

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

Purpose: To provide for enhanced DNA collection.

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

**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  
2 the following:

3 **TITLE \_\_\_\_\_—KATIE SEPICH EN-**  
4 **HANCED DNA COLLECTION**  
5 **ACT OF 2012**

6 **SEC. 1. SHORT TITLE.**

7 This title may be cited as the “Katie Sepich En-  
8 hanced DNA Collection Act of 2012”.

9 **SEC. 2. DEFINITIONS.**

10 For purposes of this title:

11 (1) **MINIMUM DNA COLLECTION PROCESS.**—The  
12 term “minimum DNA collection process” means,  
13 with respect to a State, a process under which the

1 Combined DNA Index System (CODIS) of the Fed-  
2 eral Bureau of Investigation is searched at least 1  
3 time against 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 involves a sexual act or sexual contact with  
12 another and that is punishable by imprisonment  
13 for more than 5 years.

14 (C) Individuals who are arrested for or  
15 charged with a criminal offense under State law  
16 that involves kidnapping or abduction and that  
17 is punishable by imprisonment for more than 5  
18 years.

19 (2) ENHANCED DNA COLLECTION PROCESS.—  
20 The term “enhanced DNA collection process”  
21 means, with respect to a State, a process under  
22 which the State provides for the collection, for pur-  
23 poses of inclusion in the Combined DNA Index Sys-  
24 tem (CODIS) of the Federal Bureau of Investiga-

1       tion, of DNA samples from the following individuals  
2       who are at least 18 years of age:

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

7               (B) Individuals who are arrested for or  
8               charged with a criminal offense under State law  
9               that involves a sexual act or sexual contact with  
10              another and that is punishable by imprisonment  
11              for more than 1 year.

12              (C) Individuals who are arrested for or  
13              charged with a criminal offense under State law  
14              that involves kidnapping or abduction and that  
15              is punishable by imprisonment for more than 1  
16              year.

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

21              (E) Individuals who are arrested for or  
22              charged with a criminal offense under State law  
23              that consists of assault punishable by imprison-  
24              ment for more than 1 year.

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

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

8           (a) GRANTS AUTHORIZED.—The Attorney General  
9           shall, subject to amounts made available pursuant to sec-  
10          tion 6, carry out a grant program for the purpose of as-  
11          sisting States with the costs associated with the implemen-  
12          tation of minimum or enhanced DNA collection processes.

13          (b) APPLICATIONS.—

14               (1) IN GENERAL.—To be eligible to receive a  
15          grant under this section, in addition to any other re-  
16          quirements specified by the Attorney General, a  
17          State shall submit to the Attorney General an appli-  
18          cation that demonstrates that it has statutory au-  
19          thorization for the implementation of either a min-  
20          imum or enhanced DNA collection process.

21               (2) NON-SUPPLANTING FUNDS.—An application  
22          submitted under paragraph (1) by a State shall in-  
23          clude assurances that the amounts received under  
24          the grant under this section shall be used to supple-  
25          ment, not supplant, State funds that would other-

1 wise be available for the purpose described in sub-  
2 section (a).

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

9 (c) GRANT ALLOCATION.—

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

17 (2) MAXIMUM GRANT ALLOCATION.—

18 (A) STATES MEETING MINIMUM DNA COL-  
19 LECTION PROCESS.—In the case of a State  
20 seeking a grant under this section with respect  
21 to the implementation of a minimum DNA col-  
22 lection process, such State shall be eligible for  
23 a grant under this section that is equal to no  
24 more than 50 percent of the first year costs to  
25 the State of implementing such process.

1 (B) STATES MEETING ENHANCED DNA  
2 COLLECTION PROCESS.—In the case of a State  
3 seeking a grant under this section with respect  
4 to the implementation of an enhanced DNA col-  
5 lection process, such State shall be eligible for  
6 a grant under this section that is equal to no  
7 more than 100 percent of the first year costs to  
8 the State of implementing such process.

9 (d) GRANT CONDITIONS.—As a condition of receiving  
10 a grant under this section, a State shall have a procedure  
11 in place to—

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

16 (2) provide the eligibility criteria for  
17 expungement and instructions for requesting  
18 expungement on an appropriate public website; and

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

23 **SEC. 4. EXPUNGEMENT OF PROFILES.**

24 The expungement requirements under section  
25 210304(d) of the DNA Identification Act of 1994 (42

1 U.S.C. 14132(d)) shall apply to any samples collected pur-  
2 suant to this title for purposes of inclusion in the Com-  
3 bined DNA Index System (CODIS) of the Federal Bureau  
4 of Investigation.

5 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

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

19 **SEC. 7. REPORTS.**

20 The Attorney General shall submit to the Committee  
21 of the Judiciary of the House of Representatives and the  
22 Committee of the Judiciary of the Senate an annual report  
23 (which shall be made publicly available) that—

24 (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.