



Violence Against Women Act of 2005 **Select Sexual Assault-Related Provisions**

The Violence Against Women Act of 2005 includes many provisions to address sexual assault. New funding streams are included to support direct services, prevent sexual violence, serve teens and youth, and provide housing opportunities for victims. VAWA 2005 includes technical amendments to existing grant programs that impact sexual assault survivors. This overview highlights these provisions.

Sexual Assault Grant Programs

Sexual Assault Services Program (SASA)

The Sexual Assault Services Program (SASA) will create a desperately-needed funding stream for direct services for sexual assault victims, as well as provide resources for state sexual assault coalitions. Under this new program, funding will be distributed by the Department of Justice to states and their sexual violence coalitions. The formula grant funds will assist States and Tribes in their efforts to provide services to adult and minor sexual assault victims and their family and household members. In addition, a discretionary grant program for non-profit organizations serving Communities of Color is established. Grants can be used for general intervention and advocacy, including accompaniment through medical, criminal justice, and social support systems, support services, and related assistance. SASA funds can also be used to provide training and technical assistance relating to sexual assault for various organizations, including governments, law enforcement, courts, nonprofit organizations, faith-based organizations, and professionals working in legal services, social services, and health care.

Funding level: \$50 million for each of fiscal years 2007-2011.

Distribution: Formula grants to states and territories; 10% set-aside from congressionally approved funding level for state, territorial and tribal coalitions; 10% set-aside for tribes; and 10% set-aside for grants to be awarded on a competitive basis to eligible entities for culturally specific programs addressing sexual assault. Funding also available for evaluation (2.5%) and technical assistance (2.5%).

Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking and Child Abuse Enforcement Assistance

VAWA 2005 will expand the Rural Domestic Violence and Child Abuse Enforcement Assistance Program to address the needs of rural victims of sexual assault, stalking and dating violence. It will encourage collaborations between community organizations, law enforcement, the courts and health care providers to identify, assess, and respond appropriately to rural adult and minor victims; establish and expand non-profit, non-governmental services to rural adult and minor victims; and increase the safety of rural adult and minor victims by providing crisis intervention and longer term services, and creating and implementing strategies to increase awareness and prevent domestic sexual assault, dating violence, stalking and child abuse in rural communities.

Funding level: \$55 million for each of fiscal years 2007-2011.

Distribution: Not less than 25% for services meaningfully address sexual assault in rural communities; however, at such time as amounts appropriated reach the \$45 million, the percentage shall increase to 30% for sexual assault services, and when appropriations reaches \$50 million, percentage shall increase to 35%, and when appropriations reaches \$55 million, percentage shall increase to 40%. 10% for Indian Tribes or Tribal organizations. 8% available for technical assistance and no less than 25% of such amounts will be available for specific technical assistance to sexual assault grantees.

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Rape Prevention and Education

VAWA 2005 reauthorizes the Rape Prevention and Education Grant Program with no substantive changes to the purpose area language. VAWA 2005 allots a minimum of \$1,500,000 of the total funds made available in each fiscal year for RPE to the National Sexual Violence Resource Center.

Funding level: \$80 million for each of fiscal years 2007-2011.

Distribution: Formula grants to states.

Grants to Reduce Violence Against Women on Campus

VAWA 2005 reauthorizes this program and increases the authorization to \$15 million for each fiscal year 2006 through 2010. The funding is available for institutions of higher education to create collaborative groups to develop and strengthen effective security and investigation strategies to combat sexual assault, dating violence, domestic violence, and stalking; to develop and strengthen victim services; and to ensure access to justice for victims. It sets parameters for training of campus law enforcement and campus judicial boards. VAWA 2005 also provides funds for technical assistance on Cleary Act reporting.

Funding level: \$12 million for fiscal year 2007; \$15 million for fiscal years 2008-2011.

Distribution: Discretionary grant program.

Legal Assistance for Victims

VAWA 2005 will expand the civil legal assistance grants to allow LAV-funded project attorneys to represent victims in **criminal** matters to protect their civil rights. It allows for representation of adult and minor victims of domestic violence, dating violence, sexual assault, and stalking in matters that impact the victim's safety, privacy or rights, including: family, Tribal, Territorial, immigration, employment, economic justice, administrative agency, housing, campus administrative, or protection or stay away order proceedings, and other similar matters, and criminal justice investigations, prosecutions, and post-trial matters.

Funding level: \$65 million for each of fiscal years 2007-2011. Not less than 25 percent of appropriated funds shall be used to support projects focused solely or primarily on providing legal assistance to victims of sexual assault.

Distribution: Discretionary grant program.

Substantive Amendments to Grant Programs

Forensic Examination Payments Fix

VAWA 2005 will clarify that in order for state and tribal governments to use STOP grant funds to pay for forensic medical exams for sexual assault victims, victims shall not be required to seek reimbursement from their insurance company. It also ensures that the victim must not be required to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam or reimbursement for such exam.

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Grants to Encourage Arrest – Protection Order Improvements

VAWA 2005 amends current law so that no later than 3 years after the date of the enactment of the Act, no law enforcement officer, prosecuting officer or other government official can ask or require an adult, youth or child victim of sexual assault to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the crime. In addition, the refusal of a victim to submit to such an examination will not prevent the investigation of the crime.

HIV Requirements

Part of this grant program requires that grantees must certify that their policies allow HIV testing of indicted defendants, and that such testing must only occur at the request of the victim. If they do not, they will lose 5% of their funding.

Confidentiality and privacy protections

VAWA 2005 will amend grant programs to require grantees and subgrantees to protect the confidentiality and privacy of adult and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families who are receiving or have received services at their programs.

Grantees and subgrantees shall:

- Not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through their programs.
- Not reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian) about whom information is sought.
- Make reasonable attempts to provide notice to victims if the release of such information is compelled by law or court order, and
- Take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

The language allows grantees to share non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with Tribal, Federal, State or Territorial reporting, evaluation, or data collection requirements. Grantees and subgrantees may share court-generated information contained in secure, governmental registries for protection order enforcement purposes.