

[118H9858]

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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To strengthen the rights of crime victims, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Ms. WASSERMAN SCHULTZ introduced the following bill; which was referred  
to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To strengthen the rights of crime victims, and for other  
purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Courtney Wild Rein-  
5       forcing Crime Victims’ Rights Act”.

6       **SEC. 2. CRIME VICTIMS’ RIGHTS.**

7       (a) IN GENERAL.—Chapter 237 of title 18, United  
8       States Code, is amended—

9               (1) in section 3771—

1 (A) in subsection (a)—

2 (i) by striking “A crime victim” and  
3 inserting “Upon the suspected or alleged  
4 commission of a Federal or District of Co-  
5 lumbia offense, a crime victim”;

6 (ii) in paragraph (5), by striking  
7 “Government in the case” and inserting  
8 “Government, including the right to confer  
9 about any agreement that could resolve the  
10 case or investigation, plea bargain, plea  
11 offer or agreement, pretrial diversion offer  
12 or agreement, or voluntary dismissal is  
13 presented to the court or is otherwise for-  
14 mally executed”;

15 (iii) by amending paragraph (9) to  
16 read as follows:

17 “(9) The right to be informed in a timely man-  
18 ner of any plea bargain, plea offer or agreement, de-  
19 ferred prosecution agreement, or other agreement  
20 that resolves the case or investigation, pretrial diver-  
21 sion agreement, or the referral of a criminal inves-  
22 tigation to another Federal, State, Tribal, or local  
23 law enforcement entity.”; and

24 (iv) in paragraph (10), by striking  
25 “contact information for the Office of the

1 Victims’ Rights Ombudsman of the De-  
2 partment of Justice” and inserting “a  
3 crime victims’ rights card listing the rights  
4 described in this subsection, contact infor-  
5 mation for the Office of the Crime Victims’  
6 Rights Ombudsman of the Department of  
7 Justice, and information about sources of  
8 legal assistance (including pro bono legal  
9 assistance) related to the exercise of these  
10 rights, including that the victim has the  
11 right to seek the advice of an attorney with  
12 respect to these rights”;

13 (B) in subsection (b)(1), by inserting after  
14 the first sentence the following: “The court  
15 shall also confirm that the Government has  
16 complied with its obligation to accord the rights  
17 described in subsection (a) and may issue any  
18 reasonable orders to cure noncompliance.”;

19 (C) in subsection (c)—

20 (i) by amending paragraph (1) to read  
21 as follows:

22 “(1) GOVERNMENT.—

23 “(A) IN GENERAL.—Officers and employ-  
24 ees of the Department of Justice and other de-  
25 partments and agencies of the United States

1 engaged in the detection, investigation, or pros-  
2 ecution of crimes shall make their best efforts  
3 to see that crime victims are notified of, and ac-  
4 corded, the rights described in subsection (a).

5 “(B) REQUEST FOR DELAY.—

6 “(i) CIRCUMSTANCES.—If charges  
7 pertaining to the victim have not been pub-  
8 licly filed, and the Government determines  
9 that according one or more of the rights  
10 described in subsection (a) would threaten  
11 the safety of an individual, interfere with  
12 an ongoing investigation or prosecution,  
13 compromise national security, or result in  
14 premature disclosure of material nonpublic  
15 information, the Government may request  
16 leave from the court to delay according the  
17 right for the limited period of time nec-  
18 essary to avoid the harm or until charges  
19 are publicly filed, whichever comes first.

20 “(ii) COURT PROCEDURE.—The court  
21 shall review a submission made by the  
22 Government along with its request, the  
23 court may grant such request if it is sup-  
24 ported by clear and convincing evidence.  
25 The Court shall maintain a record of the

1 Government's request and its ruling on the  
2 matter, which shall be provided to the vic-  
3 tim at the conclusion of the delay.

4 “(iii) DURATION.—An order by a  
5 court granting a request for a delay under  
6 this subparagraph shall be for a period  
7 that does not exceed 90 days, except that  
8 the Government may, for good cause, apply  
9 for an extension of the delay period. The  
10 granting of a delay under this subpara-  
11 graph shall not constitute grounds for fail-  
12 ing to ultimately accord a right to any vic-  
13 tim.

14 “(C) COURT-ORDERED REMEDIES.—If a  
15 court finds that the Government failed to com-  
16 ply with subparagraph (A), it may order an ap-  
17 propriate remedy under the circumstances, as  
18 set forth in subsection (d).

19 “(D) PRO BONO LEGAL REPRESENTATION  
20 FOR VICTIMS.—To the extent practicable, and  
21 consistent with applicable ethical standards and  
22 rules of professional conduct, the Government  
23 shall provide to the crime victim general infor-  
24 mation on how to seek available pro bono legal

1 representation for the purpose of asserting the  
2 rights under this section.”; and

3 (ii) by amending paragraph (2) to  
4 read as follows:

5 “(2) ADVICE OF ATTORNEY.—Officers and em-  
6 ployees of the Department of Justice and other de-  
7 partments and agencies of the United States en-  
8 gaged in the detection, investigation, or prosecution  
9 of the alleged crime shall inform the crime victim in  
10 writing that the crime victim can seek the advice of  
11 an attorney with respect to the rights described in  
12 subsection (a).”.

13 (D) in subsection (d)—

14 (i) by amending paragraph (1) to read  
15 as follows:

16 “(1) RIGHTS.—

17 “(A) IN GENERAL.—The crime victim or  
18 the crime victim’s lawful representative, and the  
19 attorney for the Government may assert the  
20 rights described in subsection (a). A person ac-  
21 cused of the crime may not obtain any form of  
22 relief under this chapter.

23 “(B) REPRESENTATION BY VICTIM’S AT-  
24 TORNEY.—

1                   “(i) IN GENERAL.—An attorney may  
2                   enter an appearance of behalf of a crime  
3                   victim or crime victim’s lawful representa-  
4                   tive in the district court in which a defend-  
5                   ant is being or has been prosecuted for a  
6                   crime in the same manner as any other  
7                   party to the proceedings, or if no prosecu-  
8                   tion is underway, in the district court for  
9                   the district in which the crime occurred.

10                  “(ii) REQUIREMENTS OF PARTIES.—  
11                  Each party to the proceeding shall serve  
12                  the attorney for the victim with a copy of  
13                  each pleading that relates to the crime vic-  
14                  tim’s rights under subsection (a).

15                  “(iii) REQUIREMENTS OF THE CLERK  
16                  OF THE COURT.—The clerk of the court  
17                  shall provide to the attorney a copy of any  
18                  court order related to such rights and no-  
19                  tify the attorney of any hearing that may  
20                  affect such rights.

21                  “(iv) REQUIREMENTS OF THE  
22                  COURT.—The court shall—

23                         “(I) provide the crime victim’s  
24                         attorney or lawful representative ac-

1                   cess to all case records in the action;  
2                   and

3                   “(II) serve the crime victim’s at-  
4                   torney or lawful representative with  
5                   any filings that are directly relevant  
6                   to or implicate the crime victim’s  
7                   rights described in subsection (a).”;

8                   (ii) in paragraph (2), by inserting  
9                   after the period at the end the following:  
10                  “The procedure fashioned by the court  
11                  under this paragraph shall have no effect  
12                  on the duty of officers and employees of  
13                  the Government to make their best efforts  
14                  to accord crime victims the rights de-  
15                  scribed in subsection (a).”;

16                  (iii) by amending paragraph (3) to  
17                  read as follows:

18                  “(3) MOTION FOR RELIEF AND WRIT OF MAN-  
19                  DAMUS.—

20                  “(A) MOTION FOR RELIEF.—The rights  
21                  described in subsection (a) shall be asserted in  
22                  the district court in which a defendant is being  
23                  prosecuted or has been prosecuted for the  
24                  crime. If no prosecution is underway at the  
25                  time of the motion for relief, the rights de-

1           scribed in subsection (a) shall be asserted in the  
2           district court in the district in which the crime  
3           is alleged to have occurred. The motion may be  
4           filed in an existing criminal case or, if no com-  
5           plaint, information, or indictment has been filed  
6           at that time, by a separate rights enforcement  
7           action.

8           “(B) REVIEW OF MOTION FOR RELIEF.—

9           “(i) IN GENERAL.—The district court  
10          shall take up and decide any motion or  
11          separate rights enforcement action assert-  
12          ing a victim’s right forthwith.

13          “(ii) ADDITIONAL INFORMATION.—If  
14          the district court determines that addi-  
15          tional information is relevant to the  
16          movant’s assertion of the right, the Gov-  
17          ernment shall promptly provide all such  
18          additional information to the court and  
19          movant. The court may, for good cause,  
20          allow the Government to provide a sub-  
21          stantive summary of such information in-  
22          stead of providing the information itself.  
23          Upon the Government’s request, the court  
24          shall enter an appropriate protective order  
25          governing dissemination and use of any in-

1                   formation or substantive summary pro-  
2                   vided under this clause.

3                   “(iii) WRITTEN OPINION REQUIRED  
4                   FOR DENIAL OF RELIEF.—If the district  
5                   court denies the relief sought by the mov-  
6                   ant, the court shall enter a written opinion,  
7                   which clearly states the reasons for the de-  
8                   nial.

9                   “(C) WRIT OF MANDAMUS.—If the court  
10                  denies a motion described in subparagraph (A),  
11                  the movant may petition the court of appeals  
12                  for a writ of mandamus. The court of appeals  
13                  may issue the writ on the order of a single  
14                  judge pursuant to circuit rule or the Federal  
15                  Rules of Appellate Procedure. The court of ap-  
16                  peals shall take up and decide such application  
17                  forthwith within 72 hours after the petition has  
18                  been filed, unless the litigants, with notice to  
19                  the court, have agreed to a longer time period  
20                  for consideration. In deciding such application,  
21                  the court of appeals shall determine the merits  
22                  of the application and, in making such deter-  
23                  mination, shall apply ordinary standards of ap-  
24                  pellate review to any procedural or substantive  
25                  issues. If the court of appeals denies the relief

1 sought, the reasons for the denial shall be clear-  
2 ly stated on the record in a written order or  
3 opinion.”;

4 (iv) by amending paragraph (5) to  
5 read as follows:

6 “(5) RE-OPENING PROCEEDINGS.—

7 “(A) IN GENERAL.—In no case shall a fail-  
8 ure to afford a right under this chapter provide  
9 grounds for a new trial.

10 “(B) VICTIMS WHO RECEIVED TIMELY NO-  
11 TICE.—A victim who received timely notice of  
12 the relevant proceedings may make a motion or  
13 file a separate enforcement action to reopen a  
14 plea or sentence only if—

15 “(i) the victim has asserted the right  
16 to be heard before or during the pro-  
17 ceeding at issue and such right was denied;

18 “(ii) the victim petitions the court of  
19 appeals for a writ of mandamus in a timely  
20 manner; and

21 “(iii) in the case of a plea, the ac-  
22 cused has not pleaded guilty to the highest  
23 offense charged, and in the case of a sen-  
24 tencing, the accused has not been sen-  
25 tenced to the statutory maximum.

1           “(C) VICTIMS WHO DID NOT RECEIVE  
2           TIMELY NOTICE.—A victim who did not receive  
3           timely notice of the relevant proceedings may  
4           make a motion or file a separate enforcement  
5           action to reopen a plea or sentence, only if—

6                   “(i) the victim makes such a motion  
7                   or files such a separate enforcement action  
8                   in a timely manner; and

9                   “(ii) in the case of a plea, the accused  
10                  has not pleaded guilty to the highest of-  
11                  fense charged, and in the case of a sen-  
12                  tencing, the accused has not been sen-  
13                  tenced to the statutory maximum.”;

14                  (v) by redesignating paragraph (6) as  
15                  paragraph (9); and

16                  (vi) by inserting after paragraph (5)  
17                  the following:

18           “(6) MOTION TO ANNUL DEFERRED PROSECU-  
19           TION AND NONPROSECUTION AGREEMENTS.—A  
20           crime victim may make a motion requesting that the  
21           Government seek to annul a deferred prosecution  
22           agreement or nonprosecution agreement by filing a  
23           motion with the court in writing asserting that they  
24           were not accorded the reasonable right to confer in  
25           subsection (a)(5). Upon a finding by the court that

1 the victim's right under subsection (a)(5) was vio-  
2 lated, the Court shall hold a hearing to evaluate  
3 whether the agreement should be annulled.

4 “(7) REMEDIES.—Upon a finding that a vic-  
5 tim's rights under this section have been violated,  
6 the court shall order a just and appropriate remedy,  
7 which may include reopening a proceeding, to ad-  
8 dress such violation, except that any such remedy  
9 may not violate a defendant's constitutional rights  
10 and shall account for the interests of other victims  
11 and the public. An order under this paragraph, or  
12 under paragraph (5) or (6), shall not be construed  
13 to impair prosecutorial discretion under paragraph  
14 (9).

15 “(8) ATTORNEYS' FEES.—A crime victim who  
16 prevails against the United States in an action to  
17 enforce a right under this section shall be entitled to  
18 an award of reasonable attorneys' fees and expenses,  
19 as provided in section 2412 of title 28.”;

20 (E) in subsection (e)—

21 (i) by amending paragraph (1) to read  
22 as follows:

23 “(1) COURT OF APPEALS.—The term ‘court of  
24 appeals’ means—

1           “(A) the United States court of appeals  
2           for—

3           “(i) the judicial district in which a  
4           district court has rendered a decision for  
5           which the victim seeks appellate review;

6           “(ii) if no such decision has been ren-  
7           dered, the judicial district in which the de-  
8           fendant is being prosecuted; or

9           “(iii) if there is no such prosecution,  
10          the judicial district in which the offense  
11          was alleged to have been committed; or

12          “(B) for a prosecution or offense com-  
13          mitted in the District of Columbia, in the Supe-  
14          rior Court of the District of Columbia, or the  
15          District of Columbia Court of Appeals.”;

16                 (ii) by amending subparagraph (2)(A)  
17                 to read as follows:

18                 “(A) IN GENERAL.—The term ‘crime vic-  
19                 tim’ means a person directly and proximately  
20                 harmed as a result of a suspected or alleged  
21                 Federal or District of Columbia offense, or such  
22                 an offense with respect to which an individual  
23                 has been charged or convicted.”; and

24                 (iii) by adding at the end the fol-  
25                 lowing:

1           “(4) CRIME VICTIM’S LAWFUL REPRESENTA-  
2           TIVE.—The term ‘crime victim’s lawful representa-  
3           tive’ means an individual or entity designated or ap-  
4           pointed to represent a crime victim or take their  
5           place in a court proceeding or other legal pro-  
6           ceeding—

7                   “(A) by the crime victim;

8                   “(B) by the parent or legal guardian of the  
9           crime victim, in the case of a crime victim who  
10          is a minor, incapacitated, or deceased; or

11                  “(C) by the court.

12           “(5) TIMELY.—The term ‘timely’ means suffi-  
13          cient time for the victim to exercise their rights  
14          under this section, and in accordance with any appli-  
15          cable rules of procedure.

16           “(6) SUSPECTED OR ALLEGED.—The term ‘sus-  
17          pected or alleged’ means, with respect to an offense,  
18          that there is an investigation of an offense, but no  
19          charges have been filed.”;

20                  (F) in subsection (f)—

21                   (i) by amending paragraph (2)(A) to  
22                  read as follows:

23                  “(A) designate an administrative authority  
24          in the Department of Justice (referred to in  
25          this subsection as the ‘Administrative Author-

ity') under the independent supervision of the Inspector General of the Department of Justice to receive and investigate complaints relating to the provision or violation of the rights of a crime victim;”;

(ii) by amending paragraph (2)(B) to read as follows:

“(B) require a course of training for employees and offices of the Department of Justice engaged in the detection, investigation, or prosecution of crimes that pertains to the treatment of crime victims, incorporates trauma-informed methods and practices, and otherwise assists such employees and offices in responding more effectively to the needs of crime victims;”;

and

(iii) by adding at the end the following:

“(3) ADJUDICATION OF COMPLAINTS.—

“(A) COMPLAINTS.—A crime victim or a crime victim’s lawful representative may submit to the Administrative Authority a complaint alleging that an attorney for the Government violated the rights of a crime victim under sub-

1 section (a), which complaint shall include the  
2 following:

3 “(i) The full name, address, telephone  
4 number, and electronic mail address of the  
5 complainant.

6 “(ii) The name and title of the indi-  
7 vidual who violated the rights of the crime  
8 victim.

9 “(iii) The right of the crime victim  
10 that was allegedly violated.

11 “(iv) The details of the allegation, in-  
12 cluding the name of the court case and the  
13 jurisdiction in which the misconduct oc-  
14 curred, if applicable.

15 “(v) Copies of any document that sup-  
16 ports the complainant’s allegation.

17 “(vi) Any other information relevant  
18 to the complaint.

19 “(B) PERIOD TO SUBMIT COMPLAINTS.—A  
20 complaint under subparagraph (A) may be sub-  
21 mitted beginning on the date of the violation  
22 and ending on the date that is 180 days after  
23 a final judgment is entered in the underlying  
24 criminal proceeding (including any appeal), ex-

1           cept that the Administrative Authority may ex-  
2           tend such filing period for good cause.

3                   “(C) LOG OF COMPLAINTS.—The Adminis-  
4           trative Authority shall maintain a log of each  
5           complaint submitted under subparagraph (A).

6                   “(D) DECISIONS.—

7                           “(i) IN GENERAL.—The Administra-  
8           tive Authority shall issue a decision with  
9           respect to the alleged violation within 180  
10          days of receiving a complaint under this  
11          section.

12                           “(ii) FINES AND COSTS.—Upon a  
13          finding by the Administrative Authority  
14          that the rights of a crime victim were vio-  
15          lated, the Administrative Authority shall  
16          have the discretion to impose fines or reim-  
17          burse the victim for costs associated with  
18          the violation.

19                           “(iii) FORM AND NOTICE.—Upon  
20          issuing a finding by the Administrative Au-  
21          thority resolving a complaint under this  
22          section, the Administrative Authority shall  
23          provide the crime victim with a written  
24          copy of the decision, including any imposed  
25          sanctions or disciplinary measures, and ad-

1           vise the crime victim of their right to ap-  
2           peal to the Inspector General of the De-  
3           partment of Justice under subparagraph  
4           (E).

5           “(E) APPEAL TO THE INSPECTOR GEN-  
6           ERAL.—

7                   “(i) IN GENERAL.—Not later than 10  
8           business days after the issuance of an  
9           order under subparagraph (D), the com-  
10          plainant or the attorney for the Govern-  
11          ment may appeal the order to the Inspec-  
12          tor General of the Department of Justice.

13                   “(ii) TIME FOR REVIEW.—Not later  
14          than 30 days after an appeal is filed under  
15          this subparagraph, the Inspector General  
16          shall review the order.

17                   “(iii) NOTICE TO CONGRESS.—In the  
18          case that the Inspector General does not  
19          uphold the decision of the Administrative  
20          Authority, the Inspector General shall no-  
21          tify Congress as soon as practicable, but in  
22          no case later than 10 business days after  
23          completing review.

24                   “(iv) FAILURE TO REVIEW.—If the  
25          Inspector General fails to review an order

1           pursuant to an appeal filed under this sub-  
2           paragraph, the order shall be deemed to  
3           have been upheld by the Inspector General  
4           on the date that is 45 days after the ap-  
5           peal is filed.”; and

6           (2) by adding at the end the following:

7   **“§ 3772. General provisions**

8           “(a) RULE MAKING.—The Attorney General shall  
9           issue such rules as may be necessary to carry out this  
10          chapter.

11          “(b) REPORTS TO CONGRESS.—

12                 “(1) IN GENERAL.—The Attorney General, in  
13                 consultation with the Inspector General of the De-  
14                 partment of Justice, shall submit a report to the ap-  
15                 propriate congressional committees on steps taken to  
16                 improve the efforts of the Department of Justice in  
17                 accordance with the rights of crime victims during the pe-  
18                 riod covered by the report.

19                 “(2) REPORT CONTENTS.—The report shall in-  
20                 clude—

21                         “(A) the number of complaints filed with  
22                         the Administrative Authority designated under  
23                         subsection (f);

24                         “(B) the outcome of those complaints (in-  
25                         cluding any disciplinary action);

1           “(C) information pertaining to individual  
2           Federal districts and Federal prosecutors that  
3           are the subject of complaints, including—

4                   “(i) the number of complaints filed  
5                   with the Administrative Authority that  
6                   were subsequently referred to a State bar  
7                   association;

8                   “(ii) a list of Federal districts in  
9                   which misconduct was alleged to have oc-  
10                  curred and the number of complaints with  
11                  respect to each such district; and

12                  “(iii) a list of attorneys against whom  
13                  3 or more complaints were submitted to  
14                  the Administrative Authority; and

15           “(D) a list of all cases in which a court or  
16           the Administrative Authority determined that  
17           there was a failure to accord a crime victim a  
18           right under section 3771, and the best efforts  
19           made by officers and employees of the Depart-  
20           ment of Justice in each such case.

21           “(3) ANNUAL AND BIENNIAL REPORTS.—The  
22           report described in paragraph (1) shall be sub-  
23           mitted—

24                   “(A) not later than 1 year after the date  
25                   of enactment of this section;

1                   “(B) annually thereafter for a period of 2  
2                   years; and

3                   “(C) biannually after the end of the period  
4                   described in subparagraph (B).

5                   “(4) DEFINITION.—In this section, the term  
6                   ‘appropriate congressional committees’ means the  
7                   Committee on the Judiciary of the Senate, the Com-  
8                   mittee on Appropriations of the Senate, the Com-  
9                   mittee on the Judiciary of the House of Representa-  
10                  tives, and the Committee on Appropriations of the  
11                  House of Representatives.”.

12                  (b) CLERICAL AMENDMENT.—The table of sections  
13                  for chapter 237 of title 18, United States Code, is amend-  
14                  ed by adding at the end the following:

                  “3772. General provisions.”.