

112TH CONGRESS  
1ST SESSION

# H. R. 3361

To direct the Attorney General to design and implement a procedure to permit enhanced searches of the National DNA Index System.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2011

Mr. SCHIFF introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To direct the Attorney General to design and implement a procedure to permit enhanced searches of the National DNA Index System.

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 “Utilizing DNA Tech-  
5 nology to Solve Cold Cases Act of 2011”.

6 **SEC. 2. ENHANCED SEARCHES.**

7 (a) FAMILIAL SEARCHES.—

8 (1) IN GENERAL.—Not later than one year  
9 after the date of enactment of this Act, the Attorney

1 General shall adopt policies and procedures in ac-  
2 cordance with this section to ensure that—

3 (A) the Federal Bureau of Investigation  
4 may conduct familial searches for DNA samples  
5 collected from crime scenes in Federal inves-  
6 tigation;

7 (B) subject to paragraph (5), a CODIS  
8 State administrator or State attorney general  
9 may request that the Federal Bureau of Inves-  
10 tigation conduct familial searches for DNA  
11 samples collected from crime scenes in State in-  
12 vestigation; and

13 (C) the privacy interests of persons identi-  
14 fied in familial searches are carefully protected.

15 (2) SEARCH REQUIREMENTS.—Familial  
16 searches conducted by the Federal Bureau of Inves-  
17 tigation under this section shall be conducted only  
18 under the following circumstances:

19 (A) No identical match for the DNA sam-  
20 ple collected from a crime scene can be identi-  
21 fied in the offender index.

22 (B) The investigation for which DNA sam-  
23 ples are collected at a crime scene involves one  
24 or more of the following offenses under Federal  
25 or State law:

1 (i) An offense of murder, voluntary  
2 manslaughter, kidnapping, or any attempt  
3 to commit murder, voluntary man-  
4 slaughter, or kidnapping.

5 (ii) A specified offense against a  
6 minor (as such term is defined in section  
7 111(7) of the Sex Offender Registration  
8 and Notification Act (42 U.S.C.  
9 16911(7))), or an attempt to commit such  
10 a specified offense.

11 (iii) An offense for which an offender  
12 would be required, under the Sex Offender  
13 Registration and Notification Act (42  
14 U.S.C. 16901 et seq.), to register as a tier  
15 III sex offender (as defined in section  
16 111(4) of such Act (42 U.S.C. 16911(4))),  
17 or an attempt to commit such an offense.

18 (3) REQUESTS BY STATES.—A CODIS State  
19 administrator or State attorney general making a re-  
20 quest for a familial search under this section shall—

21 (A) before making such request, have in  
22 place a written policy that—

23 (i) establishes the criteria and proce-  
24 dures for requesting a familial search and  
25 for evaluating a familial match;

1 (ii) is consistent with any regulations  
2 issued by the Attorney General pursuant to  
3 this section; and

4 (iii) ensures that the privacy interests  
5 of persons identified in familial searches  
6 are carefully protected; and

7 (B) each time a familial search request is  
8 made, make such policy available to the Attor-  
9 ney General.

10 (4) STATE ASSURANCES REQUIRED.—A CODIS  
11 State administrator or a State attorney general may  
12 request from the Federal Bureau of Investigation fa-  
13 miliary searches for DNA samples collected from  
14 crime scenes in State investigations only if the re-  
15 questing State has provided an assurance to the At-  
16 torney General that—

17 (A) the requesting State will take such  
18 steps as the Attorney General determines to be  
19 necessary and appropriate to facilitate the in-  
20 vestigation of familial matches from other  
21 States; and

22 (B) the requesting State will investigate  
23 possible familial matches in the State before re-  
24 questing assistance from other States.

1           (5) REPORTING OF MATCHES.—Any familial  
2 match resulting from a request for a familial search  
3 that complies with the requirements of this section  
4 shall be reported to the CODIS State administrator  
5 or State attorney general requesting information re-  
6 lated to such match.

7           (b) REPORT.—Not later than 2 years after the date  
8 of enactment of this Act, and annually thereafter, the At-  
9 torney General shall submit to the chair and ranking  
10 member of the Committee on the Judiciary of the House  
11 of Representatives and the Committee on the Judiciary  
12 of the Senate a report on compliance with this section.  
13 Each such report shall contain the following information:

14           (1) The number of familial searches requested  
15 by CODIS State administrators or State attorney  
16 generals.

17           (2) The number of familial searches conducted  
18 under this section.

19           (3) The number of familial matches found as a  
20 result of such searches.

21           (4) The status of any case in which such a fa-  
22 miliary match was found.

23           (c) REGULATIONS.—Not later than one year after the  
24 date of enactment of this Act, the Attorney General shall  
25 issue regulations to carry out this section.

1 (d) DEFINITIONS.—In this section:

2 (1) The term “CODIS State administrator”  
3 means the individual designated by a State to co-  
4 ordinate and communicate with local CODIS admin-  
5 istrators in the State and to be responsible for enter-  
6 ing data from the State in the National DNA Index  
7 System, in accordance with the procedures estab-  
8 lished by the National DNA Index System Proce-  
9 dures Board and published by the Federal Bureau  
10 of Investigation in the NDIS Policies and Proce-  
11 dures.

12 (2) The term “familial search” means a search  
13 of the offender index in which a DNA sample from  
14 an unknown source collected from a crime scene is  
15 compared to such offender index to determine if a  
16 familial match exists between the DNA profile con-  
17 tained in such index and the DNA sample collected  
18 from the crime scene.

19 (3) The term “familial match” means a genetic  
20 association determined by the Attorney General to  
21 present a high probability of familial relation be-  
22 tween a DNA profile in the offender index and a  
23 DNA sample collected at a crime scene.

24 (4) The term “offender index” means the data-  
25 base containing information on individuals convicted

1 of sex offenses and other violent crimes in the Na-  
2 tional DNA Index System established under section  
3 210304 of the Violent Crime Control and Law En-  
4 forcement Act of 1994 (Public Law 103–322, 108  
5 Stat. 1796).

6 (5) The term “State” means each of the several  
7 States, the District of Columbia, the Commonwealth  
8 of Puerto Rico, the United States Virgin Islands,  
9 American Samoa, Guam, and the Commonwealth of  
10 the Northern Mariana Islands.

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