

CODIFICATION

Section was enacted as part of the Violence Against Women Act of 2000 and also as part of the Victims of Trafficking and Violence Protection Act of 2000, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

AMENDMENTS

2013—Subsec. (a). Pub. L. 113-4, §103(1), substituted “relating to or arising out of” for “arising as a consequence of” and inserted “or arising out of” after “criminal matters relating to”.

Subsec. (b). Pub. L. 113-4, §103(2), inserted “and grant conditions” after “Definitions” in heading and after “definitions” in text.

Subsec. (c)(1). Pub. L. 113-4, §103(3)(A), which directed the substitution of “victim service providers” for “victims services organizations”, was executed by making the substitution for “victim services organizations” to reflect the probable intent of Congress.

Subsec. (c)(3). Pub. L. 113-4, §103(3)(B), added par. (3) and struck out former par. (3) which read as follows: “to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, dating violence, stalking, and sexual assault.”

Subsec. (d)(1). Pub. L. 113-4, §103(4)(A), substituted “this section—” for “this section has completed or will complete training in connection with domestic violence, dating violence, or sexual assault and related legal issues;” and added subpars. (A) and (B).

Subsec. (d)(2). Pub. L. 113-4, §103(4)(B), substituted “stalking victim service provider” for “stalking organization”.

Subsec. (f)(1). Pub. L. 113-4, §103(5), substituted “this section \$57,000,000 for each of fiscal years 2014 through 2018.” for “this section \$65,000,000 for each of fiscal years 2007 through 2011.”

2006—Subsec. (a). Pub. L. 109-162, §103(1), inserted “civil and criminal” after “availability of”, “adult and youth” after “effective aid to”, and “Criminal legal assistance provided for under this section shall be limited to criminal matters relating to domestic violence, sexual assault, dating violence, and stalking.” at end.

Subsec. (b). Pub. L. 109-162, §103(2), reenacted subsec. heading without change and amended text generally. Prior to amendment, text defined for purposes of this section the terms “dating violence”, “domestic violence”, “legal assistance”, and “sexual assault”.

Subsec. (c). Pub. L. 109-162, §103(3), inserted “and tribal organizations, territorial organizations” after “Indian tribal governments” in introductory provisions.

Subsec. (d)(2). Pub. L. 109-162, §103(4), added par. (2) and struck out former par. (2) which read as follows: “any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a State, local, or tribal domestic violence, dating violence, or sexual assault program or coalition, as well as appropriate State and local law enforcement officials;”.

Subsec. (e). Pub. L. 109-162, §103(5), which directed amendment identical to that made by Pub. L. 108-405, §205(5), was not executed. See 2004 Amendment note below.

Subsec. (f)(1). Pub. L. 109-162, §103(6)(A), added par. (1) and struck out former par. (1). Former text read as follows: “There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2001 through 2005.”

Subsec. (f)(2)(A). Pub. L. 109-271, §7(d)(1)(A)(i), substituted “3 percent” for “10 percent”.

Pub. L. 109-162, §103(6)(B), substituted “10 percent” for “5 percent” and inserted “adult and youth” after “that assist”.

Subsec. (f)(2)(B), (C). Pub. L. 109-271, §7(d)(1)(A)(ii), (iii), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (f)(4). Pub. L. 109-271, §7(d)(1)(B), struck out par. (4) which read as follows: “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 in section 3796gg-10 of this title. The requirements of this paragraph shall not apply to funds allocated for such program.”

Pub. L. 109-162, §906(f), formerly §906(g), as renumbered by Pub. L. 109-271, §7(b)(2)(B), added par. (4).

2004—Subsec. (a). Pub. L. 108-405, §205(1), inserted “dating violence,” after “domestic violence.”.

Subsec. (b)(1) to (4). Pub. L. 108-405, §205(2), added par. (1), redesignated former pars. (1) to (3) as (2) to (4), respectively, and inserted “dating violence,” after “domestic violence,” in par. (3).

Subsec. (c)(1). Pub. L. 108-405, §205(3)(A), inserted “, dating violence,” after “between domestic violence” and “dating violence,” after “victims of domestic violence,”.

Subsec. (c)(2), (3). Pub. L. 108-405, §205(3)(B), (C), inserted “dating violence,” after “domestic violence,”.

Subsec. (d)(1) to (3). Pub. L. 108-405, §205(4)(A)–(C), inserted “, dating violence,” after “domestic violence”.

Subsec. (d)(4). Pub. L. 108-405, §205(4)(D), inserted “dating violence,” after “domestic violence,”.

Subsec. (e). Pub. L. 108-405, §205(5), inserted “dating violence,” after “domestic violence,”.

Subsec. (f)(2)(A). Pub. L. 108-405, §205(6), inserted “dating violence,” after “domestic violence,”.

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.

§ 3796gg-7. Education, training, and enhanced services to end violence against and abuse of women with disabilities

(a) In general

The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to eligible entities—

(1) to provide training, consultation, and information on domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

(2) to enhance direct services to such individuals.

(b) Use of funds

Grants awarded under this section shall be used—

(1) to provide personnel, training, technical assistance, advocacy, intervention, risk reduction (including using evidence-based indicators to assess the risk of domestic and dating violence homicide) and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;

(2) to conduct outreach activities to ensure that disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

(3) to conduct cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, non-

governmental organizations serving individuals with disabilities about risk reduction, intervention, prevention and the nature of domestic violence, dating violence, stalking, and sexual assault for disabled individuals;

(4) to provide technical assistance to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service providers for disabled individuals;

(5) to provide training and technical assistance on the requirements of shelters and victim service providers under Federal anti-discrimination laws, including—

(A) the Americans with Disabilities Act of 1990 [42 U.S.C. 12101 et seq.]; and

(B) section 794 of title 29;

(6) to modify facilities, purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled individuals;

(7) to provide advocacy and intervention services for disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault; or

(8) to develop model programs providing advocacy and intervention services within organizations serving disabled individuals who are victims of domestic violence, dating violence, sexual assault, or stalking.

(c) Eligible entities

(1) In general

An entity shall be eligible to receive a grant under this section if the entity is—

(A) a State;

(B) a unit of local government;

(C) an Indian tribal government or tribal organization; or

(D) a victim service provider, such as a State or tribal domestic violence or sexual assault coalition or a nonprofit, nongovernmental organization serving disabled individuals.

(2) Limitation

A grant awarded for the purpose described in subsection (b)(8) of this section shall only be awarded to an eligible agency (as defined in section 796f-5¹ of title 29).

(d) Underserved populations

In awarding grants under this section, the Director shall ensure that the needs of underserved populations are being addressed.

(e) Authorization of appropriations

There are authorized to be appropriated \$9,000,000 for each of fiscal years 2014 through 2018 to carry out this section.

(Pub. L. 106-386, div. B, title IV, §1402, Oct. 28, 2000, 114 Stat. 1513; Pub. L. 109-162, title II, §204(a), Jan. 5, 2006, 119 Stat. 3000; Pub. L. 113-4, title II, §203, Mar. 7, 2013, 127 Stat. 82.)

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in subsec. (b)(5)(A), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, as amended, which is classified principally

¹ See References in Text note below.

to chapter 126 (§12101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of this title and Tables.

Section 796f-5 of title 29, referred to in subsec. (c)(2), was in the original “section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f-5)” and was translated as meaning section 726 of the Rehabilitation Act of 1973, to reflect the probable intent of Congress.

CODIFICATION

Section was enacted as part of the Violence Against Women Act of 2000 and also as part of the Victims of Trafficking and Violence Protection Act of 2000, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

AMENDMENTS

2013—Subsec. (b)(1). Pub. L. 113-4, §203(1)(A), inserted “(including using evidence-based indicators to assess the risk of domestic and dating violence homicide)” after “risk reduction”.

Subsec. (b)(4). Pub. L. 113-4, §203(1)(B), substituted “victim service providers” for “victim service organizations”.

Subsec. (b)(5). Pub. L. 113-4, §203(1)(C), substituted “victim service providers” for “victim services organizations” in introductory provisions.

Subsec. (c)(1)(D). Pub. L. 113-4, §203(2), substituted “victim service provider, such as a State or tribal” for “nonprofit and nongovernmental victim services organization, such as a State”.

Subsec. (e). Pub. L. 113-4, §203(3), substituted “\$9,000,000 for each of fiscal years 2014 through 2018” for “\$10,000,000 for each of the fiscal years 2007 through 2011”.

2006—Pub. L. 109-162 substituted “Education, training, and enhanced services to end violence against and abuse of women with disabilities” for “Education and training to end violence against and abuse of women with disabilities” in section catchline and amended text generally. Prior to amendment, text consisted of subsecs. (a) to (d) relating to award of grants to provide education and technical assistance for the purpose of providing training, consultation, and information on domestic violence, stalking, and sexual assault against women who are individuals with disabilities and authorized appropriations for fiscal years 2001 through 2005.

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.

DEFINITIONS

For definitions of terms used in this section, see section 1002 of Pub. L. 106-386, set out as a note under section 3796gg-2 of this title.

§ 3796gg-8. Polygraph testing prohibition

(a) In general

In order to be eligible for grants under this subchapter, a State, Indian tribal government, territorial government, or unit of local government shall certify that, not later than 3 years after January 5, 2006, their laws, policies, or practices will ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined