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## Violence Against Women Act Reauthorization

The Violence Against Women Act (VAWA) has been reauthorized by Congress. The President signed the legislation on March 8, 2013 making it [Public Law 113-4](#).

The legislation reauthorizes the Violence Against Women Act (VAWA) for 5 years. As passed, the legislation (S. 47) closely mirrored the legislation introduced in the 112th Congress by Senator Patrick Leahy (D-VT) and the companion bill introduced by Representative Gwen Moore (D-WI). A controversial provision related to increasing funding to make more visas available for immigrant victims of domestic violence was dropped in this legislation and will be addressed when Congress considers immigration reform legislation.

S. 47, as introduced and passed, included our amendment to the 5% court set-aside in the STOP (Services, Training, Officers, and Prosecutors) Violence Against Women formula grants to states. The amendment specifies that the 5% court set-aside in the STOP grant would be awarded “to courts” not “for courts.” This amendment should solve a long-standing problem that some state courts have had in accessing these funds.

The approved legislation kept intact language that gives tribal courts more authority over non-tribal domestic violence offenders when the domestic abuse occurs on Indian tribal lands. This was one of the controversial provisions that stalled reauthorization of VAWA in the 112th Congress.

Efforts now turn to working with the Department of Justice’s Office on Violence Against Women to implement the change to the 5% court set-aside in the STOP grant. (*Farley*)

## Sequestration

Details on the impact of the sequester on agency budgets for 2013 are dribbling out, but one thing is certain: those cuts will come. This is because of the recently approved Continuing Resolution (CR) that codifies the across-the-board spending cuts called for by the sequester. The CR completes action on the FY 2013 budget by giving agencies level funding for the rest of FY 2013. There was hope that the Congress would add funding to agency budgets to undo the effects of the sequester in FY 2013. With the President having signed the CR, those hopes are dashed. On the bright side, there will not be a government shutdown the rest of this fiscal year.

To take the example of the Department of Justice (DOJ) under the CR, the grant programs have the same funding they received in FY 2012, but the sequester will take 5.1% across the board in cuts from all DOJ divisions. In addition, the CR restates the ability of the Department to transfer or reprogram up to 5% among their programs, but needs the sign-off from Congress to do so. The Office of Management and

Budget has informed all the agencies of the percentage cuts that should be implemented. The notification to grantees should occur in the next few weeks.

It appears that the next budget inflection point is the FY 2014 budget. The House and Senate have approved radically different budget blueprints recently. It is expected that President Obama's budget request, which has still not been submitted, will closely follow the Senate proposals. (*Dimas*)

## CCJ/COSCA 2013 National Policy Priorities

Each year, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) identify national policy priority issues. The priorities guide the work of the Government Relations Office staff of the National Center for State Courts (NCSC). Based on the votes received from CCJ and COSCA members, the CCJ/COSCA Government Affairs Committee approved the following priorities on March 4, 2013.

### Access to Justice

- **Language Access Services** – Support language access services for limited English proficient (LEP) individuals, who face particular challenges and hardships in accessing and navigating the justice system; support a fair and reasonable interpretation of the Civil Rights Act of 1964 regarding language access services; and support legislation to increase resources for language access services, including authorization of a federal grant program to assist state courts to comply with the federal requirements related to providing court interpretation services to LEP individuals.
- **Public Access to Legal Services** – Support access to justice for all, including those excluded from the legal system because of the unavailability of legal resources; and support increased federal funding for the Legal Services Corporation to insure access to justice for low income individuals and to meet the ever growing demand for indigent legal services.

### Children and Families

- **Elder Abuse and Guardianship** – Support improvements to the process for considering petitions for guardianship/conservatorship of adults and the monitoring of guardianship/conservatorship orders; and support federal resources to assist state courts to effectively address elder abuse and guardianship cases.

### Court Administration

- **Collection of Court Fines, Fees, and Victim Restitution** - Support legislation to authorize the interception of federal tax returns to collect court fines, fees, and restitution so that court orders are enforced and criminal defendants are held accountable.
- **Court Security** – Support the need for citizens to feel confident and safe in seeking access to their courts and for court personnel to feel safe in the performance of their duties; support increased state court access to federal funding streams; and support increased consultation by state executive agencies with state courts on the planning for and distribution of federal funds.
- **State Justice Institute (SJI)** – Support full funding at the current authorized level of \$7 million for SJI, which is the only federal funding entity solely dedicated to improving the state courts of this country.

### Criminal Justice

- **Substance Abuse and Mental Health** - Support the principles and methods used in problem-solving courts that address the underlying causes of criminal activity, while holding criminal defendants accountable; support increased federal funding for problem-solving courts and other diversion strategies to assist state courts to address the underlying factors that have an impact on criminal activity; and support a federal grant distribution methodology that allows for coordination with state court leaders to insure that funds are leveraged to the maximum extent.

- **Juvenile Justice and Delinquency Prevention** – Support (1) reauthorization of the Juvenile Justice and Delinquency Prevention Act, (2) increased state court access to federal funding streams and resources, and (3) increased consultation by state executive agencies with state courts on planning and distribution of federal funds.

#### Federalism

- **Preemption of State Law** – Support adherence to the principles of federalism and separation of powers to ensure the proper balance in federal policy; support use of all available and reasonable steps to obtain meaningful and timely input from appropriate branches and agencies of state governments with respect to federalism or separation of powers implications in proposed federal legislation and regulations; and support the preparation of federalism assessments for proposed federal legislation and regulations.

If you have questions, feel free to contact Kay Farley at [kfarley@ncsc.org](mailto:kfarley@ncsc.org) or (202) 684-2622. *(Farley)*

## BJA Grant Funds for Improving the Completeness of Firearm Background Checks

The Department of Justice has announced more than \$20 million in grants to strengthen the firearm background check system by improving the states' abilities to share information with the National Instant Criminal Background Check System (NICS). The grants can be used to improve access to and reporting of prohibiting mental health information such as involuntary commitments to mental health facilities, convictions as well as misdemeanor convictions of domestic violence and immediate access to active felony and misdemeanor warrants. (Note that the grant announcement does not focus on the establishment of Gun Rights Restoration Tribunals, which have been a hang-up of states applying for NICS funding before). The DOJ would like for applications to come from the state criminal justice administrative agency (SAA), but another state agency can apply with the concurrence of the SAA. Only one application from each state should be submitted and is expected. The deadline to apply for these grants is May 13, 2013. The grant announcement can be found here: <https://www.bja.gov/Funding/13FirearmBackgroundCheckSol.pdf> *(Dimas)*

## Local Courthouse Safety Act

Senator Al Franken (D-MN) reintroduced his Local Courthouse Safety Act of 2013 ([S. 445](#)) on March 17, 2013. Senator Franken introduced this bill last year in response to a shooting in a Minnesota courthouse in 2011. The Local Courthouse Safety Act would: 1) give state courts access to excess security equipment that federal agencies are no longer using, 2) provide statutory authorization for the Department of Justice's VALOR Initiative, which provides training and technical assistance to local law enforcement officers, teaching them to anticipate and survive violent encounters and 3) give additional statutory authority to SJI to award grants for court security. A companion bill ([H.R. 953](#)) to Franken's bill was also introduced in the House by Representative Alan Grayson (D-FL) on March 5, 2013.

In the last Congress, the full House approved the Local Courthouse Safety Act on September 11, 2012. The Senate Judiciary Committee also approved the legislation on May 24, 2012. In the waning days of the session, a legislative "hold" was placed on the bill by Senator Tom Coburn (R-OK). Senator Franken and other cosponsors of this bill were not able to overcome the objections of Senator Coburn and the bill died. *(Dimas)*









































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































