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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

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

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

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

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

**A BILL**

To protect 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 Crime  
5 Victims’ Rights Reform Act of 2019”.

6 **SEC. 2. CRIME VICTIMS’ RIGHTS.**

7 Section 3771 of title 18, United States Code, is  
8 amended—

9 (1) in subsection (a)—

1 (A) in paragraph (5), by striking “Govern-  
2 ment in the case” and inserting “the Govern-  
3 ment, including the right to confer about any  
4 plea bargain or other resolution of the case be-  
5 fore such plea bargain or resolution is presented  
6 to the court or otherwise finalized”;

7 (B) in paragraph (9), by striking “or de-  
8 ferred prosecution agreement” and inserting  
9 “deferred prosecution agreement, nonprosecu-  
10 tion agreement, or the referral of a criminal in-  
11 vestigation to another Federal, State, or local  
12 law enforcement entity. In the case of a non-  
13 prosecution agreement or referral of a criminal  
14 investigation to another law enforcement entity,  
15 upon a showing of good cause, which shall be  
16 based upon public safety and the needs of re-  
17 lated ongoing prosecutions, the victim may be  
18 required to maintain the confidentiality of any  
19 nonpublic information disclosed to the victim.  
20 Any such duty of confidentiality may not be  
21 greater than that of the Government or the de-  
22 fendant. The Attorney General may assess a  
23 civil penalty for any breach of confidentiality  
24 under this section, after notice and an oppor-

1           tunity for a hearing, of not more than \$500 for  
2           each violation.”;

3           (2) in subsection (c)(1), by inserting after the  
4           period at the end the following: “If a dispute arises  
5           about whether the officers and employees have made  
6           such best efforts, the Department of Justice shall  
7           promptly provide to the victim and, if requested, to  
8           the court reviewing the issue all relevant information  
9           and documents concerning the circumstances, in-  
10          cluding steps taken to comply with this subsection.”;

11          (3) in subsection (d)—

12                 (A) in paragraph (1), by inserting after  
13                 “the Government” the following: “with the in-  
14                 formed consent of the victim, the Government  
15                 (including a Special Victims’ Advocate appear-  
16                 ing pursuant to paragraph (8))”;

17                 (B) in paragraph (2), by inserting after  
18                 the period at the end the following: “The proce-  
19                 dure fashioned by the court under this para-  
20                 graph shall have no effect on the duty of offi-  
21                 cers and employees of the Government to make  
22                 their best efforts to accord crime victims the  
23                 rights described in subsection (a).”;

24                 (C) in paragraph (3), by striking “forth-  
25                 with” and inserting “forthwith, and the Govern-

1           ment shall provide promptly to the Court all in-  
2           formation and documents relevant to the asser-  
3           tion of the right”;

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

6           “(5) RE-OPENING PROCEEDINGS.—

7           “(A) In no case shall a failure to afford a  
8           right under this chapter provide grounds for a  
9           new trial.

10          “(B) A victim who received reasonable no-  
11          tice of the relevant proceedings may make a  
12          motion to re-open a plea or sentence only if—

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

16                 “(ii) the victim petitions the court of  
17                 appeals for a writ of mandamus within 30  
18                 days; and

19                 “(iii) in the case of a plea, the ac-  
20                 cused has not pled to the highest offense  
21                 charged.

22          “(C) A victim may bring a motion to re-  
23          open a plea or sentence, not later than 180  
24          days after the relevant proceeding, upon the  
25          basis that the victim was not able to assert the

1 right to be heard during the proceeding because  
2 the victim did not have reasonable and timely  
3 notice of the proceeding.”;

4 (E) by redesignating paragraph (6) as  
5 paragraph (10); and

6 (F) by inserting after paragraph (5) the  
7 following:

8 “(6) MOTION TO ANNUL PROSECUTORIAL  
9 AGREEMENTS.—A crime victim may make a motion  
10 to rescind a deferred prosecution or may bring an  
11 action in the district court to annul a nonprosecu-  
12 tion agreement based upon a showing by clear and  
13 convincing evidence that the Government violated  
14 the rights provided for crime victims in this section.

15 “(7) REMEDIES.—For proceedings under para-  
16 graphs (5) and (6), upon a finding that a victim’s  
17 rights have been violated, the court shall impose a  
18 just and appropriate remedy to address such viola-  
19 tion. In determining the appropriate remedy, the  
20 court may convene a hearing for victim impact state-  
21 ments, and consider the testimony at any such hear-  
22 ing.

23 “(8) SPECIAL VICTIMS’ ADVOCATE.—The Na-  
24 tional Coordinator may appear in a criminal action

1 as a Special Victims' Advocate to protect the rights  
2 of crime victims in this section.

3 “(9) ATTORNEYS’ FEES.—A crime victim who  
4 prevails against the United States in an action to  
5 enforce a right under this section shall be entitled to  
6 an award of reasonable attorneys’ fees and expenses,  
7 as provided in section 2412 of title 28, United  
8 States Code.”;

9 (4) in subsection (e)(2)(A), by striking “the  
10 commission of a” and inserting “a suspected, al-  
11 leged, charged, or convicted”; and

12 (5) by striking subsection (f).

13 **SEC. 3. DEPARTMENT OF JUSTICE OFFICIALS RESPON-**  
14 **SIBLE FOR ENSURING VICTIMS’ RIGHTS.**

15 (a) IN GENERAL.—Chapter 237 of title 18, United  
16 States Code, is amended by adding at the end the fol-  
17 lowing:

18 **“§ 3772. Office of the National Coordinator for Vic-**  
19 **tims’ Rights**

20 “(a) ESTABLISHMENT.—There is established within  
21 the Office of the Deputy Attorney General of the Depart-  
22 ment of Justice, the Office of the National Coordinator  
23 for Victims’ Rights, headed by the National Coordinator  
24 for Victims’ Rights (in this section referred to as the ‘Na-  
25 tional Coordinator’), for the purpose of reviewing deter-

1 minations of the Ombudsman, monitoring and appearing  
2 in court proceedings as Special Victim’s Advocate to pro-  
3 tect the rights of victims, and developing standards for  
4 treatment of victims.

5 “(b) DUTIES.—The National Coordinator shall have  
6 the following duties:

7 “(1) REVISIONS.—Not less than once every 2  
8 years, the National Coordinator, in consultation with  
9 the Ombudsman, the Director of the Office of Vio-  
10 lence Against Women, the Director of the Federal  
11 Bureau of Investigation, the litigating components of  
12 the Department of Justice, and victims’ rights and  
13 services groups, shall review and, if necessary, rec-  
14 ommend the revision of the rules issued by the At-  
15 torney General under section 3774.

16 “(2) ADVOCATE.—The National Coordinator  
17 may appear before the court and act as a Special  
18 Victims’ Advocate, either upon receiving a request  
19 from the Ombudsman pursuant to section  
20 3773(b)(5), upon a request from a prosecutor, or in  
21 the discretion of the National Coordinator based on  
22 the circumstances.

23 “(3) TRAINING.—The National Coordinator  
24 shall coordinate a mandatory course of training on  
25 the treatment of crime victims for each officer or

1 employee of the Department of Justice who interacts  
2 with crime victims as a part of their official duties.

3 “(4) SANCTIONS.—The National Coordinator  
4 may apply disciplinary sanctions, including suspen-  
5 sion or termination from employment and delay of  
6 promotion on the General Schedule or other relevant  
7 pay schedule, for officers and employees of the De-  
8 partment of Justice who fail to comply with section  
9 3771(a) or section 503 of the Victims’ Rights and  
10 Restitution Act of 1990 (34 U.S.C. 20141).

11 “(5) MINIMUM REQUIREMENTS.—The National  
12 Coordinator shall develop best practices for pro-  
13 tecting the rights of crime victims, which may exceed  
14 the minimum legal requirements set forth in this  
15 chapter and shall be relevant to determining whether  
16 an officer or employee of the Department of Justice  
17 has made best efforts to ensure that crime victims  
18 are notified of, and accorded, the rights described in  
19 section 3771(a) or section 503 of the Victims’  
20 Rights and Restitution Act of 1990 (34 U.S.C.  
21 20141).

22 “(c) AWARD.—

23 “(1) IN GENERAL.—The National Coordinator  
24 may, upon a final determination that an officer or  
25 employee of the Department of Justice intentionally



1 violated the rights of a victim, award the victim not  
2 more \$15,000, to be paid out of the fund described  
3 in section 1304 of title 31.

4 “(2) SUPP.—The award payable under this sub-  
5 section shall be in addition to any other restitution  
6 or recovery to which the crime victim is entitled as  
7 a result of the crime.

8 **“§ 3773. Office of Crime Victims’ Rights**

9 “(a) ESTABLISHMENT.—There is established within  
10 the Executive Office for United States Attorneys of the  
11 Department of Justice, the Office of Crime Victims’  
12 Rights, headed by the Crime Victims’ Rights Ombudsman  
13 (in this section referred to as the ‘Ombudsman’), for the  
14 purposes of—

15 “(1) receiving, coordinating investigations of,  
16 and adjudicating complaints relating to a violation of  
17 the rights of a crime victim; and

18 “(2) serving as a central resource for informa-  
19 tion and contact in the Department of Justice for  
20 crime victims.

21 “(b) DUTIES.—The Ombudsman shall have the fol-  
22 lowing duties:

23 “(1) COMPLAINT SUBMISSION SYSTEM.—The  
24 Ombudsman shall develop a streamlined system for

1 submitting complaints to the Ombudsman electroni-  
2 cally and by mail.

3 “(2) POINTS OF CONTACT.—The Ombudsman  
4 shall appoint a point of contact for each office of the  
5 Department of Justice and mandate annual training  
6 for each point of contact on the requirements and  
7 expectations of Department of Justice officers and  
8 employees with respect to the rights of crime vic-  
9 tims.

10 “(3) COMPLAINT PROCESS.—The Ombudsman  
11 shall establish, in coordination with the National Co-  
12 ordinator, a process for the Ombudsman—

13 “(A) to directly receive any complaint from  
14 crime victims for violations of their rights under  
15 section 3771(a) or section 503 of the Victims’  
16 Rights and Restitution Act of 1990 (34 U.S.C.  
17 20141) by an officer or employee of the Depart-  
18 ment of Justice and to refer the complaint to  
19 the point of contact at each relevant office for  
20 investigation, initial findings, and recommenda-  
21 tions;

22 “(B) in the case that the point of contact  
23 has a conflict of interest, to refer the complaint  
24 to another officer in a relevant office to address

1 the complaint, who shall be designated as the  
2 point of contact with respect to that complaint;

3 “(C) to provide the complainant an oppor-  
4 tunity to be heard by the point of contact and  
5 respond to initial findings of the point of the  
6 contact;

7 “(D) to review the findings and rec-  
8 ommendations of the point of contact; and

9 “(E) to, not later than 90 days after re-  
10 ceipt of a complaint—

11 “(i) make a final determination based  
12 on the findings and recommendations of  
13 the point of contact on whether there was  
14 any violation of the rights of the crime vic-  
15 tim; and

16 “(ii) in the case that there is a viola-  
17 tion, identify each officer or employee re-  
18 sponsible for the violation, the severity of  
19 the violation, and any relief or disciplinary  
20 sanction to be imposed.

21 “(4) REPORT DETERMINATIONS.—The Om-  
22 budsman shall report to the complainant the deter-  
23 minations made under paragraph (3), after which  
24 the complainant shall have an opportunity to appeal  
25 to the National Coordinator, except in a case in

1       which the complaint concerns the conduct of the Na-  
2       tional Coordinator, in which case the appeal shall be  
3       to Attorney General or a designee of the Attorney  
4       General. Whether or not there is an appeal, the Om-  
5       budsman shall refer the determinations to the Na-  
6       tional Coordinator for final review and approval and  
7       application of any disciplinary sanctions or award.

8               “(5) APPOINT ADVOCATE.—

9               “(A) REQUEST.—The Ombudsman shall  
10       develop a process by which victims may submit  
11       a request for the National Coordinator to ap-  
12       pear before the court and act as a Special Vic-  
13       tims’ Advocate.

14              “(B) REFERRAL.—The Ombudsman shall  
15       refer to the National Coordinator any request  
16       received pursuant to the process developed  
17       under subparagraph (A).

18              “(6) COMPLAINT PERIOD.—A victim of a crime  
19       may submit a complaint under this subsection end-  
20       ing on the date that is 1 year after the victim learns  
21       of a violation of their rights under section 3771(a)  
22       or section 503 of the Victims’ Rights and Restitu-  
23       tion Act of 1990 (34 U.S.C. 20141) by an officer or  
24       employee of the Department of Justice or 2 years  
25       after the actual violation, whichever is later, except

1 that the National Coordinator may extend the such  
2 date if the National Coordinator determines an ex-  
3 tension to be necessary to accord the victim of a  
4 crime their rights upon a showing of good cause.

5 **“§ 3774. General provisions**

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

9 “(b) REPORTS TO CONGRESS.—

10 “(1) IN GENERAL.—The Attorney General shall  
11 submit to Congress a report on—

12 “(A) significant steps taken to improve the  
13 Department’s best efforts to accord crime vic-  
14 tims their rights;

15 “(B) the number of complaints filed with  
16 the Ombudsman and the outcome of those com-  
17 plaints (including any disciplinary action); and

18 “(C) a list of all cases in which a court has  
19 determined that there has been a failure to ac-  
20 cord crime victims their rights and the best ef-  
21 forts made by officers and employees of the De-  
22 partment of Justice in each case.

23 “(2) ANNUAL AND BIENNIAL REPORTS.—The  
24 report described in paragraph (1) shall be submitted

1 not later than 1 year after the date of enactment of  
2 this section and—

3 “(A) annually thereafter for a period of 2  
4 years; and

5 “(B) biannually after the end of the period  
6 described in subparagraph (A).”.

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

“3772. Office of the National Coordinator for Victims’ Rights.

“3773. Office of Crime Victims’ Rights.

“3774. General provisions.”.

10 (c) JUDICIAL TRAINING ON THE RIGHTS OF CRIME  
11 VICTIMS.—Not later than 1 year after the date of enact-  
12 ment of this Act, the Director of the Federal Judicial Cen-  
13 ter shall, in consultation with victims’ rights and services  
14 groups—

15 (1) create a guidebook for Federal judges and  
16 judicial employees explaining legal requirements re-  
17 garding crime victims’ rights and best practices for  
18 affording those rights in judicial proceedings; and

19 (2) incorporate the concepts from the guidebook  
20 in the Federal Judicial Center’s judicial orientation  
21 training.

1 **SEC. 4. CRIME VICTIM LEGAL ASSISTANCE GRANTS.**

2 Section 1404D of the Victims of Crime Act of 1984  
3 (34 U.S.C. 20107) is amended by adding at the end the  
4 following:

5 “(d) **AUTHORIZATION OF APPROPRIATIONS.**—In ad-  
6 dition to funds made available under section 1402(d),  
7 there are authorized to be appropriated to carry out this  
8 section \$13,000,000 for each of fiscal years 2021, 2022,  
9 2023, 2024, and 2025.”.

10 **SEC. 5. NATIONAL RESOURCE CENTER ON CRIME VICTIMS’**  
11 **RIGHTS.**

12 (a) **AUTHORITY.**—The Attorney General, acting  
13 through the Ombudsman of the Office of Crime Victims’  
14 Rights, may award a grant to an eligible nonprofit entity  
15 or tribal organization, in order to provide for the establish-  
16 ment and operation of a national resource center on crime  
17 victims’ rights. The resource center shall provide informa-  
18 tion and assistance to lawyers and organizations that pro-  
19 vide legal assistance to aid in efforts to advocate for crime  
20 victims’ rights in Federal jurisdictions and in States and  
21 tribal jurisdictions that have laws substantially similar to  
22 the provisions of section 3771 of title 18, United States  
23 Code.

24 (b) **APPLICATIONS.**—To be eligible to receive a grant  
25 under this section, an entity or organization shall submit  
26 an application to the Attorney General at such time, in

1 such manner, and containing such information as the At-  
2 torney General may require, including information that  
3 demonstrates that the entity or organization has nation-  
4 ally recognized expertise in the area of crime victims'  
5 rights.

6 (c) USE OF GRANT AMOUNT.—An entity or organiza-  
7 tion that receives a grant under this section may use the  
8 funds made available through the grant for staff salaries,  
9 travel expenses, equipment, printing, and other reasonable  
10 expenses necessary to develop, maintain, and disseminate  
11 to lawyers and organizations described in subsection (a),  
12 information and assistance concerning legal representation  
13 to assist victims of a crime.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
15 authorized to be appropriated to carry out this section  
16 \$1,500,000 for each of fiscal years 2021 through 2025.

17 (e) AVAILABILITY OF GRANT FUNDS.—Funds appro-  
18 priated under this section shall remain available until ex-  
19 pended.

20 **SEC. 6. STREAMLINING VICTIM NOTIFICATION.**

21 Section 3664(d) of title 18, United States Code, is  
22 amended—

23 (1) in paragraph (2), by striking “The proba-  
24 tion officer” and inserting “Subject to paragraph  
25 (7), the probation officer”; and



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

2 “(7) Paragraph (2) shall not apply if an officer  
3 or employee of the Department of Justice or other  
4 department or agency of the United States provides  
5 to a victim notice and an affidavit form under sec-  
6 tion 3771(c)(1) before the probation officer submits  
7 a presentence report under subsection (a).”.

8 **SEC. 7. IMPROVEMENTS FOR ORDERS OF RESTITUTION.**

9 (a) CHANGES IN PROCEDURES FOR ORDERS OF RES-  
10 TITUTION.—Section 3664 of title 18, United States Code,  
11 is amended—

12 (1) in subsection (d)(2)(A)(v), by striking  
13 “(B)” and inserting “(D)”;

14 (2) in subsection (f)(2)—

15 (A) by inserting “the amount owed, that  
16 this amount is payable immediately, and” after  
17 “order”; and

18 (B) by striking “, and the schedule accord-  
19 ing to which,”;

20 (3) in subsection (f)(3), by amending subpara-  
21 graph (B) to read as follows:

22 “(B) Notwithstanding any payment sched-  
23 ule entered by the court, each order of restitu-  
24 tion shall be a civil debt, payable immediately,  
25 and subject to the enforcement procedures pro-

1           vided in this section. No payment schedule im-  
2           posed by the court shall preclude the United  
3           States from enforcing an order of restitution  
4           pursuant to this section, nor shall any payment  
5           schedule imposed by the court preclude collec-  
6           tion pursuant to the Bureau of Prisons' Inmate  
7           Financial Responsibility Program.”;

8           (4) in subsection (k), by striking the last sen-  
9           tence;

10          (5) in subsection (m), by amending paragraph  
11          (1) to read as follows:

12               “(1) An order of restitution may be enforced as  
13               follows:

14                       “(A) An order may be enforced through  
15                       civil practices and procedures before the liability  
16                       for restitution is satisfied, remitted, set aside,  
17                       or terminated under section 3613.

18                       “(B) An order may be enforced by the  
19                       United States in the manner provided for in  
20                       subchapter C of chapter 227 and subchapter B  
21                       of chapter 229 of this title.

22                       “(C) An order may be enforced by any vic-  
23                       tim named in the restitution order in accord-  
24                       ance with section 1962 of title 28. At the re-  
25                       quest of a victim named in a restitution order,

1           the clerk of the court shall issue an abstract of  
2           judgment certifying that a judgment has been  
3           entered in favor of such victim in the amount  
4           specified in the restitution order. Upon reg-  
5           istering, recording, docketing, or indexing such  
6           abstract in accordance with the rules and re-  
7           quirements relating to judgments of the court  
8           of the State where the district court is located,  
9           the abstract of judgment shall be a lien on the  
10          property of the defendant located in such State  
11          in the same manner and to the same extent and  
12          under the same conditions as a judgment of a  
13          court of general jurisdiction in that State.”;

14          (6) by inserting after subsection (p) the fol-  
15          lowing:

16          “(q) Upon motion of the Government or petition by  
17          the probation office, the court shall conduct a hearing to  
18          determine whether the defendant has knowingly refused  
19          to make a restitution payment. If the court finds that the  
20          defendant is in default, the court may take any action de-  
21          scribed in sections 3613A and 3614 of this title, to obtain  
22          compliance with the order of restitution or to sanction the  
23          defendant for knowing refusal to pay.”.

1 (b) EXPANSION OF CIVIL REMEDIES FOR ORDERS OF  
2 RESTITUTION.—Section 3613 of title 18, United States  
3 Code, is amended—

4 (1) in the section heading, by inserting “**OR**  
5 **RESTITUTION**” after “**FINE**”;

6 (2) in subsection (a), by inserting “or restitu-  
7 tion” after “fine” each place it appears;

8 (3) in subsection (b)—

9 (A) by inserting “or restitution” after  
10 “fine”; and

11 (B) by inserting “or ordered to pay restitu-  
12 tion” after “fined” each place it appears; and

13 (4) in subsection (e), by inserting “or restitu-  
14 tion” after “fine”.