

§ 20127. Emergency and transitional pet shelter and housing assistance grant program

(1) Grant program

(A) In general

The Secretary, acting in consultation with the Office of the Violence Against Women¹ of the Department of Justice, the Secretary of Housing and Urban Development, and the Secretary of Health and Human Services, shall award grants under this section to eligible entities to carry out programs to provide the assistance described in paragraph (3) with respect to victims of domestic violence, dating violence, sexual assault, or stalking and the pets, service animals, emotional support animals, or horses of such victims.

(B) Memorandum of understanding

The Secretary may enter into a memorandum of understanding with the head of another Department or agency, as appropriate, to carry out any of the authorities provided to the Secretary under this section.²

(2) Application

(A) In general

An eligible entity seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

- (i) a description of the activities for which a grant under this section is sought;
- (ii) such assurances as the Secretary determines to be necessary to ensure compliance by the entity with the requirements of this section; and
- (iii) a certification that the entity, before engaging with any individual domestic violence victim, will disclose to the victim any mandatory duty of the entity to report instances of abuse and neglect (including instances of abuse and neglect of pets, service animals, emotional support animals, or horses).

(B) Additional requirements

In addition to the requirements of subparagraph (A), each application submitted by an eligible entity under that subparagraph shall—

- (i) not include proposals for any activities that may compromise the safety of a domestic violence victim, including—
 - (I) background checks of domestic violence victims; or
 - (II) clinical evaluations to determine the eligibility of such a victim for support services;
- (ii) not include proposals that would require mandatory services for victims or that a victim obtain a protective order in order to receive proposed services; and
- (iii) reflect the eligible entity's understanding of the dynamics of domestic violence, dating violence, sexual assault, or stalking.

¹So in original. Probably should be "Office on Violence Against Women".

²See References in Text note below.

(C) Rules of construction

Nothing in this paragraph shall be construed to require—

- (i) domestic violence victims to participate in the criminal justice system in order to receive services; or
- (ii) eligible entities receiving a grant under this section to breach client confidentiality.

(3) Use of funds

Grants awarded under this section may only be used for programs that provide—

(A) emergency and transitional shelter and housing assistance for domestic violence victims with pets, service animals, emotional support animals, or horses, including assistance with respect to any construction or operating expenses of newly developed or existing emergency and transitional pet, service animal, emotional support animal, or horse shelter and housing (regardless of whether such shelter and housing is co-located at a victim service provider or within the community);

(B) short-term shelter and housing assistance for domestic violence victims with pets, service animals, emotional support animals, or horses, including assistance with respect to expenses incurred for the temporary shelter, housing, boarding, or fostering of the pets, service animals, emotional support animals, or horses of domestic violence victims and other expenses that are incidental to securing the safety of such a pet, service animal, emotional support animal, or horse during the sheltering, housing, or relocation of such victims;

(C) support services designed to enable a domestic violence victim who is fleeing a situation of domestic violence, dating violence, sexual assault, or stalking to—

(i) locate and secure—

(I) safe housing with the victim's pet, service animal, emotional support animal, or horse; or

(II) safe accommodations for the victim's pet, service animal, emotional support animal, or horse; or

(ii) provide the victim with pet, service animal, emotional support animal, or horse related services, such as transportation, care services, and other assistance; or

(D) for the training of relevant stakeholders on—

(i) the link between domestic violence, dating violence, sexual assault, or stalking and the abuse and neglect of pets, service animals, emotional support animals, and horses;

(ii) the needs of domestic violence victims;

(iii) best practices for providing support services to such victims;

(iv) best practices for providing such victims with referrals to victims' services; and

(v) the importance of confidentiality.

(4) Grant conditions

An eligible entity that receives a grant under this section shall, as a condition of such receipt, agree—

(A) to be bound by the nondisclosure of confidential information requirements of section 12291(b)(2) of this title; and

(B) that the entity shall not condition the receipt of support, housing, or other benefits provided pursuant to this section on the participation of domestic violence victims in any or all of the support services offered to such victims through a program carried out by the entity using grant funds.

(5) Duration of assistance provided to victims

(A) In general

Subject to subparagraph (B), assistance provided with respect to a pet, service animal, emotional support animal, or horse of a domestic violence victim using grant funds awarded under this section shall be provided for a period of not more than 24 months.

(B) Extension

An eligible entity that receives a grant under this section may extend the 24-month period referred to in subparagraph (A) for a period of not more than 6 months in the case of a domestic violence victim who—

- (i) has made a good faith effort to acquire permanent housing for the victim and the victim's pet, service animal, emotional support animal, or horse during that 24-month period; and
- (ii) has been unable to acquire such permanent housing within that period.

(6) Report to the Secretary

Not later than 1 year after the date on which an eligible entity receives a grant under this section and each year thereafter in which the grant funds are used, the entity shall submit to the Secretary a report that contains, with respect to assistance provided by the entity to domestic violence victims with pets, service animals, emotional support animals, or horses using grant funds received under this section, information on—

(A) the number of domestic violence victims with pets, service animals, emotional support animals, or horses provided such assistance; and

(B) the purpose, amount, type of, and duration of such assistance.

(7) Report to Congress

(A) Reporting requirement

Not later than November 1 of each even-numbered fiscal year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains a compilation of the information contained in the reports submitted under paragraph (6).

(B) Availability of report

The Secretary shall transmit a copy of the report submitted under subparagraph (A) to—

- (i) the Office on Violence Against Women of the Department of Justice;
- (ii) the Office of Community Planning and Development of the Department of Housing and Urban Development; and
- (iii) the Administration for Children and Families of the Department of Health and Human Services.

(8) Authorization of appropriations

(A) In general

There is authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2019 through 2023.

(B) Limitation

Of the amount made available under subparagraph (A) in any fiscal year, not more than 5 percent may be used for evaluation, monitoring, salaries, and administrative expenses.

(9) Definitions

In this section:

(A) Domestic violence victim defined

The term “domestic violence victim” means a victim of domestic violence, dating violence, sexual assault, or stalking.

(B) Eligible entity

The term “eligible entity” means—

- (i) a State;
- (ii) a unit of local government;
- (iii) an Indian tribe; or
- (iv) any other organization that has a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking (as determined by the Secretary), including—
 - (I) a domestic violence and sexual assault victim service provider;
 - (II) a domestic violence and sexual assault coalition;
 - (III) a community-based and culturally specific organization;
 - (IV) any other nonprofit, nongovernmental organization; and
 - (V) any organization that works directly with pets, service animals, emotional support animals, or horses and collaborates with any organization referred to in clauses (i) through (iv), including—
 - (aa) an animal shelter; and
 - (bb) an animal welfare organization.

(C) Emotional support animal

The term “emotional support animal” means an animal that is covered by the exclusion specified in section 5.303 of title 24, Code of Federal Regulations (or a successor regulation), and that is not a service animal.

(D) Pet

The term “pet” means a domesticated animal, such as a dog, cat, bird, rodent, fish, turtle, or other animal that is kept for pleasure rather than for commercial purposes.

(E) Service animal

The term “service animal” has the meaning given the term in section 36.104 of title 28, Code of Federal Regulations (or a successor regulation).

(F) Other terms

Except as otherwise provided in this section, terms used in this section² shall have the meaning given such terms in section 12291(a) of this title.

(Pub. L. 115–334, title XII, § 12502(b), Dec. 20, 2018, 132 Stat. 4983.)

REFERENCES IN TEXT

This section, referred to par. (1)(B) and the second time appearing in par. (9)(F), was so in the original, meaning section 12502 of title XII of Pub. L. 115-334. For classification of section 12502 to the Code, see Codification note below.

CODIFICATION

Section is comprised of section 12502(b) of title XII of Pub. L. 115-334. Section 12502(a) of Pub. L. 115-334 amended sections 2261A, 2262, 2264, and 2266 of Title 18, Crimes and Criminal Procedure. Section 12502(c) of Pub. L. 115-334 is not classified to the Code.

DEFINITION OF "SECRETARY"

"Secretary" means the Secretary of Agriculture, see section 2 of Pub. L. 115-334, set out as a note under section 9001 of Title 7, Agriculture.

SUBCHAPTER III—ADDITIONAL VICTIM
COMPENSATION AND SERVICES

§ 20141. Services to victims

(a) Designation of responsible officials

The head of each department and agency of the United States engaged in the detection, investigation, or prosecution of crime shall designate by names and office titles the persons who will be responsible for identifying the victims of crime and performing the services described in subsection (c) at each stage of a criminal case.

(b) Identification of victims

At the earliest opportunity after the detection of a crime at which it may be done without interfering with an investigation, a responsible official shall—

- (1) identify the victim or victims of a crime;
- (2) inform the victims of their right to receive, on request, the services described in subsection (c); and
- (3) inform each victim of the name, title, and business address and telephone number of the responsible official to whom the victim should address a request for each of the services described in subsection (c).

(c) Description of services

(1) A responsible official shall—

- (A) inform a victim of the place where the victim may receive emergency medical and social services;
- (B) inform a victim of any restitution or other relief to which the victim may be entitled under this or any other law and¹ manner in which such relief may be obtained;
- (C) inform a victim of public and private programs that are available to provide counseling, treatment, and other support to the victim; and
- (D) assist a victim in contacting the persons who are responsible for providing the services and relief described in subparagraphs (A), (B), and (C).

(2) A responsible official shall arrange for a victim to receive reasonable protection from a suspected offender and persons acting in concert with or at the behest of the suspected offender.

(3) During the investigation and prosecution of a crime, a responsible official shall provide a victim the earliest possible notice of—

(A) the status of the investigation of the crime, to the extent it is appropriate to inform the victim and to the extent that it will not interfere with the investigation;

(B) the arrest of a suspected offender;

(C) the filing of charges against a suspected offender;

(D) the scheduling of each court proceeding that the witness is either required to attend or, under section 10606(b)(4)² of title 42, is entitled to attend;

(E) the release or detention status of an offender or suspected offender;

(F) the acceptance of a plea of guilty or nolo contendere or the rendering of a verdict after trial; and

(G) the sentence imposed on an offender, including the date on which the offender will be eligible for parole.

(4) During court proceedings, a responsible official shall ensure that a victim is provided a waiting area removed from and out of the sight and hearing of the defendant and defense witnesses.

(5) After trial, a responsible official shall provide a victim the earliest possible notice of—

(A) the scheduling of a parole hearing for the offender;

(B) the escape, work release, furlough, or any other form of release from custody of the offender; and

(C) the death of the offender, if the offender dies while in custody.

(6) At all times, a responsible official shall ensure that any property of a victim that is being held for evidentiary purposes be maintained in good condition and returned to the victim as soon as it is no longer needed for evidentiary purposes.

(7) The Attorney General or the head of another department or agency that conducts an investigation of a sexual assault shall pay, either directly or by reimbursement of payment by the victim, the cost of a physical examination of the victim which an investigating officer determines was necessary or useful for evidentiary purposes. The Attorney General shall provide for the payment of the cost of up to 2 anonymous and confidential tests of the victim for sexually transmitted diseases, including HIV, gonorrhea, herpes, chlamydia, and syphilis, during the 12 months following sexual assaults that pose a risk of transmission, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of sexually transmitted diseases to the victim as the result of the assault. A victim may waive anonymity and confidentiality of any tests paid for under this section.

(8) A responsible official shall provide the victim with general information regarding the corrections process, including information about work release, furlough, probation, and eligibility for each.

(d) No cause of action or defense

This section does not create a cause of action or defense in favor of any person arising out of

¹ So in original. Probably should be followed by "the".

² See References in Text note below.