

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2613

To reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Adam Walsh Reau-
5 thorization Act of 2016”.

6 **SEC. 2. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA)**

7 **PROGRAM REAUTHORIZATION.**

8 Section 126(d) of the Adam Walsh Child Protection
9 and Safety Act of 2006 (42 U.S.C. 16926(d)) is amended
10 to read as follows:

11 “(d) **AUTHORIZATION OF APPROPRIATIONS.**—There
12 are authorized to be appropriated to the Attorney General

1 \$20,000,000 for each of fiscal years 2017 through 2018,
2 to be available only for—

3 “(1) the SOMA program; and

4 “(2) the Jessica Lunsford Address Verification
5 Grant Program established under section 631.”.

6 **SEC. 3. REAUTHORIZATION OF FEDERAL ASSISTANCE WITH**
7 **RESPECT TO VIOLATIONS OF REGISTRATION**
8 **REQUIREMENTS.**

9 Section 142(b) of the Adam Walsh Child Protection
10 and Safety Act of 2006 (42 U.S.C. 16941(b)) is amended
11 by striking “such sums as may be necessary for fiscal
12 years 2007 through 2009” and inserting “to the United
13 States Marshals Service \$61,300,000 for each of fiscal
14 years 2017 through 2018”.

15 **SEC. 4. ENSURING SUPERVISION OF RELEASED SEXUALLY**
16 **DANGEROUS PERSONS.**

17 (a) PROBATION OFFICERS.—Section 3603 of title 18,
18 United States Code, is amended in paragraph (8)(A) by
19 striking “or 4246” and inserting “, 4246, or 4248”.

20 (b) PRETRIAL SERVICES OFFICERS.—Section 3154
21 of title 18, United States Code, is amended in paragraph
22 (12)(A) by striking “or 4246” and inserting “, 4246, or
23 4248”.

1 **SEC. 5. SEXUAL ASSAULT SURVIVORS' RIGHTS.**

2 (a) IN GENERAL.—Title 18, United States Code, is
3 amended by adding after chapter 237 the following:

4 **“CHAPTER 238—SEXUAL ASSAULT**
5 **SURVIVORS' RIGHTS**

“Sec.

“3772. Sexual assault survivors' rights.

6 **“§ 3772. Sexual assault survivors' rights**

7 “(a) RIGHTS OF SEXUAL ASSAULT SURVIVORS.—In
8 addition to those rights provided in section 3771, a sexual
9 assault survivor has the following rights:

10 “(1) The right not to be prevented from, or
11 charged for, receiving a medical forensic examina-
12 tion.

13 “(2) The right to—

14 “(A) subject to paragraph (3), have a sex-
15 ual assault evidence collection kit or its pro-
16 bative contents preserved, without charge, for
17 the duration of the maximum applicable statute
18 of limitations or 20 years, whichever is shorter;

19 “(B) be informed of any result of a sexual
20 assault evidence collection kit, including a DNA
21 profile match, toxicology report, or other infor-
22 mation collected as part of a medical forensic
23 examination, if such disclosure would not im-

1 pede or compromise an ongoing investigation;
2 and

3 “(C) be informed in writing of policies gov-
4 erning the collection and preservation of a sex-
5 ual assault evidence collection kit.

6 “(3) The right, if the Government intends to
7 destroy or dispose of a sexual assault evidence collec-
8 tion kit or its probative contents before the expira-
9 tion of the applicable time period under paragraph
10 (2)(A), to—

11 “(A) upon written request, receive written
12 notification from the appropriate official with
13 custody not later than 60 days before the date
14 of the intended destruction or disposal; and

15 “(B) upon written request, be granted fur-
16 ther preservation of the kit or its probative con-
17 tents.

18 “(4) The right to be informed of the rights
19 under this subsection.

20 “(b) APPLICABILITY.—Subsections (b) through (f) of
21 section 3771 shall apply to sexual assault survivors.

22 “(c) DEFINITION OF SEXUAL ASSAULT.—The Attor-
23 ney General shall by regulation define the term ‘sexual as-
24 sault’ for purposes of this section.

1 “(d) FUNDING.—This section, other than paragraphs
2 (2)(A) and (3)(B) of subsection (a), shall be carried out
3 using funds made available under section 1402(d)(3)(A)(i)
4 of the Victims of Crime Act of 1984 (42 U.S.C.
5 10601(d)(3)(A)(i)). No additional funds are authorized to
6 be appropriated to carry out this section.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENT.—
8 The table of chapters for part II of title 18, United States
9 Code, is amended by adding at the end the following:

“238. Sexual assault survivors’ rights 3772”.

10 (c) AMENDMENT TO VICTIMS OF CRIME ACT OF
11 1984.—Section 1402(d)(3)(A)(i) of the Victims of Crime
12 Act of 1984 (42 U.S.C. 10601(d)(3)(A)(i)) is amended by
13 inserting after “section 3771” the following: “or section
14 3772, as it relates to direct services,”.

15 **SEC. 6. SEXUAL ASSAULT SURVIVORS’ NOTIFICATION**
16 **GRANTS.**

17 The Victims of Crime Act of 1984 is amended by
18 adding after section 1404E (42 U.S.C. 10603e) the fol-
19 lowing:

20 **“SEC. 1404F. SEXUAL ASSAULT SURVIVORS’ NOTIFICATION**
21 **GRANTS.**

22 “(a) IN GENERAL.—The Attorney General may make
23 grants as provided in section 1404(e)(1)(A) to States to
24 develop and disseminate to entities described in subsection

1 (c)(1) written notice of applicable rights and policies for
2 sexual assault survivors.

3 “(b) NOTIFICATION OF RIGHTS.—Each recipient of
4 a grant awarded under subsection (a) shall make its best
5 effort to ensure that each entity described in subsection
6 (c)(1) provides individuals who identify as a survivor of
7 a sexual assault, and who consent to receiving such infor-
8 mation, with written notice of applicable rights and poli-
9 cies regarding—

10 “(1) the right not to be charged fees for or oth-
11 erwise prevented from pursuing a sexual assault evi-
12 dence collection kit;

13 “(2) the right to have a sexual assault medical
14 forensic examination regardless of whether the sur-
15 vivor reports to or cooperates with law enforcement;

16 “(3) the availability of a sexual assault advo-
17 cate;

18 “(4) the availability of protective orders and
19 policies related to their enforcement;

20 “(5) policies regarding the storage, preserva-
21 tion, and disposal of sexual assault evidence collec-
22 tion kits;

23 “(6) the process, if any, to request preservation
24 of sexual assault evidence collection kits or the pro-
25 bative evidence from such kits; and

1 “(7) the availability of victim compensation and
2 restitution.

3 “(c) DISSEMINATION OF WRITTEN NOTICE.—Each
4 recipient of a grant awarded under subsection (a) shall—
5 “(1) provide the written notice described in sub-
6 section (b) to medical centers, hospitals, forensic ex-
7 aminers, sexual assault service providers, State and
8 local law enforcement agencies, and any other State
9 agency or department reasonably likely to serve sex-
10 ual assault survivors; and

11 “(2) make the written notice described in sub-
12 section (b) publicly available on the Internet website
13 of the attorney general of the State.

14 “(d) PROVISION TO PROMOTE COMPLIANCE.—The
15 Attorney General may provide such technical assistance
16 and guidance as necessary to help recipients meet the re-
17 quirements of this section.

18 “(e) INTEGRATION OF SYSTEMS.—Any system devel-
19 oped and implemented under this section may be inte-
20 grated with an existing case management system operated
21 by the recipient of the grant if the system meets the re-
22 quirements listed in this section.”.

23 **SEC. 7. WORKING GROUP.**

24 (a) IN GENERAL.—The Attorney General, in con-
25 sultation with the Secretary of Health and Human Serv-

1 ices (referred to in this section as the “Secretary”), shall
2 establish a joint working group (referred to in this section
3 as the “Working Group”) to develop, coordinate, and dis-
4 seminate best practices regarding the care and treatment
5 of sexual assault survivors and the preservation of forensic
6 evidence.

7 (b) CONSULTATION WITH STAKEHOLDERS.—The
8 Working Group shall consult with—

9 (1) stakeholders in law enforcement, prosecu-
10 tion, forensic laboratory, counseling, forensic exam-
11 iner, medical facility, and medical provider commu-
12 nities; and

13 (2) representatives of not less than 3 entities
14 with demonstrated expertise in sexual assault pre-
15 vention, sexual assault advocacy, or representation
16 of sexual assault victims, of which not less than 1
17 representative shall be a sexual assault victim.

18 (c) MEMBERSHIP.—The Working Group shall be
19 composed of governmental or nongovernmental agency
20 heads at the discretion of the Attorney General, in con-
21 sultation with the Secretary.

22 (d) DUTIES.—The Working Group shall—

23 (1) develop recommendations for improving the
24 coordination of the dissemination and implementa-
25 tion of best practices and protocols regarding the

1 care and treatment of sexual assault survivors and
2 the preservation of evidence to hospital administra-
3 tors, physicians, forensic examiners, and other med-
4 ical associations and leaders in the medical commu-
5 nity;

6 (2) encourage, where appropriate, the adoption
7 and implementation of best practices and protocols
8 regarding the care and treatment of sexual assault
9 survivors and the preservation of evidence among
10 hospital administrators, physicians, forensic exam-
11 iners, and other medical associations and leaders in
12 the medical community;

13 (3) develop recommendations to promote the co-
14 ordination of the dissemination and implementation
15 of best practices regarding the care and treatment of
16 sexual assault survivors and the preservation of evi-
17 dence to State attorneys general, United States at-
18 torneys, heads of State law enforcement agencies, fo-
19 rensic laboratory directors and managers, and other
20 leaders in the law enforcement community;

21 (4) develop and implement, where practicable,
22 incentives to encourage the adoption or implementa-
23 tion of best practices regarding the care and treat-
24 ment of sexual assault survivors and the preserva-
25 tion of evidence among State attorneys general,

1 United States attorneys, heads of State law enforce-
2 ment agencies, forensic laboratory directors and
3 managers, and other leaders in the law enforcement
4 community;

5 (5) collect feedback from stakeholders, practi-
6 tioners, and leadership throughout the Federal and
7 State law enforcement, victim services, forensic
8 science practitioner, and health care communities to
9 inform development of future best practices or clin-
10 ical guidelines regarding the care and treatment of
11 sexual assault survivors; and

12 (6) perform other activities, such as activities
13 relating to development, dissemination, outreach, en-
14 gagement, or training associated with advancing vic-
15 tim-centered care for sexual assault survivors.

16 (e) REPORT.—Not later than 2 years after the date
17 of enactment of this Act, the Working Group shall submit
18 to the Attorney General, the Secretary, and Congress a
19 report containing the findings and recommended actions
20 of the Working Group.

21 **SEC. 8. CIVIL REMEDY FOR SURVIVORS OF CHILD SEXUAL**
22 **EXPLOITATION AND HUMAN TRAFFICKING.**

23 Section 2255(b) of title 18, United States Code, is
24 amended—

- 1 (1) by striking “three years” and inserting “10
- 2 years”; and
- 3 (2) by inserting “ends” before the period at the
- 4 end.