

1 Purpose: In the nature of a substitute.

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3

4 S. 2613

5

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

8

9 Referred to the Committee on _____ and ordered to be
10 printed

11 Ordered to lie on the table and to be printed

12 AMENDMENT IN THE NATURE OF A SUBSTITUTE INTENDED TO BE
13 PROPOSED BY _____

14 Viz:

15 Strike all after the enacting clause and insert the following:

16 **SECTION 1. SHORT TITLE.**

17 This Act may be cited as the “Adam Walsh Reauthorization Act of 2016”.

18 **SEC. 2. SEX OFFENDER MANAGEMENT ASSISTANCE**
19 **(SOMA) PROGRAM REAUTHORIZATION.**

20 Section 126(d) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C.
21 16926(d)) is amended to read as follows:

22 “(d) Authorization of Appropriations.—There are authorized to be appropriated to the
23 Attorney General \$20,000,000 for each of fiscal years 2017 through 2018, to be available only
24 for—

25 “(1) the SOMA program; and

26 “(2) the Jessica Lunsford Address Verification Grant Program established under section
27 631.”.

28 **SEC. 3. REAUTHORIZATION OF FEDERAL ASSISTANCE**
29 **WITH RESPECT TO VIOLATIONS OF REGISTRATION**
30 **REQUIREMENTS.**

31 Section 142(b) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C.
32 16941(b)) is amended by striking “such sums as may be necessary for fiscal years 2007 through

1 2009” and inserting “to the United States Marshals Service \$61,300,000 for each of fiscal years
2 2017 through 2018”.

3 SEC. 4. ENSURING SUPERVISION OF RELEASED 4 SEXUALLY DANGEROUS PERSONS.

5 (a) Probation Officers.—Section 3603 of title 18, United States Code, is amended in paragraph
6 (8)(A) by striking “or 4246” and inserting “, 4246, or 4248”.

7 (b) Pretrial Services Officers.—Section 3154 of title 18, United States Code, is amended in
8 paragraph (12)(A) by striking “or 4246” and inserting “, 4246, or 4248”.

9 SEC. 5. SEXUAL ASSAULT SURVIVORS’ RIGHTS.

10 (a) In General.—Title 18, United States Code, is amended by adding after chapter 237 the
11 following:

12 “CHAPTER 238—SEXUAL ASSAULT SURVIVORS’ 13 RIGHTS

14 “Sec.

15 “3772. Sexual assault survivors’ rights.

16 “3772. Sexual assault survivors’ rights

17 “(a) Rights of Sexual Assault Survivors.—In addition to those rights provided in section 3771,
18 a sexual assault survivor has the following rights:

19 “(1) The right not to be prevented from, or charged for, receiving a medical forensic
20 examination.

21 “(2) The right to—

22 “(A) subject to paragraph (3), have a sexual assault evidence collection kit or its
23 probative contents preserved, without charge, for the duration of the maximum
24 applicable statute of limitations or 20 years, whichever is shorter;

25 “(B) be informed of any result of a sexual assault evidence collection kit, including a
26 DNA profile match, toxicology report, or other information collected as part of a
27 medical forensic examination, if such disclosure would not impede or compromise an
28 ongoing investigation; and

29 “(C) be informed in writing of policies governing the collection and preservation of
30 a sexual assault evidence collection kit.

31 “(3) The right, if the Government intends to destroy or dispose of a sexual assault
32 evidence collection kit or its probative contents before the expiration of the applicable time
33 period under paragraph (2)(A), to—

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

1 “(B) upon written request, be granted further preservation of the kit or its probative
2 contents.

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

4 “(b) Applicability.—Subsections (b) through (f) of section 3771 shall apply to sexual assault
5 survivors.

6 “(c) Definition of Sexual Assault.—The Attorney General shall by regulation define the term
7 ‘sexual assault’ for purposes of this section.

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

12 (b) Technical and Conforming Amendment.—The table of chapters for part II of title 18,
13 United States Code, is amended by adding at the end the following:

14 “238. Sexual assault survivors’ rights
15 3772”.

16 (c) Amendment to Victims of Crime Act of 1984.—Section 1402(d)(3)(A)(i) of the Victims of
17 Crime Act of 1984 (42 U.S.C. 10601(d)(3)(A)(i)) is amended by inserting after “section 3771”
18 the following: “or section 3772, as it relates to direct services,”.

19 SEC. 6. SEXUAL ASSAULT SURVIVORS’ NOTIFICATION 20 GRANTS.

21 The Victims of Crime Act of 1984 is amended by adding after section 1404E (42 U.S.C.
22 10603e) the following:

23 “SEC. 1404F. SEXUAL ASSAULT SURVIVORS’ 24 NOTIFICATION GRANTS.

25 “(a) In General.—The Attorney General may make grants as provided in section
26 1404(c)(1)(A) to States to develop and disseminate to entities described in subsection (c)(1)
27 written notice of applicable rights and policies for sexual assault survivors.

28 “(b) Notification of Rights.—Each recipient of a grant awarded under subsection (a) shall
29 make its best effort to ensure that each entity described in subsection (c)(1) provides individuals
30 who identify as a survivor of a sexual assault, and who consent to receiving such information,
31 with written notice of applicable rights and policies regarding—

32 “(1) the right not to be charged fees for or otherwise prevented from pursuing a sexual
33 assault evidence collection kit;

34 “(2) the right to have a sexual assault medical forensic examination regardless of whether
35 the survivor reports to or cooperates with law enforcement;

36 “(3) the availability of a sexual assault advocate;

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

1 “(5) policies regarding the storage, preservation, and disposal of sexual assault evidence
2 collection kits;

3 “(6) the process, if any, to request preservation of sexual assault evidence collection kits
4 or the probative evidence from such kits; and

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

6 “(c) Dissemination of Written Notice.—Each recipient of a grant awarded under subsection (a)
7 shall—

8 “(1) provide the written notice described in subsection (b) to medical centers, hospitals,
9 forensic examiners, sexual assault service providers, State and local law enforcement
10 agencies, and any other State agency or department reasonably likely to serve sexual assault
11 survivors; and

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

14 “(d) Provision To Promote Compliance.—The Attorney General may provide such technical
15 assistance and guidance as necessary to help recipients meet the requirements of this section.

16 “(e) Integration of Systems.—Any system developed and implemented under this section may
17 be integrated with an existing case management system operated by the recipient of the grant if
18 the system meets the requirements listed in this section.”.

19 SEC. 7. WORKING GROUP.

20 (a) In General.—The Attorney General, in consultation with the Secretary of Health and
21 Human Services (referred to in this section as the “Secretary”), shall establish a joint working
22 group (referred to in this section as the “Working Group”) to develop, coordinate, and
23 disseminate best practices regarding the care and treatment of sexual assault survivors and the
24 preservation of forensic evidence.

25 (b) Consultation With Stakeholders.—The Working Group shall consult with—

26 (1) stakeholders in law enforcement, prosecution, forensic laboratory, counseling,
27 forensic examiner, medical facility, and medical provider communities; and

28 (2) representatives of not less than 3 entities with demonstrated expertise in sexual assault
29 prevention, sexual assault advocacy, or representation of sexual assault victims, of which
30 not less than 1 representative shall be a sexual assault victim.

31 (c) Membership.—The Working Group shall be composed of governmental or
32 nongovernmental agency heads at the discretion of the Attorney General, in consultation with the
33 Secretary.

34 (d) Duties.—The Working Group shall—

35 (1) develop recommendations for improving the coordination of the dissemination and
36 implementation of best practices and protocols regarding the care and treatment of sexual
37 assault survivors and the preservation of evidence to hospital administrators, physicians,
38 forensic examiners, and other medical associations and leaders in the medical community;

39 (2) encourage, where appropriate, the adoption and implementation of best practices and

1 protocols regarding the care and treatment of sexual assault survivors and the preservation
2 of evidence among hospital administrators, physicians, forensic examiners, and other
3 medical associations and leaders in the medical community;

4 (3) develop recommendations to promote the coordination of the dissemination and
5 implementation of best practices regarding the care and treatment of sexual assault
6 survivors and the preservation of evidence to State attorneys general, United States
7 attorneys, heads of State law enforcement agencies, forensic laboratory directors and
8 managers, and other leaders in the law enforcement community;

9 (4) develop and implement, where practicable, incentives to encourage the adoption or
10 implementation of best practices regarding the care and treatment of sexual assault
11 survivors and the preservation of evidence among State attorneys general, United States
12 attorneys, heads of State law enforcement agencies, forensic laboratory directors and
13 managers, and other leaders in the law enforcement community;

14 (5) collect feedback from stakeholders, practitioners, and leadership throughout the
15 Federal and State law enforcement, victim services, forensic science practitioner, and health
16 care communities to inform development of future best practices or clinical guidelines
17 regarding the care and treatment of sexual assault survivors; and

18 (6) perform other activities, such as activities relating to development, dissemination,
19 outreach, engagement, or training associated with advancing victim-centered care for sexual
20 assault survivors.

21 (e) Report.—Not later than 2 years after the date of enactment of this Act, the Working Group
22 shall submit to the Attorney General, the Secretary, and Congress a report containing the
23 findings and recommended actions of the Working Group.

24 SEC. 8. CIVIL REMEDY FOR SURVIVORS OF CHILD 25 SEXUAL EXPLOITATION AND HUMAN TRAFFICKING.

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

27 (1) by striking “three years” and inserting “10 years”; and

28 (2) by inserting “ends” before the period at the end.