

(Pub. L. 90-351, title I, §1401, as added Pub. L. 101-647, title II, §241(a)(2), Nov. 29, 1990, 104 Stat. 4810.)

CODIFICATION

Another section 1401 of Pub. L. 90-351, title IX, June 19, 1968, 82 Stat. 238, enacted section 3103a of Title 18, Crimes and Criminal Procedure.

PRIOR PROVISIONS

A prior section 1401 of Pub. L. 90-351 was renumbered section 2601 and is classified to section 3797 of this title.

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §108(b)] of Pub. L. 106-113, set out as a note under section 3741 of this title.

§ 3796aa-1. Description of grant program

The Director is authorized to make grants to provide equipment and personnel training for the closed-circuit televising and video taping of the testimony of children in criminal proceedings for the violation of laws relating to the abuse of children.

(Pub. L. 90-351, title I, §1402, as added Pub. L. 101-647, title II, §241(a)(2), Nov. 29, 1990, 104 Stat. 4810; amended Pub. L. 103-322, title IV, §40156(c)(2), Sept. 13, 1994, 108 Stat. 1923.)

AMENDMENTS

1994—Pub. L. 103-322 struck out “to States, for the use of States and units of local government in the States” after “make grants”.

TRANSFER OF FUNCTIONS

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§ 3796aa-2. Applications to receive grants

To request a grant under section 3796aa-1 of this title, the chief executive officer of a State or unit of local government shall submit to the Director an application at such time and in such form as the Director may require. Such application shall include—

(1) a certification that Federal funds made available under section 3796aa-1 of this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of such funds, be made available for criminal proceedings for the violation of laws relating to the abuse of children; and

(2) a certification that funds required to pay the non-Federal portion of the cost of equipment and personnel training for which such grant is made shall be in addition to funds that would otherwise be made available by the recipients of grant funds for criminal proceedings for the violation of laws relating to the abuse of children.

(Pub. L. 90-351, title I, §1403, as added Pub. L. 101-647, title II, §241(a)(2), Nov. 29, 1990, 104 Stat. 4810; amended Pub. L. 103-322, title IV, §40156(c)(3), Sept. 13, 1994, 108 Stat. 1923.)

AMENDMENTS

1994—Pub. L. 103-322, in introductory provisions inserted “or unit of local government” after “of a State”, in par. (1) inserted “and” at end, in par. (2) substituted a period for the semicolon at end, and struck out pars. (3) and (4) which read as follows:

“(3) an assurance that the State application described in this section, and any amendment to such application, has been submitted for review to the State legislature or its designated body (for purposes of this section, such application or amendment shall be deemed to be reviewed if the State legislature or such body does not review such application or amendment within the 60-day period beginning on the date such application or amendment is so submitted); and

“(4) an assurance that the State application and any amendment thereto was made public before submission to the Bureau and, to the extent provided under State law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups.”

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §108(b)] of Pub. L. 106-113, set out as a note under section 3741 of this title.

§ 3796aa-3. Review of applications

(a) Eligibility for grants

An applicant is eligible to receive a grant under this subchapter if—

(1) the applicant certifies and the Director determines that there is in effect in the State a law that permits the closed-circuit televising and video taping of testimony of children in criminal proceedings for the violation of laws relating to the abuse of children;

(2) the applicant certifies and the Director determines that State law meets the following criteria:

(A) the judges determination that a child witness will be traumatized by the presence of the defendant must be made on a case-by-case basis;

(B) the trauma suffered must be more than de minimis;

(C) the child witness must give his/her statements under oath;

(D) the child witness must submit to cross-examination; and

(E) the finder of fact must be permitted to observe the demeanor of the child witness in making his or her statement and the defendant must be able to contemporaneously communicate with his defense attorney; and

(3) the Director determines that the application submitted under section 3796aa-1 of this title or amendment to such application is consistent with the requirements of this chapter.

(b) Applications deemed approved

Each application or amendment made and submitted for approval to the Director pursuant to section 3796aa-2 of this title shall be deemed approved, in whole or in part, by the Director not later than 60 days after first received unless the Director informs the applicant of specific reasons for disapproval.

(c) Reconsideration of applications

The Director shall not finally disapprove any application, or any amendment thereto, submit-