

VAWA 2019 SECTION-BY-SECTION

Sec. 2

- Updates and enhances certain definitions to keep up with technological changes and best practices in the field

TITLE I

Sec. 101

- Reauthorizes STOP grants and directs grant monies to ensure the lawful recovery and storage of dangerous weapons by law enforcement agencies
- Directs grants to States and local governmental entities that discourage compelling victim testimony

Sec. 102

- Reauthorizes grants to improve the criminal justice system response by strengthening effective law enforcement and prosecution strategies to combat violent crimes against women and to develop and strengthen victim services

Sec. 103

- Reauthorizes funding for legal assistance for victims and extends this assistance to dependents of victims when necessary for the safety of the victim

Sec. 104

- Reauthorizes grants to support families in the justice system and directs grant monies to develop and implement laws, policies procedures, or training to ensure the lawful recovery and storage of dangerous weapons by law enforcement agencies from an adjudicated perpetrator of any offense of domestic violence, dating violence, sexual assault, or stalking (“the VAWA crimes”), and the return of such weapons when appropriate

Sec. 105

- Reauthorizes grants for outreach and services to underserved populations

Sec. 106

- Extends full civil jurisdiction to all Alaska tribes to issue and enforce protection orders

Sec. 107

- Reauthorizes the Sexual Assault Services Program the Rape Survivor Child Custody Program

TITLE II

Sec. 201

- Reauthorizes the Sexual Assault Services Program

Sec. 202

- Updates the language in enforcement assistance grants in rural areas, relative the VAWA crimes, to cover adults and youth, and reauthorizes such grants

Sec. 203

- Provides funding for training and services to end violence against people with disabilities and reauthorizes such funding

Sec. 204

- Improves training and services to end abuse in later life, and reauthorizes funding

TITLE III

Sec. 301

- Increases authorized funding for Rape Prevention and Education grants and expands them to cover sexual violence and sexual harassment

Sec. 302

- Increases authorized funding for Creating Hope through Outreach, Options, Services, and Education (CHOOSE) grants for children and youth expanding them to address sex trafficking or bullying as part of a comprehensive program addressing the four VAWA crimes
- Expands programming to cover youth in underserved populations

Sec. 303

- Increases funding for grants to combat violent crimes on campuses and allocates funding to train campus health centers to recognize and respond to the VAWA crimes

Sec. 304

- Provides for an enhanced penalty, of up to five years in prison, for persons convicted of stalking in which the victim is someone under the age of 18
- Requires the Attorney General to issue a report regarding best practices in the prosecution of stalking at the Federal, State, Tribal and local levels

TITLE IV

Sec. 401

- Reauthorizes funding for Centers for Disease Control and Prevention (CDC) grants for research on prevention and intervention programs regarding sexual and domestic violence

Sec. 402

- Increases funding for Saving Money and Reducing Tragedies (SMART) prevention programming to include the unmet needs of underserved populations

TITLE V

Sec. 501

- Reauthorizes funding for grants to strengthen the healthcare system's response to the VAWA crimes, to include improving the capacity of early childhood programs to address the VAWA crimes among the families they serve, to incorporate addressing labor and sex trafficking as part of a broader focus on training programs, to develop State-level pilot programs to address the response of substance use disorder treatment programs to the VAWA crimes, and to improve data-collection

TITLE VI

Sec. 601

- Provides housing protections for victims of the VAWA crimes, including prohibiting the denial of housing assistance, tenancy, and occupancy rights related to criminal activity by a perpetrator of abuse.
- Provides that, in the event of a family break-up, if it results from commission of any of the VAWA crimes, covered housing programs may not evict the remaining victim tenant and must provide them with the opportunity to remain for a period of time or establish eligibility for housing
- Gives victims of the VAWA crimes living in covered housing programs the opportunity to terminate a lease, without penalty, prior to its end date
- Directs agencies to develop emergency transfer policies to be overseen by HUD and provides for emergency transfers when the tenant reasonably believes they are threatened with imminent harm if they remain in the same dwelling or if a sexual assault occurred on the premises.
- Provides for the use of emergency transfer vouchers as appropriate and authorizes funding for emergency transfers.
- Provides for annual training for staff of covered housing programs on the VAWA crimes and for maintenance of a referral list of service providers in the coverage area.

Sec. 602

- Requires annual non-discrimination compliance reviews by each appropriate agency administering a covered housing program
- Provides for the establishment of the position of a "Violence Against Women Director" within HUD to, among other things, support the implementation of the housing provisions in VAWA and maintain an emergency transfer database

- Prohibits discrimination because a person has opposed any act or practice made unlawful by the housing provisions in VAWA and prohibits coercion when a person vindicates their rights or the rights of others under the housing provisions in VAWA

Sec. 603

- Protects the right to report crime and emergencies from one's home and requires certification of compliance by covered governmental entities and any subgrantees
- Supports the use of funding and grants to develop and implement effective, alternative crime reduction methods

Sec. 604

- Increases the amount of funding the Attorney General may use for evaluation, monitoring, technical assistance, salaries, and administrative expenses in relation to transitional housing assistance grants for victims

Sec. 605

- Addresses the housing needs of homeless victims of the VAWA crimes regarding the provision and facilitation of external emergency transfers
- Reauthorizes funding for collaborative grants to increase the long-term stability of homeless victims of the VAWA crimes and reauthorizes funding for grants to increase the long-term stability of victims who live in public or assisted housing

Sec. 606

- Amends the requirements for what must be included in public housing agency plans to incorporate information about emergency transfers and emergency transfer plans

TITLE VII

Sec. 701

- Makes a series of findings pertaining to the need for economic security for victims, including findings about how domestic violence affects workplace productivity

Sec. 702

- Extends the mandate of the National Resource Center on Workplace Responses to Assist Victims of Domestic and Sexual Violence (the Center) to include addressing sexual harassment and increases funding for the Center

Sec. 703

- Directs that no person may be denied unemployment compensation solely on the basis that they voluntarily separated from work and the separation is attributable to the person being a victim of sexual or other harassment or a survivor of one of the VAWA crimes
- Sets forth the types of documentation a State shall deem sufficient to establish that a voluntary separation can be attributed to the person being a victim or a survivor

- Requires training for unemployment compensation personnel regarding requests for unemployment compensation based on separations from work stemming from sexual and other harassment and from being a survivor of the VAWA crimes
- Requires training for Temporary Assistance for Needy Families (TANF) personnel on sexual and other harassment and the VAWA crimes and requires certification that a State administering TANF funding is in compliance with such training requirements
- Authorizes the Secretary of Labor to award grants for the development of a model training program and for dissemination and implementation among personnel responsible for administering TANF at the State, Tribal, and local levels
- Provides that this bill does not supersede any provision of laws, agreements, programs or plans that may provide greater unemployment insurance benefits and provides that any laws, agreements, programs or plans of a State or unit or local government are preempted if they confer fewer rights than this bill

Sec. 704

- Directs the Secretary of HHS, in consultation with the Secretary of Labor, to conduct a study on the barriers that survivors of the VAWA crimes face in maintaining economic security, including making relevant recommendations and suggesting best practices

Sec. 705

- Directs the GAO to study survivors who are, or were, enrolled at institutions of higher education and borrowed loans, and the effect of the VAWA crimes on their inability to repay their loans

Sec. 706

- Directs the Secretary of Labor, in conjunction with the CDC and the Attorney General, to carry out a national public outreach and education campaign to raise awareness about the workplace impact of the VAWA crimes
- Directs the Secretary of Labor, in conjunction with the Secretary of HHS, to conduct a study on the status of workplace responses to employees who experience the VAWA crimes

Sec. 707

- Provides for severability in the event any provision is held to be unconstitutional

TITLE VIII

Sec. 801

- For purposes of Section 921(a) of Title 18, redefines the term “intimate partner” and includes intimate partners among those against whom a perpetrator may commit a misdemeanor crime of domestic violence, including municipal misdemeanors
- Defines the term “misdemeanor crime of stalking”

Sec. 802

- Prohibits persons convicted of a misdemeanor crime of violence from possessing firearms
- Prohibits persons who are subject to a court order of protection from possessing firearms

TITLE IX

Sec. 901

- Makes findings regarding the effect of the VAWA crimes on Native victims and establishes the purposes for this Title

Sec. 902

- Authorizes funding for the Tribal Access Program to enhance the ability of tribal government entities to access Federal criminal information databases

Sec. 903

- Reaffirms tribal jurisdiction over crimes of domestic violence and dating violence committed by non-Indian perpetrators in Indian country (including Maine and Alaska)
- Extends tribal jurisdiction to crimes involving assault on a law enforcement or correctional officer, obstruction of justice, sexual violence, sex trafficking, and stalking committed by non-Indian perpetrators in Indian country (including Maine and Alaska)

TITLE X

Sec. 1001

- Changes the name of the office within the Department of Justice charged with implementing VAWA to “Office on Violence Against Women” (OVW)
- Ensures that OVW is not subsumed by any other office
- Ensures that OVW is charged with implementing the VAWA reauthorizations of 2005 and 2013, as well as this reauthorization and ensures the Director of OVW is also charged with such implementation

TITLE XI

Sec. 1101

- Establishes an office within the Bureau of Prisons to determine the placement of prisoners
- Directs that prisoners be placed as close to their children as possible
- Directs that BOP housing assignments of transgender or intersex prisoners be considered on a case-by-case basis to ensure the prisoner’s health and safety
- Prohibits pregnant prisoner or prisoners in post-partum recovery from being placed in segregated housing units
- Directs the BOP to provide parenting classes to every prisoner who is a primary caretaker parent

- Directs the BOP to provide training on trauma screening for each correctional officer and for any employees who regularly interact with prisoners
- Requires the BOP to ensure all prisoners receive adequate health care, basic hygienic products at no cost, and gynecologist access where appropriate
- Directs the BOP to issue regulations regarding the use of sex-appropriate correctional officers during searches
- Ensures eligibility of primary caretaker parents and pregnant women for residential substance abuse treatment in the BOP

Sec. 1102

- Directs the BOP to establish a pilot program to permit women incarcerated in Federal prisons and the children born to such women during incarceration to reside together while the inmate serves her term of imprisonment
- Directs the BOP to conduct ongoing research and data analysis on the public health and safety of pregnant women and mothers who are imprisoned Federally
- Authorizes appropriations for the pilot program and associated research

TITLE XII

Sec. 1201

- Directs that relevant law enforcement agencies be contacted when a prohibited purchase has taken place, where the prohibited purchaser has been previously convicted of misdemeanor domestic violence, misdemeanor stalking, or who is subject to a court order of protection
- Directs that relevant law enforcement agencies be contacted when a prohibited purchaser who has been previously convicted of misdemeanor domestic violence, misdemeanor stalking, or who is subject to a court order of protection, has attempted—but failed—to purchase a firearm
- Directs the appointment of Special Assistant U.S. Attorneys (“SAUSAs”) to improve the investigation and prosecution of prohibited purchasers who have been previously convicted of misdemeanor domestic violence, misdemeanor stalking, or who are subject to a court order of protection
- Improve the implementation of the purposes of this section by establishing within the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and within each district office of the U.S. Attorney points of contact to receive and expedite requests for assistance from other law enforcement offices

TITLE XIII

Sec. 1301

- Sets forth the short title for this Title, “Closing the Law Enforcement Consent Loophole Act of 2019”

Sec. 1302

- Creates a new crime prohibiting an individual, acting under color of law, to engage in a asexual act with another individual who is under arrest, in detention, or otherwise in the actual custody of any Federal law enforcement officer
- Directs that the statutory maximum penalty for this offense shall be 15 years of imprisonment
- Provides that consent to the sexual act shall not be available as a defense to the crime

Sec. 1303

- Gives the Attorney General the authority to make grants to States, Tribes and territories that have in effect a law that makes it unlawful to engage in a sexual act while acting under color of law and which precludes the consent of the other individual as a defense

Sec. 1304

- Requires the Attorney General to submit a report to Congress, one year after enactment, regarding the number of reports made to Federal law enforcement agencies during the previous year about persons engaging in a sexual act while acting under color of law and the disposition of each reported case
- Requires the Comptroller General to submit a report to Congress on any violations of this new offense committed during the one-year period covered by the report

Sec. 1305

- Establishes that “sexual act” has the same meaning as in section 2246 of title 18

TITLE XIV

- Reauthorizes funding for the following: National Stalker and Domestic Violence Reduction (**Sec. 1401**), Federal Victim Assistants Reauthorization (**Sec. 1402**), Child Abuse Training Programs for Judicial Personnel and Practitioners Reauthorization (**Sec. 1403**), Sex Offender Management (**Sec. 1404**), Court-Appointed Special Advocate Program (**Sec. 1405**), Rape Kit Backlog (**Sec. 1406**), and Sexual Assault Forensic Exam Program Grants (**Sec. 1407**)