

108TH CONGRESS  
1ST SESSION

# S. 805

To enhance the rights of crime victims, to establish grants for local governments to assist crime victims, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 7, 2003

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

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## A BILL

To enhance the rights of crime victims, to establish grants for local governments to assist 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Crime Victims Assistance Act of 2003”.

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

Sec. 1. Short title; table of contents.

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

- Sec. 101. Right to consult concerning detention.
- Sec. 102. Right to a speedy trial.
- Sec. 103. Right to consult concerning plea.
- Sec. 104. Enhanced participatory rights at trial.
- Sec. 105. Enhanced participatory rights at sentencing.
- Sec. 106. Right to notice concerning sentence adjustment, discharge from psychiatric facility, and executive clemency.
- Sec. 107. Procedures to promote compliance.

#### TITLE II—VICTIM ASSISTANCE INITIATIVES

- Sec. 201. Pilot programs to enforce compliance with State crime victim’s rights laws.
- Sec. 202. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments.
- Sec. 203. Restorative justice grants.
- Sec. 204. Grants to develop interdisciplinary coordinated service programs for victims of crime.
- Sec. 205. Grants for services to crime victims with special communication needs.

#### TITLE III—AMENDMENTS TO VICTIMS OF CRIME ACT OF 1984

- Sec. 301. Formula for distributions from the crime victims fund.
- Sec. 302. Clarification regarding antiterrorism emergency reserve.
- Sec. 303. Prohibition on diverting crime victims fund to offset increased spending.

## 1 **TITLE I—VICTIM RIGHTS IN THE** 2 **FEDERAL SYSTEM**

### 3 **SEC. 101. RIGHT TO CONSULT CONCERNING DETENTION.**

4 (a) RIGHT TO CONSULT CONCERNING DETEN-  
5 TION.—Section 503(c) of the Victims’ Rights and Restitu-  
6 tion Act of 1990 (42 U.S.C. 10607(c)) is amended by  
7 striking paragraph (2) and inserting the following:

8 “(2) A responsible official shall—

9 “(A) arrange for a victim to receive rea-  
10 sonable protection from a suspected offender  
11 and persons acting in concert with or at the be-  
12 hest of the suspected offender; and

1           “(B) consult with a victim prior to a de-  
2           tention hearing to obtain information that can  
3           be presented to the court on the issue of any  
4           threat the suspected offender may pose to the  
5           safety of the victim.”.

6           (b) COURT CONSIDERATION OF THE VIEWS OF VIC-  
7   TIMS.—Chapter 207 of title 18, United States Code, is  
8   amended—

9           (1) in section 3142—

10           (A) in subsection (g)—

11           (i) in paragraph (3), by striking  
12           “and” at the end;

13           (ii) by redesignating paragraph (4) as  
14           paragraph (5); and

15           (iii) by inserting after paragraph (3)  
16           the following:

17           “(4) the views of the victim; and”; and

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

19           “(k) VIEWS OF THE VICTIM.—During a hearing  
20           under subsection (f), the judicial officer shall inquire of  
21           the attorney for the Government if the victim has been  
22           consulted on the issue of detention and the views of such  
23           victim, if any.”; and

24           (2) in section 3156(a)—

1 (A) in paragraph (4), by striking “and” at  
2 the end;

3 (B) in paragraph (5), by striking the pe-  
4 riod at the end and inserting “; and”; and

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

6 “(6) the term ‘victim’ includes all persons de-  
7 fined as victims in section 503(e)(2) of the Victims’  
8 Rights and Restitution Act of 1990 (42 U.S.C.  
9 10607(e)(2)).”.

10 **SEC. 102. RIGHT TO A SPEEDY TRIAL.**

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

13 “(v) The interests of the victim (as defined in section  
14 503(e)(2) of the Victims’ Rights and Restitution Act of  
15 1990 (42 U.S.C. 10607(e)(2)) in the prompt and appro-  
16 priate disposition of the case, free from unreasonable  
17 delay.”.

18 **SEC. 103. RIGHT TO CONSULT CONCERNING PLEA.**

19 (a) RIGHT TO CONSULT CONCERNING PLEA.—Sec-  
20 tion 503(c) of the Victims’ Rights and Restitution Act of  
21 1990 (42 U.S.C. 10607(c)) is amended—

22 (1) by redesignating paragraphs (4) through  
23 (8) as paragraphs (5) through (9), respectively; and

24 (2) by inserting after paragraph (3) the fol-  
25 lowing:

1           “(4) A responsible official shall make reason-  
2           able efforts to notify a victim of, and consider the  
3           views of a victim about, any proposed or con-  
4           templated plea agreement. In determining what is  
5           reasonable, the responsible official should consider  
6           factors relevant to the wisdom and practicality of  
7           giving notice and considering views in the context of  
8           the particular case, including—

9                   “(A) the impact on public safety and risks  
10                  to personal safety;

11                  “(B) the number of victims;

12                  “(C) the need for confidentiality, including  
13                  whether the proposed plea involves confidential  
14                  information or conditions; and

15                  “(D) whether time is of the essence in ne-  
16                  gotiating or entering a proposed plea.”.

17           (b) COURT CONSIDERATION OF THE VIEWS OF VIC-  
18           TIMS.—Rule 11 of the Federal Rules of Criminal Proce-  
19           dure is amended—

20                   (1) by redesignating subdivisions (g) and (h) as  
21                   subdivisions (h) and (i), respectively; and

22                   (2) by inserting after subdivision (f) the fol-  
23                   lowing:

24                   “(g) VIEWS OF THE VICTIM.—Notwithstanding the  
25                   acceptance of a plea of guilty, the court should not enter

1 a judgment upon such plea without making inquiry of the  
2 attorney for the Government if the victim (as defined in  
3 section 503(e)(2) of the Victims' Rights and Restitution  
4 Act of 1990) has been consulted on the issue of the plea  
5 and the views of such victim, if any.”.

6 (c) EFFECTIVE DATE.—

7 (1) IN GENERAL.—The amendments made by  
8 subsection (b) shall become effective as provided in  
9 paragraph (3).

10 (2) ACTION BY JUDICIAL CONFERENCE.—

11 (A) RECOMMENDATIONS.—Not later than  
12 180 days after the date of enactment of this  
13 Act, the Judicial Conference of the United  
14 States shall submit to Congress a report con-  
15 taining recommendations for amending the  
16 Federal Rules of Criminal Procedure to provide  
17 enhanced opportunities for victims to be heard  
18 on the issue of whether or not the court should  
19 accept a plea of guilty or nolo contendere.

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

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

4                   (A) submits a report in accordance with  
5                   paragraph (2) containing recommendations de-  
6                   scribed in that paragraph, and those rec-  
7                   ommendations are the same as the amendments  
8                   made by subsection (b), the amendments made  
9                   by subsection (b) shall become effective 30 days  
10                  after the date on which the recommendations  
11                  are submitted to Congress under 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 amendments made by subsection (b), the  
17                  recommendations made pursuant to paragraph  
18                  (2) shall become effective 180 days after the  
19                  date on which the recommendations are sub-  
20                  mitted to Congress under paragraph (2), unless  
21                  an Act of Congress is passed overturning the  
22                  recommendations; and

23                  (C) fails to comply with paragraph (2), the  
24                  amendments made by subsection (b) 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 Judi-  
6           cial Conference of the United States under para-  
7           graph (2)) shall apply in any proceeding commenced  
8           on or after the effective date of the amendment.

9   **SEC. 104. ENHANCED PARTICIPATORY RIGHTS AT TRIAL.**

10          (a) AMENDMENTS TO VICTIM RIGHTS CLARIFICA-  
11          TION ACT.—Section 3510 of title 18, United States Code,  
12          is amended—

13                 (1) by redesignating subsection (c) as sub-  
14                 section (e); and

15                 (2) by inserting after subsection (b) the fol-  
16                 lowing:

17                 “(c) APPLICATION TO TELEVISED PROCEEDINGS.—  
18                 This section applies to any victim viewing proceedings pur-  
19                 suant to section 235 of the Antiterrorism and Effective  
20                 Death Penalty Act of 1996 (42 U.S.C. 10608), or any  
21                 rule issued pursuant to that section.

22                 “(d) STANDING.—

23                         “(1) IN GENERAL.—At the request of any vic-  
24                         tim of an offense, the attorney for the Government



1 may assert the right of the victim under this section  
2 to attend and observe the trial.

3 “(2) VICTIM STANDING.—If the attorney for  
4 the Government declines to assert the right of a vic-  
5 tim under this section, then the victim has standing  
6 to assert such right.

7 “(3) APPELLATE REVIEW.—An adverse ruling  
8 on a motion or request by an attorney for the Gov-  
9 ernment or a victim under this subsection may be  
10 appealed or petitioned under the rules governing ap-  
11 pellate actions, provided that no appeal or petition  
12 shall constitute grounds for unreasonably delaying a  
13 criminal proceeding.”.

14 (b) AMENDMENT TO VICTIMS’ RIGHTS AND RESTITU-  
15 TION ACT OF 1990.—Section 502(b) of the Victims’  
16 Rights and Restitution Act of 1990 (42 U.S.C. 10606(b))  
17 is amended—

18 (1) by amending paragraph (4) to read as fol-  
19 lows:

20 “(4) The right to be present at all public court  
21 proceedings related to the offense, unless the court  
22 determines that testimony by the victim at trial  
23 would be materially affected if the victim heard the  
24 testimony of other witnesses.”; and

1           (2) in paragraph (5), by striking “attorney”  
2           and inserting “the attorney”.

3 **SEC. 105. ENHANCED PARTICIPATORY RIGHTS AT SEN-**  
4 **TENCING.**

5           (a) VIEWS OF THE VICTIM.—Section 3553(a) of title  
6 18, United States Code, is amended—

7           (1) in paragraph (6), by striking “and” at the  
8           end;

9           (2) by redesignating paragraph (7) as para-  
10          graph (8); and

11          (3) by inserting after paragraph (6) the fol-  
12          lowing:

13                 “(7) the impact of the crime upon any victim  
14                 of the offense as reflected in any victim impact  
15                 statement and the views of any victim of the offense  
16                 concerning punishment, if such statement or views  
17                 are presented to the court; and”.

18          (b) ENHANCED RIGHT TO BE HEARD CONCERNING  
19 SENTENCE.—Rule 32 of the Federal Rules of Criminal  
20 Procedure is amended—

21           (1) in subdivision (c)(3)(E)—

22                 (A) by striking “if the sentence is to be  
23                 imposed for a crime of violence or sexual  
24                 abuse,”; and

1 (B) by inserting “written or oral” before  
2 “statement”; and

3 (2) by amending subdivision (f) to read as fol-  
4 lows:

5 “(f) DEFINITION.—For purposes of this rule, the  
6 term ‘victim’ means any individual against whom an of-  
7 fense has been committed for which a sentence is to be  
8 imposed, but the right of allocution under subdivision  
9 (c)(3)(E) may be exercised instead by—

10 “(1) a parent or legal guardian, if the victim is  
11 incompetent or has not reached 18 years of age; or

12 “(2) 1 or more family members or relatives des-  
13 igned by the court, if the victim is deceased or in-  
14 capacitated,

15 if such person or persons are present at the sentencing  
16 hearing, regardless of whether the victim is present.”.

17 (c) EFFECTIVE DATE.—

18 (1) IN GENERAL.—The amendments made by  
19 subsection (b) shall become effective as provided in  
20 paragraph (3).

21 (2) ACTION BY JUDICIAL CONFERENCE.—

22 (A) RECOMMENDATIONS.—Not later than  
23 180 days after the date of enactment of this  
24 Act, the Judicial Conference of the United  
25 States shall submit to Congress a report con-

1 taining recommendations for amending the  
2 Federal Rules of Criminal Procedure to provide  
3 enhanced opportunities for victims to partici-  
4 pate during the presentencing and sentencing  
5 phase of the criminal process.

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

11 (3) CONGRESSIONAL ACTION.—Except as other-  
12 wise provided by law, if the Judicial Conference of  
13 the United States—

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

22 (B) submits a report in accordance with  
23 paragraph (2) containing recommendations de-  
24 scribed in that paragraph, and those rec-  
25 ommendations are different in any respect from

1 the amendments made by subsection (b), the  
2 recommendations made pursuant to paragraph  
3 (2) shall become effective 180 days after the  
4 date on which the recommendations are sub-  
5 mitted to Congress under paragraph (2), unless  
6 an Act of Congress is passed overturning the  
7 recommendations; and

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

12 (4) APPLICATION.—Any amendment made pur-  
13 suant to this section (including any amendment  
14 made pursuant to the recommendations of the Judi-  
15 cial Conference of the United States under para-  
16 graph (2)) shall apply in any proceeding commenced  
17 on or after the effective date of the amendment.

18 **SEC. 106. RIGHT TO NOTICE CONCERNING SENTENCE AD-**  
19 **JUSTMENT, DISCHARGE FROM PSYCHIATRIC**  
20 **FACILITY, AND EXECUTIVE CLEMENCY.**

21 (a) IN GENERAL.—Paragraph (6) of section 503(c)  
22 of the Victims' Rights and Restitution Act of 1990 (42  
23 U.S.C. 10607(c)), as redesignated by section 103 of this  
24 Act, is amended to read as follows:

1           “(6) After trial, a responsible official shall pro-  
2       vide a victim the earliest possible notice of—

3                   “(A) the scheduling of a parole hearing or  
4                   a hearing on modification of probation or super-  
5                   vised release for the offender;

6                   “(B) the escape, work release, furlough,  
7                   discharge or conditional discharge, or any other  
8                   form of release from custody of the offender, in-  
9                   cluding an offender who was found not guilty  
10                  by reason of insanity;

11                  “(C) the grant of executive clemency, in-  
12                  cluding any pardon, reprieve, commutation of  
13                  sentence, or remission of fine, to the offender;  
14                  and

15                  “(D) the death of the offender, if the of-  
16                  fender dies while in custody.”.

17           (b) REPORTING REQUIREMENT.—The Attorney Gen-  
18       eral shall submit biannually to the Committees on the Ju-  
19       diciary of the House of Representatives and the Senate  
20       a report on executive clemency matters or cases delegated  
21       for review or investigation to the Attorney General by the  
22       President, including for each year—

23                   (1) the number of petitions so delegated;

24                   (2) the number of reports submitted to the  
25       President;

1           (3) the number of petitions for executive clem-  
2           ency granted and the number denied;

3           (4) the name of each person whose petition for  
4           executive clemency was granted or denied and the  
5           offenses of conviction of that person for which execu-  
6           tive clemency was granted or denied; and

7           (5) with respect to any person granted execu-  
8           tive clemency, the date that any victim of an offense  
9           that was the subject of that grant of executive clem-  
10          ency was notified, pursuant to Department of Jus-  
11          tice regulations, of a petition for executive clemency,  
12          and whether such victim submitted a statement con-  
13          cerning the petition.

14 **SEC. 107. PROCEDURES TO PROMOTE COMPLIANCE.**

15          (a) REGULATIONS.—Not later than 1 year after the  
16          date of enactment of this Act, the Attorney General of  
17          the United States shall promulgate regulations to enforce  
18          the rights of victims of crime described in section 502 of  
19          the Victims' Rights and Restitution Act of 1990 (42  
20          U.S.C. 10606) and to ensure compliance by responsible  
21          officials with the obligations described in section 503 of  
22          that Act (42 U.S.C. 10607).

23          (b) CONTENTS.—The regulations promulgated under  
24          subsection (a) shall—

1           (1) establish an administrative authority within  
2           the Department of Justice to receive and investigate  
3           complaints relating to the provision or violation of  
4           the rights of a crime victim;

5           (2) require a course of training for employees  
6           and offices of the Department of Justice that fail to  
7           comply with provisions of Federal law pertaining to  
8           the treatment of victims of crime, and otherwise as-  
9           sist such employees and offices in responding more  
10          effectively to the needs of victims;

11          (3) contain disciplinary sanctions, including  
12          suspension or termination from employment, for em-  
13          ployees of the Department of Justice who willfully or  
14          wantonly fail to comply with provisions of Federal  
15          law pertaining to the treatment of victims of crime;  
16          and

17          (4) provide that the Attorney General, or the  
18          designee of the Attorney General, shall be the final  
19          arbiter of the complaint, and that there shall be no  
20          judicial review of the final decision of the Attorney  
21          General by a complainant.



1     **TITLE II—VICTIM ASSISTANCE**  
2                     **INITIATIVES**

3     **SEC. 201. PILOT PROGRAMS TO ENFORCE COMPLIANCE**  
4                     **WITH STATE CRIME VICTIM'S RIGHTS LAWS.**

5             (a) DEFINITIONS.—In this section, the following defi-  
6 nitions shall apply:

7                     (1) COMPLIANCE AUTHORITY.—The term “com-  
8 pliance authority” means 1 of the compliance au-  
9 thorities established and operated under a program  
10 under subsection (b) to enforce the rights of victims  
11 of crime.

12                     (2) DIRECTOR.—The term “Director” means  
13 the Director of the Office for Victims of Crime.

14                     (3) OFFICE.—The term “Office” means the Of-  
15 fice for Victims of Crime.

16             (b) PILOT PROGRAMS.—

17                     (1) IN GENERAL.—Not later than 12 months  
18 after the date of enactment of this Act, the Attorney  
19 General, acting through the Director, shall establish  
20 and carry out a program to provide for pilot pro-  
21 grams in 5 States to establish and operate compli-  
22 ance authorities to enforce the rights of victims of  
23 crime.

24                     (2) AGREEMENTS.—

1 (A) IN GENERAL.—The Attorney General,  
2 acting through the Director, shall enter into an  
3 agreement with a State to conduct a pilot pro-  
4 gram referred to in paragraph (1), which agree-  
5 ment shall provide for a grant to assist the  
6 State in carrying out the pilot program.

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

10 (i) the compliance authority shall be  
11 established and operated in accordance  
12 with this section; and

13 (ii) except with respect to meeting ap-  
14 plicable requirements of this section con-  
15 cerning carrying out the duties of a com-  
16 pliance authority under this section (in-  
17 cluding the applicable reporting duties  
18 under subsection (f) and the terms of the  
19 agreement), a compliance authority shall  
20 operate independently of the Office.

21 (C) NO AUTHORITY OVER DAILY OPER-  
22 ATIONS.—The Office shall have no supervisory  
23 or decisionmaking authority over the day-to-day  
24 operations of a compliance authority.

25 (c) OBJECTIVES.—

1           (1) MISSION.—The mission of a compliance au-  
2           thority established and operated under a pilot pro-  
3           gram under this section shall be to promote compli-  
4           ance and effective enforcement of State laws regard-  
5           ing the rights of victims of crime.

6           (2) DUTIES.—A compliance authority estab-  
7           lished and operated under a pilot program under  
8           this section shall—

9                   (A) receive and investigate complaints re-  
10                  lating to the provision or violation of the rights  
11                  of a crime victim; and

12                  (B) issue findings following such investiga-  
13                  tions.

14           (3) OTHER DUTIES.—A compliance authority  
15           established and operated under a pilot program  
16           under this section may—

17                   (A) pursue legal actions to define or en-  
18                  force the rights of victims;

19                   (B) review procedures established by public  
20                  agencies and private organizations that provide  
21                  services to victims, and evaluate the delivery of  
22                  services to victims by such agencies and organi-  
23                  zations;

24                   (C) coordinate and cooperate with other  
25                  public agencies and private organizations con-

1           cerned with the implementation, monitoring,  
2           and enforcement of the rights of victims and  
3           enter into cooperative agreements with such  
4           agencies and organizations for the furtherance  
5           of the rights of victims;

6           (D) ensure a centralized location for victim  
7           services information;

8           (E) recommend changes in State policies  
9           concerning victims, including changes in the  
10          system for providing victim services;

11          (F) provide public education, legislative ad-  
12          vocacy, and development of proposals for sys-  
13          temic reform; and

14          (G) advertise to advise the public of its  
15          services, purposes, and procedures.

16          (d) ELIGIBILITY.—To be eligible to receive a grant  
17          under this section, a State shall submit an application to  
18          the Director which includes assurances that—

19               (1) the State has provided legal rights to vic-  
20               tims of crime at the adult and juvenile levels;

21               (2) a compliance authority that receives funds  
22               under this section will include a role for—

23                       (A) representatives of criminal justice  
24                       agencies, crime victim service organizations,  
25                       and the educational community;

1 (B) a medical professional whose work in-  
2 cludes work in a hospital emergency room; and

3 (C) a therapist whose work includes treat-  
4 ment of crime victims; and

5 (3) Federal funds received under this section  
6 will be used to supplement, and not to supplant,  
7 non-Federal funds that would otherwise be available  
8 to enforce the rights of victims of crime.

9 (e) PREFERENCE.—In awarding grants under this  
10 section, the Attorney General shall give preference to a  
11 State that provides legal standing to prosecutors and vic-  
12 tims of crime to assert the rights of victims of crime.

13 (f) OVERSIGHT.—

14 (1) TECHNICAL ASSISTANCE.—The Director  
15 may provide technical assistance and training to a  
16 State that receives a grant under this section to  
17 achieve the purposes of this section.

18 (2) ANNUAL REPORT.—Each State that re-  
19 ceives a grant under this section shall submit to the  
20 Director, for each year in which funds from a grant  
21 received under this section are expended, a report  
22 that contains—

23 (A) a summary of the activities carried out  
24 under the grant;

1           (B) an assessment of the effectiveness of  
2           such activities in promoting compliance and ef-  
3           fective implementation of the laws of that State  
4           regarding the rights of victims of crime;

5           (C) a strategic plan for the year following  
6           the year covered under subparagraph (A); and

7           (D) such other information as the Director  
8           may require.

9           (g) REVIEW OF PROGRAM EFFECTIVENESS.—

10           (1) IN GENERAL.—The Director of the National  
11           Institute for Justice shall conduct an evaluation of  
12           the pilot programs carried out under this section to  
13           determine the effectiveness of the compliance au-  
14           thorities that are the subject of the pilot programs  
15           in carrying out the mission and duties described in  
16           subsection (c).

17           (2) REPORT.—Not later than 5 years after the  
18           date of enactment of this Act, the Director of the  
19           National Institute of Justice shall submit to the  
20           Committee on the Judiciary of the House of Rep-  
21           resentatives and the Committee on the Judiciary of  
22           the Senate a written report on the results of the  
23           evaluation required by paragraph (1).

24           (h) DURATION.—A grant under this section shall be  
25           made for a period not longer than 4 years, but may be

1 renewed for a period not to exceed 2 years on such terms  
2 as the Director may require.

3 (i) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There are authorized to be  
5 appropriated to carry out this section, to remain  
6 available until expended—

7 (A) \$5,000,000 for fiscal year 2004; and

8 (B) such sums as may be necessary for  
9 each of the fiscal years 2005 and 2006.

10 (2) EVALUATIONS.—Up to 5 percent of the  
11 amount authorized to be appropriated under para-  
12 graph (1) in any fiscal year may be used for admin-  
13 istrative expenses incurred in conducting the evalua-  
14 tions and preparing the report required by sub-  
15 section (g).

16 **SEC. 202. INCREASED RESOURCES TO DEVELOP STATE-OF-**  
17 **THE-ART SYSTEMS FOR NOTIFYING CRIME**  
18 **VICTIMS OF IMPORTANT DATES AND DEVEL-**  
19 **OPMENTS.**

20 The Victims of Crime Act of 1984 (42 U.S.C. 10601  
21 et seq.) is amended by inserting after section 1404C the  
22 following:

23 **“SEC. 1404D. VICTIM NOTIFICATION GRANTS.**

24 “(a) IN GENERAL.—The Director may make grants  
25 as provided in section 1404(c)(1)(A) to State, tribal, and

1 local prosecutors' offices, law enforcement agencies,  
2 courts, jails, and correctional institutions, and to qualified  
3 private entities, to develop and implement state-of-the-art  
4 systems for notifying victims of crime of important dates  
5 and developments relating to the criminal proceedings at  
6 issue on a timely and efficient basis.

7       “(b) INTEGRATION OF SYSTEMS.—Systems developed  
8 and implemented under this section may be integrated  
9 with existing case management systems operated by the  
10 recipient of the grant.

11       “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated to carry out this sec-  
13 tion—

14               “(1) \$10,000,000 for fiscal year 2004;

15               “(2) \$5,000,000 for fiscal year 2005; and

16               “(3) \$5,000,000 for fiscal year 2006.

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

22 **SEC. 203. RESTORATIVE JUSTICE GRANTS.**

23       (a) PURPOSES.—The purposes of this section are  
24 to—



1           (1) hold juvenile offenders accountable for their  
2 offenses, while ensuring the continuing safety of vic-  
3 tims;

4           (2) involve victims and the community in the  
5 juvenile justice process;

6           (3) obligate the offender to pay restitution to  
7 the victim and to the community through community  
8 service or through financial or other forms of res-  
9 titution; and

10          (4) equip juvenile offenders with the skills need-  
11 ed to live responsibly and productively.

12          (b) **AUTHORITY TO MAKE GRANTS.**—The Office of  
13 Justice Programs of the Department of Justice shall make  
14 grants, in accordance with such regulations as the Attor-  
15 ney General may prescribe, to units of local governments,  
16 tribal governments, and qualified private entities to estab-  
17 lish restorative justice programs, such as victim and of-  
18 fender mediation, family and community conferences, fam-  
19 ily and group conferences, sentencing circles, restorative  
20 panels, and reparative boards, as an alternative to, or in  
21 addition to, incarceration.

22          (c) **PROGRAM CRITERIA.**—A program funded by a  
23 grant made under this section shall—

24           (1) be fully voluntary by both the victim and  
25 the offender (who must admit responsibility), once

1 the prosecuting agency has determined that the case  
2 is appropriate for this program;

3 (2) include as a critical component account-  
4 ability conferences, at which the victim will have the  
5 opportunity to address the offender directly, to de-  
6 scribe the impact of the offense against the victim,  
7 and the opportunity to suggest possible forms of res-  
8 titution;

9 (3) require that conferences be attended by the  
10 victim, the offender and, when possible, the parents  
11 or guardians of the offender, and the arresting offi-  
12 cer; and

13 (4) provide an early, individualized assessment  
14 and action plan to each juvenile offender in order to  
15 prevent further criminal behavior through the devel-  
16 opment of appropriate skills in the juvenile offender  
17 so that the juvenile is more capable of living produc-  
18 tively and responsibly in the community.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated to carry out this sec-  
21 tion—

22 (1) \$8,000,000 for fiscal year 2004; and

23 (2) \$4,000,000 for each of the fiscal years 2005  
24 and 2006.

1 **SEC. 204. GRANTS TO DEVELOP INTERDISCIPLINARY CO-**  
 2 **ORDINATED SERVICE PROGRAMS FOR VIC-**  
 3 **TIMS OF CRIME.**

4 The Victims of Crime Act of 1984 (42 U.S.C. 10601  
 5 et seq.) is amended by inserting after section 1404D, as  
 6 added by section 202 of this Act, the following:

7 **“SEC. 1404E. INTERDISCIPLINARY COORDINATED SERVICE**  
 8 **PROGRAMS.**

9 “(a) IN GENERAL.—The Director is authorized to  
 10 award grants under section 1404(c)(1)(A) to States, tribal  
 11 governments, local governments, and qualified public or  
 12 private entities, to develop and implement interdisciplinary  
 13 coordinated service programs for victims of crime.

14 “(b) DEFINITIONS.—In this section, the following  
 15 definitions shall apply:

16 “(1) INTERDISCIPLINARY COORDINATED SERV-  
 17 ICE PROGRAM.—The term ‘interdisciplinary coordi-  
 18 nated service program’ means a case management  
 19 program that coordinates the various systems and  
 20 programs that impact or assist victims of crime, in-  
 21 cluding—

22 “(A) the criminal justice system;

23 “(B) public or private victim assistance or-  
 24 ganizations;

25 “(C) victim compensation programs;

26 “(D) public or private health care services;

1           “(E) public or private mental health serv-  
2           ices;

3           “(F) community-based victim service orga-  
4           nizations;

5           “(G) public or private educational services,  
6           including preschool, after-school care, and child  
7           care programs; and

8           “(H) other public or private sources of  
9           services or assistance to victims of crime.

10          “(2) EMERGENCY INTERDISCIPLINARY COORDI-  
11          NATED SERVICE PROGRAM.—The term ‘emergency  
12          interdisciplinary coordinated service program’ means  
13          an interdisciplinary coordinated service program that  
14          responds to a community crisis.

15          “(3) COMMUNITY CRISIS.—The term ‘commu-  
16          nity crisis’ means a single crime or multiple related  
17          crimes that have a wide impact or serious con-  
18          sequences on a community.

19          “(4) LEAD ENTITY.—

20          “(A) IN GENERAL.—The term ‘lead entity’  
21          means the State, tribal government, local pros-  
22          ecutor’s office, or qualified public or private en-  
23          tity with experience working across disciplines  
24          and agencies, that leads the interdisciplinary

1 coordinated service program or emergency  
2 interdisciplinary coordinated service program.

3 “(B) RESPONSIBILITIES.—The lead entity  
4 is responsible for distributing funds to any enti-  
5 ties collaborating on the interdisciplinary co-  
6 ordinated service program or emergency inter-  
7 disciplinary coordinated service program, as  
8 necessary.

9 “(c) MISSION.—The mission of a program developed  
10 and implemented with a grant under this section shall be  
11 to—

12 “(1) streamline access to services by victims of  
13 crime;

14 “(2) eliminate barriers to services for victims of  
15 crime;

16 “(3) coordinate client services across disciplines  
17 to assure continuity of care, including the use of  
18 technology to link service providers to each other;

19 “(4) improve how victims of crime experience  
20 the criminal justice system in order to promote co-  
21 operation and trust;

22 “(5) reduce duplication of effort in outreach  
23 and provision of services to victims;

1           “(6) assist crime victims in avoiding unneces-  
2           sary and repetitive interviewing, retelling of victim-  
3           ization, and completion of applications; and

4           “(7) improve service delivery through client  
5           input and feedback.

6           “(d) PREFERENCE.—In awarding grants under this  
7           section, the Director shall give preference to lead entities  
8           that collaborate with the most comprehensive coalition of  
9           entities that impact or serve victims of crime.

10          “(e) OVERSIGHT.—

11           “(1) FUNDING PROPOSAL.—The proposed dis-  
12           tribution of funding among the lead entity and any  
13           collaborating entities shall be included in any grant  
14           application for funding.

15           “(2) REPORT.—Each lead entity that receives a  
16           grant under this section shall submit to the Direc-  
17           tor, for each year in which funds from a grant under  
18           this section are expended, a report assessing the ef-  
19           fectiveness of the emergency interdisciplinary coordi-  
20           nated service program or the interdisciplinary co-  
21           ordinated service program.

22          “(f) REVIEW OF PROGRAM EFFECTIVENESS.—

23           “(1) IN GENERAL.—The Director of the Na-  
24           tional Institute for Justice shall conduct an evalua-  
25           tion of the emergency interdisciplinary coordinated

1 service programs and the interdisciplinary coordi-  
2 nated service programs carried out under this sec-  
3 tion to determine the effectiveness and cost effective-  
4 ness of the programs in carrying out the mission  
5 and duties described under subsection (c).

6 “(2) REPORT.—Not later than 5 years after the  
7 date of enactment of this Act, the Director of the  
8 National Institute of Justice shall submit, to the  
9 Committees on the Judiciary of the House of Rep-  
10 resentatives and the Senate, a written report on the  
11 results of the evaluation required under paragraph  
12 (1).

13 “(g) DURATION.—The Director shall award grants  
14 under this section for a period not to exceed 4 years, but  
15 may renew the grant for a period not to exceed 2 years  
16 on such terms as the Director may reasonably require.

17 “(h) AUTHORIZATION OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—There are authorized to be  
19 appropriated, in addition to funds made available by  
20 section 1402(d)(4)(C)—

21 “(A) \$6,000,000 for each of the fiscal  
22 years 2004 through 2007 for emergency inter-  
23 disciplinary service programs; and

1           “(B) \$14,000,000 for each of the fiscal  
2           years 2004 through 2007 for interdisciplinary  
3           service programs.

4           “(2) DEADLINES.—Funds appropriated for  
5           emergency interdisciplinary service programs shall  
6           be made available by the Director not later than 30  
7           days after the date of the community crisis and dis-  
8           tributed not later than 120 days after the date of  
9           the community crisis.

10          “(3) TRANSFER OF UNEXPENDED FUNDS.—All  
11          funds appropriated, but not expended, for emergency  
12          interdisciplinary service programs during each fiscal  
13          year shall be obligated to interdisciplinary service  
14          programs for distribution in the subsequent fiscal  
15          year and shall not be diverted to offset increased  
16          spending.

17          “(4) EVALUATION.—Funds appropriated pursu-  
18          ant to paragraph (1) may be used to carry out the  
19          provisions under subsection (f).

20          “(5) MAINTENANCE OF EFFORT.—Funds ap-  
21          propriated pursuant to this section shall be used to  
22          supplement, and not supplant, non-Federal funds  
23          that would otherwise be available to support inter-  
24          disciplinary service programs and emergency inter-  
25          disciplinary service programs.



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

6       **SEC. 205. GRANTS FOR SERVICES TO CRIME VICTIMS WITH**  
 7                                   **SPECIAL COMMUNICATION NEEDS.**

8       The Victims of Crime Act of 1984 (42 U.S.C. 10601  
 9 et seq.) is amended by inserting after section 1404E, as  
 10 added by section 204 of this Act, the following:

11       **“SEC. 1404F. SERVICES TO VICTIMS WITH SPECIAL COMMU-**  
 12                                   **NICATION NEEDS.**

13       “(a) IN GENERAL.—The Director is authorized to  
 14 award demonstration grants under section 1404(c)(1)(A)  
 15 to States, tribal governments, local governments, and  
 16 qualified public or private entities to support the extension  
 17 of services to victims with special communication needs.

18       “(b) MISSION.—The mission of a demonstration  
 19 grant awarded under this section shall be to expand the  
 20 capacity of victim service providers to serve crime victims  
 21 with special communication needs relating to limited  
 22 English proficiency, hearing loss, or developmental disabili-  
 23 ties.

1       “(c) USE OF FUNDS.—Activities funded under a  
2 demonstration grant awarded under this section may in-  
3 clude—

4           “(1) contracting with a telephonic interpreter  
5 service to offer services to a specified pool of victim  
6 service providers, at no additional cost to such serv-  
7 ice providers or at a discounted rate;

8           “(2) the use of local interpreters;

9           “(3) the use of bilingual or multilingual victim  
10 advocates or assistants;

11          “(4) foreign language classes and cultural com-  
12 petency training for service providers;

13          “(5) translation of materials;

14          “(6) hearing assistance devices;

15          “(7) services to help individuals with develop-  
16 mental disabilities understand court proceedings;

17          “(8) community outreach; and

18          “(9) other means to improve accessibility of vic-  
19 tim services for crime victims with special commu-  
20 nication needs.

21       “(d) TASK FORCES.—

22           “(1) IN GENERAL.—To be eligible to receive a  
23 grant under this section, a State, tribal government,  
24 local government, or qualified public or private enti-  
25 ty shall have established a task force to study needs

1 and alternatives for promoting greater access to  
2 services for crime victims with special communica-  
3 tion needs.

4 “(2) MEMBERSHIP.—The task force referred to  
5 in paragraph (1) shall be composed of representa-  
6 tives of—

7 “(A) system and non-system based victim  
8 service providers;

9 “(B) the predominant ethnic communities;  
10 and

11 “(C) individuals with severe hearing loss or  
12 developmental disabilities.

13 “(3) RECOMMENDATIONS.—Each task force re-  
14 ferred to in paragraph (1) shall—

15 “(A) study the issues described under  
16 paragraph (1) during the period of any grant  
17 awarded; and

18 “(B) make specific recommendations for  
19 expenditures by the grant recipient.

20 “(e) ANNUAL REPORT.—Each entity that receives a  
21 grant under this section shall submit to the Director, for  
22 each year in which funds from a grant received under this  
23 section are expended, a report containing—

24 “(1) a summary of the activities carried out  
25 under the grant;

1           “(2) an assessment of the effectiveness of such  
2           activities in extending services to previously unserved  
3           and underserved victims of crime;

4           “(3) a strategic plan for the year following the  
5           year covered under paragraph (1); and

6           “(4) such other information as the Director  
7           may require.

8           “(f) DURATION.—The Director shall award dem-  
9           onstrations grants under this section for a period not to  
10          exceed 4 years, but may renew the grant for a period not  
11          to exceed 2 years on such terms as the Director may rea-  
12          sonably require.

13          “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
14          are authorized to be appropriated to carry out this section,  
15          which shall remain available until expended—

16                 “(1) \$500,000 for fiscal year 2004; and

17                 “(2) \$5,000,000 for each of the fiscal years  
18                 2005 through 2007.

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

1       **TITLE III—AMENDMENTS TO**  
2       **VICTIMS OF CRIME ACT OF 1984**

3       **SEC. 301. FORMULA FOR DISTRIBUTIONS FROM THE CRIME**  
4               **VICTIMS FUND.**

5           (a) FORMULA FOR FUND DISTRIBUTIONS.—Section  
6 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C.  
7 10601(c)) is amended to read as follows:

8           “(c) FUND DISTRIBUTION; RETENTION OF SUMS IN  
9 FUND; AVAILABILITY FOR EXPENDITURE WITHOUT FIS-  
10 CAL YEAR LIMITATION.—

11               “(1)(A) Except as provided in subparagraphs  
12 (B) and (C), the total amount to be distributed from  
13 the Fund in any fiscal year shall be not less than  
14 105 percent nor more than 115 percent of the total  
15 amount distributed from the Fund in the previous  
16 fiscal year, provided that the amount shall at a min-  
17 imum be sufficient fully provide grants in accord-  
18 ance with sections 1403(a)(1), 1404(a)(1), and  
19 1404(c)(2).

20               “(B) In any fiscal year that there is an insuffi-  
21 cient amount in the Fund to fully provide grants in  
22 accordance with subparagraph (A), the amounts  
23 made available for grants under sections 1403(a),  
24 1404(a), and 1404(c) shall be reduced by an equal  
25 percentage.

1           “(C) In any fiscal year that the total amount  
2           available in the Fund is more than 2 times the total  
3           amount distributed in the previous fiscal year, up to  
4           125 percent of the amount distributed in the pre-  
5           vious fiscal year may be distributed.

6           “(2) In each fiscal year, the Director shall dis-  
7           tribute amounts from the Fund in accordance with  
8           subsection (d). Notwithstanding any other provision  
9           of law, all sums deposited in the Fund that are not  
10          distributed shall remain in reserve in the Fund for  
11          obligation in future fiscal years, without fiscal year  
12          limitation.”.

13          (b) ESTABLISHMENT OF BASE AMOUNT FOR TOTAL  
14          VICTIM ASSISTANCE GRANTS.—Section 1404(a)(1) of the  
15          Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(1))  
16          is amended—

17                 (1) by inserting “(A)” after “(1)”; and

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

19                 “(B) Except as provided in section  
20                 1402(e)(1)(B), the total amount distributed to  
21                 States under this subsection in any fiscal year shall  
22                 not be less than the average amount distributed for  
23                 this purpose during the prior 3 fiscal years.”.

24          (c) ESTABLISHMENT OF BASE AMOUNT FOR OVC  
25          DISCRETIONARY GRANTS.—Section 1404(c)(2) of the Vic-

1 tims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is  
 2 amended by inserting after “(2)” the following: “Except  
 3 as provided in section 1402(c)(1)(B), the amount available  
 4 for grants under this subsection in any fiscal year shall  
 5 not be less than the average amount available for this pur-  
 6 pose during the prior 3 fiscal years.”.

7 **SEC. 302. CLARIFICATION REGARDING ANTITERRORISM**  
 8 **EMERGENCY RESERVE.**

9 Section 1402(d)(5)(C) of the Victims of Crime Act  
 10 of 1984 (42 U.S.C. 10601(d)(5)(C)) is amended by insert-  
 11 ing “, and any amounts used to replenish such reserve,”  
 12 after “any such amounts carried over”.

13 **SEC. 303. PROHIBITION ON DIVERTING CRIME VICTIMS**  
 14 **FUND TO OFFSET INCREASED SPENDING.**

15 (a) PURPOSE.—The purpose of this section is to en-  
 16 sure that amounts deposited in the Crime Victims Fund  
 17 (as established by section 1402(a) of the Victims of Crime  
 18 Act of 1984 (42 U.S.C. 10601(a)) are distributed in a  
 19 timely manner to assist victims of crime as intended by  
 20 current law and are not diverted to offset increased spend-  
 21 ing.

22 (b) TREATMENT OF CRIME VICTIMS FUND.—Section  
 23 1402 of the Victims of Crime Act of 1984 (42 U.S.C.  
 24 10601) is amended by adding at the end the following:

1       “(h) For purposes of congressional points of order,  
2 the Congressional Budget Act of 1974, and the Balanced  
3 Budget and Emergency Deficit Control Act of 1985, any  
4 limitation on spending from the Fund included in the  
5 President’s budget or enacted in appropriations legislation  
6 for fiscal year 2004 or any subsequent fiscal year shall  
7 not be scored as discretionary savings.”.

○