

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6014
OFFERED BY MR. SMITH OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. DEFINITIONS.

5 For purposes of this Act:

6 (1) DNA ARRESTEE COLLECTION PROCESS.—

7 The term “DNA arrestee collection process” means,
8 with respect to a State, a process under which the
9 State provides for the collection, for purposes of in-
10 clusion in the Combined DNA Index System
11 (CODIS) of the Federal Bureau of Investigation, of
12 DNA samples from the following individuals who are
13 at least 18 years of age:

14 (A) Individuals who are arrested for or
15 charged with a criminal offense under State law
16 that consists of a homicide.

17 (B) Individuals who are arrested for or
18 charged with a criminal offense under State law

1 that has an element involving a sexual act or
2 sexual contact with another and that is punish-
3 able by imprisonment for more than 1 year.

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

9 (D) Individuals who are arrested for or
10 charged with a criminal offense under State law
11 that consists of burglary punishable by impris-
12 onment for more than 1 year.

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

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

22 **SEC. 3. GRANTS TO STATES TO IMPLEMENT DNA ARRESTEE**
23 **COLLECTION PROCESSES.**

24 (a) IN GENERAL.—The Attorney General shall, sub-
25 ject to amounts made available pursuant to section 5,

1 carry out a grant program for the purpose of assisting
2 States with the costs associated with the implementation
3 of DNA arrestee collection processes.

4 (b) APPLICATIONS.—

5 (1) IN GENERAL.—To be eligible to receive a
6 grant under this section, in addition to any other re-
7 quirements specified by the Attorney General, a
8 State shall submit to the Attorney General an appli-
9 cation that demonstrates that it has statutory au-
10 thorization for the implementation of a DNA ar-
11 restee collection process.

12 (2) NON-SUPPLANTING FUNDS.—An application
13 submitted under paragraph (1) by a State shall in-
14 clude assurances that the amounts received under
15 the grant under this section shall be used to supple-
16 ment, not supplant, State funds that would other-
17 wise be available for the purpose described in sub-
18 section (a).

19 (3) OTHER REQUIREMENTS.—The Attorney
20 General shall require a State seeking a grant under
21 this section to document how such State will use the
22 grant to meet expenses associated with a State's im-
23 plementation or planned implementation of a DNA
24 arrestee collection process.

25 (c) GRANT ALLOCATION.—

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

8 (2) MAXIMUM GRANT ALLOCATION.—In the
9 case of a State seeking a grant under this section
10 with respect to the implementation of a DNA ar-
11 restee collection process, such State shall be eligible
12 for a grant under this section that is equal to no
13 more than 100 percent of the first year costs to the
14 State of implementing such process.

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

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

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

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

5 **SEC. 4. EXPUNGEMENT OF PROFILES.**

6 The expungement requirements under section
7 210304(d) of the DNA Identification Act of 1994 (42
8 U.S.C. 14132(d)) shall apply to any samples collected pur-
9 suant to this Act for purposes of inclusion in the Com-
10 bined DNA Index System (CODIS) of the Federal Bureau
11 of Investigation.

12 **SEC. 5. OFFSET OF FUNDS APPROPRIATED.**

13 Any funds appropriated to carry out this Act, not to
14 exceed \$10,000,000 for each of fiscal years 2013 through
15 2015, shall be derived from amounts appropriated pursu-
16 ant to subsection (j) of section 2 of the DNA Analysis
17 Backlog Elimination Act of 2000 (42 U.S.C. 14135) in
18 each such fiscal year for grants under such section.

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

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

1 “(6) To implement a DNA arrestee collection
2 process consistent with the Katie Sepich Enhanced
3 DNA Collection Act of 2012.”.

Amend the title so as to read: “A Bill to authorize
the Attorney General to award grants for States to im-
plement DNA arrestee collection processes.”.

