AMENDMENT NO. _______       Calendar No. ______

Purpose: To provide for enhanced DNA collection.


S. 250

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 to the amendment (No. ______) proposed by Mr. Schumer

Viz:

1 In lieu of the matter proposed to be inserted, insert the following:

3 TITLE ___—KATIE SEPICH ENHANCED DNA COLLECTION ACT OF 2012

6 SEC. 1. SHORT TITLE.

7 This title may be cited as the “Katie Sepich Enhanced DNA Collection Act of 2012”.

9 SEC. 2. DEFINITIONS.

10 For purposes of this title:

11 (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 involves 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 involves 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 purposes of inclusion in the Combined DNA Index System (CODIS) of the Federal Bureau of Investiga-
tion, 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 man-
slaughter.

(B) Individuals who are arrested for or
charged with a criminal offense under State law
that involves 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 involves 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 impris-
onment for more than 1 year.

(E) Individuals who are arrested for or
charged with a criminal offense under State law
that consists of assault punishable by imprison-
ment for more than 1 year.
STATE.—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 3. GRANTS TO STATES TO IMPLEMENT MINIMUM AND ENHANCED DNA COLLECTION PROCESSES.

(a) GRANTS AUTHORIZED.—The Attorney General shall, subject to amounts made available pursuant to section 6, carry out a grant program for the purpose of assisting States with the costs associated with the implementation of minimum or enhanced DNA collection processes.

(b) APPLICATIONS.—

(1) 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 statutory authorization for the implementation of either a minimum or enhanced DNA collection process.

(2) NON-SUPPLANTING FUNDS.—An application submitted under paragraph (1) by a State shall include assurances that the amounts received under the grant under this section shall be used to supplement, not supplant, State funds that would other-
wise be available for the purpose described in sub-
section (a).

(3) OTHER REQUIREMENTS.—The Attorney
General shall require a State seeking a grant under
this section to document how such State will use the
grant to meet expenses associated with a State’s im-
plementation or planned implementation of a min-
imum or enhanced DNA collection process.

(e) GRANT ALLOCATION.—

(1) IN GENERAL.—The amount available to a
State under this section shall be based on the pro-
jected costs that will be incurred by the State to im-
plement a minimum or enhanced DNA collection
process. Subject to paragraph (2), the Attorney Gen-
eral shall retain discretion to determine the amount
of each such grant awarded to an eligible State.

(2) MAXIMUM GRANT ALLOCATION.—

(A) STATES MEETING MINIMUM DNA COL-
LEcision PROCESS.—In the case of a State
seeking a grant under this section with respect
to the implementation of a minimum DNA col-
lection process, such State shall be eligible for
a grant under this section that is equal to no
more than 50 percent of the first year costs to
the State of implementing such process.
(B) States meeting enhanced DNA collection process.—In the case of a State seeking a grant under this section with respect to the implementation of an enhanced DNA collection process, such State shall be eligible for a grant under this section that is equal to no more than 100 percent of the first year costs to the State of implementing such process.

(d) Grant Conditions.—As a condition of receiving a grant under this section, 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 website; 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.

SEC. 4. 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 title for purposes of inclusion in the Combined DNA Index System (CODIS) of the Federal Bureau of Investigation.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title up to $10,000,000 for each of fiscal years 2013 through 2015, to be derived from amounts appropriated pursuant to subsection (j) of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) in each such fiscal year for grants under such section.

SEC. 6. CONFORMING AMENDMENT TO THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

Section 2(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)) is amended by adding at the end the following new paragraph:

“(6) To make awards under the Katie Sepich Enhanced DNA Collection Act of 2012.”.

SEC. 7. 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.