

Calendar No. 435112TH CONGRESS
2^D SESSION**S. 250**

To protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2011

Mr. LEAHY (for himself, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. HARKIN, Mr. MERKLEY, Mr. COONS, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 21, 2012

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to

provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

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 “Justice for All Reau-
 5 thorization Act of 2011”.

6 **SEC. 2. CRIME VICTIMS’ RIGHTS.**

7 Section 3771 of title 18, United States Code, is
 8 amended—

9 (1) in subsection (a), by adding at the end the
 10 following:

11 “(9) The right to be informed of the rights
 12 under this section and the services described in sec-
 13 tion 503(e) of the Victims’ Rights and Restitution
 14 Act of 1990 (42 U.S.C. 10607(e)) and provided con-
 15 tact information for the Office of the Victims’
 16 Rights Ombudsman of the Department of Justice.”;

17 (2) in subsection (d)(3), in the fifth sentence,
 18 by inserting “, unless the litigants, with the approval
 19 of the court, have stipulated to a different time pe-
 20 riod for consideration” before the period; and

21 (3) in subsection (e)—

22 (A) by striking “this chapter, the term”
 23 and inserting the following: “this chapter:

1 “(1) COURT OF APPEALS.—The term ‘court of
2 appeals’ means—

3 “(A) for a violation of the United States
4 Code; the United States court of appeals for the
5 judicial district in which a defendant is being
6 prosecuted; and

7 “(B) for a violation of the District of Co-
8 lumbia Code; the District of Columbia Court of
9 Appeals.

10 “(2) CRIME VICTIM.—

11 “(A) IN GENERAL.—The term”;

12 (B) by striking “In the ease” and inserting
13 the following:

14 “(B) MINORS AND CERTAIN OTHER VIC-
15 TIMS.—In the ease”; and

16 (C) by adding at the end the following:

17 “(3) DISTRICT COURT; COURT.—The terms
18 ‘district court’ and ‘court’ include the Superior
19 Court of the District of Columbia.”.

20 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS**
21 **FOR CRIME VICTIMS.**

22 (a) CRIME VICTIMS LEGAL ASSISTANCE GRANTS.—

23 Section 103(b) of the Justice for All Act of 2004 (Public
24 Law 108–405; 118 Stat. 2264) is amended—

1 (1) in paragraph (1), by striking “\$2,000,000”
2 and all that follows through “2009” and inserting
3 “\$5,000,000 for each of fiscal years 2012, 2013,
4 2014, 2015, and 2016”;

5 (2) in paragraph (2), by striking “\$2,000,000”
6 and all that follows through “2009,” and inserting
7 “\$5,000,000 for each of fiscal years 2012, 2013,
8 2014, 2015, and 2016”;

9 (3) in paragraph (3), by striking “\$300,000”
10 and all that follows through “2009,” and inserting
11 “\$500,000 for each of fiscal years 2012, 2013,
12 2014, 2015, and 2016”;

13 (4) in paragraph (4), by striking “\$7,000,000”
14 and all that follows through “2009,” and inserting
15 “\$11,000,000 for each of fiscal years 2012, 2013,
16 2014, 2015, and 2016”; and

17 (5) in paragraph (5), by striking “\$5,000,000”
18 and all that follows through “2009,” and inserting
19 “\$7,000,000 for each of fiscal years 2012, 2013,
20 2014, 2015, and 2016”.

21 (b) CRIME VICTIMS NOTIFICATION GRANTS.—Sec-
22 tion 1404E(c) of the Victims of Crime Act of 1984 (42
23 U.S.C. 10603e(c)) is amended by striking “this
24 section—” and all that follows and inserting “this section

1 \$5,000,000 for each of the fiscal years 2012, 2013, 2014,
2 2015, and 2016.”.

3 **SEC. 4. DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.**

4 (a) IN GENERAL.—Section 2 of the DNA Analysis
5 Backlog Elimination Act of 2000 (42 U.S.C. 14135) is
6 amended to read as follows:

7 **“SEC. 2. THE DEBBIE SMITH DNA BACKLOG GRANT PRO-**
8 **GRAM.**

9 “(a) DEFINITIONS.—In this section—

10 “(1) the term ‘backlog for DNA case work’ has
11 the meaning given that term by the Director, in ac-
12 cordance with subsection (b)(3);

13 “(2) the term ‘Combined DNA Index System’
14 means the Combined DNA Index System of the Fed-
15 eral Bureau of Investigation;

16 “(3) the term ‘Director’ means the Director of
17 the National Institute of Justice;

18 “(4) the term ‘emergency response provider’
19 has the meaning given that term in section 2 of the
20 Homeland Security Act of 2002 (6 U.S.C. 101); and

21 “(5) the term ‘State’ means a State of the
22 United States, the District of Columbia, the Com-
23 monwealth of Puerto Rico, the United States Virgin
24 Islands, American Samoa, Guam, and the Northern
25 Mariana Islands.

1 “(b) ESTABLISHMENT OF PROTOCOLS, TECHNICAL
2 ASSISTANCE, AND DEFINITIONS OF EVIDENCE BACKLOG
3 FOR DNA CASE WORK.—

4 “(1) PROTOCOLS AND PRACTICES.—Not later
5 than 18 months after the date of enactment of the
6 Justice for All Reauthorization Act of 2011, the Di-
7 rector shall develop and publish a description of pro-
8 tocols and practices the Director considers appro-
9 priate for the accurate, timely, and effective collec-
10 tion and processing of DNA evidence, including pro-
11 tocols and practices specific to sexual assault cases,
12 which shall address appropriate steps in the inves-
13 tigation of cases that might involve DNA evidence,
14 including—

15 “(A) how to determine—

16 “(i) which evidence is to be collected
17 by law enforcement personnel and for-
18 warded for testing;

19 “(ii) the preferred order in which evi-
20 dence from the same case is to be tested;
21 and

22 “(iii) the preferred order in which evi-
23 dence from different cases is to be tested;

24 “(B) the establishment of a reasonable pe-
25 riod of time in which evidence is to be for-

1 warded by emergency response providers, law
2 enforcement personnel, and prosecutors to a
3 laboratory for testing;

4 “(C) the establishment of reasonable peri-
5 ods of time in which each stage of analytical
6 laboratory testing is to be completed; and

7 “(D) systems to encourage communication
8 within a State or unit of local government
9 among emergency response providers, law en-
10 forcement personnel, prosecutors, courts, de-
11 fense counsel, crime laboratory personnel, and
12 crime victims regarding the status of crime
13 scene evidence to be tested.

14 “(2) TECHNICAL ASSISTANCE AND TRAINING.—
15 The Director shall make available technical assist-
16 ance and training to support States and units of
17 local government in adopting and implementing the
18 protocols and practices developed under paragraph
19 (1) on and after the date on which the protocols and
20 practices are published.

21 “(3) DEFINITION OF BACKLOG FOR DNA CASE
22 WORK.—The Director shall develop and publish a
23 definition of the term ‘backlog for DNA case work’
24 for purposes of this section—

1 “(A) taking into consideration the different
 2 stages at which a backlog may develop, includ-
 3 ing the investigation and prosecution of a crime
 4 by law enforcement personnel, prosecutors, and
 5 others, and the laboratory analysis of crime
 6 scene samples; and

7 “(B) which may include different criteria
 8 or thresholds for the different stages.

9 “(e) AUTHORIZATION OF GRANTS FOR THE COLLEC-
 10 TION AND PROCESSING OF DNA EVIDENCE BY LAW EN-
 11 FORCEMENT.—

12 “(1) PURPOSE.—The Attorney General may
 13 make grants to States or units of local government
 14 which may be used to—

15 “(A) ensure that the collection and proc-
 16 essing of DNA evidence from crimes, including
 17 sexual assault and other serious violent crimes,
 18 is carried out in an appropriate and timely
 19 manner;

20 “(B) eliminate existing backlogs for DNA
 21 ease work, including backlogs from sexual as-
 22 sault cases; and

23 “(C) ensure effective communication
 24 among emergency response providers, law en-
 25 forcement personnel, prosecutors, courts, de-

1 fense counsel, crime laboratory personnel, and
2 crime victims regarding the status of crime
3 scene evidence to be tested.

4 “(2) APPLICATION.—A State or unit of local
5 government desiring a grant under this subsection
6 shall submit to the Attorney General an application
7 in such form and containing such information as the
8 Attorney General may require, which shall include—

9 “(A) providing assurances that the State
10 or unit of local government has implemented, or
11 will implement not later than 120 days after
12 the date of the application, a comprehensive
13 plan for the expeditious collection and proc-
14 essing of DNA evidence in accordance with this
15 section; and

16 “(B) specifying the percentage of the
17 amounts received under the grant that the
18 State or unit of local government shall use for
19 the purpose specified in each of subparagraphs
20 (A), (B), and (C) of paragraph (1).

21 “(3) COLLECTION AND PROCESSING OF SAM-
22 PLES.—A plan described in paragraph (2)(A)—

23 “(A) shall require a State or unit of local
24 government to—

1 “(i) adopt the appropriate protocols
2 and practices developed under subsection
3 (b)(1); and

4 “(ii) ensure that emergency response
5 providers, law enforcement personnel, pros-
6 ecutors, and crime laboratory personnel
7 within the jurisdiction of the State or unit
8 of local government receive training on the
9 content and appropriate use of the proto-
10 cols and practices; and

11 “(B) may include the development and im-
12 plementation within the State or unit of local
13 government of an evidence tracking system to
14 ensure effective communication among emer-
15 gency response providers, law enforcement per-
16 sonnel, prosecutors, defense counsel, courts,
17 crime laboratory personnel, and crime victims
18 regarding the status of crime scene evidence
19 subject to DNA analysis.

20 “(4) REPORTING AND PUBLICATION OF DNA
21 BACKLOGS.—

22 “(A) IN GENERAL.—A plan described in
23 paragraph (2)(A) shall require a State or unit
24 of local government to submit to the Attorney
25 General an annual report reflecting the current

1 backlog for DNA case work within the jurisdic-
2 tion in which the funds are used, which shall in-
3 clude—

4 “(i) a specific breakdown of the num-
5 ber of sexual assault cases that are in a
6 backlog for DNA case work and the per-
7 centage of the amounts received under the
8 grant allocated to reducing the backlog of
9 DNA case work in sexual assault cases;

10 “(ii) for each case that is in a backlog
11 for DNA case work, the identity of each
12 agency, office, or contractor of the State or
13 unit of local government in which work
14 necessary to complete the DNA analysis is
15 pending; and

16 “(iii) any other information the Attor-
17 ney General determines appropriate.

18 “(B) COMPILATION.—The Attorney Gen-
19 eral shall annually compile and publish the re-
20 ports submitted under subparagraph (A) on the
21 website of the Department of Justice.

22 “(d) AUTHORIZATION OF GRANTS FOR DNA TEST-
23 ING AND ANALYSIS BY LABORATORIES.—

1 “(1) PURPOSE.—The Attorney General may
2 make grants to States or units of local government
3 to—

4 “(A) carry out, for inclusion in the Com-
5 bined DNA Index System, DNA analyses of
6 samples collected under applicable legal author-
7 ity;

8 “(B) carry out, for inclusion in the Com-
9 bined DNA Index System, DNA analyses of
10 samples from crime scenes, including samples
11 from rape kits, samples from other sexual as-
12 sault evidence, and samples taken in cases with-
13 out an identified suspect;

14 “(C) increase the capacity of laboratories
15 owned by the State or unit of local government
16 to carry out DNA analyses of samples specified
17 in subparagraph (A) or (B);

18 “(D) collect DNA samples specified in sub-
19 paragraph (A); and

20 “(E) ensure that DNA testing and analysis
21 of samples from crimes, including sexual as-
22 sault and other serious violent crimes, are ear-
23 ried out in a timely manner.

24 “(2) APPLICATION.—A State or unit of local
25 government desiring a grant under this subsection

1 shall submit to the Attorney General an application
2 in such form and containing such information as the
3 Attorney General may require, which shall include—

4 “(A) providing assurances that the State
5 or unit of local government has implemented, or
6 will implement not later than 120 days after
7 the date of the application, a comprehensive
8 plan for the expeditious DNA analysis of sam-
9 ples in accordance with this section;

10 “(B) certifying that each DNA analysis
11 carried out under the plan shall be maintained
12 in accordance with the privacy requirements de-
13 scribed in section 210304(b)(3) of the Violent
14 Crime Control and Law Enforcement Act of
15 1994 (42 U.S.C. 14132(b)(3));

16 “(C) specifying the percentage of the
17 amounts received under the grant that the
18 State or unit of local government shall use to
19 carry out DNA analyses of samples described in
20 paragraph (1)(A) and the percentage of the
21 amounts the State or unit of local government
22 shall use to carry out DNA analyses of samples
23 described in paragraph (1)(B);

24 “(D) specifying the percentage of the
25 amounts received under the grant that the

1 State or unit of local government shall use for
2 a purpose described in paragraph (1)(C);

3 “(E) if submitted by a unit of local govern-
4 ment, certifying that the unit of local govern-
5 ment has taken, or is taking, all necessary steps
6 to ensure that the unit of local government is
7 eligible to include in the Combined DNA Index
8 System, directly or through a State law enforce-
9 ment agency, all analyses of samples for which
10 the unit of local government has requested
11 funding; and

12 “(F) specifying the percentage of the
13 amounts received under the grant that the
14 State or unit of local government shall use for
15 the purpose described in paragraph (1)(D).

16 “(3) ANALYSIS OF SAMPLES.—

17 “(A) IN GENERAL.—A plan described in
18 paragraph (2)(A) shall require that, except as
19 provided in subparagraph (C), each DNA anal-
20 ysis be carried out in a laboratory that—

21 “(i) satisfies quality assurance stand-
22 ards; and

23 “(ii) is—

24 “(I) operated by the State or a
25 unit of local government; or

1 “(H) operated by a private entity
2 pursuant to a contract with the State
3 or a unit of local government.

4 “(B) QUALITY ASSURANCE STANDARDS.—

5 “(i) IN GENERAL.—The Director of
6 the Federal Bureau of Investigation shall
7 maintain and make available to States and
8 units of local government a description of
9 quality assurance protocols and practices
10 that the Director of the Federal Bureau of
11 Investigation considers adequate to assure
12 the quality of a forensic laboratory.

13 “(ii) EXISTING STANDARDS.—For
14 purposes of this paragraph, a laboratory
15 satisfies quality assurance standards if the
16 laboratory satisfies the quality control re-
17 quirements described in paragraphs (1)
18 and (2) of section 210304(b) of the Violent
19 Crime Control and Law Enforcement Act
20 of 1994 (42 U.S.C. 14132(b)).

21 “(4) USE OF VOUCHERS OR CONTRACTS FOR
22 CERTAIN PURPOSES.—

23 “(A) IN GENERAL.—A grant for a purpose
24 specified in subparagraph (A), (B), (E), or (F)
25 of paragraph (1) may be made in the form of

1 a voucher or contract for laboratory services,
 2 even if the laboratory makes a reasonable profit
 3 for the services.

4 “(B) REDEMPTION.—A voucher or con-
 5 tract under subparagraph (A) may be redeemed
 6 at a laboratory operated on a nonprofit or for-
 7 profit basis, by a private entity that satisfies
 8 quality assurance standards and has been ap-
 9 proved by the Attorney General.

10 “(C) PAYMENTS.—The Attorney General
 11 may use amounts appropriated to carry out this
 12 section to make payments to a laboratory de-
 13 scribed under subparagraph (B).

14 “(5) REPORTING AND PUBLICATION OF DNA
 15 BACKLOGS.—

16 “(A) IN GENERAL.—A plan described in
 17 paragraph (2)(A) shall require the State or unit
 18 of local government to submit to the Attorney
 19 General an annual report reflecting the backlog
 20 for DNA case work within the jurisdiction in
 21 which the funds will be used, which shall in-
 22 clude—

23 “(i) a specific breakdown of the num-
 24 ber of sexual assault cases that are in a
 25 backlog for DNA case work and the per-

1 centage of the amounts received under the
2 grant allocated to reducing the backlog of
3 DNA case work in sexual assault cases;

4 “(ii) for each case that is in a backlog
5 for DNA case work, the identity of each
6 agency, office, or contractor of the State or
7 unit of local government in which work
8 necessary to complete the DNA analysis is
9 pending; and

10 “(iii) any other information the Attor-
11 ney General determines appropriate.

12 “(B) COMPILATION.—The Attorney Gen-
13 eral shall annually compile and publish the re-
14 ports submitted under subparagraph (A) on the
15 website of the Department of Justice.

16 “(c) FORMULA FOR DISTRIBUTION OF GRANTS.—

17 “(1) IN GENERAL.—Subject to paragraphs (2)
18 and (3), the Attorney General shall distribute grant
19 amounts, and establish appropriate grant conditions
20 under this section, in conformity with a formula or
21 formulas that are designed to effectuate a distribu-
22 tion of funds among States and units of local gov-
23 ernment applying for grants under this section
24 that—

1 “(A) maximizes the effective use of DNA
2 technology to solve crimes and protect public
3 safety; and

4 “(B) allocates grants among States and
5 units of local government fairly and efficiently,
6 across rural and urban jurisdictions, to address
7 States and units of local government in which
8 significant backlogs for DNA case work exist,
9 by considering—

10 “(i) the number of offender and case-
11 work samples awaiting DNA analysis in a
12 State or unit of local government;

13 “(ii) the population in the State or
14 unit of local government;

15 “(iii) the number of part 1 violent
16 crimes in the State or unit of local govern-
17 ment; and

18 “(iv) the availability of resources to
19 train emergency response providers, law
20 enforcement personnel, prosecutors, and
21 crime laboratory personnel on the effective-
22 ness of appropriate and timely DNA collec-
23 tion, processing, and analysis.

24 “(2) MINIMUM AMOUNT.—The Attorney Gen-
25 eral shall allocate to each State not less than 0.50

1 percent of the total amount appropriated in a fiscal
2 year for grants under this section, except that the
3 United States Virgin Islands, American Samoa,
4 Guam, and the Northern Mariana Islands shall each
5 be allocated 0.125 percent of the total amount ap-
6 propriated in a fiscal year for grants under this sec-
7 tion.

8 “(3) LIMITATION.—In distributing grant
9 amounts under paragraph (1), the Attorney General
10 shall ensure that for each of fiscal years 2012
11 through 2016, not less than 40 percent of the grant
12 amounts are awarded for purposes described in sub-
13 section (d)(1)(B).

14 “(f) RESTRICTIONS ON USE OF FUND.—

15 “(1) NONSUPPLANTING.—Funds made available
16 under this section shall not be used to supplant
17 funds of a State or unit of local government, and
18 shall be used to increase the amount of funds that
19 would, in the absence of Federal funds, be made
20 available from the State or unit of local government
21 for the purposes described in this Act.

22 “(2) ADMINISTRATIVE COSTS.—A State or unit
23 of local government may not use more than $\frac{3}{4}$ per-
24 cent of the amounts made available under a grant

1 under this section for administrative expenses relat-
2 ing to the grant.

3 “(g) REPORTS TO THE ATTORNEY GENERAL.—Each
4 State or unit of local government that receives a grant
5 under this section shall submit to the Attorney General,
6 for each year in which funds from a grant received under
7 this section are expended, a report at such time and in
8 such manner as the Attorney General may reasonably re-
9 quire, that contains—

10 “(1) a summary of the activities carried out
11 under the grant and an assessment of whether such
12 activities are meeting the needs identified in the ap-
13 plication; and

14 “(2) such other information as the Attorney
15 General may require.

16 “(h) REPORTS TO CONGRESS.—Not later than 90
17 days after the end of each fiscal year for which grants
18 are made under this section, the Attorney General shall
19 submit to Congress a report that includes—

20 “(1) the aggregate amount of grants made
21 under this section to each State or unit of local gov-
22 ernment for the fiscal year;

23 “(2) a summary of the information provided by
24 States or units of local government receiving grants
25 under this section; and

1 ~~“(3) a description of the priorities and plan for~~
2 ~~awarding grants among eligible States and units of~~
3 ~~local government, and how the plan will ensure the~~
4 ~~effective use of DNA technology to solve crimes and~~
5 ~~protect public safety.~~

6 ~~“(i) EXPENDITURE RECORDS.—~~

7 ~~“(1) IN GENERAL.—Each State or unit of local~~
8 ~~government that receives a grant under this section~~
9 ~~shall keep such records as the Attorney General may~~
10 ~~require to facilitate an effective audit of the receipt~~
11 ~~and use of grant funds received under this section.~~

12 ~~“(2) ACCESS.—Each State or unit of local gov-~~
13 ~~ernment that receives a grant under this section~~
14 ~~shall make available, for the purpose of audit and~~
15 ~~examination, any records relating to the receipt or~~
16 ~~use of the grant.~~

17 ~~“(j) USE OF FUNDS FOR ACCREDITATION AND AU-~~
18 ~~DITS.—The Attorney General may distribute not more~~
19 ~~than 1 percent of the amounts made available for grants~~
20 ~~under this section for a fiscal year—~~

21 ~~“(1) to States or units of local government to~~
22 ~~defray the costs incurred by laboratories operated by~~
23 ~~each such State or unit of local government in pre-~~
24 ~~paring for accreditation or reaccreditation;~~

1 “(2) in the form of additional grants to States,
2 units of local government, or nonprofit professional
3 organizations of persons actively involved in forensic
4 science and nationally recognized within the forensic
5 science community to—

6 “(A) defray the costs of external audits of
7 laboratories operated by the State or unit of
8 local government, which participates in the Na-
9 tional DNA Index System, to determine wheth-
10 er the laboratory is in compliance with quality
11 assurance standards;

12 “(B) assess compliance with any plans
13 submitted to the Director that detail the use of
14 funds received by States or units of local gov-
15 ernment under this section; and

16 “(C) support capacity building efforts; and

17 “(3) in the form of additional grants to non-
18 profit professional associations actively involved in
19 forensic science and nationally recognized within the
20 forensic science community to defray the costs of
21 training persons who conduct external audits of lab-
22 oratories operated by States and units of local gov-
23 ernment and which participate in the National DNA
24 Index System.

1 “(k) USE OF FUNDS FOR OTHER FORENSIC
 2 SCIENCES.—The Attorney General may make a grant
 3 under this section to a State or unit of local government
 4 to alleviate a backlog of cases with respect to a forensic
 5 science other than DNA analysis if the State or unit of
 6 local government—

7 “(1) certifies to the Attorney General that in
 8 such State or unit—

9 “(A) all of the purposes set forth in sub-
 10 sections (c) and (d) have been met;

11 “(B) there is not a backlog for DNA case
 12 work, as defined by the Director in accordance
 13 with subsection (b)(3); and

14 “(C) there is no need for significant lab-
 15 oratory equipment, supplies, or additional per-
 16 sonnel for timely processing of DNA case work
 17 or offender samples; and

18 “(2) demonstrates to the Attorney General that
 19 the State or unit of local government requires assist-
 20 ance in alleviating a backlog of cases involving a fo-
 21 rensic science other than DNA analysis.

22 “(l) EXTERNAL AUDITS AND REMEDIAL EFFORTS.—
 23 If a laboratory operated by a State or unit of local govern-
 24 ment which has received funds under this section has un-
 25 dergone an external audit conducted to determine whether

1 the laboratory is in compliance with standards established
2 by the Director of the Federal Bureau of Investigation,
3 and, as a result of the audit, identifies measures to remedy
4 deficiencies with respect to the compliance by the labora-
5 tory with the standards, the State or unit of local govern-
6 ment shall implement any such remediation as soon as
7 practicable.

8 “(m) PENALTY FOR NONCOMPLIANCE.—

9 “(1) IN GENERAL.—The Attorney General shall
10 annually compile a list of the States and units of
11 local government receiving a grant under this section
12 that have failed to provide the information required
13 under subsection (c)(4)(A), (d)(5)(A), or (g). The
14 Attorney General shall publish each list compiled
15 under this paragraph on the website of the Depart-
16 ment of Justice.

17 “(2) REDUCTION IN GRANT FUNDS.—For any
18 State or local government that the Attorney General
19 determines has failed to provide the information re-
20 quired under subsection (c)(4)(A), (d)(5)(A), or (g),
21 the Attorney General may not award a grant under
22 this section for the fiscal year after the fiscal year
23 to which the determination relates in an amount
24 that is more than 50 percent of the amount the

1 State or local government would have otherwise re-
2 ceived.

3 “(n) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Attorney General
5 for grants under subsections (c) and (d) \$151,000,000 for
6 each of fiscal years 2012 through 2016.”.

7 (b) REPORT.—

8 (1) IN GENERAL.—Not later than 90 days after
9 the date of enactment of this Act, the Director of
10 the Federal Bureau of Investigation shall evaluate
11 the policies, standards, and protocols relating to the
12 use of private laboratories in the analysis of DNA
13 evidence, including the mandatory technical review
14 of all outsourced DNA evidence by public labora-
15 tories prior to uploading DNA profiles into the Com-
16 bined DNA Index System of the Federal Bureau of
17 Investigation. The evaluation shall take into consid-
18 eration the need to reduce DNA evidence backlogs
19 while guaranteeing the integrity of the Combined
20 DNA Index System.

21 (2) REPORT TO CONGRESS.—Not later than 30
22 days after the date on which the Director of the
23 Federal Bureau of Investigation completes the eval-
24 uation under paragraph (1), the Director shall sub-

1 mit to Congress a report of the findings of the eval-
2 uation and any proposed policy changes.

3 (c) ~~TRANSITION PROVISION.~~—

4 (1) ~~DEFINITION.~~—In this subsection, the term
5 “transition date” means the day after the latter of—

6 (A) the date on which the Director of the
7 National Institute of Justice publishes a defini-
8 tion of the term “backlog for DNA case work”
9 in accordance with section 2(b)(3) of the DNA
10 Analysis Backlog Elimination Act of 2000, as
11 amended by subsection (a); and

12 (B) the date on which the Director of the
13 National Institute of Justice publishes a de-
14 scription of protocols and practices in accord-
15 ance with section 2(b)(1) of the DNA Analysis
16 Backlog Elimination Act of 2000, as amended
17 by subsection (a).

18 (2) ~~GRANT AUTHORITY.~~—Notwithstanding the
19 amendments made by subsection (a)—

20 (A) the Attorney General may make grants
21 under section 2 of the DNA Analysis Backlog
22 Elimination Act of 2000 (42 U.S.C. 14135), as
23 in effect on the day before the date of enact-
24 ment of this Act, until the transition date; and

1 (B) the Attorney General may not make a
 2 grant under section 2 of the DNA Analysis
 3 Backlog Elimination Act of 2000, as amended
 4 by subsection (a), until the transition date.

5 **SEC. 5. RAPE EXAM PAYMENTS.**

6 Section 2010 of title I of the Omnibus Crime Control
 7 and Safe Streets Act of 1968 (42 U.S.C. 3796gg-4) is
 8 amended—

9 (1) in subsection (a)(1)—

10 (A) by striking “entity incurs the full” and
 11 inserting the following: “entity—

12 “(A) incurs the full”;

13 (B) by striking the period at the end and
 14 inserting “; and”; and

15 (C) by adding at the end the following:

16 “(B) coordinates with regional health care
 17 providers to notify victims of sexual assault of
 18 the availability of rape exams at no cost to the
 19 victims.”;

20 (2) in subsection (b)—

21 (A) in paragraph (1), by adding “or” at
 22 the end;

23 (B) in paragraph (2), by striking “; or”
 24 and inserting a period; and

25 (C) by striking paragraph (3); and

1 (3) in subsection (d), by striking “(d) RULE OF
2 CONSTRUCTION.—” and all that follows through the
3 end of paragraph (1) and inserting the following:

4 “(d) NONCOOPERATION.—

5 “(1) IN GENERAL.—To be in compliance with
6 this section, a State, Indian tribal government, or
7 unit of local government shall comply with sub-
8 section (b) without regard to whether the victim par-
9 ticipates in the criminal justice system or cooperates
10 with law enforcement.”.

11 **SEC. 6. ADDITIONAL REAUTHORIZATIONS.**

12 (a) DNA RESEARCH AND DEVELOPMENT.—Section
13 305(e) of the Justice for All Act of 2004 (42 U.S.C.
14 14136b(e)) is amended by striking “fiscal years 2005
15 through 2009” and inserting “fiscal years 2012 through
16 2016”.

17 (b) FBI DNA PROGRAMS.—Section 307(a) of the
18 Justice for All Act of 2004 (Public Law 108–405; 118
19 Stat. 2275) is amended by striking “fiscal years 2005
20 through 2009” and inserting “fiscal years 2012 through
21 2016”.

22 (c) DNA IDENTIFICATION OF MISSING PERSONS.—
23 Section 308(e) of the Justice for All Act of 2004 (42
24 U.S.C. 14136d(e)) is amended by striking “fiscal years

1 2005 through 2009” and inserting “fiscal years 2012
2 through 2016”.

3 **SEC. 7. PAUL COVERDELL FORENSIC SCIENCES IMPROVE-**
4 **MENT GRANTS.**

5 Section 1001(a)(24) of title I of the Omnibus Crime
6 Control and Safe Streets Act of 1968 (42 U.S.C.
7 3793(a)(24)) is amended—

8 (1) in subparagraph (H), by striking “and” at
9 the end;

10 (2) in subparagraph (I), by striking the period
11 at the end and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(K) \$35,000,000 for each of fiscal years
14 2012 through 2016.”.

15 **SEC. 8. IMPROVING THE QUALITY OF REPRESENTATION IN**
16 **STATE CAPITAL CASES.**

17 Section 426 of the Justice for All Act of 2004 (42
18 U.S.C. 14163e) is amended—

19 (1) in subsection (a), by striking “\$75,000,000
20 for each of fiscal years 2005 through 2009” and in-
21 serting “\$50,000,000 for each of fiscal years 2012
22 through 2016”; and

23 (2) in subsection (b), by inserting before the pe-
24 riod at the end the following: “; or upon a showing
25 of good cause; and at the discretion of the Attorney

1 General, the State may determine a fair allocation of
 2 funds across the uses described in sections 421 and
 3 ~~422.~~”.

4 **SEC. 9. POST-CONVICTION DNA TESTING.**

5 (a) IN GENERAL.—Section 3600 of title 18, United
 6 States Code, is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)(B)(i), by striking
 9 “death”; and

10 (B) in paragraph (3)(A), by striking “and
 11 the applicant did not—” and all that follows
 12 through “knowingly fail to request” and insert-
 13 ing “and the applicant did not knowingly fail to
 14 request”; and

15 (2) in subsection (g)(2)—

16 (A) in the matter preceding subparagraph
 17 (A), by striking “establish by compelling evi-
 18 dence” and inserting “establish by a preponder-
 19 ance of the evidence”; and

20 (B) in subparagraph (B), by striking
 21 “death”.

22 (b) PRESERVATION OF BIOLOGICAL EVIDENCE.—
 23 Section 3600A(e) of title 18, United States Code, is
 24 amended—

25 (1) by striking paragraph (2); and

1 (2) by redesignating paragraphs (3), (4), and
2 (5) as paragraphs (2), (3), and (4), respectively.

3 **SEC. 10. INCENTIVE GRANTS TO STATES TO ENSURE CON-**
4 **SIDERATION OF CLAIMS OF ACTUAL INNO-**
5 **CENCE.**

6 (a) **IN GENERAL.**—Section 413 of the Justice for All
7 Act of 2004 (42 U.S.C. 14136 note) is amended—

8 (1) in the matter preceding paragraph (1), by
9 striking “fiscal years 2005 through 2009” and in-
10 sserting “fiscal years 2012 through 2016”; and

11 (2) by striking paragraph (2) and inserting the
12 following:

13 “(2) provide a certification by the chief legal of-
14 ficer of the State in which the eligible entity oper-
15 ates or the chief legal officer of the jurisdiction in
16 which the funds will be used for the purposes of the
17 grants, that the State or jurisdiction—

18 “(A) provides DNA testing of specified evi-
19 dence under a State statute to persons con-
20 victed after trial and under a sentence of im-
21 prisonment or death for a State felony offense;
22 in a manner that ensures a reasonable process
23 for resolving claims of actual innocence con-
24 sistent with section 3600(a) of title 18, United
25 States Code (which may include making post-

1 conviction DNA testing available in cases in
2 which the testing would not be required under
3 that section) and, if the results of the testing
4 exclude the applicant as the perpetrator of the
5 offense, permits the applicant to apply for post-
6 conviction relief, notwithstanding any provision
7 of law that would otherwise bar the application
8 as untimely; and

9 “(B) preserves biological evidence under a
10 State statute or a State or local rule, regula-
11 tion, or practice in a manner intended to ensure
12 that reasonable measures are taken by the
13 State or jurisdiction to preserve biological evi-
14 dence secured in relation to the investigation or
15 prosecution of a State felony offense (including,
16 at a minimum murder, non-negligent man-
17 slaughter and sexual offenses) in a manner con-
18 sistent with section 3600A of title 18, United
19 States (which may require preservation of bio-
20 logical evidence for longer than the period of
21 time that the evidence would be required to be
22 preserved under that section).”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
24 412(b) of the Justice for All Act of 2004 (42 U.S.C.
25 14136e(b)) is amended—

1 (1) by striking “fiscal years 2005 through
2 2009” and inserting “fiscal years 2012 through
3 2016”; and

4 (2) by striking “\$5,000,000” and inserting
5 “\$10,000,000”.

6 **SEC. 11. ESTABLISHMENT OF NATIONAL STANDARDS PRO-**
7 **MULGATED BY NIJ.**

8 (a) IN GENERAL.—Subtitle A of title IV of the Jus-
9 tice for All Act of 2004 (Public Law 108–405; 118 Stat.
10 2278) is amended by adding at the end the following:

11 **“SEC. 414. ESTABLISHMENT OF NATIONAL STANDARDS**
12 **PROMULGATED BY NIJ.**

13 “(a) IN GENERAL.—The Director of the National In-
14 stitute of Justice shall—

15 “(1) establish best practices for evidence reten-
16 tion; and

17 “(2) assist State, local, and tribal governments
18 in adopting and implementing the best practices es-
19 tablished under paragraph (1).

20 “(b) DEADLINE.—Not later than 1 year after the
21 date of enactment of this section, the Director of the Na-
22 tional Institute of Justice shall publish the best practices
23 established under subsection (a)(1).”.

24 (b) TECHNICAL AND CONFORMING AMENDMENT.—
25 The table of contents in section 1(b) of the Justice for

1 All Act of 2004 (Public Law 108–405; 118 Stat. 2260)
 2 is amended by inserting after the item relating to section
 3 ~~413~~ the following:

“Sec. 414. Establishment of national standards promulgated by NIJ.”.

4 **SEC. 12. EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE.**
 5 **TICE.**

6 (a) **SHORT TITLE.**—This section may be cited as the
 7 “Effective Administration of Criminal Justice Act of
 8 2011”.

9 (b) **STRATEGIC PLANNING.**—Section 502 of title I of
 10 the Omnibus Crime Control and Safe Streets Act of 1968
 11 (~~42 U.S.C. 3752~~) is amended—

12 (1) by inserting “(a) **IN GENERAL.**—” before
 13 “To request a grant”; and

14 (2) by adding at the end the following:

15 “(6) A comprehensive State-wide plan detailing
 16 how grants received under this section will be used
 17 to improve the administration of the criminal justice
 18 system, which shall—

19 “(A) be designed in consultation with local
 20 governments, and all segments of the criminal
 21 justice system, including judges, prosecutors,
 22 law enforcement personnel, corrections per-
 23 sonnel, and providers of indigent defense serv-
 24 ices, victim services, juvenile justice delinquency

1 prevention programs, community corrections,
2 and reentry services;

3 “(B) include a description of how the State
4 will allocate funding within and among each of
5 the uses described in subparagraphs (A)
6 through (G) of section 501(a)(1);

7 “(C) describe the process used by the State
8 for gathering evidence-based data and devel-
9 oping and using evidence-based and evidence-
10 gathering approaches in support of funding de-
11 cisions; and

12 “(D) be updated every 5 years, with an-
13 nual progress reports that—

14 “(i) address changing circumstances
15 in the State, if any;

16 “(ii) describe how the State plans to
17 adjust funding within and among each of
18 the uses described in subparagraphs (A)
19 through (G) of section 501(a)(1);

20 “(iii) provide an ongoing assessment
21 of need;

22 “(iv) discuss the accomplishment of
23 goals identified in any plan previously pre-
24 pared under this paragraph; and

1 “(v) reflect how the plan influenced
2 funding decisions in the previous year.

3 “(b) TECHNICAL ASSISTANCE.—

4 “(1) STRATEGIC PLANNING.—Not later than 90
5 days after the date of enactment of this subsection,
6 the Attorney General shall begin to provide technical
7 assistance to States and local governments request-
8 ing support to develop and implement the strategic
9 plan required under subsection (a)(6).

10 “(2) PROTECTION OF CONSTITUTIONAL
11 RIGHTS.—Not later than 90 days after the date of
12 enactment of this subsection, the Attorney General
13 shall begin to provide technical assistance to States
14 and local governments, including any agent thereof
15 with responsibility for administration of justice, re-
16 questing support to meet the obligations established
17 by the Sixth Amendment to the Constitution of the
18 United States, which shall include—

19 “(A) public dissemination of practices,
20 structures, or models for the administration of
21 justice consistent with the requirements of the
22 Sixth Amendment; and

23 “(B) assistance with adopting and imple-
24 menting a system for the administration of jus-

1 tice consistent with the requirements of the
2 Sixth Amendment.

3 ~~“(3) AUTHORIZATION OF APPROPRIATIONS.—~~

4 There is authorized to be appropriated \$5,000,000
5 for each of fiscal years 2012 through 2016 to carry
6 out this subsection.”.

7 ~~(c) PROTECTION OF CONSTITUTIONAL RIGHTS.—~~

8 ~~(1) UNLAWFUL CONDUCT.—It shall be unlawful~~
9 ~~for any governmental authority, or any agent there-~~
10 ~~of, or any person acting on behalf of a governmental~~
11 ~~authority, to engage in a pattern or practice of con-~~
12 ~~duct by officials or employees of any governmental~~
13 ~~agency with responsibility for the administration of~~
14 ~~justice, including the administration of programs or~~
15 ~~services that provide appointed counsel to indigent~~
16 ~~defendants, that deprives persons of their rights to~~
17 ~~assistance of counsel as protected under the Sixth~~
18 ~~Amendment and Fourteenth Amendment to the~~
19 ~~Constitution of the United States.~~

20 ~~(2) CIVIL ACTION BY ATTORNEY GENERAL.—~~

21 ~~Whenever the Attorney General has reasonable cause~~
22 ~~to believe that a violation of paragraph (1) has oc-~~
23 ~~curred, the Attorney General, for or in the name of~~
24 ~~the United States, may, in a civil action, obtain ap-~~

1 appropriate equitable and declaratory relief to elimi-
 2 nate the pattern or practice.

3 ~~(3) EFFECTIVE DATE.~~—This subsection shall
 4 take effect 2 years after the date of enactment of
 5 this Act.

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Justice for All Reauthor-*
 8 *ization Act of 2012”.*

9 **TITLE I—CRIME VICTIMS**

10 **SEC. 101. CRIME VICTIMS’ RIGHTS.**

11 *(a) IN GENERAL.*—Section 3771 of title 18, United
 12 States Code, is amended—

13 *(1) in subsection (a), by adding at the end the*
 14 *following:*

15 *“(9) The right to be informed of the rights under*
 16 *this section and the services described in section*
 17 *503(c) of the Victims’ Rights and Restitution Act of*
 18 *1990 (42 U.S.C. 10607(c)) and provided contact in-*
 19 *formation for the Office of the Victims’ Rights Om-*
 20 *budsman of the Department of Justice.”;*

21 *(2) in subsection (d)(3), in the fifth sentence, by*
 22 *inserting “, unless the litigants, with the approval of*
 23 *the court, have stipulated to a different time period*
 24 *for consideration” before the period; and*

25 *(3) in subsection (e)—*

1 (A) by striking “this chapter, the term” and
2 inserting the following: “this chapter:

3 “(1) COURT OF APPEALS.—The term ‘court of
4 appeals’ means—

5 “(A) the United States court of appeals for
6 the judicial district in which a defendant is
7 being prosecuted; or

8 “(B) for a prosecution in the Superior
9 Court of the District of Columbia, the District of
10 Columbia Court of Appeals.

11 “(2) CRIME VICTIM.—

12 “(A) IN GENERAL.—The term”;

13 (B) by striking “In the case” and inserting
14 the following:

15 “(B) MINORS AND CERTAIN OTHER VIC-
16 TIMS.—In the case”; and

17 (C) by adding at the end the following:

18 “(3) DISTRICT COURT; COURT.—The terms ‘dis-
19 trict court’ and ‘court’ include the Superior Court of
20 the District of Columbia.”.

21 (b) CRIME VICTIMS FUND.—Section 1402(d)(3) of the
22 Victims of Crime Act of 1984 (42 U.S.C.10601(d)(3)) is
23 amended by—

24 (1) inserting “(A)” before “Of the sums”; and

25 (2) by adding at the end the following:

1 “(B) Amounts made available under subpara-
2 graph (A) may not be used for any purpose that is
3 not specified in subparagraph (A).”.

4 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR**
5 **GRANTS FOR CRIME VICTIMS.**

6 (a) *CRIME VICTIMS LEGAL ASSISTANCE GRANTS.*—
7 *Section 103(b) of the Justice for All Act of 2004 (Public*
8 *Law 108–405; 118 Stat. 2264) is amended—*

9 (1) *in paragraph (1), by striking “\$2,000,000”*
10 *and all that follows through “2009” and inserting*
11 *“\$5,000,000 for each of fiscal years 2013, 2014, 2015,*
12 *2016, and 2017”;*

13 (2) *in paragraph (2), by striking “\$2,000,000”*
14 *and all that follows through “2009,” and inserting*
15 *“\$5,000,000 for each of fiscal years 2013, 2014, 2015,*
16 *2016, and 2017”;*

17 (3) *in paragraph (3), by striking “\$300,000”*
18 *and all that follows through “2009,” and inserting*
19 *“\$500,000 for each of fiscal years 2013, 2014, 2015,*
20 *2016, and 2017”;*

21 (4) *in paragraph (4), by striking “\$7,000,000”*
22 *and all that follows through “2009,” and inserting*
23 *“\$11,000,000 for each of fiscal years 2013, 2014,*
24 *2015, 2016, and 2017”; and*

1 “(3) *COMBINED DNA INDEX SYSTEM.*—*The term*
2 *‘Combined DNA Index System’ means the Combined*
3 *DNA Index System of the Federal Bureau of Inves-*
4 *tigation.*

5 “(4) *DIRECTOR.*—*The term ‘Director’ means the*
6 *Director of the National Institute of Justice.*

7 “(5) *EMERGENCY RESPONSE PROVIDER.*—*The*
8 *term ‘emergency response provider’ has the meaning*
9 *given that term in section 2 of the Homeland Secu-*
10 *rity Act of 2002 (6 U.S.C. 101).*

11 “(6) *POSSESSION.*—*The term ‘possession’, with*
12 *respect to DNA case work, has the meaning given that*
13 *term by the Director, in accordance with subsection*
14 *(b)(3).*

15 “(7) *STATE.*—*The term ‘State’ means a State of*
16 *the United States, the District of Columbia, the Com-*
17 *monwealth of Puerto Rico, the United States Virgin*
18 *Islands, American Samoa, Guam, and the Northern*
19 *Mariana Islands.*

20 “(b) *ESTABLISHMENT OF PROTOCOLS, TECHNICAL AS-*
21 *SISTANCE, AND DEFINITIONS OF EVIDENCE BACKLOG FOR*
22 *DNA CASE WORK.*—

23 “(1) *PROTOCOLS AND PRACTICES.*—*Not later*
24 *than 18 months after the date of enactment of the*
25 *Justice for All Reauthorization Act of 2012, the Di-*

1 *rector, in consultation with Federal, State, and local*
2 *law enforcement agencies and government labora-*
3 *tories, shall develop and publish a description of pro-*
4 *ocols and practices the Director considers appro-*
5 *priate for the accurate, timely, and effective collection*
6 *and processing of DNA evidence, including protocols*
7 *and practices specific to sexual assault cases, which*
8 *shall address appropriate steps in the investigation of*
9 *cases that might involve DNA evidence, including—*

10 *“(A) how to determine—*

11 *“(i) which evidence is to be collected by*
12 *law enforcement personnel and forwarded*
13 *for testing;*

14 *“(ii) the preferred order in which evi-*
15 *dence from the same case is to be tested; and*

16 *“(iii) what information to take into*
17 *account when establishing the order in*
18 *which evidence from different cases is to be*
19 *tested;*

20 *“(B) the establishment of a reasonable pe-*
21 *riod of time in which evidence is to be forwarded*
22 *by emergency response providers, law enforce-*
23 *ment personnel, and prosecutors to a laboratory*
24 *for testing;*

1 “(C) *the establishment of reasonable periods*
2 *of time in which each stage of analytical labora-*
3 *tory testing is to be completed;*

4 “(D) *systems to encourage communication*
5 *within a State or unit of local government*
6 *among emergency response providers, law en-*
7 *forcement personnel, prosecutors, courts, defense*
8 *counsel, crime laboratory personnel, and crime*
9 *victims regarding the status of crime scene evi-*
10 *dence to be tested; and*

11 “(E) *standards for conducting the audit of*
12 *the backlog for DNA case work in sexual assault*
13 *cases required under subsection (c)(5).*

14 “(2) *TECHNICAL ASSISTANCE AND TRAINING.—*
15 *The Director shall make available technical assistance*
16 *and training to support States and units of local gov-*
17 *ernment in adopting and implementing the protocols*
18 *and practices developed under paragraph (1) on and*
19 *after the date on which the protocols and practices are*
20 *published.*

21 “(3) *DEFINITIONS.—The Director, in consulta-*
22 *tion with Federal, State, and local law enforcement*
23 *agencies and government laboratories, shall develop*
24 *and publish, for purposes of this section, definitions*
25 *of—*

1 “(A) the term ‘awaiting testing’, which shall
2 take into account the need for testing of the sam-
3 ple to close an open investigation;

4 “(B) the term ‘backlog for DNA case work’,
5 which—

6 “(i) shall take into consideration the
7 different stages at which a backlog may de-
8 velop, including the investigation and pros-
9 ecution of a crime by law enforcement per-
10 sonnel, prosecutors, and others, and the lab-
11 oratory analysis of crime scene samples;
12 and

13 “(ii) may include different criteria or
14 thresholds for the different stages; and

15 “(C) the term ‘possession’.

16 “(c) AUTHORIZATION OF GRANTS.—

17 “(1) PURPOSE.—The Attorney General may
18 make grants to States or units of local government
19 to—

20 “(A) carry out, for inclusion in the Com-
21 bined DNA Index System, DNA analyses of sam-
22 ples collected under applicable legal authority;

23 “(B) carry out, for inclusion in the Com-
24 bined DNA Index System, DNA analyses of sam-
25 ples from crime scenes, including samples from

1 *rape kits, samples from other sexual assault evi-*
2 *dence, and samples taken in cases without an*
3 *identified suspect;*

4 “(C) increase the capacity of laboratories
5 owned by the State or unit of local government
6 to carry out DNA analyses of samples specified
7 in subparagraph (A) or (B);

8 “(D) ensure that DNA testing and analysis
9 of samples from crimes, including sexual assault
10 and other violent crimes against persons, are
11 carried out in a timely manner;

12 “(E) ensure that the collection and proc-
13 essing of DNA evidence by law enforcement agen-
14 cies from crimes, including sexual assault and
15 other violent crimes against persons, is carried
16 out in an appropriate and timely manner and
17 in accordance with the protocols and practices
18 developed under subsection (b)(1);

19 “(F) ensure effective communication regard-
20 ing the status of crime scene evidence to be tested
21 among emergency response providers, law en-
22 forcement personnel, prosecutors, courts, defense
23 counsel, crime laboratory personnel, victim serv-
24 ice professionals who work for law enforcement
25 agencies or prosecutors’ offices, and crime vic-

1 *tims, which may include the development and*
2 *implementation of an evidence tracking system*
3 *in accordance with the protocols and practices*
4 *developed under subsection (b)(1);*

5 *“(G) collect DNA samples as described in*
6 *subparagraph (A); and*

7 *“(H) make awards under the Katie Sepich*
8 *Enhanced DNA Collection Act of 2012.*

9 *“(2) APPLICATION.—A State or unit of local gov-*
10 *ernment desiring a grant under this subsection shall*
11 *submit to the Attorney General an application in*
12 *such form and containing such information as the At-*
13 *torney General may require, which shall include—*

14 *“(A) assurances that the State or unit of*
15 *local government has implemented, or will im-*
16 *plement not later than 120 days after the date*
17 *of the award of the grant, a comprehensive*
18 *plan—*

19 *“(i) for the expeditious collection, proc-*
20 *essing, and analysis of DNA evidence in ac-*
21 *cordance with this section; and*

22 *“(ii) that requires a State or unit of*
23 *local government that is awarded a grant*
24 *under paragraph (1)(E) to—*

1 “(I) adopt the appropriate proto-
2 cols and practices developed under sub-
3 section (b)(1); and

4 “(II) provide training with re-
5 spect to the protocols and procedures
6 for appropriate personnel within a
7 reasonable time after the promulgation
8 of the protocols and practices;

9 “(B) a certification that each DNA analysis
10 carried out under the plan shall be maintained
11 in accordance with the privacy requirements de-
12 scribed in section 210304(b)(3) of the Violent
13 Crime Control and Law Enforcement Act of
14 1994 (42 U.S.C. 14132(b)(3));

15 “(C) if submitted by a unit of local govern-
16 ment, a certification that the unit of local gov-
17 ernment has taken, or is taking, all appropriate
18 steps to ensure that the unit of local government
19 is eligible to include in the Combined DNA
20 Index System, directly or through a State law
21 enforcement agency that is responsible for Com-
22 bined DNA Index System database operation
23 and administration, all analyses of samples for
24 which the unit of local government has requested
25 funding; and

1 “(D) an estimation of the percentage of the
2 amounts received under the grant that the State
3 or unit of local government shall use for each
4 purpose described in paragraph (1) for which the
5 State or unit of local government received the
6 grant.

7 “(3) ANALYSIS OF SAMPLES.—

8 “(A) IN GENERAL.—A plan described in
9 paragraph (2)(A) shall require that, except as
10 provided in paragraph (4), each DNA analysis
11 be carried out in a laboratory that—

12 “(i) satisfies quality assurance stand-
13 ards as specified in subparagraph (B); and

14 “(ii) is—

15 “(I) operated by the State or a
16 unit of local government; or

17 “(II) operated by a private entity
18 pursuant to a contract with the State
19 or a unit of local government.

20 “(B) QUALITY ASSURANCE STANDARDS.—

21 “(i) IN GENERAL.—The Director of the
22 Federal Bureau of Investigation shall main-
23 tain and make available to States and units
24 of local government a description of quality
25 assurance protocols and practices that the

1 *Director of the Federal Bureau of Investiga-*
2 *tion considers adequate to assure the quality*
3 *of a forensic laboratory.*

4 “(ii) *EXISTING STANDARDS.—For pur-*
5 *poses of this paragraph, a laboratory satis-*
6 *fies quality assurance standards if the lab-*
7 *oratory satisfies the quality control require-*
8 *ments described in paragraphs (1) and (2)*
9 *of section 210304(b) of the Violent Crime*
10 *Control and Law Enforcement Act of 1994*
11 *(42 U.S.C. 14132(b)).*

12 “(4) *USE OF VOUCHERS OR CONTRACTS FOR*
13 *CERTAIN PURPOSES.—*

14 “(A) *IN GENERAL.—A grant for a purpose*
15 *specified in subparagraph (A), (B), or (D) of*
16 *paragraph (1) may be made in the form of a*
17 *voucher or contract for laboratory services, even*
18 *if the laboratory makes a reasonable profit for*
19 *the services.*

20 “(B) *REDEMPTION.—A voucher or contract*
21 *under subparagraph (A) may be redeemed at a*
22 *laboratory operated on a nonprofit or for-profit*
23 *basis, by a private entity that satisfies quality*
24 *assurance standards as specified by paragraph*

1 (3)(B) and has been approved by the Attorney
2 General.

3 “(C) *PAYMENTS.*—The Attorney General
4 may use amounts appropriated to carry out this
5 section to make payments to a laboratory de-
6 scribed under subparagraph (B).

7 “(5) *AUDITS AND PUBLICATION OF DNA BACK-*
8 *LOGS IN SEXUAL ASSAULT CASES.*—

9 “(A) *IN GENERAL.*—A plan described in
10 paragraph (2)(A) shall require the State or unit
11 of local government to submit to the Attorney
12 General an audit every 2 years reflecting the
13 backlog for DNA case work in sexual assault
14 cases within the jurisdiction in which the funds
15 will be used, including a specific breakdown of
16 cases, as determined by the Director (in con-
17 sultation with Federal, State, and local law en-
18 forcement agencies and government laboratories
19 under subsection (b)(1)), and the percentage of
20 the amounts received under the grant allocated to
21 reducing the backlog of DNA case work in sexual
22 assault cases.

23 “(B) *COMPILATION.*—The Attorney General
24 shall annually compile and publish the audits

1 *submitted under subparagraph (A) on the*
2 *website of the Department of Justice.*

3 “(d) *FORMULA FOR DISTRIBUTION OF GRANTS.—*

4 “(1) *IN GENERAL.—Subject to paragraphs (2)*
5 *and (3), the Attorney General shall distribute grant*
6 *amounts, and establish appropriate grant conditions*
7 *under this section, in conformity with a formula or*
8 *formulas that are designed to effectuate a distribution*
9 *of funds among States and units of local government*
10 *applying for grants under this section that—*

11 “(A) *maximizes the effective use of DNA*
12 *technology to solve crimes and protect public*
13 *safety; and*

14 “(B) *allocates grants among States and*
15 *units of local government fairly and efficiently,*
16 *across rural and urban jurisdictions, to address*
17 *States and units of local government in which*
18 *significant backlogs for DNA case work exist, by*
19 *considering—*

20 “(i) *the number of offender and case-*
21 *work samples awaiting testing in a State or*
22 *unit of local government;*

23 “(ii) *the population in the State or*
24 *unit of local government;*

1 “(iii) the number of part 1 violent
2 crimes in the State or unit of local govern-
3 ment; and

4 “(iv) the availability of resources to
5 train emergency response providers, law en-
6 forcement personnel, prosecutors, and crime
7 laboratory personnel on the effectiveness of
8 appropriate and timely DNA collection,
9 processing, and analysis.

10 “(2) *MINIMUM AMOUNT.*—The Attorney General
11 shall allocate to each State not less than 0.50 percent
12 of the total amount appropriated in a fiscal year for
13 grants under this section, except that the United
14 States Virgin Islands, American Samoa, Guam, and
15 the Northern Mariana Islands shall each be allocated
16 0.125 percent of the total amount appropriated in a
17 fiscal year for grants under this section.

18 “(3) *LIMITATION.*—In distributing grant
19 amounts under paragraph (1), the Attorney General
20 shall ensure that for each of fiscal years 2013 through
21 2017, not less than 75 percent of the grant amounts
22 are awarded for purposes described in subparagraphs
23 (A), (B), or (C) of subsection (c)(1).

24 “(4) *AUDIT LIMITATION.*—Not more than 3 per-
25 cent of the amount awarded under a grant under this

1 *section may be used to conduct an audit under sub-*
2 *section (c)(5).*

3 “(e) *RESTRICTIONS ON USE OF FUNDS.—*

4 “(1) *NONSUPPLANTING.—Funds made available*
5 *under this section shall not be used to supplant funds*
6 *of a State or unit of local government, and shall be*
7 *used to increase the amount of funds that would, in*
8 *the absence of Federal funds, be made available from*
9 *the State or unit of local government for the purposes*
10 *described in this Act.*

11 “(2) *ADMINISTRATIVE COSTS.—A State or unit*
12 *of local government may not use more than 3 percent*
13 *of the amounts made available under a grant under*
14 *this section for administrative expenses relating to the*
15 *grant.*

16 “(f) *REPORTS TO THE ATTORNEY GENERAL.—Each*
17 *State or unit of local government that receives a grant*
18 *under this section shall submit to the Attorney General, for*
19 *each year in which funds from a grant received under this*
20 *section are expended, a report at such time and in such*
21 *manner as the Attorney General may reasonably require,*
22 *that contains—*

23 “(1) *a summary of the activities carried out*
24 *under the grant and an assessment of whether such*

1 *activities are meeting the needs identified in the ap-*
2 *plication; and*

3 *“(2) such other information as the Attorney Gen-*
4 *eral may require.*

5 *“(g) REPORTS TO CONGRESS.—Not later than 90 days*
6 *after the end of each fiscal year for which grants are made*
7 *under this section, the Attorney General shall submit to*
8 *Congress a report that includes—*

9 *“(1) the aggregate amount of grants made under*
10 *this section to each State or unit of local government*
11 *for the fiscal year;*

12 *“(2) a summary of the information provided by*
13 *States or units of local government receiving grants*
14 *under this section; and*

15 *“(3) a description of the priorities and plan for*
16 *awarding grants among eligible States and units of*
17 *local government, and how the plan will ensure the ef-*
18 *fective use of DNA technology to solve crimes and pro-*
19 *tect public safety.*

20 *“(h) EXPENDITURE RECORDS.—*

21 *“(1) IN GENERAL.—Each State or unit of local*
22 *government that receives a grant under this section*
23 *shall keep such records as the Attorney General may*
24 *require to facilitate an effective audit of the receipt*
25 *and use of grant funds received under this section.*

1 “(2) *ACCESS.*—*Each State or unit of local gov-*
2 *ernment that receives a grant under this section shall*
3 *make available, for the purpose of audit and exam-*
4 *ination, any records relating to the receipt or use of*
5 *the grant.*

6 “(i) *USE OF FUNDS FOR ACCREDITATION AND AU-*
7 *DITS.*—*The Attorney General may distribute not more than*
8 *1 percent of the amounts made available for grants under*
9 *this section for a fiscal year—*

10 “(1) *to States or units of local government to de-*
11 *fray the costs incurred by laboratories operated by*
12 *each such State or unit of local government in pre-*
13 *paring for accreditation or reaccreditation;*

14 “(2) *in the form of additional grants to States,*
15 *units of local government, or nonprofit professional*
16 *organizations of persons actively involved in forensic*
17 *science and nationally recognized within the forensic*
18 *science community to—*

19 “(A) *defray the costs of external audits of*
20 *laboratories operated by the State or unit of local*
21 *government, which participates in the National*
22 *DNA Index System, to determine whether the*
23 *laboratory is in compliance with quality assur-*
24 *ance standards;*

1 “(B) assess compliance with any plans sub-
2 mitted to the Director that detail the use of funds
3 received by States or units of local government
4 under this section; and

5 “(C) support capacity building efforts; and

6 “(3) in the form of additional grants to non-
7 profit professional associations actively involved in
8 forensic science and nationally recognized within the
9 forensic science community to defray the costs of
10 training persons who conduct external audits of lab-
11 oratories operated by States and units of local govern-
12 ment and which participate in the National DNA
13 Index System.

14 “(j) *USE OF FUNDS FOR OTHER FORENSIC*
15 *SCIENCES.*—The Attorney General may make a grant
16 under this section to a State or unit of local government
17 to alleviate a backlog of cases with respect to a forensic
18 science other than DNA analysis if the State or unit of local
19 government—

20 “(1) certifies to the Attorney General that in
21 such State or unit—

22 “(A) all of the purposes set forth in sub-
23 section (c) have been met;

1 “(B) there is not a backlog for DNA case
2 work, as defined by the Director in accordance
3 with subsection (b)(3); and

4 “(C) there is no need for significant labora-
5 tory equipment, supplies, or additional personnel
6 for timely processing of DNA case work or of
7 fender samples; and

8 “(2) demonstrates to the Attorney General that
9 the State or unit of local government requires assist-
10 ance in alleviating a backlog of cases involving a fo-
11 rensic science other than DNA analysis.

12 “(k) EXTERNAL AUDITS AND REMEDIAL EFFORTS.—
13 If a laboratory operated by a State or unit of local govern-
14 ment which has received funds under this section has under-
15 gone an external audit conducted to determine whether the
16 laboratory is in compliance with standards established by
17 the Director of the Federal Bureau of Investigation, and,
18 as a result of the audit, identifies measures to remedy defi-
19 ciencies with respect to the compliance by the laboratory
20 with the standards, the State or unit of local government
21 shall implement any such remediation as soon as prac-
22 ticable.

23 “(l) PENALTY FOR NONCOMPLIANCE.—

24 “(1) IN GENERAL.—The Attorney General shall
25 annually compile a list of the States and units of

1 *local government receiving a grant under this section*
2 *that have failed to provide the information required*
3 *under subsection (c)(5)(A) or (f). The Attorney Gen-*
4 *eral shall publish each list compiled under this para-*
5 *graph on the website of the Department of Justice.*

6 “(2) *REDUCTION IN GRANT FUNDS.—For any*
7 *State or local government that the Attorney General*
8 *determines has failed to provide the information re-*
9 *quired under subsection (c)(5)(A) or (f), the Attorney*
10 *General may not award a grant under this section for*
11 *the fiscal year after the fiscal year to which the deter-*
12 *mination relates in an amount that is more than 50*
13 *percent of the amount the State or local government*
14 *would have otherwise received.*

15 “(m) *AUTHORIZATION OF APPROPRIATIONS.—There*
16 *are authorized to be appropriated to the Attorney General*
17 *for grants under this section \$151,000,000 for each of fiscal*
18 *years 2013 through 2017.”.*

19 (b) *REPORT.—*

20 (1) *EVALUATION.—*

21 (A) *IN GENERAL.—Not later than 180 days*
22 *after the date of enactment of this Act, the Direc-*
23 *tor of the Federal Bureau of Investigation shall*
24 *evaluate the performance, technical proficiency,*
25 *adherence to quality assurance standards, and*

1 *other policies, standards, and protocols relating*
2 *to the use of private laboratories in the analysis*
3 *of DNA evidence.*

4 (B) *CONDUCT OF EVALUATION.*—*The eval-*
5 *uation under this paragraph shall—*

6 (i) *include the mandatory technical re-*
7 *view of the analysis of DNA evidence by a*
8 *private laboratory on behalf of a public lab-*
9 *oratory before uploading the DNA profiles*
10 *into the Combined DNA Index System of*
11 *the Federal Bureau of Investigation; and*

12 (ii) *prioritize the need to guarantee the*
13 *integrity of the Combined DNA Index Sys-*
14 *tem.*

15 (2) *COMMENTS.*—*The Director shall provide an*
16 *opportunity for interested parties, including public*
17 *and private laboratories and State and local law en-*
18 *forcement agencies, to comment on the findings of the*
19 *evaluation under paragraph (1) before the report is*
20 *submitted to Congress in accordance with paragraph*
21 *(3).*

22 (3) *REPORT TO CONGRESS.*—*Not later than 60*
23 *days after the date on which the Director of the Fed-*
24 *eral Bureau of Investigation completes the evaluation*
25 *under paragraph (1), the Director shall submit to*

1 Congress a report of the findings of the evaluation
2 and any proposed policy changes.

3 (c) *TRANSITION PROVISION.*—

4 (1) *DEFINITION.*—*In this subsection, the term*
5 *“transition date” means the day after the latter of—*

6 (A) *the date on which the Director of the*
7 *National Institute of Justice publishes a defini-*
8 *tion of the term “backlog for DNA case work” in*
9 *accordance with section 2(b)(3) of the DNA*
10 *Analysis Backlog Elimination Act of 2000, as*
11 *amended by subsection (a); and*

12 (B) *the date on which the Director of the*
13 *National Institute of Justice publishes a descrip-*
14 *tion of protocols and practices in accordance*
15 *with section 2(b)(1) of the DNA Analysis Back-*
16 *log Elimination Act of 2000, as amended by sub-*
17 *section (a).*

18 (2) *TRANSITION.*—*Notwithstanding the amend-*
19 *ments made by subsection (a)—*

20 (A) *the Attorney General may make grants*
21 *under section 2 of the DNA Analysis Backlog*
22 *Elimination Act of 2000 (42 U.S.C. 14135), as*
23 *in effect on the day before the date of enactment*
24 *of this Act, until the end of the fiscal year dur-*
25 *ing which the transition date occurs; and*

1 (B) the Attorney General may not make a
2 grant under section 2 of the DNA Analysis Back-
3 log Elimination Act of 2000, as amended by sub-
4 section (a), until the start of the first full fiscal
5 year after the transition date.

6 **SEC. 104. RAPE EXAM PAYMENTS.**

7 Section 2010 of title I of the Omnibus Crime Control
8 and Safe Streets Act of 1968 (42 U.S.C. 3796gg-4) is
9 amended—

10 (1) in subsection (a)(1)—

11 (A) by striking “entity incurs the full” and
12 inserting the following: “entity—

13 “(A) incurs the full”;

14 (B) by striking the period at the end and
15 inserting “; and”; and

16 (C) by adding at the end the following:

17 “(B) coordinates with regional health care
18 providers to notify victims of sexual assault of
19 the availability of rape exams at no cost to the
20 victims.”;

21 (2) in subsection (b)—

22 (A) in paragraph (1), by adding “or” at the
23 end;

24 (B) in paragraph (2), by striking “; or”
25 and inserting a period; and

1 (C) by striking paragraph (3); and
2 (3) in subsection (d), by striking “(d) RULE OF
3 CONSTRUCTION.—” and all that follows through the
4 end of paragraph (1) and inserting the following:

5 “(d) NONCOOPERATION.—

6 “(1) IN GENERAL.—To be in compliance with
7 this section, a State, Indian tribal government, or
8 unit of local government shall comply with subsection
9 (b) without regard to whether the victim participates
10 in the criminal justice system or cooperates with law
11 enforcement.”.

12 **SEC. 105. ADDITIONAL REAUTHORIZATIONS.**

13 (a) DNA TRAINING AND EDUCATION FOR LAW EN-
14 FORCEMENT.—Section 303(b) of the Justice for All Act of
15 2004 (42 U.S.C. 14136(b)) is amended by striking
16 “\$12,500,000 for each of fiscal years 2009 through 2014”
17 and inserting “\$5,000,000 for each of fiscal years 2013
18 through 2017”.

19 (b) SEXUAL ASSAULT FORENSIC EXAM PROGRAM
20 GRANTS.—Section 304(c) of the Justice for All Act of 2004
21 (42 U.S.C. 14136a(c)) is amended by striking “\$30,000,000
22 for each of fiscal years 2009 through 2014” and inserting
23 “\$15,000,000 for each of fiscal years 2013 through 2017”.

24 (c) DNA RESEARCH AND DEVELOPMENT.—Section
25 305(c) of the Justice for All Act of 2004 (42 U.S.C.

1 14136b(c)) is amended by striking “\$15,000,000 for each
2 of fiscal years 2005 through 2009” and inserting
3 “\$5,000,000 for each of fiscal years 2013 through 2017”.

4 (d) *FBI DNA PROGRAMS*.—Section 307(a) of the Jus-
5 tice for All Act of 2004 (Public Law 108–405; 118 Stat.
6 2275) is amended by striking “\$42,100,000 for each of fiscal
7 years 2005 through 2009” and inserting “\$10,000,000 for
8 each of fiscal years 2013 through 2017”.

9 (e) *DNA IDENTIFICATION OF MISSING PERSONS*.—
10 Section 308(c) of the Justice for All Act of 2004 (42 U.S.C.
11 14136d(c)) is amended by striking “fiscal years 2005
12 through 2009” and inserting “fiscal years 2013 through
13 2017”.

14 **SEC. 106. PAUL COVERDELL FORENSIC SCIENCES IMPROVE-**
15 **MENT GRANTS.**

16 Section 1001(a)(24) of title I of the Omnibus Crime
17 Control and Safe Streets Act of 1968 (42 U.S.C.
18 3793(a)(24)) is amended—

19 (1) in subparagraph (H), by striking “and” at
20 the end;

21 (2) in subparagraph (I), by striking the period
22 at the end and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(J) \$25,000,000 for each of fiscal years
25 2013 through 2017.”.

1 **SEC. 107. IMPROVING THE QUALITY OF REPRESENTATION**
2 **IN STATE CAPITAL CASES.**

3 *Section 426 of the Justice for All Act of 2004 (42*
4 *U.S.C. 14163e) is amended—*

5 *(1) in subsection (a), by striking “\$75,000,000*
6 *for each of fiscal years 2005 through 2009” and in-*
7 *serting “\$30,000,000 for each of fiscal years 2013*
8 *through 2017”; and*

9 *(2) in subsection (b), by inserting before the pe-*
10 *riod at the end the following: “, or upon a showing*
11 *of good cause, and at the discretion of the Attorney*
12 *General, the State may determine a fair allocation of*
13 *funds across the uses described in sections 421 and*
14 *422”.*

15 **SEC. 108. POST-CONVICTION DNA TESTING.**

16 *(a) IN GENERAL.—Section 3600 of title 18, United*
17 *States Code, is amended—*

18 *(1) in subsection (a)—*

19 *(A) in paragraph (1)(B)(i), by striking*
20 *“death”; and*

21 *(B) in paragraph (3)(A), by striking “and*
22 *the applicant did not—” and all that follows*
23 *through “knowingly fail to request” and insert-*
24 *ing “and the applicant did not knowingly fail to*
25 *request”; and*

26 *(2) in subsection (g)(2)(B), by striking “death”.*

1 (b) *PRESERVATION OF BIOLOGICAL EVIDENCE.*—*Sec-*
 2 *tion 3600A(c) of title 18, United States Code, is amended—*

3 (1) *by striking paragraph (2); and*

4 (2) *by redesignating paragraphs (3), (4), and (5)*
 5 *as paragraphs (2), (3), and (4), respectively.*

6 **SEC. 109. INCENTIVE GRANTS TO STATES TO ENSURE CON-**
 7 **SIDERATION OF CLAIMS OF ACTUAL INNO-**
 8 **CENCE.**

9 (a) *IN GENERAL.*—*Section 413 of the Justice for All*
 10 *Act of 2004 (42 U.S.C. 14136 note) is amended—*

11 (1) *in the matter preceding paragraph (1), by*
 12 *striking “fiscal years 2005 through 2009” and insert-*
 13 *ing “fiscal years 2013 through 2017”; and*

14 (2) *by striking paragraph (2) and inserting the*
 15 *following:*

16 “(2) *for eligible entities that are a State or unit*
 17 *of local government, provide a certification by the*
 18 *chief legal officer of the State in which the eligible en-*
 19 *tity operates or the chief legal officer of the jurisdic-*
 20 *tion in which the funds will be used for the purposes*
 21 *of the grants, that the State or jurisdiction—*

22 “(A) *provides DNA testing of specified evi-*
 23 *dence under a State statute or a State or local*
 24 *rule or regulation to persons convicted after trial*
 25 *and under a sentence of imprisonment or death*

1 *for a State felony offense, in a manner intended*
2 *to ensure a reasonable process for resolving*
3 *claims of actual innocence that ensures post-con-*
4 *viction DNA testing in at least those cases that*
5 *would be covered by section 3600(a) of title 18,*
6 *United States Code, had they been Federal cases,*
7 *and, if the results of the testing exclude the ap-*
8 *plicant as the perpetrator of the offense, permits*
9 *the applicant to apply for post-conviction relief,*
10 *notwithstanding any provision of law that would*
11 *otherwise bar the application as untimely; and*

12 *“(B) preserves biological evidence, as de-*
13 *defined in section 3600A of title 18, United States*
14 *Code, under a State statute or a State or local*
15 *rule, regulation, or practice in a manner in-*
16 *tended to ensure that reasonable measures are*
17 *taken by the State or jurisdiction to preserve bio-*
18 *logical evidence secured in relation to the inves-*
19 *tigation or prosecution of, at a minimum, mur-*
20 *der, non-negligent manslaughter, and sexual of-*
21 *fenses.”.*

22 **(b) AUTHORIZATION OF APPROPRIATIONS.**—*Section*
23 *412(b) of the Justice for All Act of 2004 (42 U.S.C.*
24 *14136e(b)) is amended—*

1 (1) by striking “fiscal years 2005 through 2009”
2 and inserting “fiscal years 2013 through 2017”; and
3 (2) by striking “\$5,000,000” and inserting
4 “\$10,000,000”.

5 **SEC. 110. ESTABLISHMENT OF BEST PRACTICES FOR EVI-**
6 **DENCE RETENTION.**

7 (a) *IN GENERAL.*—Subtitle A of title IV of the Justice
8 *for All Act of 2004 (Public Law 108–405; 118 Stat. 2278)*
9 *is amended by adding at the end the following:*

10 **“SEC. 414. ESTABLISHMENT OF BEST PRACTICES FOR EVI-**
11 **DENCE RETENTION.**

12 “(a) *IN GENERAL.*—The Director of the National In-
13 *stitute of Justice, in consultation with Federal, State, and*
14 *local law enforcement agencies and government laboratories,*
15 *shall—*

16 “(1) *establish best practices for evidence reten-*
17 *tion to focus on the preservation of biological evi-*
18 *dence; and*

19 “(2) *assist State, local, and tribal governments*
20 *in adopting and implementing the best practices es-*
21 *tablished under paragraph (1).*

22 “(b) *DEADLINE.*—Not later than 1 year after the date
23 *of enactment of this section, the Director of the National*
24 *Institute of Justice shall publish the best practices estab-*
25 *lished under subsection (a)(1).*

1 “(c) *LIMITATION.*—*Nothing in this section shall be*
2 *construed to require or obligate compliance with the best*
3 *practices established under subsection (a)(1).*”

4 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
5 *table of contents in section 1(b) of the Justice for All Act*
6 *of 2004 (Public Law 108–405; 118 Stat. 2260) is amended*
7 *by inserting after the item relating to section 413 the fol-*
8 *lowing:*

 “*Sec. 414. Establishment of best practices for evidence retention.*”

9 **SEC. 111. EFFECTIVE ADMINISTRATION OF CRIMINAL JUS-**
10 **TICE.**

11 (a) *SHORT TITLE.*—*This section may be cited as the*
12 *“Effective Administration of Criminal Justice Act of 2012”.*

13 (b) *STRATEGIC PLANNING.*—*Section 502 of title I of*
14 *the Omnibus Crime Control and Safe Streets Act of 1968*
15 *(42 U.S.C. 3752) is amended—*

16 (1) *by inserting “(a) IN GENERAL.—” before “To*
17 *request a grant”; and*

18 (2) *by adding at the end the following:*

19 “*(6) A comprehensive State-wide plan detailing*
20 *how grants received under this section will be used to*
21 *improve the administration of the criminal justice*
22 *system, which shall—*

23 “*(A) be designed in consultation with local*
24 *governments, and all segments of the criminal*
25 *justice system, including judges, prosecutors, law*

1 *enforcement personnel, corrections personnel, and*
2 *providers of indigent defense services, victim*
3 *services, juvenile justice delinquency prevention*
4 *programs, community corrections, and reentry*
5 *services;*

6 “(B) *include a description of how the State*
7 *will allocate funding within and among each of*
8 *the uses described in subparagraphs (A) through*
9 *(G) of section 501(a)(1);*

10 “(C) *describe the process used by the State*
11 *for gathering evidence-based data and developing*
12 *and using evidence-based and evidence-gathering*
13 *approaches in support of funding decisions; and*

14 “(D) *be updated every 5 years, with annual*
15 *progress reports that—*

16 “(i) *address changing circumstances in*
17 *the State, if any;*

18 “(ii) *describe how the State plans to*
19 *adjust funding within and among each of*
20 *the uses described in subparagraphs (A)*
21 *through (G) of section 501(a)(1);*

22 “(iii) *provide an ongoing assessment of*
23 *need;*

1 “(iv) *discuss the accomplishment of*
2 *goals identified in any plan previously pre-*
3 *pared under this paragraph; and*

4 “(v) *reflect how the plan influenced*
5 *funding decisions in the previous year.*

6 “(b) *TECHNICAL ASSISTANCE.—*

7 “(1) *STRATEGIC PLANNING.—Not later than 90*
8 *days after the date of enactment of this subsection, the*
9 *Attorney General shall begin to provide technical as-*
10 *istance to States and local governments requesting*
11 *support to develop and implement the strategic plan*
12 *required under subsection (a)(6).*

13 “(2) *PROTECTION OF CONSTITUTIONAL*
14 *RIGHTS.—Not later than 90 days after the date of en-*
15 *actment of this subsection, the Attorney General shall*
16 *begin to provide technical assistance to States and*
17 *local governments, including any agent thereof with*
18 *responsibility for administration of justice, requesting*
19 *support to meet the obligations established by the*
20 *Sixth Amendment to the Constitution of the United*
21 *States, which shall include—*

22 “(A) *public dissemination of practices,*
23 *structures, or models for the administration of*
24 *justice consistent with the requirements of the*
25 *Sixth Amendment; and*

1 “(B) assistance with adopting and imple-
2 menting a system for the administration of jus-
3 tice consistent with the requirements of the Sixth
4 Amendment.

5 “(3) *AUTHORIZATION OF APPROPRIATIONS.*—
6 *There is authorized to be appropriated \$5,000,000 for*
7 *each of fiscal years 2013 through 2017 to carry out*
8 *this subsection.”.*

9 (c) *APPLICABILITY.*—*The requirement to submit a*
10 *strategic plan under section 501(a)(6) of title I of the Omni-*
11 *bus Crime Control and Safe Streets Act of 1968, as added*
12 *by subsection (b), shall apply to any application submitted*
13 *under such section 501 for a grant for any fiscal year begin-*
14 *ning after the date that is 1 year after the date of enactment*
15 *of this Act.*

16 **SEC. 112. OVERSIGHT AND ACCOUNTABILITY.**

17 *All grants awarded by the Department of Justice that*
18 *are authorized under this Act shall be subject to the fol-*
19 *lowing:*

20 (1) *AUDIT REQUIREMENT.*—*Beginning in fiscal*
21 *year 2013, and each fiscal year thereafter, the Inspec-*
22 *tor General of the Department of Justice shall conduct*
23 *audits of recipients of grants under this Act to pre-*
24 *vent waste, fraud, and abuse of funds by grantees.*

1 *The Inspector General shall determine the appro-*
2 *prate number of grantees to be audited each year.*

3 (2) *MANDATORY EXCLUSION.*—*A recipient of*
4 *grant funds under this Act that is found to have an*
5 *unresolved audit finding shall not be eligible to re-*
6 *ceive grant funds under this Act during the 2 fiscal*
7 *years beginning after the 12-month period described*
8 *in paragraph (5).*

9 (3) *PRIORITY.*—*In awarding grants under this*
10 *Act, the Attorney General shall give priority to eligi-*
11 *ble entities that, during the 3 fiscal years before sub-*
12 *mitting an application for a grant under this Act,*
13 *did not have an unresolved audit finding showing a*
14 *violation in the terms or conditions of a Department*
15 *of Justice grant program.*

16 (4) *REIMBURSEMENT.*—*If an entity is awarded*
17 *grant funds under this Act during the 2-fiscal-year*
18 *period in which the entity is barred from receiving*
19 *grants under paragraph (2), the Attorney General*
20 *shall—*

21 (A) *deposit an amount equal to the grant*
22 *funds that were improperly awarded to the*
23 *grantee into the General Fund of the Treasury;*
24 *and*

1 (B) seek to recoup the costs of the repay-
2 ment to the fund from the grant recipient that
3 was erroneously awarded grant funds.

4 (5) *DEFINED TERM.*—In this section, the term
5 “unresolved audit finding” means an audit report
6 finding in the final audit report of the Inspector Gen-
7 eral of the Department of Justice that the grantee has
8 utilized grant funds for an unauthorized expenditure
9 or otherwise unallowable cost that is not closed or re-
10 solved within a 12-month period beginning on the
11 date when the final audit report is issued.

12 (6) *NONPROFIT ORGANIZATION REQUIRE-*
13 *MENTS.*—

14 (A) *DEFINITION.*—For purposes of this sec-
15 tion and the grant programs described in this
16 Act, the term “nonprofit organization” means
17 an organization that is described in section
18 501(c)(3) of the Internal Revenue Code of 1986
19 and is exempt from taxation under section
20 501(a) of such Code.

21 (B) *PROHIBITION.*—The Attorney General
22 shall not award a grant under any grant pro-
23 gram described in this Act to a nonprofit organi-
24 zation that holds money in offshore accounts for
25 the purpose of avoiding paying the tax described

1 *in section 511(a) of the Internal Revenue Code*
2 *of 1986.*

3 (C) *DISCLOSURE.—Each nonprofit organi-*
4 *zation that is awarded a grant under a grant*
5 *program described in this Act and uses the pro-*
6 *cedures prescribed in regulations to create a re-*
7 *buttable presumption of reasonableness for the*
8 *compensation of its officers, directors, trustees*
9 *and key employees, shall disclose to the Attorney*
10 *General, in the application for the grant, the*
11 *process for determining such compensation, in-*
12 *cluding the independent persons involved in re-*
13 *viewing and approving such compensation, the*
14 *comparability data used, and contemporaneous*
15 *substantiation of the deliberation and decision.*
16 *Upon request, the Attorney General shall make*
17 *the information disclosed under this subsection*
18 *available for public inspection.*

19 (7) *ADMINISTRATIVE EXPENSES.—Unless other-*
20 *wise explicitly provided in authorizing legislation,*
21 *not more than 7.5 percent of the amounts authorized*
22 *to be appropriated under this Act may be used by the*
23 *Attorney General for salaries and administrative ex-*
24 *penses of the Department of Justice.*

25 (8) *CONFERENCE EXPENDITURES.—*

1 (A) *LIMITATION.*—No amounts authorized
2 to be appropriated to the Department of Justice
3 under this Act may be used by the Attorney Gen-
4 eral or by any individual or organization
5 awarded discretionary funds through a coopera-
6 tive agreement under this Act, to host or support
7 any expenditure for conferences that uses more
8 than \$20,000 in Department funds, unless the
9 Deputy Attorney General or the appropriate As-
10 sistant Attorney General, Director, or principal
11 deputy as the Deputy Attorney General may des-
12 ignate, provides prior written authorization that
13 the funds may be expended to host a conference.

14 (B) *WRITTEN APPROVAL.*—Written ap-
15 proval under subparagraph (A) shall include a
16 written estimate of all costs associated with the
17 conference, including the cost of all food and bev-
18 erages, audio/visual equipment, honoraria for
19 speakers, and any entertainment.

20 (C) *REPORT.*—The Deputy Attorney Gen-
21 eral shall submit an annual report to the Com-
22 mittee on the Judiciary of the Senate and the
23 Committee on the Judiciary of the House of Rep-
24 resentatives on all conference expenditures ap-
25 proved by operation of this paragraph.

1 (9) *PROHIBITION ON LOBBYING ACTIVITY.*—

2 (A) *IN GENERAL.*—Amounts authorized to
3 be appropriated under this Act may not be uti-
4 lized by any grant recipient to—

5 (i) lobby any representative of the De-
6 partment of Justice regarding the award of
7 grant funding; or

8 (ii) lobby any representative of a Fed-
9 eral, state, local, or tribal government re-
10 garding the award of grant funding.

11 (B) *PENALTY.*—If the Attorney General de-
12 termines that any recipient of a grant under this
13 Act has violated subparagraph (A), the Attorney
14 General shall—

15 (i) require the grant recipient to repay
16 the grant in full; and

17 (ii) prohibit the grant recipient from
18 receiving another grant under this Act for
19 not less than 5 years.

20 **TITLE II—KATIE SEPICH EN-**
21 **HANCED DNA COLLECTION**
22 **ACT OF 2012**

23 **SEC. 201. SHORT TITLE.**

24 This title may be cited as the “Katie Sepich Enhanced
25 DNA Collection Act of 2012”.

1 **SEC. 202. DEFINITIONS.**

2 *For purposes of this title:*

3 (1) *MINIMUM DNA COLLECTION PROCESS.*—*The*
4 *term “minimum DNA collection process” means, with*
5 *respect to a State, a process under which the Com-*
6 *bined DNA Index System (CODIS) of the Federal Bu-*
7 *reau of Investigation is searched at least 1 time*
8 *against samples from the following individuals who*
9 *are at least 18 years of age:*

10 (A) *Individuals who are arrested for or*
11 *charged with a criminal offense under State law*
12 *that consists of murder or voluntary man-*
13 *slaughter.*

14 (B) *Individuals who are arrested for or*
15 *charged with a criminal offense under State law*
16 *that involves a sexual act or sexual contact with*
17 *another and that is punishable by imprisonment*
18 *for more than 5 years.*

19 (C) *Individuals who are arrested for or*
20 *charged with a criminal offense under State law*
21 *that involves kidnapping or abduction and that*
22 *is punishable by imprisonment for more than 5*
23 *years.*

24 (2) *ENHANCED DNA COLLECTION PROCESS.*—*The*
25 *term “enhanced DNA collection process” means, with*
26 *respect to a State, a process under which the State*

1 provides for the collection, for purposes of inclusion in
2 the Combined DNA Index System (CODIS) of the
3 Federal Bureau of Investigation, of DNA samples
4 from the following individuals who are at least 18
5 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 involves a sexual act or sexual contact with
13 another and that is punishable by imprisonment
14 for more than 1 year.

15 (C) Individuals who are arrested for or
16 charged with a criminal offense under State law
17 that involves kidnapping or abduction and that
18 is punishable by imprisonment for more than 1
19 year.

20 (D) Individuals who are arrested for or
21 charged with a criminal offense under State law
22 that consists of burglary punishable by impris-
23 onment for more than 1 year.

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

1 *that consists of assault punishable by imprison-*
2 *ment for more than 1 year.*

3 (3) *STATE.*—*The term “State” means any State*
4 *of the United States, the District of Columbia, the*
5 *Commonwealth of Puerto Rico, the Virgin Islands,*
6 *American Samoa, Guam, and the Commonwealth of*
7 *the Northern Mariana Islands.*

8 **SEC. 203. GRANTS TO STATES TO IMPLEMENT MINIMUM**
9 **AND ENHANCED DNA COLLECTION PROC-**
10 **ESSES.**

11 (a) *GRANTS AUTHORIZED.*—*The Attorney General*
12 *shall, subject to amounts made available pursuant to section*
13 *205, carry out a grant program for the purpose of assisting*
14 *States with the costs associated with the implementation of*
15 *minimum or enhanced DNA collection processes.*

16 (b) *APPLICATIONS.*—

17 (1) *IN GENERAL.*—*To be eligible to receive a*
18 *grant under this section, in addition to any other re-*
19 *quirements specified by the Attorney General, a State*
20 *shall submit to the Attorney General an application*
21 *that demonstrates that it has statutory authorization*
22 *for the implementation of either a minimum or en-*
23 *hanced DNA collection process.*

24 (2) *NON-SUPPLANTING FUNDS.*—*An application*
25 *submitted under paragraph (1) by a State shall in-*

1 *clude assurances that the amounts received under the*
2 *grant under this section shall be used to supplement,*
3 *not supplant, State funds that would otherwise be*
4 *available for the purpose described in subsection (a).*

5 *(3) OTHER REQUIREMENTS.—The Attorney Gen-*
6 *eral shall require a State seeking a grant under this*
7 *section to document how such State will use the grant*
8 *to meet expenses associated with a State’s implemen-*
9 *tation or planned implementation of a minimum or*
10 *enhanced DNA collection process.*

11 *(c) GRANT ALLOCATION.—*

12 *(1) IN GENERAL.—The amount available to a*
13 *State under this section shall be based on the pro-*
14 *jected costs that will be incurred by the State to im-*
15 *plement a minimum or enhanced DNA collection*
16 *process. Subject to paragraph (2), the Attorney Gen-*
17 *eral shall retain discretion to determine the amount*
18 *of each such grant awarded to an eligible State.*

19 *(2) MAXIMUM GRANT ALLOCATION.—*

20 *(A) STATES MEETING MINIMUM DNA COL-*
21 *LECTION PROCESS.—In the case of a State seek-*
22 *ing a grant under this section with respect to the*
23 *implementation of a minimum DNA collection*
24 *process, such State shall be eligible for a grant*
25 *under this section that is equal to no more than*

1 50 percent of the first year costs to the State of
2 implementing such process.

3 (B) STATES MEETING ENHANCED DNA COL-
4 LECTION PROCESS.—In the case of a State seek-
5 ing a grant under this section with respect to the
6 implementation of an enhanced DNA collection
7 process, such State shall be eligible for a grant
8 under this section that is equal to no more than
9 100 percent of the first year costs to the State of
10 implementing such process.

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

14 (1) provide written notification of expungement
15 provisions and instructions for requesting
16 expungement to all persons who submit a DNA sam-
17 ple for inclusion in the index;

18 (2) provide the eligibility criteria for
19 expungement and instructions for requesting
20 expungement on an appropriate public website; and

21 (3) make a determination on all expungement
22 requests not later than 90 days after receipt and pro-
23 vide a written response of the determination to the re-
24 questing party.

1 **SEC. 204. EXPUNGEMENT OF PROFILES.**

2 *The expungement requirements under section*
3 *210304(d) of the DNA Identification Act of 1994 (42 U.S.C.*
4 *14132(d)) shall apply to any samples collected pursuant to*
5 *this title for purposes of inclusion in the Combined DNA*
6 *Index System (CODIS) of the Federal Bureau of Investiga-*
7 *tion.*

8 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

9 *There are authorized to be appropriated to carry out*
10 *this title up to \$10,000,000 for each of fiscal years 2013*
11 *through 2015, to be derived from amounts appropriated*
12 *pursuant to subsection (m) of section 2 of the DNA Analysis*
13 *Backlog Elimination Act of 2000, as amended by section*
14 *103 of this Act, in each such fiscal year for grants under*
15 *such section.*

16 **SEC. 206. REPORTS.**

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

21 *(1) lists the States, for the year involved—*

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

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

4 (2) includes statistics, with respect to the year
5 involved, regarding the benefits to law enforcement re-
6 sulting from the implementation of minimum and en-
7 hanced DNA collection processes, including the num-
8 ber of matches made due to the inclusion of arrestee
9 profiles under such a process.

Calendar No. 435

112TH CONGRESS
2^D SESSION
S. 250

A BILL

To protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

JUNE 21, 2012

Reported with an amendment