

Department of Justice

§ 90.2

90.105 What are the review criteria for grant program applications?

90.106 What are the grantee reporting requirements for the grant program?

AUTHORITY: 42 U.S.C. 3711 *et seq.*; Sec. 826, part E, title VIII, Pub. L. 105-244, 112 Stat. 1815.

SOURCE: 60 FR 19477, Apr. 18, 1995, unless otherwise noted.

Subpart A—General Provisions

§ 90.1 General.

(a) This part implements certain provisions of the Violence Against Women Act (VAWA), which was enacted by title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322 (Sept. 13, 1994).

(b) Subpart B of this part defines program eligibility criteria and sets forth requirements for application for and administration of formula grants to States to combat violent crimes against women. This Program under the VAWA was enacted as a new “part T” of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (the Omnibus Act), codified at 42 U.S.C. 3796gg through 3796gg-5. Offices and agencies of State government, units of local government, Indian tribal governments, and nonprofit, nongovernmental victim services programs are eligible to apply for subgrants from this Program.

(c) Indian tribal governments are eligible to receive assistance as part of the State program pursuant to subpart B of this part. In addition, Indian tribal governments may apply directly for discretionary grants under subpart C of this part.

§ 90.2 Definitions.

(a) *Domestic violence.* (1) As used in this part, *domestic violence* includes felony or misdemeanor crimes of violence (including threats or attempts) committed:

(i) By a current or former spouse of the victim;

(ii) By a person with whom the victim shares a child in common;

(iii) By a person who is co-habiting with or has co-habited with the victim as a spouse;

(iv) By a person similarly situated to a spouse of the victim under domestic

or family violence laws of the jurisdiction receiving grant monies; or

(v) By any other adult person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction receiving grant monies. Section 2003(1).

(2) For the purposes of this Program, *domestic violence* also includes any crime of violence considered to be an act of domestic violence according to State law.

(b) *Forensic medical examination.* The term *forensic medical examination* means an examination provided to a sexual assault victim by medical personnel trained to gather evidence of a sexual assault in a manner suitable for use in a court of law.

(1) The examination should include at a minimum:

(i) Examination of physical trauma;

(ii) Determination of penetration or force;

(iii) Patient interview; and

(iv) Collection and evaluation of evidence.

(2) The inclusion of additional procedures (e.g., testing for sexually transmitted diseases) to obtain evidence may be determined by the State, Indian tribal government, or unit of local government in accordance with its current laws, policies, and practices.

(c) *Indian tribe.* The term *Indian Tribe* means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. Section 2003(3).

(d) *Law enforcement.* The term *law enforcement* means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs). Section 2003(4).

(e) *Prosecution.* For the purposes of this Program, the term *prosecution* means any public office or agency charged with direct responsibility for prosecuting criminal offenders, including such office’s or agency’s component