

103^D CONGRESS
2^D SESSION

H. R. 4030

To assist victims of crime.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 1994

Mr. SCHUMER introduced the following bill; which was referred jointly to the
Committees on the Judiciary and Energy and Commerce

A BILL

To assist 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 “Victims of Crime Act
5 of 1994”.

6 **TITLE I—VICTIMS’ RIGHTS**

7 **SEC. 101. VICTIM’S RIGHT OF ALLOCUTION IN SENTENCING.**

8 Rule 32 of the Federal Rules of Criminal Procedure
9 is amended by—

10 (1) striking “and” following the semicolon in
11 subdivision (a)(1)(B);

1 (2) striking the period at the end of subdivision
2 (a)(1)(C) and inserting in lieu thereof “; and”;

3 (3) inserting after subdivision (a)(1)(C) the
4 following:

5 “(D) if sentence is to be imposed for a
6 crime of violence or sexual abuse, address the
7 victim personally if the victim is present at the
8 sentencing hearing and determine if the victim
9 wishes to make a statement and to present any
10 information in relation to the sentence.”;

11 (4) in the second to last sentence of subdivision
12 (a)(1), striking “equivalent opportunity” and insert-
13 ing in lieu thereof “opportunity equivalent to that of
14 the defendant’s counsel”;

15 (5) in the last sentence of subdivision (a)(1) in-
16 serting “the victim,” before “or the attorney for the
17 Government.”; and

18 (6) adding at the end the following:

19 “(f) DEFINITIONS.—For purposes of this rule—

20 “(1) ‘victim’ means any individual against
21 whom an offense for which a sentence is to be im-
22 posed has been committed, but the right of allocu-
23 tion under subdivision (a)(1)(D) may be exercised
24 instead by—

1 “(A) a parent or legal guardian in case the
2 victim is below the age of eighteen years or in-
3 competent; or

4 “(B) one or more family members or rel-
5 atives designated by the court in case the victim
6 is deceased or incapacitated;

7 if such person or persons are present at the sentenc-
8 ing hearing, regardless of whether the victim is
9 present; and

10 “(2) ‘crime of violence or sexual abuse’ means
11 a crime that involved the use or attempted or threat-
12 ened use of physical force against the person or
13 property of another, or a crime under chapter 109A
14 of title 18, United States Code.”.

15 **TITLE II—CRIME VICTIMS’ FUND**

16 **SEC. 201. ALLOCATION OF FUNDS FOR COSTS AND GRANTS.**

17 (a) **GENERALLY.**—Section 1402(d) of the Victims of
18 Crime Act of 1984 (42 U.S.C. 10601(d)) is amended by—

19 (1) striking paragraph (2) and inserting the fol-
20 lowing:

21 “(2) the next \$10,000,000 deposited in the
22 Fund shall be available for grants under section
23 1404A.”;

24 (2) striking paragraph (3) and inserting the fol-
25 lowing:

1 “(3) Of the remaining amount deposited in the
2 Fund in a particular fiscal year—

3 “(A) 48 percent shall be available for
4 grants under section 1403;

5 “(B) 48 percent shall be available for
6 grants under section 1404(a); and

7 “(C) 4 percent shall be available for grants
8 under section 1404(c).”;

9 (3) strike paragraph (4) and inserting the fol-
10 lowing:

11 “(4) The Director may retain any portion of
12 the Fund that was deposited during a fiscal year
13 that is in excess of 110 percent of the total amount
14 deposited in the Fund during the preceding fiscal
15 year as a reserve for use in a year in which the
16 Fund falls below the amount available in the pre-
17 vious year. Such reserve may not exceed
18 \$20,000,000.”; and

19 (4) striking paragraph (5).

20 (b) CONFORMING CROSS REFERENCE.—Section
21 1402(g)(1) of the Victims of Crime Act of 1984 (42
22 U.S.C. 10601(g)(1) is amended by striking reference to
23 “(d)(2)(A)(iv)” and inserting “(d)(2)”.

1 (c) AMOUNTS AWARDED AND UNSPENT.—Section
2 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C.
3 10601(e)) is amended to read as follows:

4 “(e) AMOUNTS AWARDED AND UNSPENT.—Any
5 sums awarded as part of a grant under this chapter that
6 remain unspent at the end of a fiscal year in which such
7 grant is made may be expended for the purposes for which
8 such grant is made at any time during the next succeeding
9 2 fiscal years, at the end of which year any remaining
10 unobligated funds shall be returned to the Fund.”.

11 **SEC. 202. RELATIONSHIP OF CRIME VICTIM COMPENSA-**
12 **TION TO CERTAIN FEDERAL PROGRAMS.**

13 Section 1403 of the Victims of Crime Act of 1984
14 (42 U.S.C. 10602) is amended by adding at the end the
15 following:

16 “(e) Notwithstanding any other provision of law, if
17 the compensation paid by an eligible crime victim com-
18 pensation program would cover costs that a Federal pro-
19 gram, or a federally financed State or local program,
20 would otherwise pay, then—

21 “(1) such crime victim compensation program
22 shall not pay that compensation; and

23 “(2) the other program shall make its payments
24 without regard to the existence of the crime victim
25 compensation program.”.

1 **SEC. 203. ADMINISTRATIVE COSTS FOR CRIME VICTIM COM-**
2 **PENSATION.**

3 (a) CREATION OF EXCEPTION.—The final sentence
4 of section 1403(a)(1) of the Victims of Crime Act of 1984
5 (42 U.S.C. 10602(a)(1)) is amended by striking “A
6 grant” and inserting “Except as provided in paragraph
7 (3), a grant”.

8 (b) REQUIREMENTS OF EXCEPTION.—Section
9 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C.
10 10602(a)) is amended by adding at the end the following
11 new paragraph:

12 “(3) Not more than 5 percent of a grant made
13 under this section may be used for the administra-
14 tion of the State crime victim compensation program
15 receiving the grant.”.

16 **SEC. 204. GRANTS FOR DEMONSTRATION PROJECTS.**

17 Section 1404(c)(1)(A) of the Victims of Crime Act
18 of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by insert-
19 ing “demonstration projects and” before “training”.

20 **SEC. 205. ADMINISTRATIVE COSTS FOR CRIME VICTIM AS-**
21 **SISTANCE.**

22 (a) CREATION OF EXCEPTION.—Section 1404(b)(2)
23 of the Victims of Crime Act of 1984 (42 U.S.C.
24 10603(b)(2)) is amended by striking “An eligible” and in-
25 serting “Except as provided in paragraph (3), an eligible”.

1 (b) REQUIREMENTS OF EXCEPTION.—Section
2 1404(b) of the Victims of Crime Act of 1984 (42 U.S.C.
3 10603(b)) is amended by adding at the end the following
4 new subsection:

5 “(3) Not more than 5 percent of sums received
6 under subsection (a) may be used for the adminis-
7 tration of the State crime victim assistance program
8 receiving such sums.”.

9 **SEC. 206. MAINTENANCE OF EFFORT.**

10 Section 1407 of the Victims of Crime Act of 1984
11 (42 U.S.C. 10604) is amended by adding at the end the
12 following new subsection:

13 “(h) Each entity receiving sums made available under
14 this Act for administrative purposes shall certify that such
15 sums will not be used to supplant State or local funds,
16 but will be used to increase the amount of such funds that
17 would, in the absence of Federal funds, be made available
18 for these purposes.”.

19 **SEC. 207. CHANGE OF DUE DATE FOR REQUIRED REPORT.**

20 Section 1407(g) of the Victims of Crime Act of 1984
21 (42 U.S.C. 10604(g)) is amended by striking “and on De-
22 cember 31 every two years thereafter”, and inserting “and
23 on June 30 every two years thereafter.”.

1 **TITLE III—REPORT ON**
2 **BATTERED WOMEN’S SYNDROME**

3 **SEC. 301. REPORT ON BATTERED WOMEN’S SYNDROME.**

4 (a) REPORT.—Not less than 1 year after the date of
5 enactment of this Act, the Attorney General and the Sec-
6 retary of Health and Human Services shall transmit to
7 the House Committee on Energy and Commerce, the Sen-
8 ate Committee on Labor and Human Resources, and the
9 Committees on the Judiciary of the Senate and the House
10 of Representatives a report on the medical and psycho-
11 logical basis of “battered women’s syndrome” and on the
12 extent to which evidence of the syndrome has been consid-
13 ered in a criminal trial.

14 (b) COMPONENTS OF THE REPORT.—The report de-
15 scribed in subsection (a) shall include—

16 (1) medical and psychological testimony on the
17 validity of battered women’s syndrome as a psycho-
18 logical condition;

19 (2) a compilation of State and Federal court
20 cases in which evidence of battered women’s syn-
21 drome was offered in criminal trials; and

22 (3) an assessment by State and Federal judges,
23 prosecutors, and defense attorneys of the effects that
24 evidence of battered women’s syndrome may have in
25 criminal trials.

