

AMENDMENTS

2017—Subsec. (a)(10). Pub. L. 115-82 substituted “each of fiscal years 2018 through 2022” for “fiscal year 2018”.

2012—Subsec. (a)(6) to (10). Pub. L. 112-206 added pars. (6) to (10).

SUBCHAPTER II—ADDITIONAL MEASURES
TO COMBAT CHILD EXPLOITATION

§ 21131. Additional regional computer forensic
labs

(a) Additional resources

The Attorney General shall establish additional computer forensic capacity to address the current backlog for computer forensics, including for child exploitation investigations. The Attorney General may utilize funds under this subchapter to increase capacity at existing regional forensic laboratories or to add laboratories under the Regional Computer Forensic Laboratories Program operated by the Federal Bureau of Investigation.

(b) Purpose of new resources

The additional forensic capacity established by resources provided under this section shall be dedicated to assist Federal agencies, State and local Internet Crimes Against Children task forces, and other Federal, State, and local law enforcement agencies in preventing, investigating, and prosecuting Internet crimes against children.

(c) New computer forensic labs

If the Attorney General determines that new regional computer forensic laboratories are required under subsection (a) to best address existing backlogs, such new laboratories shall be established pursuant to subsection (d).

(d) Location of new labs

The location of any new regional computer forensic laboratories under this section shall be determined by the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, the Regional Computer Forensic Laboratory National Steering Committee, and other relevant stakeholders.

(e) Report

Not later than 1 year after October 13, 2008, and every year thereafter, the Attorney General shall submit a report to the Congress on how the funds appropriated under this section were utilized.

(f) Authorization of appropriations

There are authorized to be appropriated for fiscal years 2009 through 2013, \$2,000,000 to carry out the provisions of this section.

(Pub. L. 110-401, title II, §201, Oct. 13, 2008, 122 Stat. 4241.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 17631 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

CHAPTER 213—RAPE SURVIVOR CHILD
CUSTODY

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21301. Definitions.

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§ 21301. Definitions

In this chapter:

(1) Covered formula grant

The term “covered formula grant” means a grant under—

(A) part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.)¹ (commonly referred to as the “STOP Violence Against Women Formula Grant Program”); or

(B) section 12511 of this title (commonly referred to as the “Sexual Assault Services Program”).

(2) Termination

(A) In general

The term “termination” means, when used with respect to parental rights, a complete and final termination of the parent’s right to custody of, guardianship of, visitation with, access to, and inheritance from a child.

(B) Rule of construction

Nothing in this paragraph shall be construed to require a State, in order to receive an increase in the amount provided to the State under the covered formula grants under this chapter, to have in place a law that terminates any obligation of a person who fathered a child through rape to support the child.

(Pub. L. 114-22, title IV, §402, May 29, 2015, 129 Stat. 256.)

Editorial Notes

REFERENCES IN TEXT

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in par. (1)(A), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197. Part T of title I of the Act was classified generally to subchapter XII-H (§3796gg et seq.) of chapter 46 of Title 42, The Public Health and Welfare, prior to editorial reclassification as subchapter XIX (§10441 et seq.) of chapter 101 of this title. 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.

CODIFICATION

Section was formerly classified to section 14043h of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21302. Findings

Congress finds the following:

(1) Men who father children through rape should be prohibited from visiting or having custody of those children.

(2) Thousands of rape-related pregnancies occur annually in the United States.

¹ See References in Text note below.

(3) A substantial number of women choose to raise their child conceived through rape and, as a result, may face custody battles with their rapists.

(4) Rape is one of the most under-prosecuted serious crimes, with estimates of criminal conviction occurring in less than 5 percent of rapes.

(5) The clear and convincing evidence standard is the most common standard for termination of parental rights among the 50 States, territories, and the District of Columbia.

(6) The Supreme Court established that the clear and convincing evidence standard satisfies due process for allegations to terminate or restrict parental rights in *Santosky v. Kramer* (455 U.S. 745 (1982)).

(7) Currently only 10 States have statutes allowing rape survivors to petition for the termination of parental rights of the rapist based on clear and convincing evidence that the child was conceived through rape.

(8) A rapist pursuing parental or custody rights causes the survivor to have continued interaction with the rapist, which can have traumatic psychological effects on the survivor, and can make it more difficult for her to recover.

(9) These traumatic effects on the mother can severely negatively impact her ability to raise a healthy child.

(10) Rapists may use the threat of pursuing custody or parental rights to coerce survivors into not prosecuting rape, or otherwise harass, intimidate, or manipulate them.

(Pub. L. 114-22, title IV, §403, May 29, 2015, 129 Stat. 256.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21303. Increased funding for formula grants authorized

The Attorney General shall increase the amount provided to a State under the covered formula grants in accordance with this chapter if the State has in place a law that allows the mother of any child that was conceived through rape to seek court-ordered termination of the parental rights of her rapist with regard to that child, which the court is authorized to grant upon clear and convincing evidence of rape.

(Pub. L. 114-22, title IV, §404, May 29, 2015, 129 Stat. 257.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21304. Application

A State seeking an increase in the amount provided to the State under the covered formula grants shall include in the application of the

State for each covered formula grant such information as the Attorney General may reasonably require, including information about the law described in section 21303 of this title.

(Pub. L. 114-22, title IV, §405, May 29, 2015, 129 Stat. 257.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21305. Grant increase

The amount of the increase provided to a State under the covered formula grants under this chapter shall be equal to not more than 10 percent of the average of the total amount of funding provided to the State under the covered formula grants under the 3 most recent awards to the State.

(Pub. L. 114-22, title IV, §406, May 29, 2015, 129 Stat. 257.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21306. Period of increase

(a) In general

The Attorney General shall provide an increase in the amount provided to a State under the covered formula grants under this chapter for a 2-year period.

(b) Limit

The Attorney General may not provide an increase in the amount provided to a State under the covered formula grants under this chapter more than 4 times.

(Pub. L. 114-22, title IV, §407, May 29, 2015, 129 Stat. 257.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043h-5 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21307. Allocation of increased formula grant funds

The Attorney General shall allocate an increase in the amount provided to a State under the covered formula grants under this chapter such that—

(1) 25 percent¹ the amount of the increase is provided under the program described in section 21301(1)(A) of this title; and

(2) 75 percent¹ the amount of the increase is provided under the program described in section 21301(1)(B) of this title.

(Pub. L. 114-22, title IV, §408, May 29, 2015, 129 Stat. 258.)

¹ So in original. Probably should be followed by “of”.