

116TH CONGRESS  
1ST SESSION

# H. R. 4313

To authorize the Attorney General to make grants to State and Tribal courts in order to allow the electronic service of certain court orders, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2019

Mrs. DINGELL (for herself and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To authorize the Attorney General to make grants to State and Tribal courts in order to allow the electronic service of certain court orders, 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 “Electronic Service for  
5 Effectiveness, Reduction of Violence, and Improved Court  
6 Efficiency Act of 2019” or the “E–SERVICE Act”.

1 **SEC. 2. GRANTS TO STATE AND TRIBAL COURTS TO IMPLE-**  
2 **MENT PROTECTION ORDER PILOT PRO-**  
3 **GRAMS.**

4 Part U of title I of the Omnibus Crime Control and  
5 Safe Streets Act of 1968 (34 U.S.C. 10461 et seq.) is  
6 amended—

7 (1) by redesignating sections 2103, 2104, and  
8 2105 as sections 2104, 2105, and 2106, respectively;  
9 and

10 (2) by inserting after section 2102 the fol-  
11 lowing:

12 **“SEC. 2103. GRANTS TO STATE AND TRIBAL COURTS TO IM-**  
13 **PLEMENT PROTECTION ORDER PILOT PRO-**  
14 **GRAMS.**

15 “(a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-  
16 tion, the term ‘eligible entity’ means a State or tribal court  
17 that is part of a multidisciplinary partnership that in-  
18 cludes, to the extent practicable—

19 “(1) State, tribal, or local law enforcement  
20 agency;

21 “(2) a State, tribal, or local prosecutor advocate  
22 group;

23 “(3) a victim service provider or State or tribal  
24 domestic violence coalition;

25 “(4) a nonprofit program or government agency  
26 with demonstrated experience in providing legal as-

1       sistance or legal advice to victims of domestic vio-  
2       lence and sexual assault;

3             “(5) the bar association of the applicable State  
4       or Indian Tribe;

5             “(6) the State or tribal association of court  
6       clerks;

7             “(7) a State, tribal, or local association of  
8       criminal defense attorneys;

9             “(8) not fewer than 2 individuals with expertise  
10       in the design and management of court case man-  
11       agement systems and systems of integration;

12            “(9) not fewer than 2 State or tribal court  
13       judges with experience in—

14               “(A) the field of domestic violence; and

15               “(B) issuing protective orders; and

16            “(10) a judge assigned to the criminal docket of  
17       the State or tribal court.

18       “(b) GRANTS AUTHORIZED.—

19            “(1) IN GENERAL.—In addition to grants au-  
20       thorized under section 2101, the Attorney General  
21       shall make grants to eligible entities to carry out the  
22       activities described in subsection (c) of this section.

23            “(2) NUMBER.—The Attorney General may  
24       award not more than 10 grants under paragraph  
25       (1).

1           “(3) AMOUNT.—The amount of a grant award-  
2           ed under paragraph (1) may be not more than  
3           \$1,500,000.

4           “(c) MANDATORY ACTIVITIES.—

5           “(1) IN GENERAL.—An eligible entity that re-  
6           ceives a grant under this section shall use the grant  
7           funds, in consultation with the partners required  
8           under subsection (a), to—

9                   “(A) develop and implement a program for  
10                  properly and legally serving protection orders  
11                  through electronic communication methods to—

12                           “(i) modernize the service process and  
13                          make the process more effective and effi-  
14                          cient;

15                           “(ii) provide for improved safety of  
16                          victims; and

17                           “(iii) make protection orders enforce-  
18                          able as quickly as possible;

19                   “(B) develop best practices relating to the  
20                  service of protection orders through electronic  
21                  communication methods;

22                   “(C) ensure that the program developed  
23                  under subparagraph (A) complies with due  
24                  process requirements and any other procedures  
25                  required by law or by a court; and

1           “(D) implement any technology necessary  
2           to carry out the program developed under sub-  
3           paragraph (A), such as technology to verify and  
4           track the receipt of a protection order by the  
5           intended party.

6           “(2) TIMELINE.—An eligible entity that re-  
7           ceives a grant under this section shall—

8                   “(A) implement the program required  
9                   under paragraph (1)(A) not later than 2 years  
10                  after receiving the grant; and

11                   “(B) carry out the program for not fewer  
12                  than 3 years.

13           “(d) DIVERSITY OF RECIPIENTS.—The Attorney  
14           General shall award grants under this section to eligible  
15           entities in a variety of areas and situations, including—

16                   “(1) a State court that serves a population of  
17                  not fewer than 1,000,000 individuals;

18                   “(2) a State court that—

19                           “(A) serves a State that is among the 7  
20                           States with the lowest population density in the  
21                           United States; and

22                           “(B) has a relatively low rate of successful  
23                           service with respect to protection orders, as de-  
24                           termined by the Attorney General;

25                   “(3) a State court that—

1           “(A) serves a State that is among the 7  
2 States with the highest population density in  
3 the United States; and

4           “(B) has a relatively low rate of successful  
5 service with respect to protection orders, as de-  
6 termined by the Attorney General;

7           “(4) a court that uses an integrated, statewide  
8 case management system;

9           “(5) a court that uses a standalone case man-  
10 agement system;

11           “(6) a tribal court; and

12           “(7) a court that serves a culturally specific  
13 and underserved population.

14           “(e) APPLICATION.—

15           “(1) IN GENERAL.—An eligible entity shall sub-  
16 mit an application to the Attorney General that in-  
17 cludes—

18           “(A) a description of the process that the  
19 eligible entity uses for service of protection or-  
20 ders at the time of submission of the applica-  
21 tion;

22           “(B) to the extent practicable, statistics re-  
23 lating to protection orders during the 3 cal-  
24 endar years preceding the date of submission of  
25 the application, including rates of—

1 “(i) successful service; and

2 “(ii) enforcement;

3 “(C) an initial list of the entities serving as  
4 the partners required under subsection (a); and

5 “(D) any other information the Attorney  
6 General may reasonably require.

7 “(2) NO OTHER APPLICATION REQUIRED.—An  
8 eligible entity shall not be required to submit an ap-  
9 plication under section 2102 to receive a grant  
10 under this section.

11 “(f) TECHNICAL ASSISTANCE.—Notwithstanding sec-  
12 tion 40002(b)(11) of the Violence Against Women Act of  
13 1994 (34 U.S.C. 12291(b)(11)), as applied under section  
14 2106 of this part, not less than 5 percent and not more  
15 than 8 percent of the total amounts appropriated to carry  
16 out this section shall be available to the Attorney General  
17 for technical assistance relating to the purposes of this  
18 section.

19 “(g) REPORT TO ATTORNEY GENERAL.—

20 “(1) INITIAL REPORT.—Not later than 2 years  
21 after receiving a grant under this section, an eligible  
22 entity shall submit to the Attorney General a report  
23 that details the plan of the entity for implementation  
24 of the program under subsection (c).

25 “(2) SUBSEQUENT REPORTS.—

1           “(A) IN GENERAL.—Not later than 1 year  
2 after implementing the program under sub-  
3 section (c), and not later than 2 years there-  
4 after, an eligible entity shall submit to the At-  
5 torney General a report that describes the pro-  
6 gram implemented under subsection (c), includ-  
7 ing with respect to—

8                   “(i) viability;

9                   “(ii) cost;

10                  “(iii) service statistics;

11                  “(iv) challenges;

12                  “(v) analysis of the technology used to  
13 fulfill the goals of the program;

14                  “(vi) analysis of any legal or due proc-  
15 ess issues resulting from the electronic  
16 service method described in subsection  
17 (c)(1)(A); and

18                  “(vii) best practices for implementing  
19 such a program in other similarly situated  
20 locations.

21           “(B) CONTENTS OF FINAL REPORT.—An  
22 eligible entity shall include in the second report  
23 submitted under subparagraph (A) rec-  
24 ommendations for—



1                   “(i) future nationwide implementation  
2                   of the program implemented by the eligible  
3                   entity; and

4                   “(ii) usage of electronic service, simi-  
5                   lar to the service used by the eligible enti-  
6                   ty, for other commonly used court orders,  
7                   including with respect to viability and cost.

8           “(h) NO REGULATIONS OR GUIDELINES RE-  
9           QUIRED.—Notwithstanding section 2105, the Attorney  
10          General shall not be required to publish regulations or  
11          guidelines implementing this section.

12          “(i) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
13          tion to amounts otherwise made available to carry out this  
14          part, there is authorized to be appropriated to carry out  
15          this section \$10,000,000 for fiscal years 2019 through  
16          2024.”.

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