

118TH CONGRESS
2D SESSION

H. R. 9858

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2024

Ms. WASSERMAN SCHULTZ (for herself, Mr. OWENS, Ms. LOIS FRANKEL of Florida, and Mr. COSTA) 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 “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—

10 (A) in subsection (a)—

1 (i) by striking “A crime victim” and
2 inserting “Upon the suspected or alleged
3 commission of a Federal or District of Co-
4 lumbia offense, a crime victim”;

5 (ii) in paragraph (5), by striking
6 “Government in the case” and inserting
7 “Government, including the right to confer
8 about any agreement that could resolve the
9 case or investigation, plea bargain, plea
10 offer or agreement, pretrial diversion offer
11 or agreement, or voluntary dismissal is
12 presented to the court or is otherwise for-
13 mally executed”;

14 (iii) by amending paragraph (9) to
15 read as follows:

16 “(9) The right to be informed in a timely man-
17 ner of any plea bargain, plea offer or agreement, de-
18 ferred prosecution agreement, or other agreement
19 that resolves the case or investigation, pretrial diver-
20 sion agreement, or the referral of a criminal inves-
21 tigation to another Federal, State, Tribal, or local
22 law enforcement entity.”; and

23 (iv) in paragraph (10), by striking
24 “contact information for the Office of the
25 Victims’ Rights Ombudsman of the De-

1 partment of Justice” and inserting “a
2 crime victims’ rights card listing the rights
3 described in this subsection, contact infor-
4 mation for the Office of the Crime Victims’
5 Rights Ombudsman of the Department of
6 Justice, and information about sources of
7 legal assistance (including pro bono legal
8 assistance) related to the exercise of these
9 rights, including that the victim has the
10 right to seek the advice of an attorney with
11 respect to these rights”;

12 (B) in subsection (b)(1), by inserting after
13 the first sentence the following: “The court
14 shall also confirm that the Government has
15 complied with its obligation to accord the rights
16 described in subsection (a) and may issue any
17 reasonable orders to cure noncompliance.”;

18 (C) in subsection (c)—

19 (i) by amending paragraph (1) to read
20 as follows:

21 “(1) GOVERNMENT.—

22 “(A) IN GENERAL.—Officers and employ-
23 ees of the Department of Justice and other de-
24 partments and agencies of the United States
25 engaged in the detection, investigation, or pros-

1 execution of crimes shall make their best efforts
2 to see that crime victims are notified of, and ac-
3 corded, the rights described in subsection (a).

4 “(B) REQUEST FOR DELAY.—

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

19 “(ii) COURT PROCEDURE.—The court
20 shall review a submission made by the
21 Government along with its request, the
22 court may grant such request if it is sup-
23 ported by clear and convincing evidence.
24 The Court shall maintain a record of the
25 Government’s request and its ruling on the

1 matter, which shall be provided to the vic-
2 tim at the conclusion of the delay.

3 “(iii) DURATION.—An order by a
4 court granting a request for a delay under
5 this subparagraph shall be for a period
6 that does not exceed 90 days, except that
7 the Government may, for good cause, apply
8 for an extension of the delay period. The
9 granting of a delay under this subpara-
10 graph shall not constitute grounds for fail-
11 ing to ultimately accord a right to any vic-
12 tim.

13 “(C) COURT-ORDERED REMEDIES.—If a
14 court finds that the Government failed to com-
15 ply with subparagraph (A), it may order an ap-
16 propriate remedy under the circumstances, as
17 set forth in subsection (d).

18 “(D) PRO BONO LEGAL REPRESENTATION
19 FOR VICTIMS.—To the extent practicable, and
20 consistent with applicable ethical standards and
21 rules of professional conduct, the Government
22 shall provide to the crime victim general infor-
23 mation on how to seek available pro bono legal
24 representation for the purpose of asserting the
25 rights under this section.”; and

1 (ii) by amending paragraph (2) to
2 read as follows:

3 “(2) ADVICE OF ATTORNEY.—Officers and em-
4 ployees of the Department of Justice and other de-
5 partments and agencies of the United States en-
6 gaged in the detection, investigation, or prosecution
7 of the alleged crime shall inform the crime victim in
8 writing that the crime victim can seek the advice of
9 an attorney with respect to the rights described in
10 subsection (a).”.

11 (D) in subsection (d)—

12 (i) by amending paragraph (1) to read
13 as follows:

14 “(1) RIGHTS.—

15 “(A) IN GENERAL.—The crime victim or
16 the crime victim’s lawful representative, and the
17 attorney for the Government may assert the
18 rights described in subsection (a). A person ac-
19 cused of the crime may not obtain any form of
20 relief under this chapter.

21 “(B) REPRESENTATION BY VICTIM’S AT-
22 TORNEY.—

23 “(i) IN GENERAL.—An attorney may
24 enter an appearance of behalf of a crime
25 victim or crime victim’s lawful representa-

1 tive in the district court in which a defend-
2 ant is being or has been prosecuted for a
3 crime in the same manner as any other
4 party to the proceedings, or if no prosecu-
5 tion is underway, in the district court for
6 the district in which the crime occurred.

7 “(ii) REQUIREMENTS OF PARTIES.—
8 Each party to the proceeding shall serve
9 the attorney for the victim with a copy of
10 each pleading that relates to the crime vic-
11 tim’s rights under subsection (a).

12 “(iii) REQUIREMENTS OF THE CLERK
13 OF THE COURT.—The clerk of the court
14 shall provide to the attorney a copy of any
15 court order related to such rights and no-
16 tify the attorney of any hearing that may
17 affect such rights.

18 “(iv) REQUIREMENTS OF THE
19 COURT.—The court shall—

20 “(I) provide the crime victim’s
21 attorney or lawful representative ac-
22 cess to all case records in the action;
23 and

24 “(II) serve the crime victim’s at-
25 torney or lawful representative with

1 any filings that are directly relevant
2 to or implicate the crime victim's
3 rights described in subsection (a).”;

4 (ii) in paragraph (2), by inserting
5 after the period at the end the following:
6 “The procedure fashioned by the court
7 under this paragraph shall have no effect
8 on the duty of officers and employees of
9 the Government to make their best efforts
10 to accord crime victims the rights de-
11 scribed in subsection (a).”;

12 (iii) by amending paragraph (3) to
13 read as follows:

14 “(3) MOTION FOR RELIEF AND WRIT OF MAN-
15 DAMUS.—

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

1 plaint, information, or indictment has been filed
2 at that time, by a separate rights enforcement
3 action.

4 “(B) REVIEW OF MOTION FOR RELIEF.—

5 “(i) IN GENERAL.—The district court
6 shall take up and decide any motion or
7 separate rights enforcement action assert-
8 ing a victim’s right forthwith.

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

24 “(iii) WRITTEN OPINION REQUIRED
25 FOR DENIAL OF RELIEF.—If the district

1 court denies the relief sought by the mov-
2 ant, the court shall enter a written opinion,
3 which clearly states the reasons for the de-
4 nial.

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

1 (iv) by amending paragraph (5) to
2 read as follows:

3 “(5) RE-OPENING PROCEEDINGS.—

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

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

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

15 “(ii) the victim petitions the court of
16 appeals for a writ of mandamus in a timely
17 manner; and

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

23 “(C) VICTIMS WHO DID NOT RECEIVE
24 TIMELY NOTICE.—A victim who did not receive
25 timely notice of the relevant proceedings may

1 make a motion or file a separate enforcement
2 action to reopen a plea or sentence, only if—

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

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

11 (v) by redesignating paragraph (6) as
12 paragraph (9); and

13 (vi) by inserting after paragraph (5)
14 the following:

15 “(6) MOTION TO ANNUL DEFERRED PROSECU-
16 TION AND NONPROSECUTION AGREEMENTS.—A
17 crime victim may make a motion requesting that the
18 Government seek to annul a deferred prosecution
19 agreement or nonprosecution agreement by filing a
20 motion with the court in writing asserting that they
21 were not accorded the reasonable right to confer in
22 subsection (a)(5). Upon a finding by the court that
23 the victim’s right under subsection (a)(5) was vio-
24 lated, the Court shall hold a hearing to evaluate
25 whether the agreement should be annulled.

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

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

17 (E) in subsection (e)—

18 (i) by amending paragraph (1) to read
19 as follows:

20 “(1) COURT OF APPEALS.—The term ‘court of
21 appeals’ means—

22 “(A) the United States court of appeals
23 for—

1 “(i) the judicial district in which a
2 district court has rendered a decision for
3 which the victim seeks appellate review;

4 “(ii) if no such decision has been ren-
5 dered, the judicial district in which the de-
6 fendant is being prosecuted; or

7 “(iii) if there is no such prosecution,
8 the judicial district in which the offense
9 was alleged to have been committed; or

10 “(B) for a prosecution or offense com-
11 mitted in the District of Columbia, in the Supe-
12 rior Court of the District of Columbia, or the
13 District of Columbia Court of Appeals.”;

14 (ii) by amending subparagraph (2)(A)
15 to read as follows:

16 “(A) IN GENERAL.—The term ‘crime vic-
17 tim’ means a person directly and proximately
18 harmed as a result of a suspected or alleged
19 Federal or District of Columbia offense, or such
20 an offense with respect to which an individual
21 has been charged or convicted.”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(4) CRIME VICTIM’S LAWFUL REPRESENTA-
25 TIVE.—The term ‘crime victim’s lawful representa-

1 tive’ means an individual or entity designated or ap-
2 pointed to represent a crime victim or take their
3 place in a court proceeding or other legal pro-
4 ceeding—

5 “(A) by the crime victim;

6 “(B) by the parent or legal guardian of the
7 crime victim, in the case of a crime victim who
8 is a minor, incapacitated, or deceased; or

9 “(C) by the court.

10 “(5) TIMELY.—The term ‘timely’ means suffi-
11 cient time for the victim to exercise their rights
12 under this section, and in accordance with any appli-
13 cable rules of procedure.

14 “(6) SUSPECTED OR ALLEGED.—The term ‘sus-
15 pected or alleged’ means, with respect to an offense,
16 that there is an investigation of an offense, but no
17 charges have been filed.”;

18 (F) in subsection (f)—

19 (i) by amending paragraph (2)(A) to
20 read as follows:

21 “(A) designate an administrative authority
22 in the Department of Justice (referred to in
23 this subsection as the ‘Administrative Author-
24 ity’) under the independent supervision of the
25 Inspector General of the Department of Justice

1 to receive and investigate complaints relating to
2 the provision or violation of the rights of a
3 crime victim;”;

4 (ii) by amending paragraph (2)(B) to
5 read as follows:

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

15 (iii) by adding at the end the fol-
16 lowing:

17 “(3) ADJUDICATION OF COMPLAINTS.—

18 “(A) COMPLAINTS.—A crime victim or a
19 crime victim’s lawful representative may submit
20 to the Administrative Authority a complaint al-
21 leging that an attorney for the Government vio-
22 lated the rights of a crime victim under sub-
23 section (a), which complaint shall include the
24 following:

1 “(i) The full name, address, telephone
2 number, and electronic mail address of the
3 complainant.

4 “(ii) The name and title of the indi-
5 vidual who violated the rights of the crime
6 victim.

7 “(iii) The right of the crime victim
8 that was allegedly violated.

9 “(iv) The details of the allegation, in-
10 cluding the name of the court case and the
11 jurisdiction in which the misconduct oc-
12 curred, if applicable.

13 “(v) Copies of any document that sup-
14 ports the complainant’s allegation.

15 “(vi) Any other information relevant
16 to the complaint.

17 “(B) PERIOD TO SUBMIT COMPLAINTS.—A
18 complaint under subparagraph (A) may be sub-
19 mitted beginning on the date of the violation
20 and ending on the date that is 180 days after
21 a final judgment is entered in the underlying
22 criminal proceeding (including any appeal), ex-
23 cept that the Administrative Authority may ex-
24 tend such filing period for good cause.

1 “(C) LOG OF COMPLAINTS.—The Adminis-
2 trative Authority shall maintain a log of each
3 complaint submitted under subparagraph (A).

4 “(D) DECISIONS.—

5 “(i) IN GENERAL.—The Administra-
6 tive Authority shall issue a decision with
7 respect to the alleged violation within 180
8 days of receiving a complaint under this
9 section.

10 “(ii) FINES AND COSTS.—Upon a
11 finding by the Administrative Authority
12 that the rights of a crime victim were vio-
13 lated, the Administrative Authority shall
14 have the discretion to impose fines or reim-
15 burse the victim for costs associated with
16 the violation.

17 “(iii) FORM AND NOTICE.—Upon
18 issuing a finding by the Administrative Au-
19 thority resolving a complaint under this
20 section, the Administrative Authority shall
21 provide the crime victim with a written
22 copy of the decision, including any imposed
23 sanctions or disciplinary measures, and ad-
24 vise the crime victim of their right to ap-
25 peal to the Inspector General of the De-

1 partment of Justice under subparagraph
2 (E).

3 “(E) APPEAL TO THE INSPECTOR GEN-
4 ERAL.—

5 “(i) IN GENERAL.—Not later than 10
6 business days after the issuance of an
7 order under subparagraph (D), the com-
8 plainant or the attorney for the Govern-
9 ment may appeal the order to the Inspec-
10 tor General of the Department of Justice.

11 “(ii) TIME FOR REVIEW.—Not later
12 than 30 days after an appeal is filed under
13 this subparagraph, the Inspector General
14 shall review the order.

15 “(iii) NOTICE TO CONGRESS.—In the
16 case that the Inspector General does not
17 uphold the decision of the Administrative
18 Authority, the Inspector General shall no-
19 tify Congress as soon as practicable, but in
20 no case later than 10 business days after
21 completing review.

22 “(iv) FAILURE TO REVIEW.—If the
23 Inspector General fails to review an order
24 pursuant to an appeal filed under this sub-
25 paragraph, the order shall be deemed to

1 have been upheld by the Inspector General
2 on the date that is 45 days after the ap-
3 peal is filed.”; and

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

5 **“§ 3772. 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, in
11 consultation with the Inspector General of the De-
12 partment of Justice, shall submit a report to the ap-
13 propriate congressional committees on steps taken to
14 improve the efforts of the Department of Justice in
15 accordance with the rights of crime victims during the pe-
16 riod covered by the report.

17 “(2) REPORT CONTENTS.—The report shall in-
18 clude—

19 “(A) the number of complaints filed with
20 the Administrative Authority designated under
21 subsection (f);

22 “(B) the outcome of those complaints (in-
23 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 (b) 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.”.

○