

## Selected History of Victims of Crime Act Enactments<sup>1</sup>

### Pub.L 98-473; Oct. 12, 1984; “Victims of Crime Act of 1984”

#### **Sec. 1402 - Crime Victims Fund**

- Establishes the Crime Victims Fund as a “separate account.” With several exceptions, deposits into the Fund come from the collection of all federal criminal fines, newly created penalty assessments, newly created forfeitures of collateral profits from crime (“Son of Sam”), forfeited appearance bonds, bail bonds, and collateral collected for failure to appear and fines in connection with vessels carrying explosive and passengers.
- Limits amount to be deposited into the Fund in any fiscal year to \$100 million; excess is deposited into the general fund of the Treasury; Sunsets deposits into the Fund on September 30, 1988.
- Fifty percent of Fund to be used for state crime victim compensation grants and fifty percent for victim assistance grants.
- Grants may be spent during the fiscal year of the grant award and the next succeeding fiscal year; remaining unobligated sums returned to the general fund of the Treasury.

#### **Sec. 1403 – Crime Victim Compensation**

- Annual grants to eligible crime victim compensation programs of 35 percent of amounts awarded during previous fiscal year (except for amounts for property damage); grants to be used only for compensation awards.
- Eligible crime victim compensation program must 1) be operated by a State and offer compensation to victims and survivors of crime for medical expenses attributable to a physical injury resulting from the crime, including mental health counseling and care, loss of wages, funeral expenses; 2) promotes cooperation with reasonable requests of law enforcement; 3) not supplant State funds otherwise available for compensation; 4) makes awards available to nonresidents on same basis as awards to State residents; 5) makes awards to victims of Federal offenses that would be compensable state crimes, but for federal jurisdiction; 6) and provides other information and assurance required by the Attorney General.
- Provides crime victim compensation programs with a grace period to meet requirements until the end of the State’s next legislative session.
- **Definitions:** “Property damage” does not include prosthetic or dental devices; “medical expense” includes prosthetic and dental devices and services rendered in connection with a method of healing recognized by the law of the State; “compensable crimes” are those covered by the state program; “State” includes the District of Columbia, Commonwealth of Puerto Rico and other United States possessions and territories.

#### **Sec. 1404 – Crime Victim Assistance**

- Annual grants to each State in support of eligible crime victim assistance programs. Amount subject to availability of money in the Fund and includes any amounts not used for crime victim compensation grants.
- States shall certify priority given to eligible programs providing assistance to victims of sexual assault, spousal abuse or child abuse; funds will not be used to supplant State and local funds otherwise available for crime victim assistance; and provide other information and assurances required by the Attorney General.

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<sup>1</sup> Omits references to annual “caps” in many annual CVF appropriations acts.

- Establishes a base amount of grants for each State of \$100,000 with the remaining available funds distributed based on population.
- Eligible crime victim assistance programs must 1) be operated by a public agency, nonprofit organization or combination of both, and provides services to crime victims; 2) demonstrate an effective record of serving crime victims AND financial support from sources other than the Fund; or substantial financial support from sources other than the Fund; 3) utilize volunteers (unless the State waives the requirement for a compelling reason); 4) promote coordinated public and private efforts to aid crime victims; 5) assist potential recipients in seeking crime victim compensation benefits; and use grant funds only to provide services to crime victims.
- **Services to victims of Federal crimes.** Attorney General may deduct up to 5 percent of amount available for crime victim assistance grants to provide services to victims of Federal crimes by the Department of Justice or to reimburse other Federal agencies authorized to provide such services.
- The Attorney General shall appoint a Federal Crime Victim Assistance Administrator who shall monitor compliance with the Federal Victim and Witness Protection Act of 1982 [Pub. L. 97-291]; consult with Federal law enforcement agencies with responsibilities affecting crime victims; coordinate Federal crime victim services with other public agencies and nonprofit organizations; perform other functions assigned by the Attorney General.

#### **Sec. 1405 – Penalty Assessment**

- Courts are required to impose special assessments on convicted persons to be collected in same manner as fines. Amounts are: in case of misdemeanors, \$25 for individuals and \$100 if other than an individual; in case of felonies, \$50 for individuals and \$200 if other than an individual.

#### **Sec. 1407 – Administrative Provisions**

- Except as otherwise provided by Federal law, no Federal officer or employee or recipient of funds under this chapter shall use or reveal any personally identifiable research or statistical information for purposes other than for which the information was obtained. Such information shall be immune from legal process and shall not, without the consent of the person furnishing the information, be admitted into evidence or used in any action, suit or other judicial, legislative or administrative proceeding.
- No person on the grounds of race, color, religion, national origin, handicap or sex shall be excluded from participation in, denied benefits of, subjected to discrimination in or denied employment in connection with activities funded under this chapter.
- Attorney General shall report to the President and Congress on revenue derived from each source and the effectiveness of activities supported under this chapter.

#### **Sec. 1408 – Parole Proceeding Amendments**

- Permits victim impact statements in Federal parole proceedings.

#### **Pub. L. 99-401; Aug. 27, 1986; “Children’s Justice Act”**

#### **Sec. 1402 – Crime Victims Fund**

- Increases limit on deposits into the Fund from \$100 million to \$110 million; revises Fund allocation formula as follows:

- Of the first \$100 million, 49.5 percent made available for crime victim compensation grants, 45 percent made available for state victim assistance grants, one percent to OVC for discretionary grants, and 4.5 percent for Children’s Justice Act grants.
- The next \$5.5 million made available for Children’s Justice Act (CJA) grants under sec. 1404A.
- Any deposits in excess of \$105.5 million made available for state victim assistance grants.

**Sec. 1404 – Crime Victim Assistance**

- Replaces 5 percent allowance for services to victims of Federal crimes with a discretionary grant program for training and technical assistance and services for victims of Federal crime. Fund allocation earmarks 1 percent of annual deposits for that purpose.
- Replaces Federal Crime Victim Assistance Administrator with Assistant Attorney General for the Office of Justice Programs who shall make grants of not less than 50 percent of amounts available for training and technical assistance to eligible crime victim assistance programs and of not more than 50 percent of amounts available for support of services to victims of Federal crimes.

**Sec. 1404A – Child Abuse Prevention and Treatment Grants**

- **Children’s Justice Act.** Amounts made available under sec. 1402(d)(2) shall be obligated and expended by Secretary of Health and Human Services to improve handling of child abuse cases and the investigation and prosecution of child abuse cases.

**Pub. L. 99-646; Nov. 10, 1986; “Criminal Law and Procedure Technical Amendments Act of 1986”**

**Sec. 1402 – Crime Victims Fund**

- For fiscal year 1985, grants may be expended during the year of the award and the next two succeeding fiscal years (instead of the next fiscal year).

**Sec. 1404 – Crime Victim Assistance**

- **OVC Discretionary Grants.** Reverses allocation so that “not more than 50 percent” of available funds may be used for grants for training and technical assistance and “not less than 50 percent” shall be used for services to victims of Federal crimes.

**Pub. L. 100-690; Nov. 18, 1988; “Anti-Drug Abuse Act of 1988”**

**Sec. 1402 – Crime Victims Fund**

- Increases limits on deposits into the Fund to \$125 million through fiscal year 1991 and to \$150 million thereafter through fiscal year 1994. The first \$2.2 million over the increased limit on deposits shall be available to the judicial branch for receipt of fines and restitution and collection of unpaid fines and restitution. Amounts above that are to be deposited in general fund of the Treasury.
- Amounts deposited above \$110 million to be distributed as follows: 47.5 percent available for crime victim compensation grants, 47.5 percent for state victim assistance grants and 5 percent for discretionary grants and services to victims of Federal crimes.
- Extends sunset for deposits into the Fund to September 30, 1994.
- The Director of the Office for Victims of Crime shall use 15 percent of the amounts available for Children’s Justice Act grants to assist Native American Indian tribes in handling, investigating and prosecuting child abuse cases.

### **Sec. 1403 – Crime Victim Compensation**

- Increases amount of state crime victim compensation grants from 35 percent to 40 percent of previous fiscal year's awards.
- Program eligibility changed to require that programs compensate victims and survivors of drunk driving and of domestic violence; programs to compensate State residents victimized outside the State if the crime would have been compensable if it occurred within the State and the State where the crime occurred does not have an eligible crime victim compensation program; and, except for rules preventing unjust enrichment of the offender, the program does not deny compensation benefits because of familial relationship with the offender or sharing a residence with the offender.
- Adds costs of eyeglasses and corrective lenses as "medical expense," and specifically notes that such costs are not property expenses.

### **Sec. 1404 – Crime Victim Assistance**

- Requires States to certify that funds will be made available to programs that serve "previously underserved victims of violent crimes."
- The base amount of state victim assistance grants increased to \$150,000 for fiscal years 1989 through 1991 and to \$200,000 for fiscal years thereafter through 1994.
- Definition of State expanded to include the United States Virgin Islands for all purposes.

### **Sec. 1407 – Administrative Provisions**

- A Report to President and Congress required is December 31, 1990 and every two years thereafter.

### **Sec. 1411 – Office for Victims of Crime**

- Creates the Office for Victims of Crime (OVC) within the Department of Justice headed by a Director who shall be appointed by the President and confirmed by the Senate.

### **Pub. L. 101-647; Nov. 29, 1990; "Crime Control Act of 1990"**

#### **Sec. 1402 – Crime Victims Fund**

- Increased limit on Fund deposits made effective in fiscal year 1990, one year earlier than previous amendment.

#### **Sec. 1403 – Crime Victim Compensation**

- Additional year grace period (October 1, 1991) allowed to enact state legislation to conform to new requirements.

### **Pub. L. 102-572; Oct. 29, 1992; "Federal Courts Administration Act of 1992"**

#### **Sec. 1402 – Crime Victims Fund**

- Removes all limitations on yearly amounts deposits into the Fund, repeals the sunset and makes deposits available for expenditure without fiscal year limitation.
- Revises Fund allocation formula.

### **Pub. L. 103-322; Sept. 13, 1994; "Violent Crime Control and Law Enforcement Act of 1994"**

### **Sec. 1402 – Crime Victims Fund**

- Revises Fund allocation formula.
- **Emergency Reserve.** Director may reserve amounts deposited in excess of 110 percent of previous year’s deposits, up to \$20 million, for use in a year when the Fund deposits fall below the amount available the previous year.

### **Sec. 1403 – Crime Victim Compensation**

- Permits the use of up to 5 percent of grants for administration of the State crime victim compensation program.
- Provides that a State crime victim compensation program shall not pay compensation for costs that a Federal program or federally financed State or local program would otherwise pay and such other program shall make its payment without regard to the existence of the crime victim compensation program.

### **Sec. 1404 – Crime Victim Assistance**

- Permits the use of up to 5 percent of state victim assistance grants may be used for the administration of the State crime victim assistance program receiving the grant.
- **OVC Discretionary Grants.** Director may award grants for demonstration projects as well as training and technical assistance, and grants for services to victims of Federal crime.

### **Sec. 1407 – Administrative Provisions**

- Programs receiving sums for administrative purposes shall certify the sums will not be used to supplant State or local funds but will be used to increase the amount that would, in the absence of Federal funds, be made available for those purposes.

### **Pub. L. 104-132; Apr. 24, 1996; “Antiterrorism and Effective Death Penalty Act of 1996”**

### **Sec. 1402 – Crime Victims Fund**

- **Emergency Reserve.** OVC Director may reserve up to \$50 million when deposits in Fund exceed 110 percent of previous year’s deposits. The emergency reserve may be used for supplemental grants for compensation and assistance for victims of terrorism and mass violence and for supplemental grants for state compensation and state victim assistance grants in years in which supplemental grants are needed.
- Grant recipients may expend grants during year of grant and 2 succeeding fiscal years.

### **Sec. 1403 – Crime Victim Compensation**

- State crime victim compensation programs must compensate for crimes of terrorism.
- Prohibit compensation to persons convicted of Federal crimes during a time period for which the person is delinquent in paying a fine, other monetary penalty or restitution.

### **Sec. 1404 – Crime Victim Assistance**

- Increases base amount of grants to States from \$200,000 to \$500,000. Establishes \$200,000 base amount for grants to territories of Northern Mariana Islands, Guam, American Samoa, and the Republic of Palau.

### **Sec. 1404B – Compensation and Assistance to Victims of Terrorism and Mass Violence**

- Authorizes Director to make supplemental grants to States to provide compensation and assistance to residents of States who, while outside the United States, are victims of a

terrorist act or mass violence. The Director may make supplemental grants to eligible state compensation and assistance programs for emergency relief, crisis response, assistance, training and technical assistance benefiting victims of terrorism or mass violence occurring within the United States and may provide funding to United States Attorney's Offices for use in coordination with State compensation and assistance efforts in providing emergency relief.

- Adds closed circuit televised court proceedings for victims, codified as 42 USC 10608.

**Pub. L. 104-155; July 3, 1996; "Church Arson Prevention Act of 1996"**

**Sec. 1403 – Crime Victim Compensation**

- Makes compensation to victims of crime who suffer death or personal injury in connection with a destruction or damage to religious real property because of race, color, or ethnic characteristics [18 USC 247] a compensation grant requirement.

**Pub. L. 104-208; Sept. 30, 1996; "Omnibus Consolidated Appropriations Act, 1997"**

**Sec. 1402 – Crime Victims Fund**

- Extends period to expend grants funds from year of award plus 2 fiscal years to year of award plus 3 fiscal years.
- Authorizes Director to set aside up to \$500,000 of the reserve fund to make supplemental grants to United States Attorney's Offices to provide necessary assistance to victims of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, OK, to facilitate observation and participation by victims in trial proceedings.

**Pub. L. 106-113; Nov. 11, 1999; "Consolidated Appropriations Act, 2000"**

**Sec. 1402 – Crime Victims Fund**

- Creates a statutory earmark, after Children's Justice Act grants, for "such sums as may be necessary" for United States Attorney's Offices to improve services for benefit of crime victims in the Federal criminal justice system.
- Limits obligations amount of Fund available for obligation in FY 2000 to \$500 million.

**Pub. L. 106-177; Mar. 10, 2000; "Child Abuse Prevention and Enforcement Act"**

**Sec. 1402 – Crime Victims Fund**

- Increases maximum for Children's Justice Act grants from \$10 million to \$20 million. CJA is allocated a minimum of \$10 million plus 50 percent of deposits into the Fund is greater than the amount deposited for fiscal year 1998 [\$324,540,486] but not to exceed a total of \$20 million. Increases in CJA "shall operate notwithstanding any dollar limitation on the availability of the Crime Victims Fund."

**Pub. L. 106-386; Oct. 28, 2000; "Victims of Trafficking and Violence Protection Act of 2000"**

**Sec. 1402 – Crime Victims Fund**

- All sums in the Fund not made available for obligation by Congress in a fiscal year remain available for obligation in future fiscal years, without fiscal year limitation.
- **Emergency Reserve.** Increases the maximum amount for the emergency reserve from \$50 million to \$100 million and specifies that emergency reserve may be used for victims

of international terrorism compensation program. Any grant funds unspent after the year of award plus three succeeding years may, at the Director's discretion, be deposited into the emergency reserve and any remaining unobligated sums returned to the Fund.

**Sec. 1404B – Compensation and Assistance to Victims of Terrorism or Mass Violence**

- Authorizes Director to make supplemental grants to States, victim service organizations, public agencies and nongovernmental organizations to provide emergency relief, crisis response, training and technical assistance, and ongoing assistance to victims of international terrorism or mass violence.

**Sec. 1404C – Compensation to Victims of International Terrorism**

- Authorizes Director to use emergency reserve to compensate victims of international terrorism for expenses associated with the victimization.

**Pub. L. 106-553; Dec. 21, 2000; “Commerce, Justice and State Appropriations Act, 2001”**

**Sec. 1402 – Crime Victims Fund**

- Creates earmark for FBI to improve services to crime victims but not to cover non-victim witness activities, such as witness protection or non-victim witness management services, paralegal duties or community outreach. Assumes \$7.4 million needed to support 112 victim/witness specialists.
- In addition, the conference agreement assumes that funding will continue to be provided to the U.S. Attorneys.

**Pub. L. 107-56; Oct. 26, 2001; “USA PATRIOT Act”**

**Sec. 1402 – Crime Victims Fund**

- Authorizes gifts, bequests and donations from private individuals or entities to be deposited into the Fund.
- **“Managed cap.”** Authorizes Director, subject to availability of money in the Fund, to distribute not less than 90 percent or more than 110 percent of the previous year's distributions or, if there is twice as much in the Fund as distributed the previous year, not more than 120 percent of the previous year's distributions
- Changes allocation formula to reduce amounts available for compensation grants and state victim assistance grants from 48.5 percent each to 47.5 percent each and increase amount available for OVC discretionary grants from 3 percent to 5 percent.
- **Antiterrorism Emergency Reserve.** Restructures emergency reserve to authorize Director to set aside an initial amount of up to \$50 million from September 11, 2001 Emergency Appropriations as an Antiterrorism Emergency Reserve. AER replenished with expended amounts with up to 5 percent of amounts remaining after distributing funds for other “below the cap” allocations. Funds in the Antiterrorism Emergency Reserve can be used for supplemental grants to assist victims of international and domestic terrorism and mass violence and to compensate victims of international terrorism. (Removes authority to supplement formula when needed.) Specifies that, unless Congress specifically refers to this provision, amounts carried over in the Antiterrorism Emergency Reserve are not subject to congressional caps.

**Sec. 1403 – Crime Victim Compensation**

- Beginning in FY 2003, increases state crime victim compensation grants from 40 percent to 60 percent of amounts awarded during the preceding fiscal year.

- Deletes requirement that state crime victim compensation programs cover victims of international terrorism.
- Includes the United States Virgin Islands as eligible for a state crime victim compensation grant.

#### **Sec. 1404 – Crime Victim Assistance**

- Permits a Federal law enforcement agency in the District of Columbia, Puerto Rico, Virgin Islands or other United States’ possession or territory to qualify as an eligible victim assistance program for state subgrants or OVC discretionary grants.
- Requires subgrantees to not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.
- **OVC Discretionary Grants.** Authorizes Director to use funds for fellowships, internships and training and special workshop to disseminate information resulting from demonstrations, survey and special projects. Also authorizes grants of up to \$10,000 “for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.”

#### **Sec. 1404B – Compensation and Assistance to Victims of Terrorism or Mass Violence**

- Broadens agencies and organization eligible for antiterrorism supplemental grants to victim service organizations, public agencies and nongovernmental organizations that provide assistance to crime victims.

#### **Pub. L. 107-77; Nov. 28, 2001; “Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Act, 2002”**

#### **Sec. 1402 – Crime Victims Fund**

- Creates earmark for federal Victim Notification System.
- Repeals “managed cap” made in USA PATRIOT Act and restores previous provision relating to Director’s authority to establish total annual Fund distributions.
- Requires President to submit legislative proposal to establish a comprehensive program to ensure fair, equitable and prompt compensation for all United States victims of international terrorism.

#### **Pub. L. 108-405; Oct. 30, 2004; “Justice for All Act of 2004”**

TITLE I—Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, And Nila Lynn  
Crime Victims’ Rights Act

- Moves and expands federal victims’ rights; requires federal agencies to make “best efforts” that crime victims are notified of and accorded, the rights described; provides for enforcement and limitation of relief and procedures to promote compliance with victims’ rights by the Department of Justice.
- Authorizes VOCA grants for Crime Victims Legal Assistance grants including appropriations authorizations from False Claims Act proceeds.
- Authorizes VOCA grants for Crime Victims Notification Grants including appropriations authorizations from False Claims Act proceeds.

#### **Pub. L. 109-162; Jan. 5, 2006; “Violence Against Women and Department of Justice Reauthorization Act of 2005”**

#### **Sec. 1402 – Crime Victims Fund**

- Gives OVC Director authority to accept gifts, bequests and donations for deposit into the Crime Victims Fund.

#### **Sec. 1403 – Crime Victim Compensation**

- Extends the use the 5 percent of grants for administrative purposes to include training purposes.

#### **Sec. 1404 – Victim Assistance**

- Extends the use the 5 percent of grants for administrative purposes to include training purposes.
- Adds authority for the OVC Director to use discretionary funds “for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.” Limits amount of such grants to not more than \$10,000 for any single grant.

#### **Pub. L. 112-166; Aug. 10, 2012; “Presidential Appointment Efficiency and Streamlining Act of 2011.”**

- Eliminates Senate confirmation requirement for OVC Director:

#### **Pub. L. 113- 163 (S. 1799) ; Aug. 8, 2014; “Victims of Child Abuse Act Reauthorization of 2013”**

- Clarifies uses of Federal set asides are only to “provide and improve services for the benefit of crime victims in the Federal criminal justice system ... and not for any purpose that is not specified in the statute”.

#### **Pub. L. 113-235 (H.R. 83); Dec. 16, 2014; “Consolidated and Further Continuing Appropriations Act, 2015”**

- In addition to tripling CVF cap to \$2,361,000,000, allocates \$10 million “to the Department of Justice Office of Inspector General for oversight and auditing purposes.”

#### **Pub. L. 114-74 (H.R. 1314); Nov. 2, 2015; “Bipartisan Budget Act of 2015”**

- Permanently cancels \$1.5 billion from CVF.

#### **Pub. L. 114-113 (H.R. 2029); Dec. 18, 2015; “Consolidated Appropriations Act, 2016”**

- Transfers \$379 million from CVF to Office on Violence Against Women

#### **Pub. L. 114-236 (H.R. 5578); Oct. 7, 2016; “Survivors’ Bill of Rights Act of 2016”**

- Creates Sexual Assault Survivors’ Notification Grants and requires Attorney General to develop and disseminate notice of applicable rights and policies for sexual assault survivors.

#### **Pub. L. 115-141 (H.R. 1625); March 23, 2018; “Consolidated Appropriations Act 2018”**

- Sets aside 3 percent of cap for tribal victim assistance grants.

#### **Pub. L. 115-299 (S. 2152); Dec. 7, 2018; “Amy, Vicky and Andy Child Pornography Victim Assistance Act of 2018”**

- Creates Child Pornography Victims Reserve as part of the Crime Victims Fund

**Pub. L. 116-93 (H.R. 1158); Dec. 20, 2019; “Consolidated Appropriations Act, 2020”**

- Sets aside 5 percent of annual cap for tribal victim assistance grants.
- Transfers \$435 million to Office on Violence Against Women.

**Pub. L. 117-27 (H.R. 1652); July 22, 2021; “VOCA Fix to Sustain the Crime Victims Fund Act of 2021”**

- Deposit “any funds that would otherwise be deposited in the general fund of the Treasury collected pursuant to—(A) a deferred prosecution agreement; or (B) a non-prosecution agreement” into the Crime Victims Fund.
- Authorizes renewals and extensions beyond the year of award plus three fiscal years for VOCA grants at the discretion of the Attorney General.
- Increases state crime victim compensation grants from 60 percent to 75 percent of state-funded benefits.
- Prohibits deducting recovery costs or collections from restitution or civil lawsuit subrogation from calculation of state-funded compensation benefits.
- Allows exception for certain conditions and disabilities from law enforcement cooperation requirement for compensation grants.
- Allows state VOCA assistance agencies to waive matching requirements; requires report to OVC Director of waiver approvals a publication of waiver policy.
- Requires match waiver during COVID-19 emergency.

**Pub. L. 117-103 (H.R. 2471); Mar. 15, 2022; “Consolidated Appropriations Act, 2022”**

- Creates a waiver for crime victim compensation application deadlines because of delays in testing sexual assault forensic examinations.