

112TH CONGRESS
2D SESSION

H. R. 6014

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2012

Mr. SCHIFF (for himself, Mr. TIPTON, Mr. REICHERT, Mr. LUJÁN, Mr. PEARCE, and Mr. HEINRICH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act:

8 (1) **MINIMUM DNA COLLECTION PROCESS.**—The
9 term “minimum DNA collection process” means,

1 with respect to a State, a process under which the
2 Combined DNA Index System (CODIS) of the Fed-
3 eral Bureau of Investigation is searched at least 1
4 time against DNA samples from the following indi-
5 viduals who are at least 18 years of age:

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

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

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

20 (2) ENHANCED DNA COLLECTION PROCESS.—

21 The term “enhanced DNA collection process”
22 means, with respect to a State, a process under
23 which the State provides for the collection, for pur-
24 poses of inclusion in the Combined DNA Index Sys-
25 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 has an element involving a sexual act or
10 sexual contact with another and that is punish-
11 able by imprisonment for more than 1 year.

12 (C) Individuals who are arrested for or
13 charged with a criminal offense under State law
14 that has an element of kidnapping or abduction
15 and that is punishable by imprisonment for
16 more than 1 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 aggravated assault punishable
24 by imprisonment 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 expunge-
14 ment to all persons who submit a DNA sample for
15 inclusion in the index;

16 (2) provide the eligibility criteria for expunge-
17 ment and instructions for requesting expungement
18 on an appropriate public Web site; 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 Act 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 Act 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.”.

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