

112TH CONGRESS  
1ST SESSION

# S. 254

To reduce the rape kit backlog and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2011

Mr. FRANKEN (for himself, Mr. GRASSLEY, Mrs. FEINSTEIN, Mr. BENNET, Mr. BURR, Mr. SANDERS, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To reduce the rape kit backlog 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 Survivors  
5       of Sexual Assault Act of 2011”.

6       **SEC. 2. 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)—

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

3 “(A) incurs the full”;

4 (B) by striking the period at the end and  
5 inserting “; and”; and

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

7 “(B) coordinates with regional health care  
8 providers to notify victims of sexual assault of  
9 the availability of rape exams at no cost to the  
10 victims.”;

11 (2) in subsection (b)—

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

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

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

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

20 “(d) NONCOOPERATION.—

21 “(1) IN GENERAL.—To be in compliance with  
22 this section, a State, Indian tribal government, or  
23 unit of local government shall comply with sub-  
24 section (b) without regard to whether the victim par-

1       ticipates in the criminal justice system or cooperates  
2       with law enforcement.”.

3 **SEC. 3. ADDITIONAL DEBBIE SMITH GRANT REQUIRE-**  
4                                   **MENTS.**

5       Section 2(f) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(f)) is amended to  
6       read as follows:  
7

8       “(f) REPORTS TO THE ATTORNEY GENERAL.—

9               “(1) IN GENERAL.—Each State or unit of local  
10       government that receives a grant under this section  
11       shall submit to the Attorney General, for each year  
12       in which funds from a grant received under this section  
13       is expended, a report at such time and in such  
14       manner as the Attorney General may reasonably require,  
15       which contains—

16               “(A) a summary of the activities carried  
17       out under the grant and an assessment of  
18       whether such activities are meeting the needs  
19       identified in the application;

20               “(B) a specific breakdown of the number  
21       of sexual assault cases that are in a backlog for  
22       DNA case work;

23               “(C) the percentage of the amounts received  
24       under the grant allocated to reducing the

1 backlog of DNA case work in sexual assault  
2 cases; and

3 “(D) such other information as the Attor-  
4 ney General may require.

5 “(2) PENALTY FOR NONCOMPLIANCE.—

6 “(A) ANNUAL LIST.—The Attorney Gen-  
7 eral shall on an annual basis—

8 “(i) compile a list of the States and  
9 units of local government receiving a grant  
10 under this section that have failed to pro-  
11 vide the information required under para-  
12 graph (1); and

13 “(ii) publish each list compiled under  
14 clause (i) on the Web site of the Depart-  
15 ment of Justice.

16 “(B) PENALTY.—If the Attorney General  
17 determines that a State or unit of local govern-  
18 ment has failed to provide the information re-  
19 quired under paragraph (1), the Attorney Gen-  
20 eral may not award a grant to the State or unit  
21 of local government under this section for the  
22 fiscal year beginning after the fiscal year in  
23 which the determination was made in an  
24 amount that is more than 50 percent of the  
25 amount the State or unit of local government

1 would have otherwise received under this sec-  
2 tion.”.

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