(5) MINIMUM REQUIREMENTS.—The National
12 Coordinator shall develop best practices for pro-
13 tecting the rights of crime victims, which may exceed
14 the minimum legal requirements set forth in this
15 chapter and shall be relevant to determining whether
16 an officer or employee of the Department of Justice
17 has made best efforts to ensure that crime victims
18 are notified of, and accorded, the rights described in
19 section 3771(a) or section 503 of the Victims’
20 Rights and Restitution Act of 1990 (34 U.S.C.
21 20141).

22 “(c) AWARD.—

23 “(1) IN GENERAL.—The National Coordinator
24 may, upon a final determination that an officer or
25 employee of the Department of Justice intentionally

1 violated the rights of a victim, award the victim not
2 more than \$15,000, to be paid out of the fund de-
3 scribed in section 1304 of title 31.

4 “(2) SUPPLEMENTAL.—The award payable
5 under this subsection shall be in addition to any
6 other restitution or recovery to which the crime vic-
7 tim is entitled as a result of the crime.

8 **“§ 3773. Office of Crime Victims’ Rights**

9 “(a) ESTABLISHMENT.—There is established within
10 the Executive Office for United States Attorneys of the
11 Department of Justice, the Office of Crime Victims’
12 Rights, headed by the Crime Victims’ Rights Ombudsman
13 (in this section referred to as the ‘Ombudsman’), for the
14 purposes of—

15 “(1) receiving, coordinating investigations of,
16 and adjudicating complaints relating to a violation of
17 the rights of a crime victim; and

18 “(2) serving as a central resource for informa-
19 tion and contact in the Department of Justice for
20 crime victims.

21 “(b) DUTIES.—The Ombudsman shall have the fol-
22 lowing duties:

23 “(1) COMPLAINT SUBMISSION SYSTEM.—The
24 Ombudsman shall develop a streamlined system for

1 submitting complaints to the Ombudsman electroni-
2 cally and by mail.

3 “(2) POINTS OF CONTACT.—The Ombudsman
4 shall appoint a point of contact for each office of the
5 Department of Justice and mandate annual training
6 for each point of contact on the requirements and
7 expectations of Department of Justice officers and
8 employees with respect to the rights of crime vic-
9 tims.

10 “(3) COMPLAINT PROCESS.—The Ombudsman
11 shall establish, in coordination with the National Co-
12 ordinator, a process for the Ombudsman—

13 “(A) to directly receive any complaint from
14 crime victims for violations of their rights under
15 section 3771(a) or section 503 of the Victims’
16 Rights and Restitution Act of 1990 (34 U.S.C.
17 20141) by an officer or employee of the Depart-
18 ment of Justice and to refer the complaint to
19 the point of contact at each relevant office for
20 investigation, initial findings, and recommenda-
21 tions;

22 “(B) in the case that the point of contact
23 has a conflict of interest, to refer the complaint
24 to another officer in a relevant office to address

1 the complaint, who shall be designated as the
2 point of contact with respect to that complaint;

3 “(C) to provide the complainant an oppor-
4 tunity to be heard by the point of contact and
5 respond to initial findings of the point of the
6 contact;

7 “(D) to review the findings and rec-
8 ommendations of the point of contact; and

9 “(E) to, not later than 90 days after re-
10 ceipt of a complaint—

11 “(i) make a final determination based
12 on the findings and recommendations of
13 the point of contact on whether there was
14 any violation of the rights of the crime vic-
15 tim; and

16 “(ii) in the case that there is a viola-
17 tion, identify each officer or employee re-
18 sponsible for the violation, the severity of
19 the violation, and any relief or disciplinary
20 sanction to be imposed.

21 “(4) REPORT DETERMINATIONS.—The Om-
22 budsman shall report to the complainant the deter-
23 minations made under paragraph (3), after which
24 the complainant shall have an opportunity to appeal
25 to the National Coordinator, except in a case in

1 which the complaint concerns the conduct of the Na-
2 tional Coordinator, in which case the appeal shall be
3 to the Attorney General or a designee of the Attor-
4 ney General. Whether or not there is an appeal, the
5 Ombudsman shall refer the determinations to the
6 National Coordinator for final review and approval
7 and application of any disciplinary sanctions or
8 award.

9 “(5) APPOINT ADVOCATE.—

10 “(A) REQUEST.—The Ombudsman shall
11 develop a process by which victims may submit
12 a request for the National Coordinator to ap-
13 pear before the court and act as a Special Vic-
14 tims’ Advocate.

15 “(B) REFERRAL.—The Ombudsman shall
16 refer to the National Coordinator any request
17 received pursuant to the process developed
18 under subparagraph (A).

19 “(6) COMPLAINT PERIOD.—A victim of a crime
20 may submit a complaint under this subsection end-
21 ing on the date that is 1 year after the victim learns
22 of a violation of their rights under section 3771(a)
23 or section 503 of the Victims’ Rights and Restitu-
24 tion Act of 1990 (34 U.S.C. 20141) by an officer or
25 employee of the Department of Justice or 2 years

1 after the actual violation, whichever is later, except
2 that the National Coordinator may extend such date
3 if the National Coordinator determines an extension
4 to be necessary to accord the victim of a crime their
5 rights upon a showing of good cause.

6 **“§ 3774. General provisions**

7 “(a) RULE MAKING.—The Attorney General shall
8 issue such rules as may be necessary to carry out this
9 chapter.

10 “(b) REPORTS TO CONGRESS.—

11 “(1) IN GENERAL.—The Attorney General shall
12 submit to Congress a report on—

13 “(A) significant steps taken to improve the
14 Department’s best efforts to accord crime vic-
15 tims their rights;

16 “(B) the number of complaints filed with
17 the Ombudsman and the outcome of those com-
18 plaints (including any disciplinary action); and

19 “(C) a list of all cases in which a court has
20 determined that there has been a failure to ac-
21 cord crime victims their rights and the best ef-
22 forts made by officers and employees of the De-
23 partment of Justice in each case.

24 “(2) ANNUAL AND BIENNIAL REPORTS.—The
25 report described in paragraph (1) shall be submitted

1 not later than 1 year after the date of enactment of
2 this section and—

3 “(A) annually thereafter for a period of 2
4 years; and

5 “(B) biannually after the end of the period
6 described in subparagraph (A).”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 for chapter 237 of title 18, United States Code, is amend-
9 ed by adding at the end the following:

“3772. Office of the National Coordinator for Victims’ Rights.

“3773. Office of Crime Victims’ Rights.

“3774. General provisions.”.

10 (c) JUDICIAL TRAINING ON THE RIGHTS OF CRIME
11 VICTIMS.—Not later than 1 year after the date of enact-
12 ment of this Act, the Director of the Federal Judicial Cen-
13 ter shall, in consultation with victims’ rights and services
14 groups—

15 (1) create a guidebook for Federal judges and
16 judicial employees explaining legal requirements re-
17 garding crime victims’ rights and best practices for
18 affording those rights in judicial proceedings; and

19 (2) incorporate the concepts from the guidebook
20 in the Federal Judicial Center’s judicial orientation
21 training.

1 **SEC. 4. CRIME VICTIM LEGAL ASSISTANCE GRANTS.**

2 Section 1404D of the Victims of Crime Act of 1984
3 (34 U.S.C. 20107) is amended by adding at the end the
4 following:

5 “(d) **AUTHORIZATION OF APPROPRIATIONS.**—In ad-
6 dition to funds made available under section 1402(d),
7 there are authorized to be appropriated to carry out this
8 section \$13,000,000 for each of fiscal years 2021, 2022,
9 2023, 2024, and 2025.”.

10 **SEC. 5. NATIONAL RESOURCE CENTER ON CRIME VICTIMS’**
11 **RIGHTS.**

12 (a) **AUTHORITY.**—The Attorney General, acting
13 through the Ombudsman of the Office of Crime Victims’
14 Rights, may award a grant to an eligible nonprofit entity
15 or tribal organization, in order to provide for the establish-
16 ment and operation of a national resource center on crime
17 victims’ rights. The resource center shall provide informa-
18 tion and assistance to lawyers and organizations that pro-
19 vide legal assistance to aid in efforts to advocate for crime
20 victims’ rights in Federal jurisdictions and in States and
21 tribal jurisdictions that have laws substantially similar to
22 the provisions of section 3771 of title 18, United States
23 Code.

24 (b) **APPLICATIONS.**—To be eligible to receive a grant
25 under this section, an entity or organization shall submit
26 an application to the Attorney General at such time, in

1 such manner, and containing such information as the At-
2 torney General may require, including information that
3 demonstrates that the entity or organization has nation-
4 ally recognized expertise in the area of crime victims'
5 rights.

6 (c) USE OF GRANT AMOUNT.—An entity or organiza-
7 tion that receives a grant under this section may use the
8 funds made available through the grant for staff salaries,
9 travel expenses, equipment, printing, and other reasonable
10 expenses necessary to develop, maintain, and disseminate
11 to lawyers and organizations described in subsection (a),
12 information and assistance concerning legal representation
13 to assist victims of a crime.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$1,500,000 for each of fiscal years 2021 through 2025.

17 (e) AVAILABILITY OF GRANT FUNDS.—Funds appro-
18 priated under this section shall remain available until ex-
19 pended.

20 **SEC. 6. STREAMLINING VICTIM NOTIFICATION.**

21 Section 3664(d) of title 18, United States Code, is
22 amended—

23 (1) in paragraph (2), by striking “The proba-
24 tion officer” and inserting “Subject to paragraph
25 (7), the probation officer”; and

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

2 “(7) Paragraph (2) shall not apply if an officer
3 or employee of the Department of Justice or other
4 department or agency of the United States provides
5 to a victim notice and an affidavit form under sec-
6 tion 3771(c)(1) before the probation officer submits
7 a presentence report under subsection (a).”.

8 **SEC. 7. IMPROVEMENTS FOR ORDERS OF RESTITUTION.**

9 (a) CHANGES IN PROCEDURES FOR ORDERS OF RES-
10 TITUTION.—Section 3664 of title 18, United States Code,
11 is amended—

12 (1) in subsection (d)(2)(A)(v), by striking
13 “(B)” and inserting “(D)”;

14 (2) in subsection (f)(2)—

15 (A) by inserting “the amount owed, that
16 this amount is payable immediately, and” after
17 “order”; and

18 (B) by striking “, and the schedule accord-
19 ing to which,”;

20 (3) in subsection (f)(3), by amending subpara-
21 graph (B) to read as follows:

22 “(B) Notwithstanding any payment sched-
23 ule entered by the court, each order of restitu-
24 tion shall be a civil debt, payable immediately,
25 and subject to the enforcement procedures pro-

1 vided in this section. No payment schedule im-
2 posed by the court shall preclude the United
3 States from enforcing an order of restitution
4 pursuant to this section, nor shall any payment
5 schedule imposed by the court preclude collec-
6 tion pursuant to the Bureau of Prisons' Inmate
7 Financial Responsibility Program.”;

8 (4) in subsection (k), by striking the last sen-
9 tence;

10 (5) in subsection (m), by amending paragraph
11 (1) to read as follows:

12 “(1) An order of restitution may be enforced as
13 follows:

14 “(A) An order may be enforced through
15 civil practices and procedures before the liability
16 for restitution is satisfied, remitted, set aside,
17 or terminated under section 3613.

18 “(B) An order may be enforced by the
19 United States in the manner provided for in
20 subchapter C of chapter 227 and subchapter B
21 of chapter 229 of this title.

22 “(C) An order may be enforced by any vic-
23 tim named in the restitution order in accord-
24 ance with section 1962 of title 28. At the re-
25 quest of a victim named in a restitution order,

1 the clerk of the court shall issue an abstract of
2 judgment certifying that a judgment has been
3 entered in favor of such victim in the amount
4 specified in the restitution order. Upon reg-
5 istering, recording, docketing, or indexing such
6 abstract in accordance with the rules and re-
7 quirements relating to judgments of the court
8 of the State where the district court is located,
9 the abstract of judgment shall be a lien on the
10 property of the defendant located in such State
11 in the same manner and to the same extent and
12 under the same conditions as a judgment of a
13 court of general jurisdiction in that State.”;
14 and

15 (6) by inserting after subsection (p) the fol-
16 lowing:

17 “(q) Upon motion of the Government or petition by
18 the probation office, the court shall conduct a hearing to
19 determine whether the defendant has knowingly refused
20 to make a restitution payment. If the court finds that the
21 defendant is in default, the court may take any action de-
22 scribed in sections 3613A and 3614 of this title, to obtain
23 compliance with the order of restitution or to sanction the
24 defendant for knowing refusal to pay.”.

1 (b) EXPANSION OF CIVIL REMEDIES FOR ORDERS OF
2 RESTITUTION.—Section 3613 of title 18, United States
3 Code, is amended—

4 (1) in the section heading, by inserting “**OR**
5 **RESTITUTION**” after “**FINE**”;

6 (2) in subsection (a), by inserting “or restitu-
7 tion” after “fine” each place it appears;

8 (3) in subsection (b)—

9 (A) by inserting “or restitution” after
10 “fine”; and

11 (B) by inserting “or ordered to pay restitu-
12 tion” after “fined” each place it appears; and

13 (4) in subsection (e), by inserting “or restitu-
14 tion” after “fine”.

○