

111TH CONGRESS
2D SESSION

S. 3805

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

SEPTEMBER 20, 2010

Mr. BINGAMAN (for himself, Mr. UDALL of New Mexico, Mr. SCHUMER, and Mr. BENNET) introduced the following bill; which was read twice and 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 2010”.

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 samples from the following individuals
5 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. INCENTIVE PAYMENTS FOR STATES TO IMPLEMENT**
7 **MINIMUM AND ENHANCED DNA COLLECTION**
8 **PROCESSES.**

9 (a) GRANTS AUTHORIZED.—The Attorney General
10 shall carry out a grant program under which the Attorney
11 General may make grants to States for the purpose of as-
12 sisting States with the costs associated with the implemen-
13 tation of minimum or enhanced DNA collection processes.

14 (b) APPLICATIONS.—

15 (1) IN GENERAL.—To be eligible to receive a
16 grant under this section, in addition to any other re-
17 quirements specified by the Attorney General, a
18 State shall submit to the Attorney General an appli-
19 cation that demonstrates that it has instituted poli-
20 cies, protocols, or regulations requiring the imple-
21 mentation of either a minimum or enhanced DNA
22 collection process.

23 (2) OTHER REQUIREMENTS.—The Attorney
24 General may require a State desiring a grant under
25 this section to document, for review by the Attorney

1 General, the first year expenses associated with a
2 State's implementation or planned implementation of
3 a minimum or enhanced DNA collection process.

4 (c) GRANT ALLOCATION.—The amount available to
5 a State under this section shall be equivalent to the first-
6 year costs to that State of implementing a minimum or
7 enhanced DNA collection process. The Attorney General
8 retains discretion to determine the amount of each such
9 grant awarded to an eligible State.

10 **SEC. 4. BONUS PAYMENTS FOR STATES WHICH HAVE IM-**
11 **PLEMENTED AN ENHANCED DNA COLLEC-**
12 **TION PROCESS.**

13 In the case of a State that has implemented an en-
14 hanced DNA collection process and uses such process for
15 a fiscal year, the State shall be eligible to receive a bonus
16 payment equivalent to the amount available to such State
17 under section 3.

18 **SEC. 5. CONDITIONS OF RECEIVING INCENTIVE AND BONUS**
19 **PAYMENTS.**

20 As a condition of receiving an incentive grant or
21 bonus payment under sections 3 or 4, a State shall have
22 a procedure in place to—

23 (1) provide written notification of expungement
24 provisions and instructions for requesting

1 expungement to all persons who submit a DNA sam-
2 ple for inclusion in the index;

3 (2) provide the eligibility criteria for
4 expungement and instructions for requesting
5 expungement on an appropriate public website; and

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

10 **SEC. 6. EXPUNGEMENT OF PROFILES.**

11 The expungement requirements under section
12 210304(d) of the DNA Identification Act of 1994 (42
13 U.S.C. 14132(d)) shall apply to any samples collected pur-
14 suant to this Act for purposes of inclusion in the Com-
15 bined DNA Index System (CODIS) of the Federal Bureau
16 of Investigation.

17 **SEC. 7. REPORTS.**

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

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

23 (A) which have (and those States which
24 have not) implemented a minimum DNA collec-
25 tion process and use such process; and

1 (B) which have (and those States which
2 have not) implemented an enhanced DNA col-
3 lection process and use such process; and

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

10 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated such sums
12 as may be necessary to carry out this Act for each of the
13 fiscal years 2012 through 2016.

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