

103D CONGRESS
1ST SESSION

H. R. 3120

To assure the rights of victims of crime.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 1993

Mr. MCHALE (for himself, Mr. ANDREWS of New Jersey, Mr. BACHUS of Alabama, Mr. BAESLER, Mr. BARCIA, Mr. BARLOW, Mr. BARRETT of Wisconsin, Mr. BORSKI, Mr. BROWN of Ohio, Ms. DANNER, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DOOLITTLE, Mr. EVANS, Mr. FROST, Mr. GEREN of Texas, Mr. GREENWOOD, Mr. GUTIERREZ, Mr. HOKE, Mr. HOLDEN, Ms. NORTON, Mr. INSLEE, Mr. JOHNSTON of Florida, Mr. JOHNSON of Georgia, Mr. KANJORSKI, Mr. KLEIN, Mr. KLINK, Mr. KNOLLENBERG, Mr. KREIDLER, Mr. LANCASTER, Mr. MENENDEZ, Mr. McCLOSKEY, Mr. McINNIS, Mr. MEEHAN, Mr. MINGE, Mr. MURPHY, Mr. MURTHA, Mr. ORTON, Mr. POMEROY, Mr. QUINN, Mr. ROYCE, Mr. SANTORUM, Ms. SCHENK, Mr. SHUSTER, Mr. SKELTON, Mr. STUPAK, Mr. SWETT, Mr. TALENT, Mr. TAYLOR of Mississippi, Mr. TEJEDA, Mr. TUCKER, and Mr. UNDERWOOD) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To assure the rights of victims of crime.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Crime Victims’ Bill
5 of Rights Act”.

1 **SEC. 2. VICTIMS' STATEMENT IN FEDERAL CASES.**

2 Rule 32 of the Federal Rules of Criminal Procedure
3 is amended—

4 (1) by striking “and” at the end of subdivision
5 (a)(1)(B);

6 (2) by striking the period at the end of subdivi-
7 sion (a)(1)(C) and inserting “; and”;

8 (3) by inserting after subdivision (a)(1)(C) the
9 following:

10 “(D) address personally any victim of the
11 offense for which sentence is to be imposed (or
12 a member of that victim’s immediate family or,
13 in the discretion of the court, any other appro-
14 priate person representing the victim) who is
15 present at the sentencing hearing, and afford
16 the individual so addressed the opportunity to
17 make a statement and present information in
18 relation to the sentence.”;

19 (4) in the penultimate sentence of subdivision
20 (a)(1), by striking “equivalent opportunity” and in-
21 sserting “opportunity equivalent to that of the de-
22 fendant’s counsel”; and

23 (5) by adding at the end of subdivision (a)(1)
24 the following: “Upon request by a victim, the court
25 may hear in camera such a statement by that vic-
26 tim.”.

1 **SEC. 3. RIGHT OF VICTIMS OF STATE OFFENSES TO BE IN-**
2 **FORMED ABOUT VICTIM COMPENSATION AND**
3 **ASSISTANCE PROGRAMS.**

4 Section 1403(b) of the Victims of Crime Act of 1984
5 (42 U.S.C. 10602(b) is amended—

6 (1) by striking “and” at the end of paragraph
7 (7);

8 (2) by inserting after paragraph (7) the follow-
9 ing:

10 “(8) such State provides an effective system of
11 notice to crime victims of the existence of compensa-
12 tion and other programs to assist victims of crime
13 in which those victims might be eligible to partici-
14 pate; and”; and

15 (3) by redesignating existing paragraph (8) as
16 paragraph (9).

17 **SEC. 4. RIGHT OF VICTIMS IN COURT PROCEEDINGS.**

18 (a) SEPARATION OF VICTIM FROM ACCUSED.—Sec-
19 tion 501(b) of title I of the Omnibus Crime Control and
20 Safe Streets Act of 1968 is amended—

21 (1) by striking the period at the end of para-
22 graph (21) and adding “; and”; and

23 (2) by adding at the end the following:

24 “(22) programs that allow for the physical and
25 visual separation of a victim of crime from an al-

1 leged perpetrator of such crime while waiting in a
2 judicial facility for a courtroom appearance.”.

3 (b) FORMULA GRANT REDUCTION FOR NONCOMPLI-
4 ANCE.—Section 506 of title I of the Omnibus Crime Con-
5 trol and Safe Streets Act of 1968 is amended by adding
6 at the end the following:

7 “(g) In order not to reduce the funds available under
8 this subpart by 25 percent (for redistribution to other par-
9 ticipating States), a State shall, on the first day of each
10 fiscal year succeeding the first fiscal year beginning after
11 September 30, 1994—

12 “(1) notify a victim of crime of the availability
13 of visual and physical separation from an alleged
14 perpetrator of such crime while waiting in a judicial
15 facility for a courtroom appearance;

16 “(2) provide such victim the opportunity for
17 visual and physical separation from an alleged per-
18 petrator of such crime while waiting in a judicial fa-
19 cility for a courtroom appearance;

20 “(3) provide a victim of crime with the earliest
21 possible notice of the scheduling of each court pro-
22 ceeding or parole hearing that the witness is either
23 required or entitled to attend; and

24 “(4) address personally any victim of the of-
25 fense for which sentence is to be imposed (or a

1 member of that victim's immediate family or, in the
2 discretion of the court, any other appropriate person
3 representing the victim) who is present at the sen-
4 tencing hearing, and afford the individual so ad-
5 dressed the opportunity to make a statement and
6 present information in relation to the sentence.”.

7 **SEC. 5. FEDERAL VICTIMS RIGHTS TO BE INFORMED**
8 **ABOUT COMPENSATION PROGRAMS AND TO**
9 **SEPARATE WAITING FACILITIES.**

10 The Attorney General shall assure that Federal pros-
11 ecutors and law enforcement officials—

12 (1) provide an effective system of notice to
13 crime victims of the existence of compensation and
14 other programs to assist victims of crime in which
15 those victims might be eligible to participate;

16 (2) notify victims of Federal crime of the avail-
17 ability of visual and physical separation from alleged
18 perpetrators of such crime while waiting in a judicial
19 facility for a courtroom appearance;

20 (3) provide victims of Federal crime the oppor-
21 tunity for visual and physical separation from al-
22 leged perpetrators of such crime while waiting in a
23 judicial facility for a courtroom appearance; and

24 (4) provide a victim of crime with the earliest
25 possible notice of the scheduling of each court pro-

- 1 ceeding or parole hearing that the witness is either
- 2 required or entitled to attend.

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