

Omnibus Crime Control and Safe Streets Act of 1968. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

Section 20126 of this title, referred to in subsec. (b)(1)(E), was in the original “section 903” and was translated as meaning section 903 of Pub. L. 109-162, to reflect the probable intent of Congress, because there is no section 903 of Pub. L. 90-351.

The Violence Against Women Act of 1994, referred to in subsec. (c)(1), is title IV of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1902. For complete classification of this Act to the Code, see Short Title of 1994 Act note set out under section 10101 of this title and Tables.

The Violence Against Women Act of 2000, referred to in subsec. (c)(1), is div. B of Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1491. For complete classification of this Act to the Code, see Short Title of 2000 Act note set out under section 10101 of this title and Tables.

#### CODIFICATION

Section was formerly classified to section 3796gg-11 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### AMENDMENTS

2006—Subsec. (b)(1)(I). Pub. L. 109-271, §7(a)(4), inserted “that is developed and provided by entities having expertise in tribal law, customary practices, and Federal Indian law” after “technical assistance”.

#### EFFECTIVE DATE

Section not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109-162, set out as an Effective Date of 2006 Amendment note under section 10261 of this title.

### SUBCHAPTER XX—GRANTS TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS

#### § 10461. Grants

##### (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<sup>1</sup> 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

<sup>1</sup> So in original. Probably should be followed by a comma.

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) Eligibility**

Eligible grantees are—

(1) States,<sup>1</sup> Indian tribal governments<sup>1</sup> 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,<sup>2</sup> 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

<sup>2</sup> So in original. The comma probably should not appear.

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.)

REFERENCES IN TEXT

January 5, 2006, referred to in subsec. (c)(5), was in the original “the date of enactment of this section”, which was translated as meaning the date of enactment of Pub. L. 109-162, which enacted par. (5) of subsec. (c), to reflect the probable intent of Congress.

CODIFICATION

Section was formerly classified to section 3796hh of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

PRIOR PROVISIONS

A prior section 2101 of Pub. L. 90-351 was renumbered section 2601 and is classified to section 10541 of this title.

AMENDMENTS

2013—Subsec. (b). Pub. L. 113-4, §102(a)(1)(A)(i), in introductory provisions, substituted “grantees” for “States, Indian tribal governments State, tribal, territorial, and local courts (including juvenile courts),, or units of local government”.

Subsec. (b)(1). Pub. L. 113-4, §102(a)(1)(A)(ii), inserted “and enforcement of protection orders across State and tribal lines” before period at end.

Subsec. (b)(2). Pub. L. 113-4, §102(a)(1)(A)(iii), substituted “data collection systems, and training in police departments to improve tracking of cases and classification of complaints” for “and training in police departments to improve tracking of cases”.

Subsec. (b)(4). Pub. L. 113-4, §102(a)(1)(A)(iv), inserted “and provide the appropriate training and education about domestic violence, dating violence, sexual assault, and stalking” after “computer tracking systems”.

Subsec. (b)(5). Pub. L. 113-4, §102(a)(1)(A)(v), inserted “and other victim services” after “legal advocacy service programs”.

Subsec. (b)(6). Pub. L. 113-4, §102(a)(1)(A)(vi), substituted “Federal, State, tribal, territorial, and local judges, courts, and court-based and court-related personnel” for “judges”.

Subsec. (b)(8). Pub. L. 113-4, §102(a)(1)(A)(vii), substituted “dating violence, sexual assault, and stalking” for “and sexual assault”.

Subsec. (b)(10). Pub. L. 113-4, §102(a)(1)(A)(viii), substituted “victim service providers, staff from population specific organizations,” for “non-profit, non-governmental victim services organizations,”.

Subsec. (b)(14) to (22). Pub. L. 113-4, §102(a)(1)(A)(ix), added pars. (14) to (22).

Subsec. (c). Pub. L. 113-4, §102(a)(1)(B)(vi), (vii), substituted “grantees are—” for “grantees are”, inserted par. (1) designation before “States”, struck out second comma after “(including juvenile courts)”, and redesignated former pars. (1) to (5) as subpars. (A) to (E), respectively, of par. (1).

Subsec. (c)(1). Pub. L. 113-4, §102(a)(1)(B)(i), inserted “except for a court,” before “certify” in introductory provisions and redesignated subpars. (A) and (B) as cls. (i) and (ii), respectively.

Subsec. (c)(2). Pub. L. 113-4, §102(a)(1)(B)(viii), added par. (2). Former par. (2) redesignated subpar. (B) of par. (1).

Pub. L. 113-4, §102(a)(1)(B)(ii), inserted “except for a court,” before “demonstrate”.

Subsec. (c)(3). Pub. L. 113-4, §102(a)(1)(B)(iii), substituted “parties” for “spouses” in two places and substituted “party” for “spouse”.

Subsec. (c)(4). Pub. L. 113-4, §102(a)(1)(B)(iv), inserted “, dating violence, sexual assault, or stalking” after “felony domestic violence”, “modification, enforcement, dismissal,” after “registration,” in two places, and “dating violence,” after “victim of domestic violence,” and struck out “and” at end.

Subsec. (c)(5). Pub. L. 113-4, §102(a)(1)(B)(v), struck out “, not later than 3 years after January 5, 2006” after “certify that” in introductory provisions, inserted “, trial of, or sentencing for” after “investigation of” in two places, redesignated subpars. (A) and (B) as cls. (i) and (ii), respectively, substituted “clause (i)” for “subparagraph (A)” in cl. (ii) as redesignated, and substituted “; and” for period at end.

Subsec. (d)(1). Pub. L. 113-4, §102(a)(1)(C)(i)(I), inserted “, policy,” after “law” in introductory provisions.

Subsec. (d)(1)(A). Pub. L. 113-4, §102(a)(1)(C)(i)(II), inserted “and the defendant is in custody or has been served with the information or indictment” before semicolon at end.

Subsec. (d)(2). Pub. L. 113-4, §102(a)(1)(C)(ii), substituted “its” for “it” in introductory provisions.

Subsecs. (f), (g). Pub. L. 113-4, §102(a)(1)(D), added subsecs. (f) and (g).

2006—Subsec. (a). Pub. L. 109-162, §102(b)(1), substituted “to treat domestic violence, dating violence, sexual assault, and stalking as serious violations” for “to treat domestic violence as a serious violation”.

Subsec. (b). Pub. L. 109-162, §102(b)(2)(A), inserted “, tribal, territorial,” after “State” in introductory provisions.

Subsec. (b)(1). Pub. L. 109-162, §102(b)(2)(B), struck out “mandatory arrest or” after “implement” and “mandatory arrest programs and” after “including”.

Subsec. (b)(2). Pub. L. 109-162, §102(b)(2)(C), inserted “protection order registries,” after “educational programs,” and substituted “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” for “domestic violence and dating violence”.

Subsec. (b)(3). Pub. L. 109-162, §102(b)(2)(D), substituted “domestic violence, dating violence, sexual assault, and stalking cases” for “domestic violence cases” and “teams” for “groups”.

Subsec. (b)(5). Pub. L. 109-162, §102(b)(2)(E), substituted “domestic violence, dating violence, sexual assault, and stalking” for “domestic violence and dating violence”.

Subsec. (b)(6). Pub. L. 109-162, §102(b)(2)(F), substituted “civil” for “other” and inserted “, dating violence, sexual assault, and stalking” after “domestic violence”.

Subsec. (b)(9) to (13). Pub. L. 109-162, §102(b)(2)(G), added pars. (9) to (13).

Subsec. (c)(5). Pub. L. 109-162, §102(b)(3), added par. (5).

Subsec. (d). Pub. L. 109-162, §102(b)(4), added subsec. (d) and struck out heading and text of former subsec. (d). Text read as follows: “In this section, the term ‘protection order’ has the meaning given the term in section 2266 of title 18.”

Subsec. (e). Pub. L. 109-271 added subsec. (e) and struck out former subsec. (e) 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 subchapter shall not apply to funds allocated for such program.”

Pub. L. 109-162, §906(c), added subsec. (e) and struck out former subsec. (e). Prior to amendment, text read as follows: “Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.”

Pub. L. 109-162, §102(b)(4), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: “Not less than 5 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.”

2000—Subsec. (a). Pub. L. 106-386, §1102(b)(1), inserted “State and local courts (including juvenile courts), tribal courts,” after “Indian tribal governments,”.

Subsec. (b). Pub. L. 106-386, §1102(b)(2)(A), inserted “State and local courts (including juvenile courts),” after “Indian tribal governments” in introductory provisions.

Subsec. (b)(2). Pub. L. 106-386, §§1102(b)(2)(B), 1109(c)(1), substituted “policies, educational programs, and” for “policies and” and inserted “and dating violence” before period at end.

Subsec. (b)(3), (4). Pub. L. 106-386, §1102(b)(2)(C), (D), inserted “parole and probation officers,” after “prosecutors,”.

Subsec. (b)(5). Pub. L. 106-386, §§1109(c)(2), 1512(b), inserted “and dating violence, including strengthening assistance to such victims in immigration matters” before period at end.

Subsec. (b)(6). Pub. L. 106-386, §1101(a)(2)(A), inserted “(including juvenile courts)” after “courts”.

Subsec. (b)(7). Pub. L. 106-386, §1101(a)(2)(B), added par. (7).

Subsec. (b)(8). Pub. L. 106-386, §1209(b), added par. (8).

Subsec. (c). Pub. L. 106-386, §1102(b)(3), inserted “State and local courts (including juvenile courts),” after “Indian tribal governments” in introductory provisions.

Subsec. (c)(4). Pub. L. 106-386, §1101(b)(2)(A), added par. (4) and struck out former par. (4) which read as follows: “certify that their laws, policies, or 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 or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena.”

Subsec. (d). Pub. L. 106-386, §1101(b)(2)(B), added subsec. (d).

Subsec. (e). Pub. L. 106-386, §1102(b)(4), 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 sections 102(b) (except the amendment to subsec. (d) of this section included in that section) and 906(c) of 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 10261 of this title.

## § 10462. Applications

### (a) Application

An eligible grantee shall submit an application to the Attorney General that—

(1) contains a certification by the chief executive officer of the State, Indian tribal government, court, or local government entity that the conditions of section 10461(c) of this title are met or will be met within the later of—

(A) the period ending on the date on which the next session of the State or Indian tribal legislature ends; or

(B) 2 years of September 13, 1994 or, in the case of the condition set forth in subsection<sup>1</sup> 10461(c)(4)<sup>2</sup> of this title, the expiration of the 2-year period beginning on October 28, 2000;

(2) describes plans to further the purposes stated in section 10461(a) of this title;

(3) identifies the agency or office or groups of agencies or offices responsible for carrying out the program; and

<sup>1</sup> So in original. Probably should be “section”.

<sup>2</sup> See References in Text note below.