

117TH CONGRESS
2D SESSION

H. R. 9444

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2022

Ms. SPEIER (for herself, Ms. WASSERMAN SCHULTZ, and Ms. LOIS FRANKEL of Florida) introduced the following bill; which was referred to the Committee on the Judiciary

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 Crime
5 Victims’ Rights Reform Act of 2022”.

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 “Government,
3 including the right to confer about any agree-
4 ment that resolves the case or investigation,
5 plea agreement, pre-trial diversion agreement,
6 or voluntary dismissal before such agreement or
7 dismissal is presented to the court or is other-
8 wise formally executed”;

9 (B) by amending paragraph (9) to read as
10 follows:

11 “(9) The right to be informed in a timely man-
12 ner of any plea agreement, or other agreement that
13 resolves the case or investigation, pretrial diversion
14 agreement, or the referral of a criminal investigation
15 to another Federal, State, Tribal, or local law en-
16 forcement entity.”; and

17 (C) in paragraph (10), by striking “contact
18 information for the Office of the Victims’
19 Rights Ombudsman of the Department of Jus-
20 tice” and inserting “a crime victims’ rights
21 card, contact information for the Office of the
22 Crime Victims’ Rights Ombudsman of the De-
23 partment of Justice, and information about
24 sources of legal assistance related to the exer-
25 cise of these rights, including that the victim

1 has the right to seek the advice of an attorney
2 with respect to these rights”;

3 (2) in subsection (b)(1), by inserting after the
4 first sentence the following: “The court shall also
5 confirm with the Government, that the Government
6 has complied with its obligation to accord the rights
7 described in subsection (a).”;

8 (3) in subsection (c)—

9 (A) by amending paragraph (1) to read as
10 follows:

11 “(1) GOVERNMENT.—

12 “(A) IN GENERAL.—Officers and employ-
13 ees of the Department of Justice and other de-
14 partments and agencies of the United States
15 engaged in the detection, investigation, or pros-
16 ecution of crimes shall make their best efforts
17 to see that crime victims are notified of, and ac-
18 corded, the rights described in subsection (a).

19 “(B) REQUEST FOR DELAY.—

20 “(i) CIRCUMSTANCES.—If charges
21 pertaining to the victim have not been pub-
22 licly filed, and the Government determines
23 that according one or more of the rights
24 described in subsection (a) would threaten
25 the safety of an individual, interfere with

1 an ongoing investigation or prosecution,
2 compromise national security, or result in
3 premature disclosure of material nonpublic
4 information, the Government may request
5 leave from the court to delay according the
6 right for the limited period of time nec-
7 essary to avoid the harm or until charges
8 are publicly filed, whichever comes first.

9 “(ii) COURT PROCEDURE.—The court
10 shall review a submission made by the
11 Government along with its request, the
12 court may grant such request if it is sup-
13 ported by clear and convincing evidence.
14 The Court shall maintain a record of the
15 Government’s request and its ruling on the
16 matter, which shall be provided to the vic-
17 tim at the conclusion of the delay.

18 “(iii) DURATION.—An order by a
19 court granting a request for a delay under
20 this subparagraph shall be for a period
21 that does not exceed 90 days, except that
22 the Government may, for good cause, apply
23 for an extension of the delay period. The
24 granting of a delay under this subpara-
25 graph shall not constitute grounds for fail-

1 ing to ultimately accord a right to any vic-
2 tim.

3 “(C) COURT-ORDERED REMEDIES.—If a
4 court finds that the Government failed to com-
5 ply with subparagraph (A), it may order an ap-
6 propriate remedy under the circumstances, in
7 accordance with subsection (d).

8 “(D) PRO BONO LEGAL REPRESENTATION
9 FOR VICTIMS.—To the extent practicable, and
10 consistent with applicable ethical standards and
11 rules of professional conduct, the Government
12 shall provide to the crime victim general infor-
13 mation on how to seek available pro bono legal
14 representation for the purpose of asserting the
15 rights under this section.”; and

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

18 “(2) ADVICE OF ATTORNEY.—Officers and em-
19 ployees of the Department of Justice and other de-
20 partments and agencies of the United States en-
21 gaged in the detection, investigation, or prosecution
22 of the alleged crime shall advise the crime victim in
23 writing that the crime victim can seek the advice of
24 an attorney with respect to the rights described in
25 subsection (a).”;

1 (4) in subsection (d)—

2 (A) in paragraph (2), by inserting after
3 the period at the end the following: “The proce-
4 dure fashioned by the court under this para-
5 graph shall have no effect on the duty of offi-
6 cers and employees of the Government to make
7 their best efforts to accord crime victims the
8 rights described in subsection (a).”;

9 (B) by amending paragraph (3) to read as
10 follows:

11 “(3) MOTION FOR RELIEF AND WRIT OF MAN-
12 DAMUS.—

13 “(A) MOTION FOR RELIEF.—The rights
14 described in subsection (a) shall be asserted in
15 the district court in which a defendant is being
16 prosecuted or has been prosecuted for the
17 crime. If no prosecution is underway at the
18 time of the motion for relief, the rights de-
19 scribed in subsection (a) shall be asserted in the
20 district court in the district in which the crime
21 is alleged to have occurred. The motion may be
22 filed in an existing criminal case or, if no com-
23 plaint, information, or indictment has been filed
24 at that time, by a separate rights enforcement
25 action.

1 “(B) REVIEW OF MOTION FOR RELIEF.—

2 “(i) IN GENERAL.—The district court
3 shall take up and decide any motion or
4 separate civil action asserting a victim’s
5 right forthwith.

6 “(ii) ADDITIONAL INFORMATION.—If
7 the district court determines that addi-
8 tional information is relevant to the
9 movant’s assertion of the right, the Gov-
10 ernment shall promptly provide all such
11 additional information to the court and
12 movant. The court may, for good cause,
13 allow the Government to provide a sub-
14 stantive summary of such information in-
15 stead of providing the information itself.
16 Upon the Government’s request, the court
17 shall enter an appropriate protective order
18 governing dissemination and use of any in-
19 formation or substantive summary pro-
20 vided under this clause.

21 “(iii) WRITTEN OPINION REQUIRED
22 FOR DENIAL OF RELIEF.—If the district
23 court denies the relief sought by the mov-
24 ant, the court shall enter a written opinion,

1 which clearly states the reasons for the de-
2 nial.

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

23 (C) by amending paragraph (5) to read as
24 follows:

25 “(5) RE-OPENING PROCEEDINGS.—

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

4 “(B) VICTIMS WHO RECEIVED TIMELY NO-
5 TICE.—A victim who received timely notice of
6 the relevant proceedings may make a motion or
7 file a separate enforcement action to reopen a
8 plea or sentence only if—

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

12 “(ii) the victim petitions the court of
13 appeals for a writ of mandamus in a timely
14 manner; and

15 “(iii) in the case of a plea, the ac-
16 cused has not pleaded guilty to the highest
17 offense charged, and in the case of a sen-
18 tencing, the accused has not been sen-
19 tenced to the statutory maximum.

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

1 “(i) the victim makes such a motion
2 or files such a separate enforcement action
3 in a timely manner; and

4 “(ii) in the case of a plea, the accused
5 has not pleaded guilty to the highest of-
6 fense charged, and in the case of a sen-
7 tencing, the accused has not been sen-
8 tenced to the statutory maximum.”;

9 (D) by redesignating paragraph (6) as
10 paragraph (9); and

11 (E) by inserting after paragraph (5) the
12 following:

13 “(6) MOTION TO ANNUL PROSECUTORIAL
14 AGREEMENTS.—A crime victim may make a motion
15 requesting that the Government seek to void a de-
16 ferred prosecution agreement or non-prosecution
17 agreement by filing a motion with the court in writ-
18 ing asserting that they were not accorded the rea-
19 sonable right to confer in subsection (a)(5). Upon a
20 finding by the court that the victim’s right under
21 subsection (a)(5) was violated, the court may order
22 the Government to confer with the victim. If, after
23 conferring with the victim, the Government deter-
24 mines that it would not have entered into the agree-
25 ment or would have sought to enter into an agree-

1 ment with different terms, then the Government
2 may, with the consent of the defendant, withdraw
3 from the agreement, or seek to modify the agree-
4 ment.

5 “(7) REMEDIES.—Upon a finding that a vic-
6 tim’s rights under this section have been violated,
7 the court shall order a just and appropriate remedy,
8 which may include reopening a proceeding, to ad-
9 dress such violation, except that any such remedy
10 may not violate a defendant’s constitutional rights
11 and shall account for the interests of other victims
12 and the public. An order under this paragraph, or
13 under paragraph (5) or (6), shall not be construed
14 to impair prosecutorial discretion under paragraph
15 (6).

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

21 (5) in subsection (e)—

22 (A) by amending paragraph (1) to read as
23 follows:

24 “(1) COURT OF APPEALS.—The term ‘court of
25 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 (B) by adding at the end the following:

17 “(4) **TIMELY.**—The term ‘timely’ means suffi-
18 cient time for the victim to exercise their rights
19 under this section, and in accordance with any appli-
20 cable rules of procedure.”; and

21 (6) by striking subsection (f).

22 **SEC. 3. JUDICIAL TRAINING ON THE RIGHTS OF CRIME VIC-**
23 **TIMS.**

24 Not later than 1 year after the date of enactment
25 of this Act, the Director of the Federal Judicial Center

1 shall, in consultation with victims' rights and services
2 groups—

3 (1) create a guidebook for Federal judges and
4 judicial employees explaining legal requirements re-
5 garding crime victims' rights and best practices for
6 affording those rights in judicial proceedings; and

7 (2) incorporate the concepts from the guidebook
8 in the Federal Judicial Center's judicial orientation
9 training.

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

11 Section 1404D of the Victims of Crime Act of 1984
12 (34 U.S.C. 20107) is amended by adding at the end the
13 following:

14 “(d) AUTHORIZATION OF APPROPRIATIONS.—In ad-
15 dition to funds made available under section 1402(d),
16 there are authorized to be appropriated from the general
17 fund of the Treasury to carry out this section \$13,000,000
18 for each of fiscal years 2022, 2023, 2024, 2025, and
19 2026.”.

20 **SEC. 5. NATIONAL RESOURCE CENTER ON CRIME VICTIMS'**
21 **RIGHTS.**

22 (a) AUTHORITY.—The Attorney General, acting
23 through the Ombudsman of the Office of Crime Victims'
24 Rights, may award a grant to an eligible nonprofit entity
25 or tribal organization, in order to provide for the establish-

1 ment and operation of a national resource center on crime
2 victims' rights. The resource center shall provide informa-
3 tion and assistance to lawyers and organizations that pro-
4 vide legal assistance to aid in efforts to advocate for crime
5 victims' rights in Federal jurisdictions and in States and
6 tribal jurisdictions that have laws substantially similar to
7 the provisions of section 3771 of title 18, United States
8 Code.

9 (b) APPLICATIONS.—To be eligible to receive a grant
10 under this section, an entity or organization shall submit
11 an application to the Attorney General at such time, in
12 such manner, and containing such information as the At-
13 torney General may require, including information that
14 demonstrates that the entity or organization has nation-
15 ally recognized expertise in the area of crime victims'
16 rights.

17 (c) USE OF GRANT AMOUNT.—An entity or organiza-
18 tion that receives a grant under this section may use the
19 funds made available through the grant for staff salaries,
20 travel expenses, equipment, printing, and other reasonable
21 expenses necessary to develop, maintain, and disseminate
22 to lawyers and organizations described in subsection (a),
23 information and assistance concerning legal representation
24 to assist victims of a crime.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated from the general fund of
3 the Treasury to carry out this section \$1,500,000 for each
4 of fiscal years 2022 through 2026.

5 (e) AVAILABILITY OF GRANT FUNDS.—Funds appro-
6 priated under this section shall remain available until ex-
7 pended.

8 **SEC. 6. STREAMLINING VICTIM NOTIFICATION.**

9 Section 3664(d) of title 18, United States Code, is
10 amended—

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

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

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

○