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S.1197

Violence Against Women Act of 2005 (Engrossed as Agreed to or Passed by Senate)

SEC. 103. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6) is amended--

(1) in subsection (a), by--

(A) inserting before `legal assistance' the following: `civil and criminal';

(B) inserting after `effective aid to' the following: `adult and youth'; and

(C) inserting at the end the following: `Criminal legal assistance provided for under this section shall be limited to criminal matters relating to domestic violence, sexual assault, dating violence, and stalking.';

(2) in subsection (c), by inserting `and tribal organizations, territorial organizations' after `Indian tribal governments';

(3) in subsection (d) by striking paragraph (2) and inserting the following:

`(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organization or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;

(4) in subsection (e), by inserting `dating violence,' after `domestic violence,'; and

(5) in subsection (f)--

(A) by striking paragraph (1) and inserting the following:

`(1) IN GENERAL- There is authorized to be appropriated to carry out this section \$65,000,000 for each of fiscal years 2006 through 2010.'; and

(B) in paragraph (2)(A), by--

(i) striking `5 percent' and inserting `10 percent'; and

(ii) inserting `adult and youth' after `that assist'.

SEC. 104. ENSURING CRIME VICTIM ACCESS TO LEGAL SERVICES.

(a) In General- Section 502 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119; 111 Stat. 2510) is amended--

(1) in subsection (a)(2)(C)--

(A) in the matter preceding clause (i), by striking `using funds derived from a source other than the Corporation to provide' and inserting `providing';

(B) in clause (i), by striking `in the United States' and all that follows and inserting `or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)); or'; and

(C) in clause (ii), by striking `has been battered' and all that follows and inserting `, without the active participation of the alien, has been battered or subjected to extreme cruelty or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)).'; and

(2) in subsection (b)(2), by striking `described in such subsection' and inserting `, sexual assault or trafficking, or the crimes listed in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii))'.

(b) Savings Provision- Nothing in this Act, or the amendments made by this Act, shall be construed to restrict the legal assistance provided to victims of trafficking and certain family members authorized under section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)).

SEC. 105. THE VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.

(a) VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS- The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

`Subtitle J--Violence Against Women Act Court Training and Improvements

`SEC. 41001. SHORT TITLE.

`This subtitle may be cited as the `Violence Against Women Act Court Training and Improvements Act of 2005'.

`SEC. 41002. PURPOSE.

The purpose of this subtitle is to enable the Attorney General, through the Director of the Office on Violence Against Women, to award grants to improve court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking to be used for--

(1) improved internal civil and criminal court functions, responses, practices, and procedures;

(2) education for court-based and court-related personnel on issues relating to victims' needs, including safety, security, privacy, confidentiality, and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;

(3) collaboration and training with Federal, State, tribal, territorial, and local public agencies and officials and nonprofit, nongovernmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial, and local law;

(4) enabling courts or court-based or court-related programs to develop new or enhance current--

(A) court infrastructure (such as specialized courts, dockets, intake centers, or interpreter services);

(B) community-based initiatives within the court system (such as court watch programs, victim assistants, or community-based supplementary services);

(C) offender management, monitoring, and accountability programs;

(D) safe and confidential information-storage and -sharing databases within and between court systems;

(E) education and outreach programs to improve community access, including enhanced access for racial and ethnic communities and underserved populations; and

(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking; and

(5) providing technical assistance to Federal, State, tribal, territorial, or local courts wishing to improve their practices and procedures or to develop new programs.

SEC. 41003. GRANT REQUIREMENTS.

Grants awarded under this subtitle shall be subject to the following conditions:

(1) ELIGIBLE GRANTEES- Eligible grantees may include--

(A) Federal, State, tribal, territorial, or local courts or court-based programs; and

(B) national, State, tribal, territorial, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.

`(2) **CONDITIONS OF ELIGIBILITY-** To be eligible for a grant under this section, applicants shall certify in writing that--

`(A) any courts or court-based personnel working directly with or making decisions about adult or youth parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking;

`(B) any education program developed under section 41002 has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition; and

`(C) the grantee's internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue.

`SEC. 41004. NATIONAL EDUCATION CURRICULA.

`(a) **IN GENERAL-** The Attorney General, through the Director of the Office on Violence Against Women, shall fund efforts to develop a national education curriculum for use by State and national judicial educators to ensure that all courts and court personnel have access to information about relevant Federal, State, territorial, or local law, promising practices, procedures, and policies regarding court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

`(b) **ELIGIBLE ENTITIES-** Any curricula developed under this section--

`(1) shall be developed by an entity or entities having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

`(2) if the primary grantee does not have demonstrated expertise with such issues, shall be developed by the primary grantee in partnership with an organization having such expertise.

`SEC. 41005. TRIBAL CURRICULA.

`(a) **IN GENERAL-** The Attorney General, through the Office on Violence Against Women, shall fund efforts to develop education curricula for tribal court judges to ensure that all tribal courts have relevant information about promising practices, procedures, policies, and law regarding tribal court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

`(b) **ELIGIBLE ENTITIES-** Any curricula developed under this section--

`(1) shall be developed by a tribal organization having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; and

`(2) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

SEC. 41006. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL- There is authorized to be appropriated to carry out this subtitle \$5,000,000 for each of fiscal years 2006 to 2010.

(b) AVAILABILITY- Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this subtitle.

(c) SET ASIDE- Of the amounts made available under this subsection in each fiscal year, not less than 10 percent shall be used for grants for tribal courts, tribal court-related programs, and tribal nonprofits.'

SEC. 106. FULL FAITH AND CREDIT IMPROVEMENTS.

(a) ENFORCEMENT OF PROTECTION ORDERS ISSUED BY TERRITORIES- Section 2265 of title 18, United States Code, is amended by--

(1) striking 'or Indian tribe' each place it appears and inserting ', Indian tribe, or territory'; and

(2) striking 'State or tribal' each place it appears and inserting 'State, tribal, or territorial'.

(b) CLARIFICATION OF ENTITIES HAVING ENFORCEMENT AUTHORITY AND RESPONSIBILITIES- Section 2265(a) of title 18, United States Code, is amended by striking 'and enforced as if it were' and inserting 'and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory as if it were'.

(c) LIMITS ON INTERNET PUBLICATION OF PROTECTION ORDER INFORMATION- Section 2265(d) of title 18, United States Code, is amended by adding at the end the following:

(3) LIMITS ON INTERNET PUBLICATION OF REGISTRATION INFORMATION- A State, Indian tribe, or territory shall not publish publicly on the Internet any information regarding the registration or filing of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes.'

(d) DEFINITIONS- Section 2266 of title 18, United States Code, is amended--

(1) by striking paragraph (5) and inserting the following:

(5) PROTECTION ORDER- The term 'protection order' includes--

(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another

proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

`(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.'; and

(2) in clauses (i) and (ii) of paragraph (7)(A), by striking `2261A, a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser' and inserting `2261A--

`(I) a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; or

`(II) a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship'.

SEC. 107. PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

`Subtitle K--Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

`SEC. 41101. GRANTS TO PROTECT THE PRIVACY AND CONFIDENTIALITY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

`The Attorney General, through the Director of the Office on Violence Against Women, may award grants under this subtitle to States, Indian tribes, territories, or local agencies or nonprofit, nongovernmental organizations to ensure that personally identifying information of adult, youth, and child victims of domestic violence, sexual violence, stalking, and dating violence shall not be released or disclosed to the detriment of such victimized persons.

`SEC. 41102. PURPOSE AREAS.

`Grants made under this subtitle may be used--

`(1) to develop or improve protocols, procedures, and policies for the purpose of preventing the release of personally identifying information of victims (such as developing alternative identifiers);

`(2) to defray the costs of modifying or improving existing databases, registries, and victim notification systems to ensure that personally identifying information of victims is protected from release, unauthorized information sharing and disclosure;

`(3) to develop confidential opt out systems that will enable victims of violence to make a single request to keep personally identifying information out of multiple databases, victim notification systems, and registries; or

`(4) to develop safe uses of technology (such as notice requirements regarding electronic surveillance by government entities), to protect against abuses of technology (such as electronic or GPS stalking), or providing training for law enforcement on high tech electronic crimes of domestic violence, dating violence, sexual assault, and stalking.

`SEC. 41103. ELIGIBLE ENTITIES.

`Entities eligible for grants under this subtitle include--

`(1) jurisdictions or agencies within jurisdictions having authority or responsibility for developing or maintaining public databases, registries or victim notification systems;

`(2) nonprofit nongovernmental victim advocacy organizations having expertise regarding confidentiality, privacy, and information technology and how these issues are likely to impact the safety of victims;

`(3) States or State agencies;

`(4) local governments or agencies;

`(5) Indian tribal governments or tribal organizations;

`(6) territorial governments, agencies, or organizations; or

`(7) nonprofit nongovernmental victim advocacy organizations, including statewide domestic violence and sexual assault coalitions.

`SEC. 41104. GRANT CONDITIONS.

`Applicants described in paragraph (1) and paragraphs (3) through (6) shall demonstrate that they have entered into a significant partnership with a State, tribal, territorial, or local victim service or advocacy organization or condition in order to develop safe, confidential, and effective protocols, procedures, policies, and systems for protecting personally identifying information of victims.

`SEC. 41105. AUTHORIZATION OF APPROPRIATIONS.

`(a) IN GENERAL- There is authorized to be appropriated to carry out this subtitle \$5,000,000 for each of fiscal years 2006 through 2010.

`(b) TRIBAL ALLOCATION- Of the amount made available under this section in each fiscal year, 10 percent shall be used for grants to Indian tribes for programs that assist victims of

domestic violence, dating violence, stalking, and sexual assault.

`(c) TECHNICAL ASSISTANCE AND TRAINING- Of the amount made available under this section in each fiscal year, not less than 5 percent shall be used for grants to organizations that have expertise in confidentiality, privacy, and technology issues impacting victims of domestic violence, dating violence, sexual assault, and stalking to provide technical assistance and training to grantees and non-grantees on how to improve safety, privacy, confidentiality, and technology to protect victimized persons.'

SEC. 108. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

`(c) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2006 through 2010.'

SEC. 109. STALKER DATABASE.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended--

(1) by striking `2001' and inserting `2006'; and

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