

Suspend the Rules And Pass the Bill, H.R. 6014, with Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

112TH CONGRESS
2^D 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:

1 (1) DNA ARRESTEE COLLECTION PROCESS.—

2 The term “DNA arrestee collection process” means,
3 with respect to a State, a process under which the
4 State provides for the collection, for purposes of in-
5 clusion in the index described in section 210304(a)
6 of the DNA Identification Act of 1994 (42 U.S.C.
7 14132(a)) (in this Act referred to as the “National
8 DNA Index System”), of DNA profiles or DNA data
9 from the following individuals who are at least 18
10 years of age:

11 (A) Individuals who are arrested for or
12 charged with a criminal offense under State law
13 that consists of a homicide.

14 (B) Individuals who are arrested for or
15 charged with a criminal offense under State law
16 that has an element involving a sexual act or
17 sexual contact with another and that is punish-
18 able by imprisonment for more than 1 year.

19 (C) Individuals who are arrested for or
20 charged with a criminal offense under State law
21 that has an element of kidnaping or abduction
22 and that is punishable by imprisonment for
23 more than 1 year.

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

1 that consists of burglary punishable by impris-
2 onment for more than 1 year.

3 (E) Individuals who are arrested for or
4 charged with a criminal offense under State law
5 that consists of aggravated assault punishable
6 by imprisonment for more than 1 year.

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

12 **SEC. 3. GRANTS TO STATES TO IMPLEMENT DNA ARRESTEE**
13 **COLLECTION PROCESSES.**

14 (a) IN GENERAL.—The Attorney General shall, sub-
15 ject to amounts made available pursuant to section 5,
16 carry out a grant program for the purpose of assisting
17 States with the costs associated with the implementation
18 of DNA arrestee collection processes.

19 (b) APPLICATIONS.—

20 (1) IN GENERAL.—To be eligible to receive a
21 grant under this section, in addition to any other re-
22 quirements specified by the Attorney General, a
23 State shall submit to the Attorney General an appli-
24 cation that demonstrates that it has statutory au-

1 thorization for the implementation of a DNA ar-
2 restee collection process.

3 (2) NON-SUPLANTING FUNDS.—An application
4 submitted under paragraph (1) by a State shall in-
5 clude assurances that the amounts received under
6 the grant under this section shall be used to supple-
7 ment, not supplant, State funds that would other-
8 wise be available for the purpose described in sub-
9 section (a).

10 (3) OTHER REQUIREMENTS.—The Attorney
11 General shall require a State seeking a grant under
12 this section to document how such State will use the
13 grant to meet expenses associated with a State's im-
14 plementation or planned implementation of a DNA
15 arrestee collection process.

16 (c) GRANT ALLOCATION.—

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

24 (2) MAXIMUM GRANT ALLOCATION.—In the
25 case of a State seeking a grant under this section

1 with respect to the implementation of a DNA ar-
2 restee collection process, such State shall be eligible
3 for a grant under this section that is equal to no
4 more than 100 percent of the first year costs to the
5 State of implementing such process.

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

9 (1) provide written notification of expungement
10 provisions and instructions for requesting
11 expungement to all persons who submit a DNA pro-
12 file or DNA data for inclusion in the index;

13 (2) provide the eligibility criteria for
14 expungement and instructions for requesting
15 expungement on an appropriate public Web site; and

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

20 **SEC. 4. EXPUNGEMENT OF PROFILES.**

21 The expungement requirements under section
22 210304(d) of the DNA Identification Act of 1994 (42
23 U.S.C. 14132(d)) shall apply to any DNA profile or DNA
24 data collected pursuant to this Act for purposes of inclu-
25 sion in the National DNA Index System.

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

2 Any funds appropriated to carry out this Act, not to
3 exceed \$10,000,000 for each of fiscal years 2013 through
4 2015, shall be derived from amounts appropriated pursu-
5 ant to subsection (j) of section 2 of the DNA Analysis
6 Backlog Elimination Act of 2000 (42 U.S.C. 14135) in
7 each such fiscal year for grants under such section.

8 **SEC. 6. CONFORMING AMENDMENT TO THE DEBBIE SMITH**
9 **DNA BACKLOG GRANT PROGRAM.**

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

13 “(6) To implement a DNA arrestee collection
14 process consistent with the Katie Sepich Enhanced
15 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.”.