AMENDMENT NO. ________ Calendar No. ________

Purpose: To authorize the Attorney General to award grants for States to implement minimum and enhanced DNA collection processes.


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To protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

Referred to the Committee on ________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SCHUMER

Viz:

1. At the end, add the following:

2. **SEC. 13. ENHANCED DNA COLLECTION.**

3. (a) **SHORT TITLE.**—This section may be cited as the “Katie Sepich Enhanced DNA Collection Act of 2012”.

4. (b) **DEFINITIONS.**—As used in this section, the following definitions shall apply:
(1) MINIMUM DNA COLLECTION PROCESS.—The term “minimum DNA collection process” means, with respect to a State, a process under which the Combined DNA Index System (CODIS) of the Federal Bureau of Investigation is searched at least 1 time against samples from the following individuals who are at least 18 years of age:

(A) Individuals who are arrested for or charged with a criminal offense under State law that consists of murder or voluntary manslaughter.

(B) Individuals who are arrested for or charged with a criminal offense under State law that has an element involving a sexual act or sexual contact with another and that is punishable by imprisonment for more than 5 years.

(C) Individuals who are arrested for or charged with a criminal offense under State law that has an element of kidnapping or abduction and that is punishable by imprisonment for more than 5 years.

(2) ENHANCED DNA COLLECTION PROCESS.—The term “enhanced DNA collection process” means, with respect to a State, a process under which the State provides for the collection, for pur-
poses of inclusion in the Combined DNA Index System (CODIS) of the Federal Bureau of Investigation, of DNA samples from the following individuals who are at least 18 years of age:

(A) Individuals who are arrested for or charged with a criminal offense under State law that consists of murder or voluntary manslaughter.

(B) Individuals who are arrested for or charged with a criminal offense under State law that has an element involving a sexual act or sexual contact with another and that is punishable by imprisonment for more than 1 year.

(C) Individuals who are arrested for or charged with a criminal offense under State law that has an element of kidnapping or abduction and that is punishable by imprisonment for more than 1 year.

(D) Individuals who are arrested for or charged with a criminal offense under State law that consists of burglary punishable by imprisonment for more than 1 year.

(E) Individuals who are arrested for or charged with a criminal offense under State law
that consists of aggravated assault punishable
by imprisonment for more than 1 year.

(3) State.—The term “State” means any
State of the United States, the District of Columbia,
the Commonwealth of Puerto Rico, the Virgin Is-
lands, American Samoa, Guam, and the Common-
wealth of the Northern Mariana Islands.

(c) Incentive Payments for States to Implement Minimum and Enhanced DNA Collection Processes.—

(1) Grants Authorized.—The Attorney Gen-
eral shall carry out a grant program under which
the Attorney General may make grants to States for
the purpose of assisting States with the costs associ-
ated with the implementation of minimum or en-
hanced DNA collection processes.

(2) Applications.—

(A) In General.—To be eligible to receive
a grant under this section, in addition to any
other requirements specified by the Attorney
General, a State shall submit to the Attorney
General an application that demonstrates that
it has instituted policies, protocols, or regula-
tions requiring the implementation of either a
minimum or enhanced DNA collection process.
(B) Other Requirements.—The Attorney General may require a State desiring a grant under this section to document, for review by the Attorney General, the first-year expenses associated with a State’s implementation or planned implementation of a minimum or enhanced DNA collection process.

(3) Grant Allocation.—The amount available to a State under this section shall be equivalent to the first-year costs to that State of implementing a minimum or enhanced DNA collection process. The Attorney General retains discretion to determine the amount of each such grant awarded to an eligible State.

(d) Bonus Payments for States Which Have Implemented an Enhanced DNA Collection Process.—In the case of a State that has implemented an enhanced DNA collection process and uses such process for a fiscal year, the State shall be eligible to receive a bonus payment equivalent to the amount available to such State under subsection (c).

(e) Conditions of Receiving Incentive and Bonus Payments.—As a condition of receiving an incentive grant or bonus payment under subsections (c) or (d), a State shall have a procedure in place to—
(1) provide written notification of expungement provisions and instructions for requesting expungement to all persons who submit a DNA sample for inclusion in the index;

(2) provide the eligibility criteria for expungement and instructions for requesting expungement on an appropriate public Web site; and

(3) make a determination on all expungement requests not later than 90 days after receipt and provide a written response of the determination to the requesting party.

(f) EXPUNGEMENT OF PROFILES.—The expungement requirements under section 210304(d) of the DNA Identification Act of 1994 (42 U.S.C. 14132(d)) shall apply to any samples collected pursuant to this section for purposes of inclusion in the Combined DNA Index System (CODIS) of the Federal Bureau of Investigation.

(g) REPORTS.—The Attorney General shall submit to the Committee of the Judiciary of the House of Representatives and the Committee of the Judiciary of the Senate an annual report (which shall be made publicly available) that—

(1) lists the States, for the year involved—
(A) which have (and those States which have not) implemented a minimum DNA collection process and use such process; and

(B) which have (and those States which have not) implemented an enhanced DNA collection process and use such process; and

(2) includes statistics, with respect to the year involved, regarding the benefits to law enforcement resulting from the implementation of minimum and enhanced DNA collection processes, including the number of matches made due to the inclusion of arrestee profiles under such a process.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of the fiscal years 2012 through 2016.