

116TH CONGRESS
2D SESSION

H. R. 5658

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2020

Ms. WASSERMAN SCHULTZ (for herself and Mr. SENSENBRENNER) introduced the following bill; which was referred to the Committee on the Judiciary

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 “Crime Victims’ Rights
5 Act of 2020”.

6 **SEC. 2. CRIME VICTIMS’ RIGHTS.**

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

9 (1) in subsection (c)—

10 (A) in the heading, strike “BEST”;

1 (B) in paragraph (1), by striking “shall
2 make their best efforts to see” and all that fol-
3 lows through the period at the end and insert
4 the following: “shall—

5 “(A) ensure that crime victims are notified
6 of, and accorded, the rights described in sub-
7 section (a); or

8 “(B) in the case that officers and employ-
9 ees of the Department of Justice are unable
10 meet the requirements of subparagraph (A), at-
11 tempt to notify the crime victim or the legal
12 representative of the crime victim on not less
13 than 3 occasions in which the mode of contact
14 is valid, including outreach by means of tele-
15 phone, electronic mail, or certified mail;”;

16 (2) in subsection (d)—

17 (A) in paragraph (2), strike “reasonable
18 procedure” and insert “reasonable procedure, in
19 writing,”; and

20 (B) in paragraph (3), by adding at the end
21 the following: “Relief under this subsection with
22 respect to the conduct of an attorney for the
23 Government may include the disqualification of
24 the attorney from the proceeding, and such

1 other sanctions or penalties as the court deter-
2 mines appropriate.”; and

3 (3) by repealing subsection (f).

4 **SEC. 3. OFFICE OF CRIME VICTIMS’ RIGHTS.**

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

8 **“§ 3772. Office of Crime Victims’ Rights**

9 “(a) ESTABLISHMENT.—There is established within
10 the Office of Professional Responsibility of the Depart-
11 ment of Justice the Office of Crime Victims’ Rights, which
12 shall receive, investigate, and adjudicate complaints relat-
13 ing to the violation of the rights of a crime victim under
14 section 3771.

15 “(b) CRIME VICTIMS’ RIGHTS COORDINATOR.—The
16 Office of Crime Victims’ Rights shall be headed by the
17 Crime Victims’ Rights Coordinator (in this section re-
18 ferred to as the ‘Coordinator’). The Coordinator shall be
19 a civil servant appointed to the Senior Executive Service.
20 The Coordinator may be removed from office, other than
21 by impeachment and conviction, only by the personal ac-
22 tion of the Attorney General and only for good cause,
23 physical or mental disability (if not prohibited by law pro-
24 tecting persons from discrimination on the basis of such

1 disability), or any other condition that substantially im-
2 pairs the performance of his or her duties.

3 “(c) COMPLAINTS.—A crime victim or the legal rep-
4 resentative of a crime victim may submit to the Office of
5 Crime Victims’ Rights a complaint alleging that an attor-
6 ney for the Government violated the rights of a crime vic-
7 tim under section 3771, which shall include the following:

8 “(1) The full name, address, telephone number,
9 and electronic mail address of the complainant.

10 “(2) The name and title of the individual who
11 violated the rights of the crime victim.

12 “(3) The right of the crime victim that was al-
13 legedly violated.

14 “(4) The details of the allegation, including the
15 name of the court case and the jurisdiction in which
16 the misconduct occurred, if applicable.

17 “(5) Copies of any document that supports the
18 complainant’s allegation.

19 “(6) Any other information relevant to the com-
20 plaint.

21 “(d) PERIOD TO SUBMIT COMPLAINTS.—A com-
22 plaint under subsection (c) may be submitted beginning
23 on the date of the violation and ending on the date that
24 is 180 days after a final judgment is entered in the under-
25 lying criminal proceeding (including any appeal), except

1 that the Coordinator may extend such filing period for
2 good cause.

3 “(e) LOG OF COMPLAINTS.—The Coordinator shall
4 maintain a log of each complaint submitted under sub-
5 section (c).

6 “(f) COMPLAINT PROCESS.—

7 “(1) INVESTIGATION.—Not later than 180 days
8 after receiving a complaint under subsection (c), the
9 Coordinator shall complete an investigation and
10 issue a final order with respect to an alleged viola-
11 tion. At the request of the Coordinator, the Attorney
12 General may grant one extension of not more than
13 60 days under this paragraph.

14 “(2) HEARING.—In conducting an investigation
15 under paragraph (1), the Coordinator may hold a
16 hearing, and shall hold a hearing at the written re-
17 quest of the complainant submitted not later than
18 15 days after the Coordinator acknowledges receipt
19 of the complaint.

20 “(3) STANDARD.—If the Coordinator deter-
21 mines, by a preponderance of the evidence, that the
22 attorney for the Government knowingly violated the
23 rights of a crime victim under section 3771, the Co-
24 ordinator shall impose appropriate disciplinary ac-
25 tion against the attorney under paragraph (4)(A)

1 and, except as provided in paragraph (4)(B)(iii),
2 make the final order issued under paragraph (4)
3 available to the public.

4 “(4) ORDER OF DECISION.—

5 “(A) IN GENERAL.—The Coordinator shall
6 issue an order with respect to a complaint filed
7 under this section, and shall provide the order
8 to the complainant and to the attorney for the
9 Government.

10 “(B) CONTENTS OF ORDER.—

11 “(i) VIOLATION OF RIGHTS.—In the
12 case that the Coordinator determines that
13 the attorney for the Government violated
14 the rights of a crime victim under section
15 3771, the Coordinator may impose discipli-
16 nary action which may consist of—

17 “(I) referral to each State bar
18 association of which the attorney is a
19 member in good standing not later
20 than 30 days after the date on which
21 the final order is made available;

22 “(II) suspension or termination
23 from employment;

1 “(III) suspension from practicing
2 law on behalf of the United States;
3 and

4 “(IV) referral to the appropriate
5 United States Attorney if there is evi-
6 dence of criminal misconduct.

7 “(ii) LESSER VIOLATIONS.—In the
8 case that there is substantial evidence of
9 an ethical violation by the attorney for the
10 Government that does not amount to a vio-
11 lation of the rights of a crime victim under
12 section 3771, the Coordinator may refer
13 such violation—

14 “(I) to the Director of Office of
15 Professional Responsibility for adju-
16 dication;

17 “(II) to each State bar associa-
18 tion of which the attorney is a mem-
19 ber in good standing; and

20 “(III) to the appropriate super-
21 visor of the attorney.

22 “(iii) NO VIOLATION OR INSUFFI-
23 CIENT EVIDENCE.—In the case that the
24 Coordinator determines that the attorney
25 for the Government did not violate section

1 3771 or that there is insufficient evidence
2 to determine whether the attorney for the
3 Government violated section 3771, the Co-
4 ordinator shall enter an order to such ef-
5 fect. An order under this clause shall not
6 be made available to the public.

7 “(iv) DELAYED EFFECT.—Any sanc-
8 tions imposed pursuant to an order under
9 this section may not take effect until after
10 the expiration of the time period to file an
11 appeal, or in the case that an appeal is
12 pending, until after the appeal is final.

13 “(v) NOTICE OF DETERMINATION.—
14 Not later than 30 days after the date of
15 which the period to seek a review expires,
16 notice of the issuance of a final order shall
17 be made publicly available on the website
18 of the Office of Crime Victims’ Rights.

19 “(5) APPEAL TO THE ATTORNEY GENERAL.—

20 “(A) IN GENERAL.—Not later than 10
21 business days after the issuance of an order
22 under paragraph (4), the complainant or the at-
23 torney for the Government may appeal the
24 order to the Attorney General.

1 “(B) TIME FOR REVIEW.—Not later than
2 30 days after an appeal is filed under this para-
3 graph, the Attorney General shall review the
4 order.

5 “(C) NOTICE TO CONGRESS.—In the case
6 that the Attorney General does not uphold the
7 decision of the Coordinator, the Attorney Gen-
8 eral shall notify Congress as soon as prac-
9 ticable, but in no case later than 10 business
10 days after completing review.

11 “(D) FAILURE TO REVIEW.—If the Attor-
12 ney General fails to review an order pursuant to
13 an appeal filed under this paragraph, the order
14 shall be deemed to have been upheld by the At-
15 torney General on the date that is 45 days after
16 the appeal is filed.

17 “(g) RIGHTS OF COMPLAINANT.—The complainant
18 shall have the following rights:

19 “(1) NOTICE OF RECEIPT.—The Coordinator
20 shall provide to the complainant notice of receipt of
21 a complaint not later than 10 days after the date of
22 such receipt.

23 “(2) RIGHT TO COUNSEL.—

1 “(A) IN GENERAL.—The complainant shall
2 have the right to be represented by legal coun-
3 sel in any hearing under this section.

4 “(B) PRO BONO REPRESENTATION.—The
5 Coordinator shall submit to the complainant a
6 list of persons (updated not less often than
7 quarterly) who have indicated their availability
8 to represent crime victims on a pro bono basis.

9 “(C) CONTACT INFORMATION OF COUN-
10 SEL.—In the case that a complainant is rep-
11 resented by legal counsel in a hearing convened
12 under this section, the contact information of
13 such attorney shall be included on the com-
14 plaint.

15 “(D) NOTICE OF WITHDRAWAL.—In the
16 case that legal counsel for a complainant with-
17 draws from such representation, the attorney
18 shall provide notice to the Coordinator.

19 “(3) RIGHT TO PRESENT EVIDENCE.—The com-
20 plainant shall have the right to present evidence and
21 witnesses at any hearing under this section.

22 “(h) RIGHTS OF ATTORNEY FOR THE GOVERN-
23 MENT.—Any attorney for the Government against whom
24 a complaint has been submitted to the Office of Crime
25 Victims’ Rights is entitled to—

1 “(1) receive notice of a complaint against the
2 attorney not later than 10 days after such complaint
3 is received by the Office of Crime Victims’ Rights;

4 “(2) a reasonable time to answer in writing and
5 to furnish affidavits and other documentary evidence
6 in support of the answer;

7 “(3) be represented by legal counsel;

8 “(4) be present at any hearing under this sec-
9 tion;

10 “(5) present evidence and witnesses in their de-
11 fense;

12 “(6) a copy of any final order imposing discipli-
13 nary action not later than the date on which the
14 order is issued;

15 “(7) end the complaint process by voluntarily
16 forfeiting the attorney’s bar license in each jurisdic-
17 tion in which the attorney is licensed; and

18 “(8) reasonable and timely access to access
19 records of the Department of Justice related to the
20 complaint.

21 “(i) REPORT TO CONGRESS.—Not later than 1 year
22 after the date of enactment of this section, and each year
23 thereafter, the Attorney General, acting through the Chief
24 Counsel of the Office of Professional Responsibility of the

1 Department of Justice, shall submit to Congress a report
2 that includes—

3 “(1) the number of complaints filed with the
4 Office of Crime Victims’ Rights;

5 “(2) the number of complaints that are inves-
6 tigated;

7 “(3) the number of complaints that were re-
8 ferred to a State bar association;

9 “(4) a list of Federal districts in which mis-
10 conduct was alleged to have occurred and the num-
11 ber of complaints from each such district;

12 “(5) a list of attorneys against whom more than
13 5 complaints have been submitted to the Office of
14 Crime Victims’ Rights; and

15 “(6) a list of each alleged violation under sec-
16 tion 3771 and information on how frequently each
17 such violation was reported.”.

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

“3772. Office of Crime Victims’ Rights.”.

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