

**§ 10513. Authorization of appropriations**

**(a) Assistance in form of funds**

There is authorized to be appropriated \$20,000,000 for each fiscal year ending after September 30, 1984, to provide under this chapter Federal law enforcement assistance in the form of funds.

**(b) Assistance other than funds**

There are authorized to be appropriated for each fiscal year ending after September 30, 1984, such sums as may be necessary to provide under this chapter Federal law enforcement assistance other than funds.

(Pub. L. 98-473, title II, § 609Y, Oct. 12, 1984, 98 Stat. 2107.)

**CHAPTER 112—VICTIM COMPENSATION AND ASSISTANCE**

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**§ 10601. Crime Victims Fund**

**(a) Establishment**

There is created in the Treasury a separate account to be known as the Crime Victims Fund (hereinafter in this chapter referred to as the "Fund").

**(b) Fines deposited in Fund; penalties; forfeited appearance bonds**

Except as limited by subsection (c) of this section, there shall be deposited in the Fund—

(1) all fines that are collected from persons convicted of offenses against the United States except—

(A) fines available for use by the Secretary of the Treasury pursuant to—

- (i) section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)); and
- (ii) section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)); and

(B) fines to be paid into—

(i) the railroad unemployment insurance account pursuant to the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.);

(ii) the Postal Service Fund pursuant to sections 2601(a)(2) and 2003 of title 39 and for the purposes set forth in section 404(a)(8) of title 39;

(iii) the navigable waters revolving fund pursuant to section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); and

(iv) county public school funds pursuant to section 3613 of title 18;

(2) penalty assessments collected under section 3013 of title 18;<sup>1</sup>

(3) the proceeds of forfeited appearance bonds, bail bonds, and collateral collected under section 3146 of title 18; and

(4) any money ordered to be paid into the Fund under section 3671(c)(2) of title 18.<sup>1</sup>

<sup>1</sup> See References in Text note below.

**(c) Retention of sums in Fund; availability for expenditure without fiscal year limitation**

Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this chapter for grants under this chapter without fiscal year limitation.

**(d) Availability for judicial branch administrative costs; grant program percentages**

The Fund shall be available as follows:

(1) Repealed. Pub. L. 105-119, title I, § 109(a)(1), Nov. 26, 1997, 111 Stat. 2457.

(2) The first \$10,000,000 deposited in the Fund shall be available for grants under section 10603a of this title.

(3) Of the sums remaining in the Fund in any particular fiscal year after compliance with paragraph (2), such sums as may be necessary shall be available for the United States Attorneys Offices to improve services for the benefit of crime victims in the Federal criminal justice system.

(4) Of the remaining amount deposited in the Fund in a particular fiscal year—

(A) 48.5 percent shall be available for grants under section 10602 of this title;

(B) 48.5 percent shall be available for grants under section 10603(a) of this title; and

(C) 3 percent shall be available for grants under section 10603(c) of this title.

(5)(A) If the sums available in the Fund are sufficient to fully provide grants to the States pursuant to section 10602(a)(1) of this title, the Director may retain any portion of the Fund that was deposited during a fiscal year that was in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as an emergency reserve. Such reserve shall not exceed \$50,000,000.

(B) The emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 10603b of this title and to supplement the funds available to provide grants to States for compensation and assistance in accordance with sections 10602 and 10603 of this title in years in which supplemental grants are needed.

**(e) Amounts awarded and unspent**

Any amount awarded as part of a grant under this chapter that remains unspent at the end of a fiscal year in which the grant is made may be expended for the purpose for which the grant is made at any time during the 3 succeeding fiscal years, at the end of which period, any remaining unobligated sums in excess of \$500,000 shall be returned to the Treasury. Any remaining unobligated sums in an amount less than \$500,000 shall be returned to the Fund.

**(f) "Offenses against the United States" as excluding**

As used in this section, the term "offenses against the United States" does not include—

(1) a criminal violation of the Uniform Code of Military Justice (10 U.S.C. 801 et seq.);

(2) an offense against the laws of the District of Columbia; and

(3) an offense triable by an Indian tribal court or Court of Indian Offenses.

**(g) Grants for Indian tribes; child abuse cases**

(1) The Attorney General, acting through the Director, shall use 15 percent of the funds available under subsection (d)(2) of this section to make grants for the purpose of assisting Native American Indian tribes in developing, establishing, and operating programs designed to improve—

(A) the handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child victim; and

(B) the investigation and prosecution of cases of child abuse, particularly child sexual abuse.

(2) As used in this subsection, the term "tribe"<sup>2</sup> has the meaning given that term in section 450b(b)<sup>3</sup> of title 25.

(Pub. L. 98-473, title II, § 1402, Oct. 12, 1984, 98 Stat. 2170; Pub. L. 99-401, title I, § 102(b)(1), (2), Aug. 27, 1986, 100 Stat. 904; Pub. L. 99-646, § 82, Nov. 10, 1986, 100 Stat. 3619; Pub. L. 100-690, title VII, §§ 7121, 7124, Nov. 18, 1988, 102 Stat. 4419, 4422; Pub. L. 101-647, title V, § 504, Nov. 29, 1990, 104 Stat. 4822; Pub. L. 102-572, title X, § 1001, Oct. 29, 1992, 106 Stat. 4520; Pub. L. 103-121, title I, § 110(a), Oct. 27, 1993, 107 Stat. 1164; Pub. L. 103-322, title XXIII, § 230201, title XXXIII, § 330025(a), Sept. 13, 1994, 108 Stat. 2079, 2151; Pub. L. 104-132, title II, §§ 232(b), (c)(1), 236, Apr. 24, 1996, 110 Stat. 1243, 1244, 1247; Pub. L. 104-208, div. A, title I, § 101(a) [title I, § 112], Sept. 30, 1996, 110 Stat. 3009, 3009-21; Pub. L. 105-119, title I, § 109(a), Nov. 26, 1997, 111 Stat. 2457; Pub. L. 106-113, div. B, § 1000(a)(1) [title I, § 119], Nov. 29, 1999, 113 Stat. 1535, 1501A-22.)

## REFERENCES IN TEXT

The Railroad Unemployment Insurance Act, referred to in subsec. (b)(1)(B)(i), is act June 25, 1938, ch. 680, 52 Stat. 1094, as amended, which is classified principally to chapter 11 (§ 351 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 367 of Title 45 and Tables.

Section 3613 of title 18, referred to in subsec. (b)(1)(B)(iv), was repealed effective on the first day of the first calendar month beginning 36 months after Oct. 12, 1984 (Nov. 1, 1987), by Pub. L. 98-473, title II, § 212(a)(2), 235(a)(1), Oct. 12, 1984, 98 Stat. 1987, 2031, as amended.

Section 3671(c)(2) of title 18, referred to in subsec. (b)(4), was renumbered section 3681(c)(2) by Pub. L. 99-646, § 41(a), Nov. 10, 1986, 100 Stat. 3600.

The Uniform Code of Military Justice, referred to in subsec. (f)(1), is classified generally to chapter 47 (§ 801 et seq.) of Title 10, Armed Forces.

Section 450b of title 25, referred to in subsec. (g)(2), has been amended, and subsec. (b) of section 450b no longer defines the term "Indian tribe". However, such term is defined elsewhere in that section.

## AMENDMENTS

1999—Subsec. (d)(3) to (5). Pub. L. 106-113 added par. (3), redesignated former pars. (3) and (4) as (4) and (5), respectively, and struck out former par. (5) which read as follows: "The Director may set aside up to \$500,000 of the reserve fund described in paragraph (4) to make supplemental grants to United States Attorneys Offices to provide necessary assistance to victims of the bombing of the Alfred P. Murrah Federal Building in Okla-

<sup>2</sup> So in original. Probably should be "'Indian tribe'".

<sup>3</sup> See References in Text note below.

homa City, to facilitate observation of and/or participation by such victims in trial proceedings arising therefrom, including, without limitation, provision of lodging and travel assistance, and to pay such other, related expenses determined to be necessary by the Director."

1997—Subsec. (d)(1). Pub. L. 105-119, §109(a)(1), struck out par. (1) which read as follows: "The first \$6,200,000 deposited in the Fund in each of the fiscal years 1992 through 1995 and the first \$3,000,000 in each fiscal year thereafter shall be available to the judicial branch for administrative costs to carry out the functions of the judicial branch under sections 3611 and 3612 of title 18."

Subsec. (d)(2). Pub. L. 105-119, §109(a)(2), substituted "The first" for "the next".

1996—Subsec. (c). Pub. L. 104-132, §232(c)(1)(A), substituted "under this chapter" for "under this subsection".

Subsec. (d)(3)(B). Pub. L. 104-132, §236, substituted "section 10603(a) of this title" for "section 10603a of this title".

Subsec. (d)(4). Pub. L. 104-132, §232(b), amended par. (4) generally. Prior to amendment, par. (4) read as follows: "The Director may retain any portion of the Fund that was deposited during a fiscal year that is in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as a reserve for use in a year in which the Fund falls below the amount available in the previous year. Such reserve may not exceed \$20,000,000."

Subsec. (d)(5). Pub. L. 104-208 added par. (5).

Subsec. (e). Pub. L. 104-208 substituted "3 succeeding fiscal years" for "2 succeeding fiscal years".

Pub. L. 104-132, §232(c)(1)(B), reenacted heading without change and amended text generally. Prior to amendment, text read as follows:

"(1) Except as provided in paragraph (2), any sums awarded as part of a grant under this chapter that remain unspent at the end of a fiscal year in which such grant is made may be expended for the purpose for which such grant is made at any time during the next succeeding fiscal year, at the end of which year any remaining unobligated sums shall be returned to the general fund of the Treasury.

"(2) For the purposes of the application of paragraph (1) to any grant under this chapter with respect to fiscal year 1985, there shall be substituted in such paragraph 'two succeeding fiscal years' for 'succeeding fiscal year' and 'which period' for 'which year'."

1994—Subsec. (d)(2). Pub. L. 103-322, §230201(a)(1), added par. (2) and struck out former par. (2) which read as follows: "Of the next \$100,000,000 deposited in the Fund in a particular fiscal year—

"(A) 49.5 percent shall be available for grants under section 10602 of this title;

"(B) 45 percent shall be available for grants under section 10603(a) of this title;

"(C) 1 percent shall be available for grants under section 10603(c) of this title; and

"(D) 4.5 percent shall be available for grants as provided in section 10603a of this title."

Subsec. (d)(3). Pub. L. 103-322, §330025(a), which directed amendment of par. (3) by substituting "section 10603a" for "section 10603(a)" was executed to subpar. (B).

Pub. L. 103-322, §230201(a)(2), added par. (3) and struck out former par. (3) which read as follows: "The next \$5,500,000 deposited in the Fund in a particular fiscal year shall be available for grants under section 10603a of this title."

Subsec. (d)(4). Pub. L. 103-322, §230201(a)(3), added par. (4) and struck out former par. (4) which read as follows: "The next \$4,500,000 deposited in the Fund in a particular fiscal year shall be available for grants under section 10603(a) of this title."

Subsec. (d)(5). Pub. L. 103-322, §230201(a)(4), struck out par. (5) which read as follows: "Any deposits in the Fund in a particular fiscal year that remain after the funds are distributed under paragraphs (1) through (4) shall be available as follows:

"(A) 47.5 percent shall be available for grants under section 10602 of this title.

"(B) 47.5 percent shall be available for grants under section 10603(a) of this title.

"(C) 5 percent shall be available for grants under section 10603(c) of this title."

Subsec. (g)(1). Pub. L. 103-322, §230201(b), substituted "subsection (d)(2)" for "subsection (d)(2)(D)".

1993—Subsec. (d)(2)(C), (D). Pub. L. 103-121, §110(a)(1), added subpars. (C) and (D).

Subsec. (d)(3). Pub. L. 103-121, §110(a)(2), substituted "section 10603a of this title" for "section 10603(a) of this title".

Subsec. (g)(1). Pub. L. 103-121, §110(a)(3), substituted "subsection (d)(2)(D)" for "subsection (d)(2)(A)(iv)".

1992—Subsec. (c). Pub. L. 102-572, §1001(1), added subsec. (c) and struck out former subsec. (c) which read as follows:

"(1)(A) If the total deposited in the Fund during a particular fiscal year reaches the ceiling sum described in subparagraph (B), the excess over the ceiling sum shall not be part of the Fund. The first \$2,200,000 of such excess shall be available to the judicial branch for administrative costs to carry out the functions of the judicial branch under sections 3611 and 3612 of title 18 and the remaining excess shall be deposited in the general fund of the Treasury.

"(B) The ceiling sum referred to in subparagraph (A) is—

"(i) \$125,000,000 through fiscal year 1990; and

"(ii) \$150,000,000 thereafter through fiscal year 1994.

"(2) No deposits shall be made in the Fund after September 30, 1994."

Subsec. (d). Pub. L. 102-572, §1001(2), added subsec. (d) and struck out former subsec. (d) which read as follows:

"(1) Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this subsection for grants under this chapter without fiscal year limitation.

"(2) The Fund shall be available as follows:

"(A) Of the first \$100,000,000 deposited in the Fund in a particular fiscal year—

"(i) 49.5 percent shall be available for grants under section 10602 of this title;

"(ii) 45 percent shall be available for grants under section 10603(a) of this title;

"(iii) 1 percent shall be available for grants under section 10603(c) of this title; and

"(iv) 4.5 percent shall be available for grants as provided in section 10603a of this title.

"(B) The next \$5,500,000 deposited in the Fund in a particular fiscal year shall be available for grants as provided in section 10603a of this title.

"(C) Any deposits in the Fund in a particular fiscal year in excess of \$105,500,000, but not in excess of \$110,000,000, shall be available for grants under section 10603(a) of this title.

"(D) Any deposits in the Fund in a particular fiscal year in excess of \$110,000,000 shall be available as follows:

"(i) 47.5 percent shall be available for grants under section 10602 of this title;

"(ii) 47.5 percent shall be available for grants under section 10603(a) of this title; and

"(iii) 5 percent shall be available for grants under section 10603(c)(1)(B) of this title."

1990—Subsec. (c)(1)(B)(i). Pub. L. 101-647 substituted "1990" for "1991".

1988—Subsec. (c). Pub. L. 100-690, §7121(a), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows:

"(1) If the total deposited in the Fund during a particular fiscal year reaches the sum of \$110 million, the excess over that sum shall be deposited in the general fund of the Treasury and shall not be a part of the Fund.

"(2) No deposits shall be made in the Fund after September 30, 1988."

Subsec. (d)(2)(C). Pub. L. 100-690, §7121(b)(2), inserted ", but not in excess of \$110,000,000," after "\$105,500,000".

Subsec. (d)(2)(D). Pub. L. 100-690, §7121(b)(1), added subpar. (D).

Subsec. (g). Pub. L. 100-690, §7124, added subsec. (g).  
1986—Subsec. (c)(1). Pub. L. 99-401, §102(b)(1), substituted “\$110 million” for “\$100 million”.

Subsec. (d)(2). Pub. L. 99-401, §102(b)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “Fifty percent of the total deposited in the Fund during a particular fiscal year shall be available for grants under section 10602 of this title and fifty percent shall be available for grants under section 10603 of this title.”

Subsec. (e). Pub. L. 99-646 designated existing provision as par. (1), substituted “Except as provided in paragraph (2), any” for “Any”, and added par. (2).

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Jan. 1, 1993, see section 1101 of Pub. L. 102-572, set out as a note under section 905 of Title 2, The Congress.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Section 7129 of Pub. L. 100-690, as amended by Pub. L. 101-647, title V, §505, Nov. 29, 1990, 104 Stat. 4822, provided that: “The amendments made by this chapter [probably means this subtitle, subtitle D (§§ 7121-7130) of title VII of Pub. L. 100-690, enacting section 10605 of this title, amending this section and sections 10602 to 10604 of this title, and enacting provisions set out as a note under this section] shall not apply with respect to a State compensation program that was an eligible State crime victim compensation program on the date of the enactment of this Act [Nov. 18, 1988] until October 1, 1991.”

#### EFFECTIVE DATE

Section 1409 of chapter XIV of title II of Pub. L. 98-473 provided that:

“(a) Except as provided in subsection (b), this chapter [see Short Title note below] and the amendments made by this chapter shall take effect thirty days after the date of enactment of this joint resolution [Oct. 12, 1984].

“(b) Sections 1402, 1403, 1404, and 1407 of this chapter [enacting this chapter] shall take effect on October 1, 1984.”

#### SHORT TITLE OF 1996 AMENDMENT

Section 231 of title II of Pub. L. 104-132 provided that: “This subtitle [subtitle C (§§ 231-236) of title II of Pub. L. 104-132, enacting sections 10603b and 10608 of this title, amending this section and sections 10602 and 10603 of this title, and enacting provisions set out as notes under section 10602 of this title] may be cited as the ‘Justice for Victims of Terrorism Act of 1996’.”

#### SHORT TITLE OF 1990 AMENDMENT

Section 501 of title V of Pub. L. 101-647 provided that: “This title [enacting sections 10606 and 10607 of this title, amending this section, enacting provisions set out as a note under section 10606 of this title, and amending provisions set out as a note under this section] may be cited as the ‘Victims’ Rights and Restitution Act of 1990’.”

#### SHORT TITLE

Section 1401 of chapter XIV (§§ 1401-1411) of title II of Pub. L. 98-473 provided that: “This chapter [enacting this chapter and sections 3013, 3671 and 3672 of Title 18, Crimes and Criminal Procedure, and amending sections 3150a, 4207, and 4215 of Title 18 and provisions set out as a note under section 1512 of Title 18] may be cited as the ‘Victims of Crime Act of 1984’.”

#### TRANSFER OF CERTAIN UNOBLIGATED FUNDS

Section 109(b) of Pub. L. 105-119 provided that: “Any unobligated sums hitherto available to the judicial branch pursuant to the paragraph repealed by sub-

section (a) [former 42 U.S.C. 10601(d)(1)] shall be deemed to be deposits into the Crime Victims Fund as of the effective date hereof [Nov. 26, 1997] and may be used by the Director of the Office for Victims of Crime to improve services for the benefit of crime victims, including the processing and tracking of criminal monetary penalties and related litigation activities, in the Federal criminal justice system.”

#### RETROACTIVE TRANSFER TO FUND

Section 7130 of Pub. L. 100-690 provided that: “An amount equivalent to those sums which would have been placed in the Fund under section 1402(b) of the Victims of Crime Act [subsec. (b) of this section], but for the effect of section 1402(c)(2) of such Act, is hereby transferred to the Fund from any sums not appropriated from the general treasury.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10603, 10603a, 10604, 10605 of this title; title 18 section 798; title 50 section 783.

### § 10602. Crime victim compensation

#### (a) Authority of Director; grants

(1) Except as provided in paragraph (2), the Director shall make an annual grant from the Fund to an eligible crime victim compensation program of 40 percent of the amounts awarded during the preceding fiscal year, other than amounts awarded for property damage. Except as provided in paragraph (3), a grant under this section shall be used by such program only for awards of compensation.

(2) If the sums available in the Fund for grants under this section are insufficient to provide grants of 40 percent as provided in paragraph (1), the Director shall make, from the sums available, a grant to each eligible crime victim compensation program so that all such programs receive the same percentage of the amounts awarded by such program during the preceding fiscal year, other than amounts awarded for property damage.

(3) Not more than 5 percent of a grant made under this section may be used for the administration of the State crime victim compensation program receiving the grant.

#### (b) Eligible crime victim compensation programs

A crime victim compensation program is an eligible crime victim compensation program for the purposes of this section if—

(1) such program is operated by a State and offers compensation to victims and survivors of victims of criminal violence, including drunk driving and domestic violence for—

(A) medical expenses attributable to a physical injury resulting from compensable crime, including expenses for mental health counseling and care;

(B) loss of wages attributable to a physical injury resulting from a compensable crime; and

(C) funeral expenses attributable to a death resulting from a compensable crime;

(2) such program promotes victim cooperation with the reasonable requests of law enforcement authorities;

(3) such State certifies that grants received under this section will not be used to supplant State funds otherwise available to provide crime victim compensation;

(4) such program, as to compensable crimes occurring within the State, makes compensation awards to victims who are nonresidents of the State on the basis of the same criteria used to make awards to victims who are residents of such State;

(5) such program provides compensation to victims of Federal crimes occurring within the State on the same basis that such program provides compensation to victims of State crimes;

(6) such program provides compensation to residents of the State who are victims of crimes occurring outside the State if—

(A) the crimes would be compensable crimes had they occurred inside that State; and

(B) the places the crimes occurred in are outside of the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or are States not having eligible crime victim compensation programs;

(7) such program does not, except pursuant to rules issued by the program to prevent unjust enrichment of the offender, deny compensation to any victim because of that victim's familial relationship to the offender, or because of the sharing of a residence by the victim and the offender;

(8) such program does not provide compensation to any person who has been convicted of an offense under Federal law with respect to any time period during which the person is delinquent in paying a fine, other monetary penalty, or restitution imposed for the offense; and

(9) such program provides such other information and assurances related to the purposes of this section as the Director may reasonably require.

**(c) Exclusion from income for purposes of means tests**

Notwithstanding any other law, for the purpose of any maximum allowed income eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance) that becomes necessary to an applicant for such assistance in full or in part because of the commission of a crime against the applicant, as determined by the Director, any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income of the applicant until the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.

**(d) Definitions**

As used in this section—

(1) the term “property damage” does not include damage to prosthetic devices, eyeglasses or other corrective lenses, or dental devices;

(2) the term “medical expenses” includes, to the extent provided under the eligible crime victim compensation program, expenses for

eyeglasses or other corrective lenses, for dental services and devices and prosthetic devices, and for services rendered in accordance with a method of healing recognized by the law of the State;

(3) the term “compensable crime” means a crime the victims of which are eligible for compensation under the eligible crime victim compensation program, and includes crimes, whose victims suffer death or personal injury, that are described in section 247 of title 18, crimes involving terrorism, driving while intoxicated, and domestic violence; and

(4) the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, and any other possession or territory of the United States.

**(e) Relationship to certain Federal programs**

Notwithstanding any other law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, or a federally financed State or local program, would otherwise pay,—<sup>1</sup>

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

(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.

(Pub. L. 98-473, title II, §1403, Oct. 12, 1984, 98 Stat. 2171; Pub. L. 100-690, title VII, §§7123(b)(1)-(3), 7125, 7126, Nov. 18, 1988, 102 Stat. 4421-4423; Pub. L. 103-322, title XXIII, §§230202, 230203, title XXXIII, §330025(b), Sept. 13, 1994, 108 Stat. 2079, 2151; Pub. L. 104-132, title II, §§233(a), (b), 234(a)(1), (b), Apr. 24, 1996, 110 Stat. 1244, 1245; Pub. L. 104-155, §5, July 3, 1996, 110 Stat. 1394.)

AMENDMENTS

1996—Subsec. (b)(6)(B). Pub. L. 104-132, §233(b), inserted “are outside of the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or” before “are States not having”.

Subsec. (b)(8), (9). Pub. L. 104-132, §234(a)(1), added par. (8) and redesignated former par. (8) as (9).

Subsec. (c). Pub. L. 104-132, §234(b), added subsec. (c). Subsec. (d)(3). Pub. L. 104-155 inserted “crimes, whose victims suffer death or personal injury, that are described in section 247 of title 18,” after “includes”.

Pub. L. 104-132, §233(a), substituted “crimes involving terrorism, driving while intoxicated,” for “driving while intoxicated”.

1994—Subsec. (a)(1). Pub. L. 103-322, §230203(a), substituted “Except as provided in paragraph (3), a grant” for “A grant” in last sentence.

Subsec. (a)(3). Pub. L. 103-322, §230203(b), added par. (3).

Subsec. (b)(1). Pub. L. 103-322, §330025(b), inserted before semicolon at end “for—” and subpars. (A) to (C).

Subsec. (e). Pub. L. 103-322, §230202, added subsec. (e). 1988—Subsec. (a). Pub. L. 100-690, §§7123(b)(1), (2), 7125(b), substituted “Director” for “Attorney General” and “40 percent” for “35 percent” in pars. (1) and (2).

Subsec. (b)(1). Pub. L. 100-690, §7125(c)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “such program is operated by a State and offers compensation to victims of crime and survivors of victims of crime for—

“(A) medical expenses attributable to a physical injury resulting from compensable crime, including expenses for mental health counseling and care;

“(B) loss of wages attributable to a physical injury resulting from a compensable crime; and

<sup>1</sup> So in original. The comma probably should not appear.

“(C) funeral expenses attributable to a death resulting from a compensable crime;”.

Subsec. (b)(5). Pub. L. 100-690, § 7125(d), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “such program provides compensation to victims of crimes occurring within such State that would be compensable crimes, but for the fact that such crimes are subject to Federal jurisdiction, on the same basis that such program provides compensation to victims of compensable crimes; and”.

Subsec. (b)(6), (7). Pub. L. 100-690, § 7125(a)(1), added pars. (6) and (7). Former par. (6) redesignated (8).

Subsec. (b)(8). Pub. L. 100-690, §§ 7123(b)(3), 7125(a)(2), redesignated par. (6) as (8) and substituted “Director” for “Attorney General”.

Subsec. (c). Pub. L. 100-690, § 7125(e), struck out subsec. (c) which read as follows: “A State crime victim compensation program in effect on the date grants may first be made under this section shall be deemed an eligible crime victim compensation program for the purposes of this section until the day after the close of the first regular session of the legislature of that State that begins after such date.”

Subsec. (d)(1). Pub. L. 100-690, § 7126(a), inserted reference to eyeglasses or other corrective lenses.

Subsec. (d)(2). Pub. L. 100-690, § 7126(b), inserted reference to eyeglasses or other corrective lenses and inserted comma after “prosthetic devices”.

Subsec. (d)(3). Pub. L. 100-690, § 7125(c)(2), inserted reference to driving while intoxicated and domestic violence.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Section 233(d) of Pub. L. 104-132, as amended by Pub. L. 105-119, title I, § 120, Nov. 26, 1997, 111 Stat. 2468, provided that: “This section [amending this section] and the amendments made by this section shall take effect October 1, 1999.”

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 not applicable with respect to a State compensation program that was an eligible State crime victim compensation program on Nov. 18, 1988, until Oct. 1, 1991, see section 7129 of Pub. L. 100-690, as amended, set out as a note under section 10601 of this title.

#### APPLICATION OF AMENDMENT BY SECTION 234(a)(1) OF PUB. L. 104-132

Section 234(a)(2) of Pub. L. 104-132 provided that: “Section 1403(b)(8) of the Victims of Crime Act of 1984 [42 U.S.C. 10602(b)(8)], as added by paragraph (1) of this section, shall not be applied to deny victims compensation to any person until the date on which the Attorney General, in consultation with the Director of the Administrative Office of the United States Courts, issues a written determination that a cost-effective, readily available criminal debt payment tracking system operated by the agency responsible for the collection of criminal debt has established cost-effective, readily available communications links with entities that administer Federal victim compensation programs that are sufficient to ensure that victim compensation is not denied to any person except as authorized by law.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10601, 10603, 10605 of this title.

### § 10603. Crime victim assistance

#### (a) Grant authority of Director; chief executive of States; amount; insufficient funds

(1) Subject to the availability of money in the Fund, the Director shall make an annual grant from any portion of the Fund made available by section 10601(d)(2)<sup>1</sup> of this title for the purpose

<sup>1</sup> See References in Text note below.

of grants under this subsection, or for the purpose of grants under section 10602 of this title but not used for that purpose, to the chief executive of each State for the financial support of eligible crime victim assistance programs.

(2) Such chief executive shall—

(A) certify that priority shall be given to eligible crime victim assistance programs providing assistance to victims of sexual assault, spousal abuse, or child abuse;

(B) certify that funds shall be made available for grants to programs which serve previously underserved populations of victims of violent crime. The Director, after consultation with State and local officials and representatives from private organizations, shall issue guidelines to implement this section that provide flexibility to the States in determining the populations of victims of violent crimes that may be underserved in their respective States;

(C) certify that funds awarded to eligible crime victim assistance programs will not be used to supplant State and local funds otherwise available for crime victim assistance; and

(D) provide such other information and assurances related to the purposes of this section as the Director may reasonably require.

(3) The amounts of grants under paragraph (1) shall be—

(A) the base amount to each State; and

(B) that portion of the then remaining available money to each State that results from a distribution among the States on the basis of each State’s population in relation to the population of all States.

(4) If the amount available for grants under paragraph (1) is insufficient to provide the base amount to each State, the funds available shall be distributed equally among the States.

(5) As used in this subsection, the term “base amount” means—

(A) except as provided in subparagraph (B), \$500,000; and

(B) for the territories of the Northern Mariana Islands, Guam, American Samoa, and the Republic of Palau, \$200,000, with the Republic of Palau’s share governed by the Compact of Free Association between the United States and the Republic of Palau.

#### (b) Eligibility of program; factors; limitation on expending of sums

(1) A victim assistance program is an eligible crime victim assistance program for the purposes of this section if such program—

(A) is operated by a public agency or a non-profit organization, or a combination of such agencies or organizations or of both such agencies and organizations, and provides services to victims of crime;

(B) demonstrates—

(i) a record of providing effective services to victims of crime and financial support from sources other than the Fund; or

(ii) substantial financial support from sources other than the Fund;

(C) utilizes volunteers in providing such services, unless and to the extent the chief executive determines that compelling reasons exist to waive this requirement;

(D) promotes within the community served coordinated public and private efforts to aid crime victims; and

(E) assists potential recipients in seeking crime victim compensation benefits.

(2) Except as provided in paragraph (3), an eligible crime victim assistance program shall expend sums received under subsection (a) of this section only for providing services to victims of crime.

(3) Not more than 5 percent of sums received under subsection (a) of this section may be used for the administration of the State crime victim assistance program receiving such sums.

**(c) Grants; purposes; distribution; duties of Director; reimbursement by Director**

(1) The Director,<sup>2</sup> shall make grants—

(A) for demonstration projects and training and technical assistance services to eligible crime victim assistance programs; and

(B) for the financial support of services to victims of Federal crime by eligible crime victim assistance programs.

(2) Of the amount available for grants under this subsection—

(A) not more than 50 percent shall be used for grants under paragraph (1)(A); and

(B) not less than 50 percent shall be used for grants under paragraph (1)(B).

(3) The Director shall—

(A) be responsible for monitoring compliance with guidelines for fair treatment of crime victims and witnesses issued under section 6 of the Victim and Witness Protection Act of 1982 (Public Law 97-291) [18 U.S.C. 1512 note];

(B) consult with the heads of Federal law enforcement agencies that have responsibilities affecting victims of Federal crimes;

(C) coordinate victim services provided by the Federal Government with victim services offered by other public agencies and nonprofit organizations; and

(D) perform such other functions related to the purposes of this title as the Director deems appropriate.

(4) The Director may reimburse other instrumentalities of the Federal Government and contract for the performance of functions authorized under this subsection.

**(d) Definitions**

As used in this section—

(1) the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other territory or possession of the United States; and

(2) the term “services to victims of crime” includes—

(A) crises intervention services;

(B) providing, in an emergency, transportation to court, short-term child care services, and temporary housing and security measures;

(C) assistance in participating in criminal justice proceedings; and

(D) payment of all reasonable costs for a forensic medical examination of a crime vic-

tim, to the extent that such costs are otherwise not reimbursed or paid;

(3) the term “services to victims of Federal crime” means services to victims of crime with respect to Federal crime, and includes—

(A) training of law enforcement personnel in the delivery of services to victims of Federal crime;

(B) preparation, publication, and distribution of informational materials—

(i) setting forth services offered to victims of crime; and

(ii) concerning services to victims of Federal crime for use by Federal law enforcement personnel; and

(C) salaries of personnel who provide services to victims of crime, to the extent that such personnel provide such services;

(4) the term “crises intervention services” means counseling to provide emotional support in crises arising from the occurrence of crime; and

(5) the term “chief executive” includes a person designated by a chief executive to perform the functions of the chief executive under this section.

(Pub. L. 98-473, title II, § 1404, Oct. 12, 1984, 98 Stat. 2172; Pub. L. 99-401, title I, § 102(b)(4), (5), Aug. 27, 1986, 100 Stat. 905; Pub. L. 99-646, § 71, Nov. 10, 1986, 100 Stat. 3617; Pub. L. 100-690, title VII, §§ 7122, 7123(b)(4)-(9), 7127, 7128, title IX, § 9306(a), Nov. 18, 1988, 102 Stat. 4420, 4421, 4423, 4537; Pub. L. 103-317, title I, § 112, Aug. 26, 1994, 108 Stat. 1736; Pub. L. 103-322, title XXIII, §§ 230204, 230205, 230208, Sept. 13, 1994, 108 Stat. 2080; Pub. L. 104-132, title II, § 232(c)(2), Apr. 24, 1996, 110 Stat. 1244.)

REFERENCES IN TEXT

Section 10601(d)(2) of this title, referred to in subsec. (a)(1), was repealed and a new section 10601(d)(2) was added by Pub. L. 103-322, title XXIII, § 230201(a)(1), Sept. 13, 1994, 108 Stat. 2079. The new section 10601(d)(2) does not contain provisions relating to availability of Fund money for grants under this section or section 10602 of this title. See section 10601(d)(4) of this title.

AMENDMENTS

1996—Subsec. (a)(5). Pub. L. 104-132 amended par. (5) generally. Prior to amendment, par. (5) read as follows: “As used in this subsection, the term ‘base amount’ means—

“(A) \$150,000 for fiscal years 1989 through 1991; and  
“(B) \$200,000 thereafter.”

1994—Subsec. (a)(5)(B). Pub. L. 103-322, § 230208, amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “\$200,000 thereafter through fiscal year 1995.”

Pub. L. 103-317 substituted “1995” for “1994”.

Subsec. (b)(2). Pub. L. 103-322, § 230205(a), substituted “Except as provided in paragraph (3), an eligible” for “An eligible”.

Subsec. (b)(3). Pub. L. 103-322, § 230205(b), added par. (3).

Subsec. (c)(1)(A). Pub. L. 103-322, § 230204, inserted “demonstration projects and” before “training”.

1988—Subsec. (a)(1). Pub. L. 100-690, § 7123(b)(4), substituted “Director” for “Attorney General”.

Subsec. (a)(2)(B). Pub. L. 100-690, § 7122(1), added subpar. (B). Former subpar. (B) redesignated (C).

Subsec. (a)(2)(C). Pub. L. 100-690, § 7122(2), redesignated subpar. (B) as (C). Former subpar. (C) redesignated (D).

<sup>2</sup> So in original. The comma probably should not appear.

Subsec. (a)(2)(D). Pub. L. 100-690, §7123(b)(5), which directed substitution of "Director" for "Attorney General" in subpar. (C), was executed by making substitution in subpar. (D) to reflect the probable intent of Congress and the intervening redesignation of subpar. (C) as (D), see below.

Pub. L. 100-690, §7122(2), redesignated subpar. (C) as (D).

Subsec. (a)(3) to (5). Pub. L. 100-690, §7128, substituted "the base amount" for "\$100,000" in pars. (3)(A) and (4) and added par. (5).

Subsec. (c)(1). Pub. L. 100-690, §7123(b)(6), substituted "Director" for "Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs".

Subsec. (c)(3). Pub. L. 100-690, §7123(b)(7), (8), substituted "Director" for "Assistant Attorney General for the Office of Justice Programs" in introductory provisions and "Director deems appropriate" for "Attorney General may assign" in subpar. (D).

Subsec. (c)(4). Pub. L. 100-690, §7123(b)(9), substituted "Director" for "Attorney General".

Subsec. (d)(1). Pub. L. 100-690, §9306(a), struck out ", except for the purposes of paragraphs (3)(A) and (4) of subsection (a) of this section," before "any other territory".

Pub. L. 100-690, §7127, inserted reference to the United States Virgin Islands.

1986—Subsec. (a)(1). Pub. L. 99-401, §102(b)(5), substituted "made available by section 10601(d)(2) of this title for the purpose of grants under this subsection, or for the purpose of grants under section 10602 of this title but not used for that purpose" for "not used for grants under section 10602 of this title with respect to a particular fiscal year, and after any deduction under subsection (c) of this section".

Subsec. (c)(1), (2). Pub. L. 99-401, §102(b)(4), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

"(1) The Attorney General may in any fiscal year deduct from amounts available under this section an amount not to exceed 5 percent of the amount in the Fund, and may expend the amount so deducted to provide services to victims of Federal crimes by the Department of Justice, or reimburse other instrumentalities of the Federal Government otherwise authorized to provide such services.

"(2) The Attorney General shall appoint or designate an official of the Department of Justice to be the Federal Crime Victim Assistance Administrator (hereinafter in this chapter referred to as the 'Federal Administrator') to exercise the responsibilities of the Attorney General under this subsection."

Subsec. (c)(2)(A). Pub. L. 99-646, §71(1), substituted "not more than" for "not less than".

Subsec. (c)(2)(B). Pub. L. 99-646, §71(2), substituted "not less than" for "not more than".

Subsec. (c)(3). Pub. L. 99-401, §102(b)(4), substituted "The Assistant Attorney General for the Office of Justice Programs shall" for "The Federal Administrator shall".

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by sections 7122, 7123(b)(4)-(9), 7127, and 7128 of Pub. L. 100-690 not applicable with respect to a State compensation program that was an eligible State crime victim compensation program on Nov. 18, 1988, until Oct. 1, 1991, see section 7129 of Pub. L. 100-690, as amended, set out as a note under section 10601 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10601, 10603a, 10603b, 10605 of this title.

### § 10603a. Child abuse prevention and treatment grants

Amounts made available by section 10601(d)(2) of this title for the purposes of this section shall

be obligated and expended by the Secretary of Health and Human Services for grants under section 5106c<sup>1</sup> of this title. Any portion of an amount which is not obligated by the Secretary by the end of the fiscal year in which funds are made available for allocation, shall be reallocated for award under section 10603(a) of this title, except that with respect to funds deposited during fiscal year 1986 and made available for obligation during fiscal year 1987, any unobligated portion of such amount shall remain available for obligation until September 30, 1988.

(Pub. L. 98-473, title II, §1404A, as added Pub. L. 99-401, title I, §102(b)(3), Aug. 27, 1986, 100 Stat. 905; amended Pub. L. 103-121, title I, §110(b), Oct. 27, 1993, 107 Stat. 1164; Pub. L. 104-235, title I, §113(b), Oct. 3, 1996, 110 Stat. 3079.)

#### REFERENCES IN TEXT

Section 5106c of this title, referred to in text, was in the original "section 109 of the Child Abuse Prevention and Treatment Act", meaning section 109 of Pub. L. 93-247, and was translated as reading section 107 of that act to reflect the probable intent of Congress and the renumbering of section 109 as section 107 by section 113(a)(1)(B) of Pub. L. 104-235, title I, Oct. 3, 1996, 110 Stat. 3079.

#### AMENDMENTS

1996—Pub. L. 104-235 substituted "section 10601(d)(2) of this title" for "section 10601(d)(2)(D) and (d)(3) of this title." and "section 5106c" for "section 5103(d)".

1993—Pub. L. 103-121 substituted "section 10601(d)(2)(D) and (d)(3) of this title." for "section 10601(d)(2) of this title".

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5106c, 5106f, 10601 of this title.

### § 10603b. Compensation and assistance to victims of terrorism or mass violence

#### (a) Victims of acts of terrorism outside United States

The Director may make supplemental grants as provided in section 10603(a) of this title to States to provide compensation and assistance to the residents of such States who, while outside of the territorial boundaries of the United States, are victims of a terrorist act or mass violence and are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

#### (b) Victims of terrorism within United States

The Director may make supplemental grants as provided in section 10603(d)(4)(B) of this title to States for eligible crime victim compensation and assistance programs to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, for the benefit of victims of terrorist acts or mass violence occurring within the United States and may provide funding to United States Attorney's Offices for use in coordination with State victim compensation and assistance efforts in providing emergency relief.

(Pub. L. 98-473, title II, §1404B, as added Pub. L. 104-132, title II, §232(a), Apr. 24, 1996, 110 Stat. 1243.)

<sup>1</sup> See References in Text note below.

## REFERENCES IN TEXT

The Omnibus Diplomatic Security and Antiterrorism Act of 1986, referred to in subsec. (a), is Pub. L. 99-399, Aug. 27, 1986, 100 Stat. 853, as amended. Title VIII of the Act, known as the "Victims of Terrorism Compensation Act", enacted sections 5569 and 5570 of Title 5, Government Organization and Employees, sections 1051, 1095, and 2181 to 2185 of Title 10, Armed Forces, and sections 559 and 1013 of Title 37, Pay and Allowances of the Uniformed Services, amended section 6325 of Title 5, and enacted provisions set out as notes under section 5569 of Title 5, sections 1051, 1095, and 2181 of Title 10, and section 559 of Title 37. For complete classification of title VIII to the Code, see Short Title note set out under section 5569 of Title 5 and Tables.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10601 of this title.

**§ 10604. Administrative provisions****(a) Authority of Director to establish rules and regulations**

The Director may establish such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Director under this chapter.

**(b) Recordkeeping**

Each recipient of sums under this chapter shall keep such records as the Director shall prescribe, including records that fully disclose the amount and disposition by such recipient of such sums, the total cost of the undertaking for which such sums are used, and that portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

**(c) Access of Director to books and records for purpose of audit and examination**

The Director shall have access, for purpose of audit and examination, to any books, documents, papers, and records of the recipient of sums under this chapter that, in the opinion of the Director, may be related to the expenditure of funds received under this chapter.

**(d) Revealing research or statistical information; prohibition; immunity from legal proceedings; permission; admission of information as evidence**

Except as otherwise provided by Federal law, no officer or employee of the Federal Government, and no recipient of sums under this chapter, shall use or reveal any research or statistical information furnished under this chapter by any person and identifiable to any specific private person for any purpose other than the purpose for which such information was obtained in accordance with this chapter. Such information, and any copy of such information, shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding.

**(e) Discrimination prohibited**

No person shall on the ground of race, color, religion, national origin, handicap, or sex be excluded from participation in, denied the benefits

of, subjected to discrimination under, or denied employment in connection with, any undertaking funded in whole or in part with sums made available under this chapter.

**(f) Failure to comply with provisions; notice and hearing; power of Director**

If, after reasonable notice and opportunity for a hearing on the record, the Director finds that a State has failed to comply substantially with any provision of this chapter or a rule, regulation, guideline, or procedure issued under this chapter, or an application submitted in accordance with this chapter or the provisions of any other applicable law, the Director shall—

(1) terminate payments to such State;

(2) suspend payments to such State until the Director is satisfied that such noncompliance has ended; or

(3) take such other action as the Director deems appropriate.

**(g) Report**

The Director shall, on December 31, 1990, and on June 30 every two years thereafter, report to the President and to the Congress on the revenue derived from each source described in section 10601 of this title and on the effectiveness of the activities supported under this chapter. The Director may include in such report recommendations for legislation to improve this chapter.

**(h) Maintenance of effort**

Each entity receiving sums made available under this chapter for administrative purposes shall certify that such sums will not be used to supplant State or local funds, but will be used to increase the amount of such funds that would, in the absence of Federal funds, be made available for these purposes.

(Pub. L. 98-473, title II, §1407, Oct. 12, 1984, 98 Stat. 2176; Pub. L. 99-646, §48, Nov. 10, 1986, 100 Stat. 3605; Pub. L. 100-690, title VII, §7123(b)(10)-(14), Nov. 18, 1988, 102 Stat. 4421, 4422; Pub. L. 103-322, title XXIII, §§230206, 230207, Sept. 13, 1994, 108 Stat. 2080; Pub. L. 104-294, title VI, §604(b)(9), Oct. 11, 1996, 110 Stat. 3507.)

## REFERENCES IN TEXT

This chapter, referred to in subsec. (h), was in the original "this Act", and was translated as reading "this chapter", meaning chapter XIV of title II of Pub. L. 98-473, to reflect the probable intent of Congress.

## AMENDMENTS

1996—Subsec. (g). Pub. L. 104-294 amended directory language of Pub. L. 103-322, §230207. See 1994 Amendment note below.

1994—Subsec. (g). Pub. L. 103-322, §230207, as amended by Pub. L. 104-294, substituted "and on June 30 every two years thereafter" for "and on December 31 every 2 years thereafter".

Subsec. (h). Pub. L. 103-322, §230206, added subsec. (h).  
1988—Subsec. (a). Pub. L. 100-690, §7123(b)(10), substituted "Director" for "Attorney General" in two places and "under this chapter" for "under this chapter and may delegate to any officer or employee of the Department of Justice any such function as the Attorney General deems appropriate".

Subsec. (b). Pub. L. 100-690, §7123(b)(11), substituted "Director" for "Attorney General".

Subsec. (c). Pub. L. 100-690, §7123(b)(12), which directed substitution of "Director" for "Attorney Gen-

eral or any duly authorized representative of the Attorney General", was executed by making substitution in two places.

Subsec. (f). Pub. L. 100-690, §7123(b)(13), substituted "Director" for "Attorney General" two places in introductory provisions and in pars. (2) and (3).

Subsec. (g). Pub. L. 100-690, §7123(b)(14), substituted "Director" for "Attorney General" in two places and "on December 31, 1990, and on December 31 every 2 years thereafter" for "no later than December 31, 1987".

1986—Subsecs. (g), (h). Pub. L. 99-646 redesignated subsec. (h) as (g) and substituted "1402", which was translated as "section 10601 of this title" for "1302", which had been editorially translated as "section 10601 of this title", thereby requiring no change in text.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of Title 18, Crimes and Criminal Procedure.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 not applicable with respect to a State compensation program that was an eligible State crime victim compensation program on Nov. 18, 1988, until Oct. 1, 1991, see section 7129 of Pub. L. 100-690, as amended, set out as a note under section 10601 of this title.

#### REPORTS ON AMOUNTS RECEIVED AND DISTRIBUTED FROM FINES FOR VIOLATIONS OF TRADE SECRETS PROVISIONS

Section 101(c) of Pub. L. 104-294 provided that: "Not later than 2 years and 4 years after the date of the enactment of this Act [Oct. 11, 1996], the Attorney General shall report to Congress on the amounts received and distributed from fines for offenses under this chapter [probably means chapter 90 of title 18, added by section 101(a) of Pub. L. 104-294] deposited in the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601)."

### § 10605. Establishment of Office for Victims of Crime

#### (a) Office established within Department of Justice

There is established within the Department of Justice an Office for Victims of Crime (hereinafter in this chapter referred to as the "Office").

#### (b) Appointment of Director; authority; restrictions

The Office shall be headed by a Director (referred to in this chapter as the "Director"), who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report to the Attorney General through the Assistant Attorney General for the Office of Justice Programs and shall have final authority for all grants, cooperative agreements, and contracts awarded by the Office. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other agreement under this chapter.<sup>1</sup>

#### (c) Duties of Director

The Director shall have the following duties:

- (1) Administering funds made available by section 10601 of this title.

- (2) Providing funds to eligible States pursuant to sections 10602 and 10603 of this title.

- (3) Establishing programs in accordance with section 10603(c) of this title on terms and conditions determined by the Director to be consistent with that subsection.

- (4) Cooperating with and providing technical assistance to States, units of local government, and other public and private organizations or international agencies involved in activities related to crime victims.

- (5) Such other functions as the Attorney General may delegate.

(Pub. L. 98-473, title II, §1411, as added Pub. L. 100-690, title VII, §7123(a), Nov. 18, 1988, 102 Stat. 4420.)

#### REFERENCES IN TEXT

This chapter, the last place it appears in subsec. (b), was in the original "this part", which has been translated as reading in the original "this chapter" meaning chapter XIV of title II of Pub. L. 98-473 to reflect the probable intent of Congress because chapter XIV of title II of Pub. L. 98-473 which comprises this chapter, does not contain parts.

#### EFFECTIVE DATE

Section not applicable with respect to a State compensation program that was an eligible State crime victim compensation program on Nov. 18, 1988, until Oct. 1, 1991, see section 7129 of Pub. L. 100-690, as amended, set out as an Effective Date of 1988 Amendment note under section 10601 of this title.

### § 10606. Victims' rights

#### (a) Best efforts to accord rights

Officers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that victims of crime are accorded the rights described in subsection (b) of this section.

#### (b) Rights of crime victims

A crime victim has the following rights:

- (1) The right to be treated with fairness and with respect for the victim's dignity and privacy.

- (2) The right to be reasonably protected from the accused offender.

- (3) The right to be notified of court proceedings.

- (4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.

- (5) The right to confer with<sup>1</sup> attorney for the Government in the case.

- (6) The right to restitution.

- (7) The right to information about the conviction, sentencing, imprisonment, and release of the offender.

#### (c) 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 the failure to accord to a victim the rights enumerated in subsection (b) of this section.

<sup>1</sup> See References in Text note below.

<sup>1</sup> So in original. Probably should be followed by "the".

(Pub. L. 101-647, title V, §502, Nov. 29, 1990, 104 Stat. 4820.)

CODIFICATION

Section enacted as part of the Victims' Rights and Restitution Act of 1990 and also as part of the Crime Control Act of 1990, and not as part of the Victims of Crime Act of 1984 which comprises this chapter.

SENSE OF CONGRESS WITH RESPECT TO VICTIMS OF CRIME

Section 506 of Pub. L. 101-647 provided that: "It is the sense of Congress that the States should make every effort to adopt the following goals of the Victims of Crime Bill of Rights:

"(1) Victims of crime should be treated with compassion, respect and dignity throughout the criminal justice process.

"(2) Victims of crime should be reasonably protected from the accused throughout the criminal justice process.

"(3) Victims of crime should have a statutorily designated advisory role in decisions involving prosecutorial discretion, such as the decision to plea-bargain.

"(4) Victims of crime should have the right to a reasonable assurance that the accused will be tried in an expeditious manner.

"(5) A victim of crime should have the right to be present at all proceedings related to the offense against him, unless the victim is to testify and the court determines that the victim's testimony would be materially prejudiced by hearing other testimony at the trial.

"(6) Victims of crime should have the right to information about the conviction, sentencing and imprisonment of the person who committed the crime against them.

"(7) Victims of crime should be compensated for the damage resulting from the crime to the fullest extent possible by the person convicted of the crime.

"(8) Victims of crime should have a statutorily designated advisory role in deciding the early release status of the person convicted of the crime against them.

"(9) A victim of crime should never be forced to endure again the emotional and physical consequences of the original crime."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10607 of this title.

**§ 10607. 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) of this section 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) of this section; 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) of this section.

**(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 and<sup>1</sup> 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)<sup>2</sup> of this title, 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 in-

<sup>1</sup> So in original. Probably should be followed by "the".

<sup>2</sup> See References in Text note below.

vestigation 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 the failure of a responsible person to provide information as required by subsection (b) or (c) of this section.

**(e) Definitions**

For the purposes of this section—

(1) the term “responsible official” means a person designated pursuant to subsection (a) of this section to perform the functions of a responsible official under that section; and

(2) the term “victim” means a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime, including—

(A) in the case of a victim that is an institutional entity, an authorized representative of the entity; and

(B) in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, one of the following (in order of preference):

- (i) a spouse;
- (ii) a legal guardian;
- (iii) a parent;
- (iv) a child;
- (v) a sibling;
- (vi) another family member; or
- (vii) another person designated by the court.

(Pub. L. 101-647, title V, § 503, Nov. 29, 1990, 104 Stat. 4820; Pub. L. 103-322, title IV, § 40503(a), Sept. 13, 1994, 108 Stat. 1946.)

REFERENCES IN TEXT

Section 10606(b)(4) of this title, referred to in subsection (c)(3)(D), was in the original “section 1102(b)(4)”, meaning section 1102(b)(4) of Pub. L. 101-647, which has been translated as reading section 502(b)(4) of Pub. L. 101-647 to reflect the probable intent of Congress because Pub. L. 101-647 does not contain a section 1102 and section 502(b)(4) relates to the right of crime victims to be present at public court proceedings.

CODIFICATION

Section enacted as part of the Victims’ Rights and Restitution Act of 1990 and also as part of the Crime

Control Act of 1990, and not as part of the Victims of Crime Act of 1984 which comprises this chapter.

AMENDMENTS

1994—Subsec. (c)(7). Pub. L. 103-322 inserted at end “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.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 section 3510.

**§ 10608. Closed circuit televised court proceedings for victims of crime**

**(a) In general**

Notwithstanding any provision of the Federal Rules of Criminal Procedure to the contrary, in order to permit victims of crime to watch criminal trial proceedings in cases where the venue of the trial is changed—

(1) out of the State in which the case was initially brought; and

(2) more than 350 miles from the location in which those proceedings originally would have taken place;

the trial court shall order closed circuit televising of the proceedings to that location, for viewing by such persons the court determines have a compelling interest in doing so and are otherwise unable to do so by reason of the inconvenience and expense caused by the change of venue.

**(b) Limited access**

**(1) Generally**

No other person, other than official court and security personnel, or other persons specifically designated by the court, shall be permitted to view the closed circuit televising of the proceedings.

**(2) Exception**

The court shall not designate a person under paragraph (1) if the presiding judge at the trial determines that testimony by that person would be materially affected if that person heard other testimony at the trial.

**(c) Restrictions**

(1) The signal transmitted pursuant to subsection (a) of this section shall be under the control of the court at all times and shall only be transmitted subject to the terms and conditions imposed by the court.

(2) No public broadcast or dissemination shall be made of the signal transmitted pursuant to subsection (a) of this section. In the event any tapes are produced in carrying out subsection (a) of this section, such tapes shall be the property of the court and kept under seal.

(3) Any violations of this subsection, or any rule or order made pursuant to this section, shall be punishable as contempt of court as described in section 402 of title 18.

**(d) Donations**

The Administrative Office of the United States Courts may accept donations to enable the courts to carry out subsection (a) of this section.

**(e) Construction**

(1)<sup>1</sup> Nothing in this section shall be construed—

(i) to create in favor of any person a cause of action against the United States or any officer or employees thereof, or

(ii) to provide any person with a defense in any action in which application of this section is made.

**(f) “State” defined**

As used in this section, the term “State” means any State, the District of Columbia, or any possession or territory of the United States.

**(g) Rules**

The Judicial Conference of the United States, pursuant to its rule making authority under section 331 of title 28, may promulgate and issue rules, or amend existing rules, to effectuate the policy addressed by this section. Upon the implementation of such rules, this section shall cease to be effective.

**(h) Effective date**

This section shall only apply to cases filed after January 1, 1995.

(Pub. L. 104-132, title II, §235, Apr. 24, 1996, 110 Stat. 1246.)

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (a), are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

CODIFICATION

This section was enacted as part of the Justice for Victims of Terrorism Act of 1996, and also as part of the Antiterrorism and Effective Death Penalty Act of 1996, and not as part of the Victims of Crime Act of 1984 which comprises this chapter.

**CHAPTER 113—STATE JUSTICE INSTITUTE**

- Sec.
- 10701. Definitions.
- 10702. Establishment of Institute; duties.
  - (a) Establishment; purpose; incorporation; powers.
  - (b) Duties.
  - (c) Duplication of functions; responsibility of State agencies.
  - (d) Maintenance of offices in State of incorporation; agent for receipt of service of process.
  - (e) Tax status of Institute and programs assisted thereby.
  - (f) Rules, regulations, etc.; notice and comment.
- 10703. Board of Directors.
  - (a) Appointment and membership.
  - (b) Term of office.
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  - (d) Compensation; reimbursement for expenses.
  - (e) Status of members of Board as officers and employees of United States.

- Sec.
- (f) Voting rights of Board members; quorum; action of Board on concurrence of majority.
- (g) Chairman; initial selection and term of office; subsequent annual election.
- (h) Grounds for removal of members.
- (i) Quarterly meetings of Board; special meetings.
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- (k) Duties and functions of Board.
- 10704. Officers and employees.
  - (a) Duties of Director; appointment and removal of employees; political tests or qualifications prohibited.
  - (b) Compensation.
  - (c) Status of Institute as department, agency, or instrumentality of Federal Government; authority of Office of Management and Budget.
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- 10705. Grants and contracts.
  - (a) Authority of Institute; purposes of grants.
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  - (c) Permissible uses of funds.
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- 10706. Limitations on grants and contracts.
  - (a) Duties of Institute.
  - (b) Use of funds for training programs for advocacy of nonjudicial public policies or encouraging nonjudicial political activities.
  - (c) Authority coextensive with appropriation Acts.
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- 10707. Restrictions on activities of Institute.
  - (a) Litigation; interference with independence of State judiciary; funding of State judicial system activities other than pursuant to this chapter; legislative lobbying.
  - (b) Issuance of shares of stock; declaration of dividends; compensation for services; reimbursement for expenses; political activities.
  - (c) Identification of Institute with political activities.
- 10708. Administrative provisions.
- 10709. Presidential coordination.
- 10710. Records and reports.
  - (a) Reports.
  - (b) Records.
  - (c) Submission of copies of reports to recipients; maintenance in principal office of Institute; availability for public inspection; furnishing of copies to interested parties.
  - (d) Funds accounted for and reported as receipts and disbursements separate and distinct from Federal funds.
- 10711. Audits.
  - (a) Time and place of audits; standards; availability of books, accounts, facilities, etc., to auditors; filing of report and availability for public inspection.
  - (b) Additional audits; requirements; reports and recommendations to Congress and Attorney General.

<sup>1</sup> So in original. No par. (2) has been enacted.