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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

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

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 “Reinforcing Crime Vic-
5 tims’ 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 prosecution of crimes shall make their best efforts
2 to see that crime victims are notified of, and accorded, the rights described in subsection (a).

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5 “(B) REQUEST FOR DELAY.—

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

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20 “(ii) COURT PROCEDURE.—The court shall review a submission made by the
21 Government along with its request, the court may grant such request if it is supported by clear and convincing evidence.
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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.”; and

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-

1 ity’) under the independent supervision of the
2 Inspector General of the Department of Justice
3 to receive and investigate complaints relating to
4 the provision or violation of the rights of a
5 crime victim;”;

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

8 “(B) require a course of training for em-
9 ployees and offices of the Department of Jus-
10 tice engaged in the detection, investigation, or
11 prosecution of crimes that pertains to the treat-
12 ment of crime victims, incorporates trauma-in-
13 formed methods and practices, and otherwise
14 assists such employees and offices in responding
15 more effectively to the needs of crime victims;”;
16 and

17 (iii) by adding at the end the fol-
18 lowing:

19 “(3) ADJUDICATION OF COMPLAINTS.—

20 “(A) COMPLAINTS.—A crime victim or a
21 crime victim’s lawful representative may submit
22 to the Administrative Authority a complaint al-
23 leging that an attorney for the Government vio-
24 lated 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 (c) 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.”.