

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

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

**IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.**

**S. 250**

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  
4 “Katie Sepich Enhanced DNA Collection Act of 2012”.

5 (b) DEFINITIONS.—As used in this section, the fol-  
6 lowing definitions shall apply:

1           (1) MINIMUM DNA COLLECTION PROCESS.—The  
2 term “minimum DNA collection process” means,  
3 with respect to a State, a process under which the  
4 Combined DNA Index System (CODIS) of the Fed-  
5 eral Bureau of Investigation is searched at least 1  
6 time against samples from the following individuals  
7 who are at least 18 years of age:

8           (A) Individuals who are arrested for or  
9 charged with a criminal offense under State law  
10 that consists of murder or voluntary man-  
11 slaughter.

12           (B) Individuals who are arrested for or  
13 charged with a criminal offense under State law  
14 that has an element involving a sexual act or  
15 sexual contact with another and that is punish-  
16 able by imprisonment for more than 5 years.

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

22           (2) ENHANCED DNA COLLECTION PROCESS.—  
23 The term “enhanced DNA collection process”  
24 means, with respect to a State, a process under  
25 which the State provides for the collection, for pur-

1 poses of inclusion in the Combined DNA Index Sys-  
2 tem (CODIS) of the Federal Bureau of Investiga-  
3 tion, of DNA samples from the following individuals  
4 who are at least 18 years of age:

5 (A) Individuals who are arrested for or  
6 charged with a criminal offense under State law  
7 that consists of murder or voluntary man-  
8 slaughter.

9 (B) Individuals who are arrested for or  
10 charged with a criminal offense under State law  
11 that has an element involving a sexual act or  
12 sexual contact with another and that is punish-  
13 able by imprisonment for more than 1 year.

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

19 (D) Individuals who are arrested for or  
20 charged with a criminal offense under State law  
21 that consists of burglary punishable by impris-  
22 onment for more than 1 year.

23 (E) Individuals who are arrested for or  
24 charged with a criminal offense under State law

1           that consists of aggravated assault punishable  
2           by imprisonment for more than 1 year.

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

8           (c) INCENTIVE PAYMENTS FOR STATES TO IMPLE-  
9           MENT MINIMUM AND ENHANCED DNA COLLECTION  
10          PROCESSES.—

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

17           (2) APPLICATIONS.—

18           (A) IN GENERAL.—To be eligible to receive  
19          a grant under this section, in addition to any  
20          other requirements specified by the Attorney  
21          General, a State shall submit to the Attorney  
22          General an application that demonstrates that  
23          it has instituted policies, protocols, or regula-  
24          tions requiring the implementation of either a  
25          minimum or enhanced DNA collection process.

1           (B) OTHER REQUIREMENTS.—The Attor-  
2           ney General may require a State desiring a  
3           grant under this section to document, for review  
4           by the Attorney General, the first-year expenses  
5           associated with a State’s implementation or  
6           planned implementation of a minimum or en-  
7           hanced DNA collection process.

8           (3) GRANT ALLOCATION.—The amount avail-  
9           able to a State under this section shall be equivalent  
10          to the first-year costs to that State of implementing  
11          a minimum or enhanced DNA collection process.  
12          The Attorney General retains discretion to deter-  
13          mine the amount of each such grant awarded to an  
14          eligible State.

15          (d) BONUS PAYMENTS FOR STATES WHICH HAVE  
16          IMPLEMENTED AN ENHANCED DNA COLLECTION PROC-  
17          ESS.—In the case of a State that has implemented an en-  
18          hanced DNA collection process and uses such process for  
19          a fiscal year, the State shall be eligible to receive a bonus  
20          payment equivalent to the amount available to such State  
21          under subsection (c).

22          (e) CONDITIONS OF RECEIVING INCENTIVE AND  
23          BONUS PAYMENTS.—As a condition of receiving an incen-  
24          tive grant or bonus payment under subsections (c) or (d),  
25          a State shall have a procedure in place to—

1           (1) provide written notification of expungement  
2           provisions and instructions for requesting  
3           expungement to all persons who submit a DNA sam-  
4           ple for inclusion in the index;

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

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

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

18          (g)     REPORTS.—The Attorney General shall submit to  
19          the Committee of the Judiciary of the House of Represent-  
20          atives and the Committee of the Judiciary of the Senate  
21          an annual report (which shall be made publicly available)  
22          that—

23                 (1) lists the States, for the year involved—

1           (A) which have (and those States which  
2           have not) implemented a minimum DNA collec-  
3           tion process and use such process; and

4           (B) which have (and those States which  
5           have not) implemented an enhanced DNA col-  
6           lection process and use such process; and

7           (2) includes statistics, with respect to the year  
8           involved, regarding the benefits to law enforcement  
9           resulting from the implementation of minimum and  
10          enhanced DNA collection processes, including the  
11          number of matches made due to the inclusion of ar-  
12          restee profiles under such a process.

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