

stalking” for “child victims of domestic violence, stalking, or sexual assault” in section catchline.

Subsec. (a)(1). Pub. L. 113-4, §602(2)(B), struck out “fleeing” before “a situation”.

Subsec. (b)(3). Pub. L. 113-4, §602(2)(C), added subpar. (B), redesignated former subpar. (B) as (C), and, in subpar. (C), struck out “employment counseling,” after “case management.”.

Subsec. (g)(1). Pub. L. 113-4, §602(2)(D)(i), which directed substitution of “\$35,000,000 for each of fiscal years 2014 through 2018” for “\$40,000,000 for each of fiscal years 2007 through 2011”, was executed by making the substitution for “\$40,000,000 for each of the fiscal years 2007 through 2011” to reflect the probable intent of Congress.

Subsec. (g)(3)(A). Pub. L. 113-4, §602(2)(D)(ii)(I), substituted “qualified” for “eligible”.

Subsec. (g)(3)(D). Pub. L. 113-4, §602(2)(D)(ii)(II), added subpar. (D).

2006—Subsec. (a). Pub. L. 109-162, §602(a)(1)(A), (B), in introductory provisions, inserted “the Department of Housing and Urban Development, and the Department of Health and Human Services,” after “Department of Justice,” and “, including domestic violence and sexual assault victim service providers, domestic violence and sexual assault coalitions, other nonprofit, non-governmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking” after “other organizations”.

Subsec. (a)(1). Pub. L. 109-162, §602(a)(1)(C), inserted “, dating violence, sexual assault, or stalking” after “domestic violence”.

Subsec. (b)(1). Pub. L. 109-162, §602(a)(2)(C), added par. (1). Former par. (1) redesignated (2).

Subsec. (b)(2). Pub. L. 109-162, §602(a)(2)(A), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Subsec. (b)(3). Pub. L. 109-162, §602(a)(2)(A), (B), redesignated par. (2) as (3) and inserted “, dating violence, sexual assault, or stalking” after “violence” in introductory provisions.

Subsec. (b)(3)(B). Pub. L. 109-162, §602(a)(2)(D), inserted “Participation in the support services shall be voluntary. Receipt of the benefits of the housing assistance described in paragraph (2) shall not be conditioned upon the participation of the youth, adults, or their dependents in any or all of the support services offered them.” at end.

Subsec. (c)(1). Pub. L. 109-162, §602(a)(3), substituted “24 months” for “18 months”.

Subsec. (d)(2)(B), (C). Pub. L. 109-162, §602(a)(4), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (e)(2)(A). Pub. L. 109-162, §602(a)(5)(A), inserted “purpose and” before “amount”.

Subsec. (e)(2)(E). Pub. L. 109-162, §602(a)(5)(B)–(D), added subpar. (E).

Subsec. (f)(1). Pub. L. 109-162, §1135(e), which directed an amendment substantially identical to that made by Pub. L. 109-162, §3(b)(4), was repealed by Pub. L. 109-271, §§2(d) and 8(b).

Pub. L. 109-162, §3(b)(4), substituted “shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section not later than 1 month after the end of each even-numbered fiscal year.” for “shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section.”

Subsec. (g)(1). Pub. L. 109-162, §602(a)(6)(A)–(C), substituted “\$40,000,000” for “\$30,000,000”, “2007” for “2004”, and “2011” for “2008”.

Subsec. (g)(2). Pub. L. 109-162, §602(a)(6)(D), (E), substituted “up to 5 percent” for “not more than 3 percent” and inserted “evaluation, monitoring, technical assistance,” before “salaries”.

Subsec. (g)(3)(C). Pub. L. 109-162, §602(a)(6)(F), added subpar. (C).

Subsec. (g)(3)(C)(i). Pub. L. 109-271, §7(c)(1)(A), added cl. (i) and struck out former cl. (i) which read as follows: “A minimum of 7 percent of the total amount appropriated in any fiscal year shall be allocated to tribal organizations serving adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents.”

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

Statutory Notes and Related Subsidiaries

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 602(a) and 906(e) 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.

TRANSFER OF FUNCTIONS

Functions of Office on Women’s Health of the Public Health Service exercised prior to Mar. 23, 2010, transferred to Office on Women’s Health established under section 237a of this title, see section 3509(a)(2) of Pub. L. 111-148, set out as a note under section 237a of Title 42, The Public Health and Welfare.

PART C—CIVIL RIGHTS FOR WOMEN

§ 12361. Civil rights

(a) Purpose

Pursuant to the affirmative power of Congress to enact this part under section 5 of the Fourteenth Amendment to the Constitution, as well as under section 8 of Article I of the Constitution, it is the purpose of this part to protect the civil rights of victims of gender motivated violence and to promote public safety, health, and activities affecting interstate commerce by establishing a Federal civil rights cause of action for victims of crimes of violence motivated by gender.

(b) Right to be free from crimes of violence

All persons within the United States shall have the right to be free from crimes of violence motivated by gender (as defined in subsection (d)).

(c) Cause of action

A person (including a person who acts under color of any statute, ordinance, regulation, custom, or usage of any State) who commits a crime of violence motivated by gender and thus deprives another of the right declared in subsection (b) shall be liable to the party injured, in an action for the recovery of compensatory and punitive damages, injunctive and declaratory relief, and such other relief as a court may deem appropriate.

(d) Definitions

For purposes of this section—

(1) the term “crime of violence motivated by gender” means a crime of violence committed because of gender or on the basis of gender, and due, at least in part, to an animus based on the victim’s gender; and

(2) the term “crime of violence” means—¹

(A) an act or series of acts that would constitute a felony against the person or that would constitute a felony against property if the conduct presents a serious risk of physical injury to another, and that would come within the meaning of State or Federal offenses described in section 16 of title 18, whether or not those acts have actually resulted in criminal charges, prosecution, or conviction and whether or not those acts were committed in the special maritime, territorial, or prison jurisdiction of the United States; and

(B) includes an act or series of acts that would constitute a felony described in subparagraph (A) but for the relationship between the person who takes such action and the individual against whom such action is taken.

(e) Limitation and procedures

(1) Limitation

Nothing in this section entitles a person to a cause of action under subsection (c) for random acts of violence unrelated to gender or for acts that cannot be demonstrated, by a preponderance of the evidence, to be motivated by gender (within the meaning of subsection (d)).

(2) No prior criminal action

Nothing in this section requires a prior criminal complaint, prosecution, or conviction to establish the elements of a cause of action under subsection (c).

(3) Concurrent jurisdiction

The Federal and State courts shall have concurrent jurisdiction over actions brought pursuant to this part.

(4) Supplemental jurisdiction

Neither section 1367 of title 28 nor subsection (c) of this section shall be construed, by reason of a claim arising under such subsection, to confer on the courts of the United States jurisdiction over any State law claim seeking the establishment of a divorce, alimony, equitable distribution of marital property, or child custody decree.

(Pub. L. 103-322, title IV, §40302, Sept. 13, 1994, 108 Stat. 1941.)

Editorial Notes

REFERENCES IN TEXT

This part, referred to in subsecs. (a) and (e)(3), was in the original “this subtitle”, meaning subtitle C of title IV of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1941. For complete classification of subtitle C of title IV of Pub. L. 103-322 to the Code, see Short Title of 1994 Act note set out under section 10101 of this title and Tables.

¹So in original. The word “means” probably should appear after “(A)” below.

CODIFICATION

Section was formerly classified to section 13981 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Section is comprised of section 40302 of Pub. L. 103-322. Subsec. (e)(5) of section 40302 of Pub. L. 103-322 amended section 1445 of Title 28, Judiciary and Judicial Procedure.

CONSTITUTIONALITY

For constitutionality of section 40302 of Pub. L. 103-322, see Congressional Research Service, The Constitution of the United States of America: Analysis and Interpretation, Appendix 1, Acts of Congress Held Unconstitutional in Whole or in Part by the Supreme Court of the United States.

PART D—EQUAL JUSTICE FOR WOMEN IN COURTS

SUBPART 1—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS

§ 12371. Grants authorized

The State Justice Institute may award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States (as defined in section 10701 of title 42) in training judges and court personnel in the laws of the States and by Indian tribes in training tribal judges and court personnel in the laws of the tribes on rape, sexual assault, domestic violence, dating violence, and other crimes of violence motivated by the victim’s gender. Nothing shall preclude the attendance of tribal judges and court personnel at programs funded under this section for States to train judges and court personnel on the laws of the States.

(Pub. L. 103-322, title IV, §40411, Sept. 13, 1994, 108 Stat. 1942; Pub. L. 106-386, div. B, title IV, §1406(c)(2), (d)(1), Oct. 28, 2000, 114 Stat. 1516.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 13991 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2000—Pub. L. 106-386 inserted “dating violence,” after “domestic violence,” and “Nothing shall preclude the attendance of tribal judges and court personnel at programs funded under this section for States to train judges and court personnel on the laws of the States.” at end.

§ 12372. Training provided by grants

Training provided pursuant to grants made under this part may include current information, existing studies, or current data on—

(1) the nature and incidence of rape and sexual assault by strangers and nonstrangers, marital rape, and incest;

(2) the underreporting of rape, sexual assault, and child sexual abuse;

(3) the physical, psychological, and economic impact of rape and sexual assault on the victim, the costs to society, and the implications for sentencing;

(4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;