

(a) General program purpose

The purpose of this subchapter is to assist States, State and local courts (including juvenile courts), Indian tribal governments, tribal courts, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

(b) Purposes for which grants may be used Grants under this subchapter shall provide personnel, training, technical assistance, data collection and other resources for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women, for the protection and safety of victims, and specifically, for the purposes of—

(1)

training law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking, including the appropriate use of nonimmigrant status under subparagraphs (T) and (U) of section 1101(a)(15) of title 8;

(2)

developing, training, or expanding units of law enforcement officers, judges, other court personnel, and prosecutors specifically targeting violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking;

(3)

developing and implementing more effective police, court, and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking, as well as the appropriate treatment of victims;

(4)

developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying, classifying, and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking;

(5)

developing, enlarging, or strengthening victim services and legal assistance programs, including sexual assault, domestic violence, dating violence, and stalking programs, developing or improving delivery of victim services to underserved populations, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and

reducing attrition rates for cases involving violent crimes against women, including crimes of domestic violence, dating violence, sexual assault, and stalking;

(6)

developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking;

(7)

supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim services agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, dating violence, and stalking;

(8)

training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault;

(9)

developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence, dating violence, sexual assault, or stalking, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals;

(10)

providing assistance to victims of domestic violence and sexual assault in immigration matters;

(11)

maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families;

(12) supporting the placement of special victim assistants (to be known as "Jessica Gonzales Victim Assistants") in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities

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(A)

developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including the use of evidence-based indicators to

assess the risk of domestic and dating violence homicide and prioritize dangerous or potentially lethal cases;

(B)

notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;

(C)

referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and

(D)

taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order;

(13) providing funding to law enforcement agencies, victim services providers, and State, tribal, territorial, and local governments (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote—

(A)

the development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as “Crystal Judson Victim Advocates,” to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel;

(B)

the implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies (such as the model policy promulgated by the International Association of Chiefs of Police (“Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project” July 2003));

(C)

the development of such protocols in collaboration with State, tribal, territorial and local victim service providers and domestic violence coalitions.

Any law enforcement, State, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program under paragraph (13) shall on an annual basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement personnel from domestic violence and sexual assault nonprofit organizations and, after a period of 2 years, provide a report of the adopted protocol to the Department of Justice, including a summary of progress in implementing such protocol;

(14)

developing and promoting State, local, or tribal legislation and policies that enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking;

(15)

developing, implementing, or enhancing Sexual Assault Response Teams, or other similar coordinated community responses to sexual assault;

(16)

developing and strengthening policies, protocols, best practices, and training for law enforcement agencies and prosecutors relating to the investigation and prosecution of sexual assault cases and the appropriate treatment of victims;

(17)

developing, enlarging, or strengthening programs addressing sexual assault against men, women, and youth in correctional and detention settings;

(18)

identifying and conducting inventories of backlogs of sexual assault evidence collection kits and developing protocols and policies for responding to and addressing such backlogs, including protocols and policies for notifying and involving victims;

(19)

developing, enlarging, or strengthening programs and projects to provide services and responses targeting male and female victims of domestic violence, dating violence, sexual assault, or stalking, whose ability to access traditional services and responses is affected by their sexual orientation or gender identity, as defined in section 249(c) of title 18; and

(20)

developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, or stalking, with not more than 5 percent of the amount allocated to a State to be used for this purpose.

(c) State coalition grants

(1) Purpose

The Attorney General shall award grants to each State domestic violence coalition and sexual assault coalition for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities.

(2) Grants to State coalitionsThe Attorney General shall award grants to—

(A)

each State domestic violence coalition, as determined by the Secretary of Health and Human Services under section 10411 of title 42; and

(B)

each State sexual assault coalition, as determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

(3) Eligibility for other grants

Receipt of an award under this subsection by each State domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this part to carry out the purposes described in subsection (b).

(d) Tribal coalition grants

(1) PurposeThe Attorney General shall award a grant to tribal coalitions for purposes of—

(A)

increasing awareness of domestic violence and sexual assault against Indian women;

(B)

enhancing the response to violence against Indian women at the Federal, State, and tribal levels;

(C)

identifying and providing technical assistance to coalition membership and tribal communities to enhance access to essential services to Indian women victimized by domestic and sexual violence, including sex trafficking; and

(D)

assisting Indian tribes in developing and promoting State, local, and tribal legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking, and stalking.

(2) GrantsThe Attorney General shall award grants on an annual basis under paragraph (1) to—

(A) each tribal coalition that—

(i)

meets the criteria of a tribal coalition under section 12291(a) of this title;

(ii)

is recognized by the Office on Violence Against Women; and

(iii)

provides services to Indian tribes; and

(B)

organizations that propose to incorporate and operate a tribal coalition in areas where Indian tribes are located but no tribal coalition exists.

(3) Use of amounts—For each of fiscal years 2014 through 2018, of the amounts appropriated to carry out this subsection—

(A)

not more than 10 percent shall be made available to organizations described in paragraph (2)(B), provided that 1 or more organizations determined by the Attorney General to be qualified apply;

(B)

not less than 90 percent shall be made available to tribal coalitions described in paragraph (2)(A), which amounts shall be distributed equally among each eligible tribal coalition for the applicable fiscal year.

(4) Eligibility for other grants

Receipt of an award under this subsection by a tribal coalition shall not preclude the tribal coalition from receiving additional grants under this chapter to carry out the purposes described in paragraph (1).

(5) Multiple purpose applications

Nothing in this subsection prohibits any tribal coalition or organization described in paragraph (2) from applying for funding to address sexual assault or domestic violence needs in the same application.

(Pub. L. 90–351, title I, § 2001, as added Pub. L. 103–322, title IV, § 40121(a)(3), Sept. 13, 1994, 108 Stat. 1910; amended Pub. L. 106–386, div. B, title I, §§ 1102(a)(1), 1103(b)(1), 1109(b), title II, § 1209(c), title V, § 1512(a), Oct. 28, 2000, 114 Stat. 1494, 1495, 1503, 1509, 1533; Pub. L. 108–405, title III, § 310(a), Oct. 30, 2004, 118 Stat. 2276; Pub. L. 109–162, title I, § 101(b), Jan. 5, 2006, 119 Stat. 2972; Pub. L. 111–320, title II, § 202(c), Dec. 20, 2010, 124 Stat. 3509; Pub. L. 113–4, title I, § 101(2), title IX, § 902, Mar. 7, 2013, 127 Stat. 65, 119.)

References in Text

The Public Health Service Act, referred to in subsec. (c)(2)(B), is act July 1, 1944, ch. 373, 58 Stat. 682, which is classified generally to chapter 6A (§ 201 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

This chapter, referred to in subsec. (d)(4), was in the original “this title”, meaning title I of Pub. L. 90–351, as added by Pub. L. 96–157, § 2, Dec. 27, 1979, 93 Stat. 1167, which is classified principally to this chapter. For complete classification of title I to the Code, see Tables.

Codification

Section was formerly classified to section 3796gg of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

Prior Provisions

A prior section 2001 of Pub. L. 90–351 was renumbered section 2601 and is classified to section 10541 of this title.

Amendments

2013—Subsec. (b). Pub. L. 113–4, § 101(2)(A), substituted “resources” for “equipment” and inserted “for the protection and safety of victims,” after “women,” in introductory provisions.

Subsec. (b)(1). Pub. L. 113–4, § 101(2)(B), substituted “domestic violence, dating violence, sexual assault, and stalking, including the appropriate use of nonimmigrant status under subparagraphs (T) and (U) of section 1101(a)(15) of title 8” for “sexual assault, domestic violence, and dating violence”.

Subsec. (b)(2). Pub. L. 113–4, § 101(2)(C), substituted “domestic violence, dating violence, sexual assault, and stalking” for “sexual assault and domestic violence”.

Subsec. (b)(3). Pub. L. 113–4, § 101(2)(D), substituted “domestic violence, dating violence, sexual assault, and stalking, as well as the appropriate treatment of victims” for “sexual assault and domestic violence”.

Subsec. (b)(4). Pub. L. 113–4, § 101(2)(E), inserted “, classifying,” after “identifying” and substituted “domestic violence, dating violence, sexual assault, and stalking” for “sexual assault and domestic violence”.

Subsec. (b)(5). Pub. L. 113–4, § 101(2)(F)(iii), substituted “domestic violence, dating violence, sexual assault, and stalking” for “sexual assault and domestic violence”.

Pub. L. 113–4, § 101(2)(F)(ii), which directed substitution of “domestic violence, dating violence, and stalking” for “domestic violence and dating violence”, was executed by making the substitution for “domestic violence, and dating violence” to reflect the probable intent of Congress.

Pub. L. 113–4, § 101(2)(F)(i), which directed insertion of “and legal assistance” after “victim services”, was executed by making the insertion after “victim services” the first time appearing to reflect the probable intent of Congress.

Subsec. (b)(6). Pub. L. 113–4, § 101(2)(H), substituted “domestic violence, dating violence, sexual assault, and stalking” for “sexual assault and domestic violence”.

Pub. L. 113–4, § 101(2)(G), redesignated par. (7) as (6) and struck out former par. (6) which read as follows: “developing, enlarging, or strengthening programs addressing stalking;”.

Subsec. (b)(7). Pub. L. 113–4, § 101(2)(I), substituted “dating violence, and stalking” for “and dating violence”.

Pub. L. 113–4, § 101(2)(G), redesignated par. (8) as (7). Former par. (7) redesignated (6).

Subsec. (b)(8). Pub. L. 113–4, § 101(2)(G), redesignated par. (9) as (8). Former par. (8) redesignated (7).

Subsec. (b)(9). Pub. L. 113–4, § 101(2)(J), substituted “domestic violence, dating violence, sexual assault, or stalking” for “domestic violence or sexual assault”.

Pub. L. 113–4, § 101(2)(G), redesignated par. (10) as (9). Former par. (9) redesignated (8).

Subsec. (b)(10), (11). Pub. L. 113-4, § 101(2)(G), redesignated pars. (11) and (12) as (10) and (11), respectively. Former par. (10) redesignated (9).

Subsec. (b)(12). Pub. L. 113-4, § 101(2)(G), redesignated par. (13) as (12). Former par. (12) redesignated (11).

Subsec. (b)(12)(A). Pub. L. 113-4, § 101(2)(K)(i), substituted “the use of evidence-based indicators to assess the risk of domestic and dating violence homicide and prioritize dangerous or potentially lethal cases” for “triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized”.

Subsec. (b)(12)(D). Pub. L. 113-4, § 101(2)(K)(ii), struck out “and” after semicolon.

Subsec. (b)(13). Pub. L. 113-4, § 101(2)(L), in introductory provisions, substituted “providing” for “to provide”, struck out “nonprofit nongovernmental” before “victim services”, and struck out comma after “local governments”, and in concluding provisions, substituted “paragraph (13)” for “paragraph (14)” and substituted semicolon for period at end.

Pub. L. 113-4, § 101(2)(G), redesignated par. (14) as (13). Former par. (13) redesignated (12).

Subsec. (b)(14). Pub. L. 113-4, § 101(2)(M), added par. (14). Former par. (14) redesignated (13).

Subsec. (b)(15) to (20). Pub. L. 113-4, § 101(2)(M), added pars. (15) to (20).

Subsec. (d). Pub. L. 113-4, § 902, added subsec. (d) and struck out former subsec. (d) which related to tribal coalition grants.

2010—Subsec. (c)(2)(A). Pub. L. 111-320 substituted “under section 10411 of this title” for “through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.)”.

2006—Subsec. (b). Pub. L. 109-162 added pars. (12) to (14).

2004—Subsec. (d). Pub. L. 108-405 added subsec. (d).

2000—Subsec. (a). Pub. L. 106-386, § 1102(a)(1)(A), substituted “State and local courts (including juvenile courts), Indian tribal governments, tribal courts,” for “Indian tribal governments,”.

Subsec. (b)(1). Pub. L. 106-386, §§ 1102(a)(1)(B)(i), 1109(b)(1), inserted “, judges, other court personnel,” after “law enforcement officers” and substituted “sexual assault, domestic violence, and dating violence” for “sexual assault and domestic violence”.

Subsec. (b)(2). Pub. L. 106-386, § 1102(a)(1)(B)(ii), inserted “, judges, other court personnel,” after “law enforcement officers”.

Subsec. (b)(3). Pub. L. 106-386, § 1102(a)(1)(B)(iii), inserted “, court,” after “police”.

Subsec. (b)(5). Pub. L. 106-386, §§ 1103(b)(1)(A)(i), 1109(b)(2), substituted “including sexual assault, domestic violence, and dating violence” for “including sexual assault and domestic violence” and “underserved populations” for “racial, cultural, ethnic, and language minorities”.

Subsec. (b)(8), (9). Pub. L. 106-386, § 1103(b)(1)(A)(ii)-(iv), added pars. (8) and (9).

Subsec. (b)(10). Pub. L. 106-386, § 1209(c), added par. (10).

Subsec. (b)(11). Pub. L. 106-386, § 1512(a), added par. (11).

Subsec. (c). Pub. L. 106-386, § 1103(b)(1)(B), added subsec. (c).

Effective Date of 2013 Amendment

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

Effective Date of 2006 Amendment

Amendment by Pub. L. 109-162 not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109-162, set out as a note under section 10261 of this title.

Standards, Practice, and Training for Sexual Assault Forensic Examinations

Pub. L. 106-386, div. B, title IV, § 1405, Oct. 28, 2000, 114 Stat. 1515, provided that:

“(a)In General.—The Attorney General shall—

“(1)

evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training;

“(2)

recommend sexual assault forensic examination training for all health care students to improve the recognition of injuries suggestive of rape and sexual assault and baseline knowledge of appropriate referrals in victim treatment and evidence collection; and

“(3)

review existing national, State, tribal, and local protocols on sexual assault forensic examinations, and based on this review, develop a recommended national protocol and establish a mechanism for its nationwide dissemination.

“(b)Consultation.—

The Attorney General shall consult with national, State, tribal, and local experts in the area of rape and sexual assault, including rape crisis centers, State and tribal sexual assault and domestic violence coalitions and programs, and programs for criminal justice, forensic nursing, forensic science, emergency room medicine, law, social services, and sex crimes in underserved communities (as defined in [former] section 2003(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 ([former] 42 U.S.C. 3796gg-2(7)), as amended by this division).

“(c)Report.—

The Attorney General shall ensure that not later than 1 year after the date of the enactment of this Act [Oct. 28, 2000], a report of the actions taken pursuant to subsection (a) is submitted to Congress.

“(d)Authorization of Appropriations.—

There is authorized to be appropriated to carry out this section \$200,000 for fiscal year 2001.”

[For definitions of terms used in section 1405 of Pub. L. 106–386, set out above, see section 1002 of Pub. L. 106–386, set out as a note under section 10447 of this title.]