

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 subchapter¹ unless the State, Indian tribal government, unit of local government, or another governmental entity—

(A) incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault; and

(B) coordinates with health care providers in the region to notify victims of sexual assault of the availability of rape exams at no cost to the victims.

(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; or

(2) arranges for victims to obtain such exams free of charge to the victims.

(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) Noncooperation

(1) In general

To be in compliance with this section, a State, Indian tribal government, or unit of local government shall comply with subsection (b) without regard to whether the victim participates in the criminal justice system or cooperates with law enforcement.

(2) Compliance period

States, territories, and Indian tribal governments shall have 3 years from the date of enactment of this Act¹ to come into compliance with this section.

(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; Pub. L. 113-4, title I, § 101(4), Mar. 7, 2013, 127 Stat. 69.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a)(1), was in the original “this subchapter”, and was translated as reading “this part”, meaning part T of title I of Pub. L. 90-351, to reflect the probable intent of Congress.

The date of enactment of this Act, referred to in subsec. (d)(2), probably means the date of enactment of Pub. L. 113-4, which was approved Mar. 7, 2013.

AMENDMENTS

2013—Subsec. (a)(1). Pub. L. 113-4, § 101(4)(A), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “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.”

Subsec. (b). Pub. L. 113-4, § 101(4)(B), inserted “or” after the semicolon in par. (1), substituted a period for “; or” in par. (2), and struck out par. (3) which related to reimbursement of victims for the cost of exams under certain conditions.

Subsec. (d). Pub. L. 113-4, § 101(4)(C), amended subsec. (d) generally. Prior to amendment, subsec. (d) related to a rule of construction and a compliance period.

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).

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

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 3793 of this title.

¹ So in original. See References in Text note below.

§ 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, dating violence, sexual assault, or stalking offense, or in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, dating violence, sexual assault, or stalking, 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, withdrawal 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; Pub. L. 113-4, title I, §101(5), Mar. 7, 2013, 127 Stat. 69.)

AMENDMENTS

2013—Subsec. (a)(1). Pub. L. 113-4 inserted “modification, enforcement, dismissal, withdrawal” after “registration,” in two places and “, dating violence, sexual assault, or stalking” after “felony domestic violence” and substituted “victim of domestic violence, dating violence, sexual assault, or stalking” for “victim of domestic violence, stalking, or sexual assault”.

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”.

Subsec. (a)(2)(B). Pub. L. 106-386, §1101(b)(1)(B)(ii), substituted “2 years after October 28, 2000” for “2 years”.

Subsec. (c). Pub. L. 106-386, §1101(b)(1)(C), 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.

§ 3796gg-6. Legal assistance for victims

(a) In general

The purpose of this section is to enable the Attorney General to award grants to increase the availability of civil and criminal legal assistance necessary to provide effective aid to adult and youth victims of domestic violence, dating violence, stalking, or sexual assault who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimal or no cost to the victims. Criminal legal assistance provided for under this section shall be limited to criminal matters relating to or arising out of domestic violence, sexual assault, dating violence, and stalking.

(b) Definitions and grant conditions

In this section, the definitions and grant conditions provided in section 13925 of this title shall apply.

(c) Legal assistance for victims grants

The Attorney General may award grants under this subsection to private nonprofit entities, Indian tribal governments and tribal organizations, territorial organizations, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence, dating violence, and sexual assault victim service providers and legal assistance providers to provide legal assistance for victims of domestic violence, dating violence, stalking, and sexual assault;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, dating violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to implement, expand, and establish efforts and projects to provide competent, supervised pro bono legal assistance for victims of domestic violence, dating violence, sexual assault, or stalking, except that not more than 10 percent of the funds awarded under this section may be used for the purpose described in this paragraph.

(d) Eligibility

To be eligible for a grant under subsection (c) of this section, applicants shall certify in writing that—