

106TH CONGRESS  
2D SESSION

# H. R. 4640

To make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2000

Mr. McCOLLUM (for himself, Mr. SCOTT, Mr. GILMAN, Mr. KENNEDY of Rhode Island, Mr. WEINER, and Mr. CHABOT) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “DNA Analysis Backlog  
3 Elimination Act of 2000”.

4 **SEC. 2. AUTHORIZATION OF GRANTS.**

5       (a) **AUTHORIZATION OF GRANTS.**—The Attorney  
6 General may make grants under this section to eligible  
7 States for use by the State to carry out, for inclusion in  
8 the Combined DNA Index System of the Federal Bureau  
9 of Investigation, DNA analyses of the following samples:

10           (1) Samples taken from individuals convicted of  
11 a qualifying State offense (as determined under sub-  
12 section (b)(2)).

13           (2) Samples from crime scenes, or victims of  
14 crime.

15       (b) **ELIGIBILITY.**—For a State to be eligible to re-  
16 ceive a grant under this section, the chief executive officer  
17 of the State shall submit to the Attorney General an appli-  
18 cation in such form and containing such information as  
19 the Attorney General may require. The application shall—

20           (1) provide assurances that the State has imple-  
21 mented, or will implement not later than 120 days  
22 after the date of such application, a comprehensive  
23 plan for the expeditious DNA analysis of samples in  
24 accordance with this section;

25           (2) include a certification that the State has de-  
26 termined, by statute, rule, or regulation, those vio-

1       lent or sexual offenses under State law that shall be  
2       considered for purposes of this section as qualifying  
3       State offenses; and

4           (3) specify the allocation that the State, in  
5       using grant amounts to carry out DNA analyses of  
6       samples, shall make as between samples specified in  
7       subsection (a)(1) and samples specified in subsection  
8       (a)(2).

9       (c) PREFERENCE.—Among States that propose to al-  
10      locate grant amounts under subsection (b)(3) to samples  
11      specified in subsection (a)(2), the Attorney General shall  
12      give a preference to a State if that State proposes to use  
13      such allocated amounts to conduct DNA analyses of those  
14      samples that relate to crimes in connection with which  
15      there are no suspects.

16      (d) COVERED SAMPLES.—

17           (1) IN GENERAL.—Except as provided in para-  
18      graph (2), the plan shall require the DNA analysis  
19      of each sample specified in paragraphs (1) and (2)  
20      of subsection (a) collected before the date of the en-  
21      actment of this Act but not analyzed before such  
22      date.

23           (2) CRIMES FOR WHICH STATUTE OF LIMITA-  
24      TIONS HAS EXPIRED.—In the case of a sample speci-  
25      fied in paragraph (2) of subsection (a), if the statute

1 of limitations has expired for each crime with re-  
2 spect to which the sample might reasonably be used  
3 as evidence in a court of law, the plan may (but  
4 need not) require the DNA analysis of that sample.

5 (e) ANALYSIS OF SAMPLES.—

6 (1) IN GENERAL.—The plan shall require that  
7 each DNA analysis be carried out in a laboratory  
8 that satisfies quality assurance standards and is—

9 (A) operated by the State; or

10 (B) operated by a private entity pursuant  
11 to a contract with the State.

12 (2) QUALITY ASSURANCE STANDARDS.—(A)  
13 The Director of the Federal Bureau of Investigation  
14 shall maintain and make available to States a de-  
15 scription of quality assurance protocols and practices  
16 that the Director considers adequate to assure the  
17 quality of a forensic laboratory.

18 (B) For purposes of paragraph (1), a labora-  
19 tory satisfies quality assurance standards if the  
20 laboratory—

21 (i) satisfies the protocols and practices re-  
22 ferred to in subparagraph (A)(i); or

23 (ii) is accredited by a nonprofit profes-  
24 sional association of persons actively involved in

1 forensic science that is nationally recognized  
2 within the forensic science community.

3 (f) RESTRICTIONS ON USE OF FUNDS.—

4 (1) FEDERAL SHARE.—The Federal share of a  
5 grant received under this section may not exceed 75  
6 percent of the total costs of the plan described in the  
7 application for the fiscal year for which the assist-  
8 ance is provided.

9 (2) NONSUPPLANTING.—Funds made available  
10 pursuant to this section shall not be used to sup-  
11 plant State funds, but shall be used to increase the  
12 amount of funds that would, in the absence of Fed-  
13 eral funds, be made available from State sources.

14 (3) ADMINISTRATIVE COSTS.—A State may not  
15 use more than three percent of the funds it receives  
16 from this section for administrative expenses.

17 (g) REPORTS TO THE ATTORNEY GENERAL.—Each  
18 State which receives a grant under this section shall sub-  
19 mit to the Attorney General, for each year in which funds  
20 from a grant received under this section is expended, a  
21 report at such time and in such manner as the Attorney  
22 General may reasonably require, which 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  
4 General may require.

5 (h) 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 the Congress a report that includes—

9 (1) the aggregate amount of grants made under  
10 this section to each State for such fiscal year; and

11 (2) a summary of the information provided by  
12 States receiving grants under this section.

13 (i) EXPENDITURE RECORDS.—

14 (1) IN GENERAL.—Each State which receives a  
15 grant under this section shall keep records as the  
16 Attorney General may require to facilitate an effec-  
17 tive audit of the receipt and use of grant funds re-  
18 ceived under this section.

19 (2) ACCESS.—Each State which receives a  
20 grant under this section shall make available, for the  
21 purpose of audit and examination, such records as  
22 are related to the receipt or use of any such grant.

23 (j) DEFINITION.—For purposes of this section, the  
24 term “State” means a State of the United States, the Dis-  
25 trict of Columbia, the Commonwealth of Puerto Rico, the

1 United States Virgin Islands, American Samoa, Guam,  
2 and the Northern Mariana Islands.

3 (k) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to the Attorney General  
5 to carry out this section the following:

6 (1) \$10,000,000 for fiscal year 2001.

7 (2) \$10,000,000 for fiscal year 2002.

8 (3) \$10,000,000 for fiscal year 2003.

9 (4) \$10,000,000 for fiscal year 2004.

10 (5) \$10,000,000 for fiscal year 2005.

11 **SEC. 3. COLLECTION AND USE OF DNA IDENTIFICATION IN-**  
12 **FORMATION FROM VIOLENT AND SEXUAL**  
13 **FEDERAL OFFENDERS.**

14 (a) COLLECTION OF DNA SAMPLES.—

15 (1) FROM INDIVIDUALS IN CUSTODY.—The Di-  
16 rector of the Bureau of Prisons shall collect a DNA  
17 sample from each individual in the custody of the  
18 Bureau of Prisons who is, or has been, convicted of  
19 a qualifying Federal offense (as determined under  
20 subsection (d)).

21 (2) FROM INDIVIDUALS ON RELEASE, PAROLE,  
22 OR PROBATION.—The probation office responsible  
23 for the supervision under Federal law of an indi-  
24 vidual on parole or supervised release shall collect a  
25 DNA sample from each such individual who is, or

1 has been, convicted of a qualifying Federal offense  
2 (as determined under subsection (e)).

3 (3) INDIVIDUALS ALREADY IN CODIS.—For  
4 each individual described in paragraph (1) or (2), if  
5 the Combined DNA Index System (in this section  
6 referred to as “CODIS”) of the Federal Bureau of  
7 Investigation contains a DNA analysis with respect  
8 to that individual, the Director of the Bureau of  
9 Prisons or the probation office responsible (as appli-  
10 cable) may (but need not) collect a DNA sample  
11 from that individual.

12 (4) COLLECTION PROCEDURES.—The Director  
13 of the Bureau of Prisons or the probation office re-  
14 sponsible (as applicable) may use or authorize the  
15 use of such means as are reasonably necessary to de-  
16 tain, restrain, and collect a DNA sample from an in-  
17 dividual who refuses to cooperate in the collection of  
18 the sample.

19 (5) CRIMINAL PENALTY.—An individual from  
20 whom the collection of a DNA sample is authorized  
21 under this subsection who fails to cooperate in the  
22 collection of that sample shall be—

23 (A) guilty of a class A misdemeanor; and

24 (B) punished in accordance with title 18,

25 United States Code.



1 (b) ANALYSIS AND USE OF SAMPLES.—The Director  
2 of the Bureau of Prisons or the probation office respon-  
3 sible (as applicable) shall furnish each DNA sample col-  
4 lected under subsection (a) to the Director of the Federal  
5 Bureau of Investigation, who shall carry out a DNA anal-  
6 ysis on each such DNA sample and include the results  
7 in CODIS.

8 (c) DEFINITIONS.—In this section:

9 (1) The term “DNA sample” means a tissue,  
10 fluid, or other bodily sample of an individual on  
11 which a DNA analysis can be carried out.

12 (2) The term “DNA analysis” means analysis  
13 of the deoxyribonucleic acid (DNA) identification in-  
14 formation in a bodily sample.

15 (d) QUALIFYING FEDERAL OFFENSES.—(1) The of-  
16 fenses that shall be considered for purposes of this section  
17 as qualifying Federal offenses are the following offenses  
18 under title 18, United States Code, as determined by the  
19 Attorney General:

20 (A) Murder (as described in section 1111 of  
21 such title), voluntary manslaughter (as described in  
22 section 1112 of such title), or other offense relating  
23 to homicide (as described in chapter 51 of such title,  
24 sections 1113, 1114, 1116, 1118, 1119, 1120, and  
25 1121).

1           (B) An offense relating to sexual abuse (as de-  
2       scribed in chapter 109A of such title, sections 2241  
3       through 2245), to sexual exploitation or other abuse  
4       of children (as described in chapter 110 of such title,  
5       sections 2251 through 2252A), or to transportation  
6       for illegal sexual activity (as described in chapter  
7       117 of such title, sections 2421, 2422, 2423, and  
8       2425).

9           (C) Kidnapping (as defined in section  
10       3559(c)(2)(E) of such title).

11          (D) Attempt or conspiracy to commit any of the  
12       above offenses.

13       (2) The initial determination of qualifying Federal of-  
14       fenses shall be made not later than 120 days after the  
15       date of the enactment of this Act.

16       (e) REGULATIONS.—

17           (1) IN GENERAL.—Except as provided in para-  
18       graph (2), this section shall be carried out under  
19       regulations prescribed by the Attorney General.

20           (2) PROBATION OFFICERS.—The Director of  
21       the Administrative Office of the United States  
22       Courts shall make available model procedures for the  
23       activities of probation officers in carrying out this  
24       section.

1 (f) COMMENCEMENT OF COLLECTION.—Subsection  
2 (a) of this section shall take effect 180 days after the date  
3 of the enactment of this Act.

4 **SEC. 4. COLLECTION AND USE OF DNA IDENTIFICATION IN-**  
5 **FORMATION FROM VIOLENT AND SEXUAL**  
6 **DISTRICT OF COLUMBIA OFFENDERS.**

7 (a) COLLECTION OF DNA SAMPLES.—

8 (1) FROM INDIVIDUALS IN CUSTODY.—

9 (A) The Government of the District of Co-  
10 lumbia shall collect a DNA sample from each  
11 individual in the custody of the District of Co-  
12 lumbia who is, or has been, convicted of a quali-  
13 fying District of Columbia offense (as deter-  
14 mined under subsection (e)).

15 (B) The Director of the Bureau of Prisons  
16 shall collect a DNA sample from each individual  
17 in the custody of the Bureau of Prisons who is,  
18 or has been, convicted of a qualifying District  
19 of Columbia offense (as determined under sub-  
20 section (e)).

21 (2) FROM INDIVIDUALS ON RELEASE, PAROLE,  
22 OR PROBATION.—The Director of the Court Services  
23 and Offender Supervision Agency for the District of  
24 Columbia, or the Trustee appointed under section  
25 11232(a) of the Balanced Budget Act of 1997, as

1 appropriate, shall collect a DNA sample from each  
2 individual under the supervision of the Agency or  
3 Trustee (as applicable) who is on supervised release,  
4 parole, or probation who is, or has been, convicted  
5 of a qualifying District of Columbia offense (as de-  
6 termined under subsection (e)).

7 (3) INDIVIDUALS ALREADY IN CODIS.—For  
8 each individual described in paragraph (1) or (2), if  
9 the Combined DNA Index System (in this section  
10 referred to as “CODIS”) of the Federal Bureau of  
11 Investigation contains a DNA analysis with respect  
12 to that individual, the Government, Director of the  
13 Bureau of Prisons, Agency, or Trustee (as applica-  
14 ble) may (but need not) collect a DNA sample from  
15 that individual.

16 (4) COLLECTION PROCEDURES.—The Govern-  
17 ment, Director of the Bureau of Prisons, Agency, or  
18 Trustee (as applicable) may use or authorize the use  
19 of such means as are reasonably necessary to detain,  
20 restrain, and collect a DNA sample from an indi-  
21 vidual who refuses to cooperate in the collection of  
22 the sample.

23 (5) CRIMINAL PENALTY.—An individual from  
24 whom the collection of a DNA sample is authorized

1 under this subsection who fails to cooperate in the  
2 collection of that sample shall be—

3 (A) guilty of a class A misdemeanor; and

4 (B) punished in accordance with title 18,  
5 United States Code.

6 (b) ANALYSIS AND USE OF SAMPLES.—The Govern-  
7 ment, Director of the Bureau of Prisons, Agency, or  
8 Trustee (as applicable) shall furnish each DNA sample  
9 collected under subsection (a) to the Director of the Fed-  
10 eral Bureau of Investigation, who shall carry out a DNA  
11 analysis on each such DNA sample and include the results  
12 in CODIS.

13 (c) DEFINITIONS.—In this section:

14 (1) The term “DNA sample” means a tissue,  
15 fluid, or other bodily sample of an individual on  
16 which a DNA analysis can be carried out.

17 (2) The term “DNA analysis” means analysis  
18 of the deoxyribonucleic acid (DNA) identification in-  
19 formation in a bodily sample.

20 (3) The term “individual in the custody of the  
21 District of Columbia” includes any individual in the  
22 custody of, or under supervision by, any agency of  
23 the Government of the District of Columbia, but  
24 does not include—

1 (A) an individual referred to in subsection  
2 (a)(2); or

3 (B) an individual who is in the custody of,  
4 or is to be placed in the custody of, the Director  
5 of the Bureau of Prisons.

6 (d) QUALIFYING DISTRICT OF COLUMBIA OF-  
7 FENSES.—(1) Subject to paragraphs (2) and (3), the Gov-  
8 ernment of the District of Columbia shall determine those  
9 violent or sexual offenses under the District of Columbia  
10 Code that shall be considered for purposes of this section  
11 as qualifying District of Columbia offenses.

12 (2) The initial determination of qualifying District of  
13 Columbia offenses under paragraph (1) shall be made not  
14 later than 120 days after the date of the enactment of  
15 this Act. However, if such initial determination is not  
16 made before the end of that period, the Attorney General  
17 shall determine those violent or sexual offenses under the  
18 District of Columbia Code that shall be considered for pur-  
19 poses of this section as qualifying District of Columbia  
20 offenses.

21 (3) An offense that is equivalent to a qualifying Fed-  
22 eral offense (as determined under section 3(d)) shall be  
23 considered for purposes of this section as a qualifying Dis-  
24 trict of Columbia offense.

1 (e) COMMENCEMENT OF COLLECTION.—Subsection  
 2 (a) of this section shall take effect 180 days after the date  
 3 of the enactment of this Act.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
 5 are authorized to be appropriated to the Court Services  
 6 and Offender Supervision Agency for the District of Co-  
 7 lumbia or the Trustee appointed under section 11232(a)  
 8 of the Balanced Budget Act of 1997, as appropriate, to  
 9 carry out this section such sums as may be necessary for  
 10 each of fiscal years 2001 through 2005.

11 **SEC. 5. COLLECTION AND USE OF DNA IDENTIFICATION IN-**  
 12 **FORMATION FROM VIOLENT AND SEXUAL OF-**  
 13 **FENDERS IN THE ARMED FORCES.**

14 (a) IN GENERAL.—(1) Chapter 80 of title 10, United  
 15 States Code, is amended by adding after section 1564, as  
 16 added by section 542(a)(1), the end the following new sec-  
 17 tion:

18 **“§ 1565. DNA identification information: collection**  
 19 **from violent and sexual offenders; use**

20 **“(a) COLLECTION OF DNA SAMPLES.—(1) The Sec-**  
 21 **retary concerned shall collect a DNA sample from each**  
 22 **member of the armed forces under the Secretary’s juris-**  
 23 **dition who is, or has been, convicted of a qualifying mili-**  
 24 **tary offense (as determined under subsection (d)).**

1       “(2) For each member described in paragraph (1),  
2 if the Combined DNA Index System (in this section re-  
3 ferred to as ‘CODIS’) of the Federal Bureau of Investiga-  
4 tion contains a DNA analysis with respect to that member,  
5 the Secretary concerned may (but need not) collect a DNA  
6 sample from that member.

7       “(b) ANALYSIS AND USE OF SAMPLES.—The Sec-  
8 retary concerned shall furnish each DNA sample collected  
9 under subsection (a) to the Secretary of Defense. The Sec-  
10 retary of Defense shall furnish each DNA sample to the  
11 Director of the Federal Bureau of Investigation, who shall  
12 carry out a DNA analysis on each such DNA sample and  
13 include the results in CODIS.

14       “(c) DEFINITIONS.—In this section:

15               “(1) The term ‘DNA sample’ means a tissue,  
16 fluid, or other bodily sample of an individual on  
17 which a DNA analysis can be carried out.

18               “(2) The term ‘DNA analysis’ means analysis  
19 of the deoxyribonucleic acid (DNA) identification in-  
20 formation in a bodily sample.

21       “(d) QUALIFYING MILITARY OFFENSES.—(1) Sub-  
22 ject to paragraph (2), the Secretary of Defense, in con-  
23 sultation with the Attorney General, shall determine those  
24 violent or sexual offenses under the Uniform Code of Mili-



1 tary Justice that shall be considered for purposes of this  
 2 section as qualifying military offenses.

3 “(2) An offense under the Uniform Code of Military  
 4 Justice that is equivalent to a qualifying Federal offense  
 5 (as determined under section 3(d) of the DNA Analysis  
 6 Backlog Elimination Act of 2000), as determined by the  
 7 Secretary in consultation with the Attorney General, shall  
 8 be considered for purposes of this section as a qualifying  
 9 military offense.

10 “(e) REGULATIONS.—This section shall be carried  
 11 out under regulations prescribed by the Secretary of De-  
 12 fense, in consultation with the Secretary of Transportation  
 13 and the Attorney General. Those regulations shall apply,  
 14 to the extent practicable, uniformly throughout the armed  
 15 forces.”.

16 (2) The table of sections at the beginning of such  
 17 chapter is amended by adding after the item relating to  
 18 section 1564, as added by section 542(a)(2), the following  
 19 new item:

“1565. DNA identification information: collection from violent and sexual of-  
 fenders; use.”.

20 (b) INITIAL DETERMINATION OF QUALIFYING MILI-  
 21 TARY OFFENSES.—The initial determination of qualifying  
 22 military offenses under section 1565(d) of title 10, United  
 23 States Code, as added by subsection (a)(1), shall be made

1 not later than 120 days after the date of the enactment  
2 of this Act.

3 **SEC. 6. EXPANSION OF DNA IDENTIFICATION INDEX.**

4 (a) USE OF ANTITERRORISM FUNDS.—Section  
5 811(a) of the Antiterrorism and Effective Death Penalty  
6 Act of 1996 (28 U.S.C. 531 note) is amended—

7 (1) by striking “and” at the end of paragraph  
8 (1);

9 (2) by striking the period at the end of para-  
10 graph (2) and inserting “; and”; and

11 (3) by inserting after paragraph (2) the fol-  
12 lowing new paragraph:

13 “(3) the Director of the Federal Bureau of In-  
14 vestigation shall expand the combined DNA Identi-  
15 fication System (CODIS) to include analyses of  
16 DNA samples collected from—

17 “(A) individuals convicted of a qualifying  
18 Federal offense in accordance with section 3 of  
19 the DNA Analysis Backlog Elimination Act of  
20 2000;

21 “(B) individuals convicted of a qualifying  
22 District of Columbia offense in accordance with  
23 section 4 of the DNA Analysis Backlog Elimini-  
24 nation Act of 2000; and

1           “(C) members of the Armed Forces con-  
2           victed of a qualifying military offense in accord-  
3           ance with section 1565 of title 10, United  
4           States Code.”.

5           (b) INDEX TO FACILITATE LAW ENFORCEMENT EX-  
6           CHANGE OF DNA IDENTIFICATION INFORMATION.—Sec-  
7           tion 210304 of the Violent Crime Control and Law En-  
8           forcement Act of 1994 (42 U.S.C. 14132) is amended—

9           (1) in subsection (a)—

10           (A) by inserting “or victims of crime”  
11           after “crime scenes” in paragraph (2);

12           (B) by striking “and” at the end of para-  
13           graph (3);

14           (C) by striking the period at the end of  
15           paragraph (4) and inserting “; and”; and

16           (D) by inserting after paragraph (4) the  
17           following new paragraph:

18           “(5) analyses of DNA samples collected from—

19           “(A) individuals convicted of a qualifying  
20           Federal offense in accordance with section 3 of  
21           the DNA Analysis Backlog Elimination Act of  
22           2000;

23           “(B) individuals convicted of a qualifying  
24           District of Columbia offense in accordance with

1 section 4 of the DNA Analysis Backlog Elimination Act of 2000; and

3 “(C) members of the Armed Forces convicted of a qualifying military offense in accordance with section 1565 of title 10, United States Code.”;

7 (2) in subsection (b)(2), by striking “, at regular intervals of not to exceed 180 days,” and inserting “semiannual”; and

10 (3) by adding at the end the following new subsection:

12 “(d) EXPUNGEMENT OF RECORDS.—(1) The Director of the Federal Bureau of Investigation shall promptly  
13 expunge from the index described in subsection (a) the  
14 DNA analysis of a person if the Director receives, for each  
15 conviction of the person of a qualifying offense, a certified  
16 copy of a final court order (the time for appeal of which  
17 has run) evidencing that such conviction has been over-  
18 turned.

20 “(2) For purposes of this subsection, the term ‘qualifying offense’ means any of the following offenses:

22 “(A) A qualifying Federal offense, as determined under section 3 of the DNA Analysis Backlog  
23 Elimination Act of 2000.

1           “(B) A qualifying District of Columbia offense,  
2           as determined under section 4 of the DNA Analysis  
3           Backlog Elimination Act of 2000.

4           “(C) A qualifying military offense, as deter-  
5           mined under section 1565 of title 10, United States  
6           Code.”.

7   **SEC. 7. CONDITIONS OF RELEASE.**

8           (a) CONDITIONS OF PROBATION.—Section 3563(a) of  
9   title 18, United States Code, is amended—

10           (1) in paragraph (7), by striking “and” at the  
11           end;

12           (2) in paragraph (8), by striking the period at  
13           the end and inserting “; and”; and

14           (3) by inserting after paragraph (8) the fol-  
15           lowing:

16           “(9) that the defendant cooperate in the collec-  
17           tion of a DNA sample from the defendant if the col-  
18           lection of such a sample is authorized pursuant to  
19           section 3 or section 4 of the DNA Analysis Backlog  
20           Elimination Act of 2000.”.

21           (b) CONDITIONS OF SUPERVISED RELEASE.—Section  
22   3583(d) of title 18, United States Code, is amended by  
23   inserting before “The court shall also order” the following:  
24   “The court shall order, as an explicit condition of super-  
25   vised release, that the defendant cooperate in the collec-

1 tion of a DNA sample from the defendant, if the collection  
2 of such a sample is authorized pursuant to section 3 or  
3 section 4 of the DNA Analysis Backlog Elimination Act  
4 of 2000.”.

5 (c) CONDITIONS OF PAROLE.—Section 4209 of title  
6 18, United States Code, insofar as such section remains  
7 in effect with respect to certain individuals, is amended  
8 by inserting before “In every case, the Commission shall  
9 also impose” the following: “In every case, the Commis-  
10 sion shall impose as a condition of parole that the parolee  
11 cooperate in the collection of a DNA sample from the pa-  
12 rolee, if the collection of such a sample is authorized pur-  
13 suant to section 3 or section 4 of the DNA Analysis Back-  
14 log Elimination Act of 2000.”.

15 (d) CONDITIONS OF RELEASE GENERALLY.—If the  
16 collection of a DNA sample from an individual on proba-  
17 tion, parole, or supervised release (including an individual  
18 on parole pursuant to chapter 311 of title 18, United  
19 States Code, as in effect on October 30, 1997) is author-  
20 ized pursuant to section 3 or 4 of this Act, and the sample  
21 has not otherwise been collected, the individual shall co-  
22 operate in the collection of a DNA sample as a condition  
23 of that probation, parole, or supervised release.

1 **SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) DRUG CONTROL AND SYSTEM IMPROVEMENT  
3 GRANTS.—Section 503(a)(12)(C) of title I of the Omnibus  
4 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
5 3753(a)(12)(C)) is amended by striking “, at regular in-  
6 tervals of not to exceed 180 days,” and inserting “semi-  
7 annual”.

8 (b) DNA IDENTIFICATION GRANTS.—Section  
9 2403(3) of title I of the Omnibus Crime Control and Safe  
10 Streets Act of 1968 (42 U.S.C. 3796kk–2(3)) is amended  
11 by striking “, at regular intervals not exceeding 180  
12 days,” and inserting “semiannual”.

13 (c) FEDERAL BUREAU OF INVESTIGATION.—Section  
14 210305(a)(1)(A) of the Violent Crime Control and Law  
15 Enforcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is  
16 amended by striking “, at regular intervals of not to ex-  
17 ceed 180 days,” and inserting “semiannual”.

18 (d) QUALITY OF LABORATORIES PREPARING DNA  
19 INFORMATION FOR USE IN CODIS.—Section  
20 210304(b)(2) of the Violent Crime Control and Law En-  
21 forcement Act of 1994 (42 U.S.C. 14132(b)(2)) is amended  
22 to read as follows:

23 “(2) prepared by laboratories—

24 “(A) satisfying the quality assurance pro-  
25 tocols and practices that the Director of the  
26 Federal Bureau of Investigation considers ade-

1           quate to assure the quality of a forensic labora-  
2           tory, as maintained by the Director under sec-  
3           tion 2 of the DNA Analysis Backlog Elimini-  
4           nation Act of 2000; or

5           “(B) accredited by a nonprofit professional  
6           association of persons actively involved in foren-  
7           sic science that is nationally recognized within  
8           the forensic science community; and”.

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