

## PRIOR PROVISIONS

A prior section 3796gg-2, Pub. L. 90-351, title I, § 2008, formerly § 2003, as added Pub. L. 103-322, title IV, § 40121(a)(3), Sept. 13, 1994, 108 Stat. 1913; amended Pub. L. 106-386, div. B, title I, § 1103(b)(3), 1109(a)(1), Oct. 28, 2000, 114 Stat. 1496, 1502; renumbered § 2008, Pub. L. 107-273, div. A, title IV, § 402(2), Nov. 2, 2002, 116 Stat. 1789; Pub. L. 108-405, title III, § 310(b), Oct. 30, 2004, 118 Stat. 2276, related to definitions of terms in this subchapter, prior to repeal by Pub. L. 109-162, § 3(c)(1), Jan. 5, 2006, 119 Stat. 2971.

## DEFINITIONS AND GRANT CONDITIONS APPLICABLE TO DIVISION B OF PUB. L. 106-386

Pub. L. 106-386, div. B, § 1002, Oct. 28, 2000, 114 Stat. 1491, as amended by Pub. L. 109-162, § 3(d), Jan. 5, 2006, 119 Stat. 2972, provided that: "In this division [see section 1001 of Pub. L. 106-386, set out as a Short Title of 2000 Amendments note under section 13701 of this title] the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 [42 U.S.C. 13925] shall apply."

**§ 3796gg-3. General terms and conditions****(a) Nonmonetary assistance**

In addition to the assistance provided under this subchapter, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State, tribal, and local assistance efforts.

**(b) Reporting**

Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State and for each grantee Indian tribe—

- (1) the number of grants made and funds distributed under this subchapter;
- (2) a summary of the purposes for which those grants were provided and an evaluation of their progress;
- (3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability, and the membership of persons served in any underserved population; and
- (4) an evaluation of the effectiveness of programs funded under this subchapter.

**(c) Regulations or guidelines**

Not later than 120 days after September 13, 1994, the Attorney General shall publish proposed regulations or guidelines implementing this subchapter. Not later than 180 days after September 13, 1994, the Attorney General shall publish final regulations or guidelines implementing this subchapter.

(Pub. L. 90-351, title I, § 2009, formerly § 2004, as added Pub. L. 103-322, title IV, § 40121(a)(3), Sept. 13, 1994, 108 Stat. 1914; amended Pub. L. 106-386, div. B, title I, § 1103(b)(4), Oct. 28, 2000, 114 Stat. 1497; renumbered § 2009, Pub. L. 107-273, div. A, title IV, § 402(2), Nov. 2, 2002, 116 Stat. 1789; Pub. L. 108-405, title III, § 310(b), Oct. 30, 2004, 118 Stat.

2276; Pub. L. 109-162, § 3(b)(3), title XI, §§ 1134(b), 1135(c), Jan. 5, 2006, 119 Stat. 2971, 3108, 3109; Pub. L. 109-271, §§ 2(d), 8(b), Aug. 12, 2006, 120 Stat. 752, 766.)

## AMENDMENTS

2006—Subsec. (b). Pub. L. 109-162, §§ 1134(b) and 1135(c), which directed an amendment substantially identical to that made by Pub. L. 109-162, § 3(b)(3), were repealed by Pub. L. 109-271, §§ 2(d) and 8(b).

Pub. L. 109-162, § 3(b)(3), substituted "Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit" for "Not later than 180 days after the end of each fiscal year for which grants are made under this subchapter, the Attorney General shall submit" in introductory provisions.

2000—Subsec. (b)(3). Pub. L. 106-386 inserted ", and the membership of persons served in any underserved population" before the semicolon.

**§ 3796gg-4. Rape exam payments****(a) Restriction of funds****(1) In general**

A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this subchapter unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) of this section for victims of sexual assault.

**(2) Redistribution**

Funds withheld from a State or unit of local government under paragraph (1) shall be distributed to other States or units of local government pro rata. Funds withheld from an Indian tribal government under paragraph (1) shall be distributed to other Indian tribal governments pro rata.

**(b) Medical costs**

A State, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity—

- (1) provides such exams to victims free of charge to the victim;
- (2) arranges for victims to obtain such exams free of charge to the victims; or
- (3) reimburses victims for the cost of such exams if—

(A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;

(B) the reimbursing governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;

(C) the reimbursing governmental entity provides reimbursement not later than 90 days after written notification of the victim's expense; and

(D) the State, Indian tribal government, unit of local government, or reimbursing governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

**(c) Use of funds**

A State or Indian tribal government may use Federal grant funds under this subchapter to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State, Indian tribal government, or territorial government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

**(d) Rule of construction**

**(1) In general**

in<sup>1</sup> this section shall be construed to permit a State, Indian tribal government, or territorial government to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.

**(2) Compliance period**

States, territories, and Indian tribal governments shall have 3 years from January 5, 2006, to come into compliance with this subsection.

**(e) Judicial notification**

**(1) In general**

A State or unit of local government shall not be entitled to funds under this subchapter unless the State or unit of local government—

(A) certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18 and any applicable related Federal, State, or local laws; or

(B) gives the Attorney General assurances that its judicial administrative policies and practices will be in compliance with the requirements of subparagraph (A) within the later of—

- (i) the period ending on the date on which the next session of the State legislature ends; or
- (ii) 2 years.

**(2) Redistribution**

Funds withheld from a State or unit of local government under subsection (a) of this section shall be distributed to other States and units of local government, pro rata.

(Pub. L. 90-351, title I, §2010, formerly §2005, as added Pub. L. 103-322, title IV, §40121(a)(3), Sept. 13, 1994, 108 Stat. 1914; renumbered §2010, Pub. L. 107-273, div. A, title IV, §402(2), Nov. 2, 2002, 116 Stat. 1789; amended Pub. L. 108-405, title III, §310(b), Oct. 30, 2004, 118 Stat. 2276; Pub. L. 109-162, title I, §101(f), Jan. 5, 2006, 119 Stat. 2974; Pub. L. 109-271, §2(j), Aug. 12, 2006, 120 Stat. 753.)

AMENDMENTS

2006—Subsec. (c). Pub. L. 109-162 added subsec. (c).  
 Subsec. (d). Pub. L. 109-271 designated existing provisions as par. (1), inserted par. heading, struck out “Nothing” before “in this section”, and added par. (2).  
 Pub. L. 109-162 added subsec. (d).

<sup>1</sup> So in original. Probably should be preceded by “Nothing”.

Subsec. (e). Pub. L. 109-162 added subsec. (e).

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 3793 of this title.

**§ 3796gg-5. Costs for criminal charges and protection orders**

**(a) In general**

A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this subchapter unless the State, Indian tribal government, or unit of local government—

(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic 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, 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; or

(2) gives the Attorney General assurances that its laws, policies and practices will be in compliance with the 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 after October 28, 2000.

**(b) Redistribution**

Funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) of this section shall be distributed to other States, units of local government, and Indian tribal government, respectively, pro rata.

**(c) Definition**

In this section, the term “protection order” has the meaning given the term in section 2266 of title 18.

(Pub. L. 90-351, title I, §2011, formerly §2006, as added Pub. L. 103-322, title IV, §40121(a)(3), Sept. 13, 1994, 108 Stat. 1915; amended Pub. L. 106-386, div. B, title I, §1101(b)(1), Oct. 28, 2000, 114 Stat. 1492; renumbered §2011, Pub. L. 107-273, div. A, title IV, §402(2), Nov. 2, 2002, 116 Stat. 1789; Pub. L. 108-405, title III, §310(b), Oct. 30, 2004, 118 Stat. 2276.)

AMENDMENTS

2000—Pub. L. 106-386, §1101(b)(1)(A), in section catchline, substituted “Costs” for “Filing costs” and inserted “and protection orders” after “charges”.

Subsec. (a)(1). Pub. L. 106-386, §1101(b)(1)(B)(i), added par. (1) and struck out former par. (1) which read as follows: “certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; or”.