

34 U.S.C. 10461

(a) Purpose

The purpose of this subchapter is to encourage [States](#), Indian tribal governments, [State](#) and local [courts](#) (including [juvenile](#) courts), tribal courts, and units of local government to treat domestic violence, dating violence, sexual assault, and stalking as serious violations of criminal law.

(b) Grant authority The [Attorney General](#) may make grants to eligible grantees for the following purposes:

(1)

To implement proarrest programs and policies in police departments, including policies for protection order violations and enforcement of protection orders across [State](#) and tribal lines.

(2)

To develop policies, educational programs, protection order registries, data collection systems, and training in police departments to improve tracking of cases and classification of complaints involving domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, protection order registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for [victims](#) of domestic violence, dating violence, sexual assault, and stalking.

(3)

To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence, dating violence, sexual assault, and stalking cases in teams or units of police officers, prosecutors, parole and probation officers, or judges.

(4)

To coordinate computer tracking systems and provide the appropriate training and education about domestic violence, dating violence, sexual assault, and stalking to ensure communication between police, prosecutors, parole and probation officers, and both criminal and family [courts](#).

(5)

To strengthen legal advocacy service programs and other [victim](#) services for [victims](#) of domestic violence, dating violence, sexual assault, and stalking, including strengthening assistance to such [victims](#) in immigration matters.

(6)

To educate Federal, [State](#), tribal, territorial, and local judges, [courts](#), and [court](#)-based and [court](#)-related personnel in criminal and civil [courts](#) (including [juvenile](#) courts) about domestic violence, dating violence, sexual assault, and stalking and to improve judicial handling of such cases.

(7)

To provide technical assistance and computer and other equipment to police departments, prosecutors, [courts](#), and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions.

(8)

To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence [\[1\]](#) dating violence, sexual assault, and stalking against older individuals (as defined in [section 3002 of title 42](#)) and individuals with disabilities (as defined in [section 12102\(2\) of title 42](#)).

(9)

To develop [State](#), tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence, sexual assault, and stalking, and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

(10)

To plan, develop and establish comprehensive [victim](#) service and support centers, such as family justice centers, designed to bring together [victim](#) advocates from [victim](#) service providers, staff from [population](#) specific organizations, [law enforcement officers](#), prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families. Although funds may be used to support the colocation of project partners under this paragraph, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.

(11)

To develop and implement policies and training for police, prosecutors, probation and parole officers, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.

(12)

To develop, enhance, and maintain protection order registries.

(13)

To develop human immunodeficiency virus (HIV) testing programs for sexual assault perpetrators and notification and counseling protocols.

(14)

To develop and implement training programs for prosecutors and other prosecution-related personnel regarding best practices to ensure offender accountability, [victim](#) safety, and [victim](#) consultation in cases involving domestic violence, dating violence, sexual assault, and stalking.

(15)

To develop or strengthen policies, protocols, and training for law enforcement, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence, dating violence, sexual assault, and stalking against immigrant [victims](#), including the appropriate use of applications for nonimmigrant status under subparagraphs (T) and (U) of [section 1101\(a\)\(15\) of title 8](#).

(16)

To develop and promote [State](#), local, or tribal legislation and policies that enhance best practices for responding to the crimes of domestic violence, dating violence, sexual assault, and stalking, including the appropriate treatment of victims.

(17)

To develop, implement, or enhance sexual assault nurse examiner programs or sexual assault forensic examiner programs, including the hiring and training of such examiners.

(18)

To develop, implement, or enhance Sexual Assault Response Teams or similar coordinated community responses to sexual assault.

(19)

To develop and strengthen policies, protocols, and training for [law enforcement officers](#) and prosecutors regarding the investigation and prosecution of sexual assault cases and the appropriate treatment of victims.

(20)

To provide human immunodeficiency virus testing programs, counseling, and prophylaxis for [victims](#) of sexual assault.

(21)

To identify and inventory backlogs of sexual assault evidence collection kits and to develop protocols for responding to and addressing such backlogs, including policies and protocols for notifying and involving [victims](#).

(22) To develop multidisciplinary high-risk teams focusing on reducing domestic violence and dating violence homicides by—

(A)

using evidence-based indicators to assess the risk of homicide and link high-risk [victims](#) to immediate crisis intervention services;

(B)

identifying and managing high-risk offenders; and

(C)

providing ongoing [victim](#) advocacy and referrals to comprehensive services including legal, housing, health care, and economic assistance.

(c) EligibilityEligible grantees are—

(1)[States](#), Indian tribal governments ¹ [State](#) and local [courts](#) (including [juvenile](#) courts), or units of local government that—

(A) except for a [court](#), certify that their laws or official policies—

(i)

encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and

(ii)

encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

(B)

except for a [court](#), demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;

(C)

certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both parties file a claim and the [court](#) makes detailed findings of fact indicating that both parties acted primarily as aggressors and that neither party acted primarily in self-defense;

(D)

certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence, dating violence, sexual assault, or stalking offense, or in connection with the filing, issuance, registration, modification, enforcement, dismissal, or service of a protection order, or a petition for a protection order, to protect a [victim](#) of domestic violence, dating violence, stalking, or sexual assault, that the [victim](#) bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, modification, enforcement, dismissal, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the [State](#), tribal, or local jurisdiction;

(E) certify that, ^[2] their laws, policies, or practices will ensure that—

(i)

no [law enforcement officer](#), prosecuting officer or other government official shall ask or require an adult, youth, or child victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of, trial of, or sentencing for such an offense; and

(ii)

the refusal of a [victim](#) to submit to an examination described in clause (i) shall not prevent the investigation of, trial of, or sentencing for the offense; and

(2)

a [State](#), tribal, or territorial domestic violence or sexual assault coalition or a victim service provider that partners with a [State](#), Indian tribal government, or [unit of local government](#) that certifies that the

State, Indian tribal government, or [unit of local government](#) meets the requirements under paragraph (1).

(d) Speedy notice to victims A [State](#) or [unit of local government](#) shall not be entitled to 5 percent of the funds allocated under this subchapter unless the State or [unit of local government](#)—

(1) certifies that it has a law, policy, or regulation that requires—

(A)

the [State](#) or [unit of local government](#) at the request of a victim to administer to a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, testing for the immunodeficiency virus (HIV) not later than 48 hours after the date on which the information or indictment is presented and the defendant is in custody or has been served with the information or indictment;

(B)

as soon as practicable notification to the [victim](#), or parent and guardian of the [victim](#), and defendant of the testing results; and

(C)

follow-up tests for HIV as may be medically appropriate, and that as soon as practicable after each such test the results be made available in accordance with subparagraph (B); or

(2) gives the [Attorney General](#) assurances that its laws and regulations will be in compliance with requirements of paragraph (1) within the later of—

(A)

the period ending on the date on which the next session of the [State](#) legislature ends; or

(B)

2 years.

(e) Allotment for Indian tribes

(1) In general

Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by [section 10452 of this title](#).

(2) Applicability of subchapter

The requirements of this subchapter shall not apply to funds allocated for the program described in paragraph (1).

(f) Allocation for tribal coalitions

Of the amounts appropriated for purposes of this subchapter for each fiscal year, not less than 5 percent shall be available for grants under [section 10441 of this title](#).

(g) Allocation for sexual assault

Of the amounts appropriated for purposes of this subchapter for each fiscal year, not less than 25 percent shall be available for projects that address sexual assault, including stranger rape, acquaintance rape, alcohol or [drug](#)-facilitated rape, and rape within the context of an intimate partner relationship.

([Pub. L. 90–351, title I, § 2101](#), as added [Pub. L. 103–322, title IV, § 40231\(a\)\(3\)](#), Sept. 13, 1994, [108 Stat. 1932](#); amended [Pub. L. 106–386, div. B, title I, §§ 1101\(a\)\(2\), \(b\)\(2\), 1102\(b\), 1109\(c\)](#), title II, § 1209(b), title V, § 1512(b), Oct. 28, 2000, [114 Stat. 1492](#), 1493, 1495, 1503, 1509, 1533; [Pub. L. 109–162, title I, § 102\(b\)](#), title IX, § 906(c), Jan. 5, 2006, [119 Stat. 2975](#), 3081; [Pub. L. 109–271, § 7\(a\)\(5\)](#), Aug. 12, 2006, [120 Stat. 764](#); [Pub. L. 113–4, title I, § 102\(a\)\(1\)](#), Mar. 7, 2013, [127 Stat. 70](#).)