

Calendar No. 501

107TH CONGRESS
2D SESSION**S. 2513**

To assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

IN THE SENATE OF THE UNITED STATES

MAY 14 (legislative day, MAY 9), 2002

Mr. BIDEN (for himself, Mrs. CLINTON, Ms. CANTWELL, Mr. CARPER, Mr. SCHUMER, Mr. HATCH, Mr. DURBIN, Mrs. FEINSTEIN, Mr. LEAHY, Mr. JEFFORDS, and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 18, 2002

Reported by Mr. LEAHY, with an amendment

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

A BILL

To assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

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 “DNA Sexual Assault
5 Justice Act of 2002”.

1 **SEC. 2. ASSESSMENT ON BACKLOG IN DNA ANALYSIS OF**
2 **SAMPLES.**

3 ~~(a) ASSESSMENT.—~~

4 ~~(1) IN GENERAL.—~~The Attorney General shall
5 survey each law enforcement jurisdiction to assess
6 the backlog of DNA testing of rape kit samples and
7 other sexual assault evidence.

8 ~~(2) DETERMINATIONS.—~~The Attorney General,
9 acting through the Director of the National Institute
10 of Justice, shall carry out an assessment of Federal,
11 State, local, and tribal territories law enforcement
12 jurisdictions to determine the amount of—

13 ~~(A) evidence contained in rape kits that~~
14 ~~has not been subjected to DNA testing and~~
15 ~~analysis; and~~

16 ~~(B) evidence from sexual assault crimes~~
17 ~~that has not been subjected to DNA testing and~~
18 ~~analysis.~~

19 ~~(b) REPORT.—~~

20 ~~(1) IN GENERAL.—~~Not later than 1 year after
21 the date of enactment of this Act, the Attorney Gen-
22 eral shall submit to Congress a report on the assess-
23 ment carried out under subsection (a).

24 ~~(2) CONTENTS.—~~The report submitted under
25 paragraph (1) shall include—

1 (A) the results of the assessment carried
2 out under subsection (a);

3 (B) the number of rape kit samples and
4 other evidence from sexual assault crimes that
5 have not been subjected to DNA testing and
6 analysis; and

7 (C) a plan for carrying out additional as-
8 sessments and reports to continue until all law
9 enforcement jurisdictions report no backlog in
10 crime scene DNA testing and analysis.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated such sums as may be nec-
13 essary to carry out this section.

14 **SEC. 3. GRANTS FOR ANALYSIS OF DNA SAMPLES FROM**
15 **RAPE KITS.**

16 Section 2(a) of the DNA Analysis Backlog Elim-
17 nation Act of 2000 (42 U.S.C. 14135(a)) is amended—

18 (1) in paragraph (2), by inserting “including
19 samples from rape kits and nonsuspect cases” after
20 “crime scene”; and

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

22 “(4) To ensure that DNA testing and analysis
23 of samples from rape kits and nonsuspect cases are
24 carried out in a timely manner.”.

1 **SEC. 4. INCREASED GRANTS FOR DNA ANALYSIS.**

2 Section 2(j) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(j)) is amended—

4 (1) in paragraph (1)—

5 (A) in subparagraph (B), by striking
6 “and” at the end; and

7 (B) by striking subparagraph (C) and inserting the following:

9 “(C) \$25,000,000 for fiscal year 2003;

10 “(D) \$25,000,000 for fiscal year 2004;

11 “(E) \$25,000,000 for fiscal year 2005; and

12 “(F) \$25,000,000 for fiscal year 2006.”;

13 and

14 (2) in paragraph (2), by striking subparagraphs
15 (C) and (D) and inserting the following:

16 “(C) \$100,000,000 for fiscal year 2003;

17 “(D) \$100,000,000 for fiscal year 2004;

18 “(E) \$50,000,000 for fiscal year 2005; and

19 “(F) \$50,000,000 for fiscal year 2006.”.

20 **SEC. 5. AUTHORITY OF LOCAL GOVERNMENTS TO APPLY**
21 **FOR AND RECEIVE DNA BACKLOG ELIMI-**
22 **NATION GRANTS.**

23 Section 2 of the DNA Analysis Backlog Elimination
24 Act of 2000 (42 U.S.C. 14135) is amended—

25 (1) in subsection (a), by inserting “or eligible
26 units of local government” after “eligible States”;

1 (2) in subsection (b)—

2 (A) in the matter preceding paragraph (1),
3 by inserting “or unit of local government” after
4 “State” each place that term appears;

5 (B) in paragraph (1), by inserting “or unit
6 of local government” after “State”;

7 (C) in paragraph (3), by inserting “or unit
8 of local government” after “State” the first
9 time that term appears;

10 (D) in paragraph (4)—

11 (i) by inserting “or unit of local gov-
12 ernment” after “State”; and

13 (ii) by striking “and” after the semi-
14 colon;

15 (E) in paragraph (5)—

16 (i) by inserting “or unit of local gov-
17 ernment” after “State”; and

18 (ii) by striking the final period and in-
19 serting “; and”; and

20 (F) by adding at the end the following:

21 “(6) if the applicant is a unit of local govern-
22 ment, certify that the applicant participates in a
23 State laboratory system.”;

24 (3) in subsection (c), by inserting “or unit of
25 local government” after “State”;

(4) in subsection (d)(2)(A), by inserting “or units of local government” after “States”;

(5) in subsection (e)—

(A) in paragraph (1), by inserting “or local government” after “State” each place that term appears; and

(B) in paragraph (2), by inserting “or unit of local government” after “State”;

(6) in subsection (f), by inserting “or unit of local government” after “State”;

(7) in subsection (g)—

(A) in paragraph (1), by inserting “or unit of local government” after “State”; and

(B) in paragraph (2), by inserting “or units of local government” after “States”; and

(8) in subsection (h), by inserting “or unit of local government” after “State” each place that term appears.

SEC. 6. IMPROVING ELIGIBILITY CRITERIA FOR BACKLOG GRANTS.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking the period at the end and inserting: “; and”; and

1 (B) by adding at the end the following:

2 “(6) ensure that each laboratory performing
3 DNA testing or analysis satisfies the quality assur-
4 ance protocols and practices described in subsection
5 (d)(2).”; and

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

7 “(k) PRIORITY.—In awarding grants under this sec-
8 tion, the Attorney General shall give priority to a State
9 or unit of local government that has a significant rape kit
10 or nonsuspect case backlog as compared to other appli-
11 cants.”.

12 **SEC. 7. AUTHORIZATION FOR GRANTS FOR IMPROVED RE-**
13 **SPONSES TO AND INVESTIGATION OF SEXUAL**
14 **ASSAULT CASES.**

15 (a) AUTHORIZATION OF GRANTS.—The Attorney
16 General shall make grants to eligible entities to—

17 (1) carry out sexual assault examiner training
18 and certification;

19 (2) develop sexual assault examiner programs;

20 (3) acquire or improve forensic equipment;

21 (4) train law enforcement personnel in the han-
22 dling of sexual assault cases and the collection and
23 use of DNA samples for use as forensic evidence;
24 and

1 ~~(5) train law enforcement personnel to recog-~~
2 ~~nize, detect, report, and respond to drug-facilitated~~
3 ~~sexual assaults.~~

4 ~~(b) ELIGIBLE ENTITY.—For purposes of this section,~~
5 ~~the term “eligible entity” means—~~

6 ~~(1) a State;~~

7 ~~(2) a unit of local government;~~

8 ~~(3) a college, university, or other institute of~~
9 ~~higher learning;~~

10 ~~(4) sexual assault examination programs, in-~~
11 ~~cluding sexual assault forensic examiner (SAFE)~~
12 ~~programs, sexual assault nurse examiner (SANE)~~
13 ~~programs, and sexual assault response team (SART)~~
14 ~~programs; and~~

15 ~~(5) a State sexual assault coalition.~~

16 ~~(c) APPLICATION.—To receive a grant under this~~
17 ~~section—~~

18 ~~(1) the chief executive officer of a State, unit~~
19 ~~of local government, or university that desires a~~
20 ~~grant under this section shall submit to the Attorney~~
21 ~~General—~~

22 ~~(A) an application in such form and con-~~
23 ~~taining such information as the Attorney Gen-~~
24 ~~eral may require;~~

1 ~~(B)~~ certification that the testing will be
 2 done in a laboratory that complies with the
 3 quality assurance and proficiency testing stand-
 4 ards for collecting and processing DNA samples
 5 issued by the Director of the Federal Bureau of
 6 Investigation under section ~~210303~~ of the DNA
 7 Identification Act of 1994 (~~42 U.S.C. 14131~~);

8 ~~(C)~~ notice that the applicant is aware of,
 9 and utilizing, uniform protocols and standards
 10 issued by the Department of Justice on the col-
 11 lection and processing of DNA evidence at
 12 crime scenes; and

13 ~~(D)~~ if the applicant is a unit of local gov-
 14 ernment, certification that the applicant partici-
 15 pates in a State laboratory system; and

16 ~~(2)~~ an existing or proposed sexual assault ex-
 17 amination program shall submit to the Attorney
 18 General—

19 ~~(A)~~ an application in such form and con-
 20 taining such information as the Attorney Gen-
 21 eral may require;

22 ~~(B)~~ certification that the program complies
 23 with the standards and recommended protocol
 24 developed by the Attorney General pursuant to
 25 section 1405 of the Victims of Trafficking and

1 Violence Protection Act of 2000 (42 U.S.C.
2 3796gg note); and

3 (C) notice that the applicant is aware of,
4 and utilizing, uniform protocols and standards
5 issued by the Department of Justice on the col-
6 lection and processing of DNA evidence at
7 crime scenes.

8 (d) PRIORITY.—In awarding grants under this sec-
9 tion, the Attorney General shall give priority to proposed
10 or existing sexual assault examination programs that are
11 serving, or will serve, populations currently underserved
12 by existing sexual assault examination programs.

13 (e) RESTRICTIONS ON USE OF FUNDS.—

14 (1) SUPPLEMENTAL FUNDS.—Funds made
15 available under this section shall not be used to sup-
16 plant State funds, but shall be used to increase the
17 amount of funds that would, in the absence of Fed-
18 eral funds, be made available from State sources for
19 the purposes of this section.

20 (2) ADMINISTRATIVE COSTS.—An eligible entity
21 may not use more than 3 percent of the funds it re-
22 ceives under this section for administrative expenses.

23 (3) NONEXCLUSIVITY.—Nothing in this section
24 shall be construed to limit or restrict the ability of
25 proposed or existing sexual assault examination pro-

1 grams to apply for and obtain Federal funding from
 2 any other agency or department or any other Fed-
 3 eral Grant program.

4 (f) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There
 5 are authorized to be appropriated to the Department of
 6 Justice \$15,000,000 for each of fiscal years 2003 through
 7 2006 to carry out this section.

8 **SEC. 8. AUTHORIZING JOHN DOE DNA INDICTMENTS.**

9 (a) ~~LIMITATIONS.~~—Section 3282 of title 18, United
 10 States Code, is amended—

11 (1) by striking “Except” and inserting the fol-
 12 lowing:

13 “(a) ~~LIMITATION.~~—Except”; and

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

15 “(b) ~~DNA PROFILE INDICTMENT.~~—

16 “(1) ~~IN GENERAL.~~—In any indictment found
 17 for an offense under chapter 109A, if the identity of
 18 the accused is unknown, it shall be sufficient to de-
 19 scribe the accused as an individual whose name is
 20 unknown, but who has a particular DNA profile.

21 “(2) ~~EXCEPTION.~~—Any indictment described in
 22 paragraph (1), which is found within 5 years after
 23 the offense under chapter 109A shall have been com-
 24 mitted, shall not be subject to—

1 “(A) the limitations period described in
2 subsection (a); and

3 “(B) the provisions of chapter 208 until
4 the individual is arrested or served with a sum-
5 mons in connection with the charges contained
6 in the indictment.

7 “(3) DEFINITION.—For purposes of this sub-
8 section, the term ‘DNA profile’ means a set of DNA
9 identification characteristics.”.

10 (b) PRIVACY PROTECTION STANDARD.—Section
11 10(a) of the DNA Analysis Backlog Elimination Act of
12 2000 (42 U.S.C. 14135e(a)) is amended by inserting be-
13 fore the period at the end the following: “or in section
14 3282(b) of title 18, United States Code”.

15 (c) RULES OF CRIMINAL PROCEDURE.—Rule 7 of the
16 Federal Rules of Criminal Procedure is amended in sub-
17 division (c)(1) by adding at the end the following: “For
18 purposes of an indictment referred to in section 3282 of
19 title 18, United States Code, if the identity of the defend-
20 ant is unknown, it shall be sufficient to describe the de-
21 fendant, in the indictment, as an individual whose name
22 is unknown, but who has a particular DNA profile, as de-
23 fined in that section 3282.”.

1 **SEC. 9. INCREASED GRANTS FOR COMBINED DNA INDEX**
 2 **(CODIS) SYSTEM.**

3 Section 210306 of the DNA Identification Act of
 4 1994 (42 U.S.C. 14134) is amended—

5 (1) by striking “There” and inserting the fol-
 6 lowing:

7 “(a) IN GENERAL.—There”; and

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

9 “(b) INCREASED GRANTS FOR CODIS.—There is au-
 10 thorized to be appropriated to the Federal Bureau of In-
 11 vestigation to carry out a redesign of the Combined DNA
 12 Index System (CODIS) \$9,646,000 for fiscal year 2003.”.

13 **SEC. 10. INCREASED GRANTS FOR FEDERAL CONVICTED**
 14 **OFFENDER PROGRAM (FCOP).**

15 Section 3 of the DNA Analysis Backlog Elimination
 16 Act of 2000 (42 U.S.C. 14135a) is amended by adding
 17 at the end the following:

18 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 19 is authorized to be appropriated to the Federal Bureau
 20 of Investigation to carry out this section \$497,000 for fis-
 21 cal year 2003.”.

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “DNA Sexual Assault*
 24 *Justice Act of 2002”.*

1 **SEC. 2. ASSESSMENT OF BACKLOG IN DNA ANALYSIS OF**
2 **SAMPLES.**

3 (a) *ASSESSMENT.*—The Attorney General, acting
4 through the Director of the National Institute of Justice,
5 shall survey Federal, State, local, and tribal law enforce-
6 ment jurisdictions to assess the amount of DNA evidence
7 contained in rape kits and in other evidence from sexual
8 assault crimes that has not been subjected to testing and
9 analysis.

10 (b) *REPORT.*—

11 (1) *IN GENERAL.*—Not later than 1 year after
12 the date of enactment of this Act, the Attorney Gen-
13 eral shall submit to Congress a report on the assess-
14 ment carried out under subsection (a).

15 (2) *CONTENTS.*—The report submitted under
16 paragraph (1) shall include—

17 (A) the results of the assessment carried out
18 under subsection (a);

19 (B) the number of rape kit samples and
20 other evidence from sexual assault crimes that
21 have not been subjected to DNA testing and anal-
22 ysis; and

23 (C) a plan for carrying out additional as-
24 sessments and reports on the backlog in crime
25 scene DNA testing and analysis.

1 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 2 *authorized to be appropriated to the Department of Justice*
 3 *to carry out this section \$500,000 for fiscal year 2003.*

4 **SEC. 3. THE DEBBIE SMITH DNA BACKLOG GRANT PRO-**
 5 **GRAM.**

6 *Section 2 of the DNA Analysis Backlog Elimination*
 7 *Act of 2000 (42 U.S.C. 14135) is amended—*

8 (1) *by striking the heading and inserting “AU-*
 9 ***THORIZATION OF DEBBIE SMITH DNA BACKLOG***
 10 ***GRANTS.”; and***

11 (2) *in subsection (a)—*

12 (A) *in paragraph (2), by inserting “includ-*
 13 *ing samples from rape kits and samples from*
 14 *other sexual assault evidence, including samples*
 15 *taken in cases with no identified suspect” after*
 16 *“crime scene”; and*

17 (B) *by adding at the end the following:*

18 “(4) *To ensure that DNA testing and analysis of*
 19 *samples from rape kits and nonsuspect cases are car-*
 20 *ried out in a timely manner.”.*

21 **SEC. 4. INCREASED GRANTS FOR ANALYSIS OF DNA SAM-**
 22 **PLES FROM CONVICTED OFFENDERS AND**
 23 **CRIME SCENES.**

24 *Section 2(j) of the DNA Analysis Backlog Elimination*
 25 *Act of 2000 (42 U.S.C. 14135(j)) is amended—*

1 (1) in paragraph (1)—

2 (A) in subparagraph (B), by striking “and”
3 at the end; and

4 (B) by striking subparagraph (C) and in-
5 serting the following:

6 “(C) \$15,000,000 for fiscal year 2003;

7 “(D) \$15,000,000 for fiscal year 2004;

8 “(E) \$15,000,000 for fiscal year 2005;

9 “(F) \$15,000,000 for fiscal year 2006; and

10 “(G) \$15,000,000 for fiscal year 2007.

11 Amounts made available to carry out the purposes
12 specified in subsection (a)(1) shall remain available
13 until expended.”; and

14 (2) in paragraph (2), by striking subparagraphs
15 (C) and (D) and inserting the following:

16 “(C) \$75,000,000 for fiscal year 2003;

17 “(D) \$75,000,000 for fiscal year 2004;

18 “(E) \$75,000,000 for fiscal year 2005;

19 “(F) \$75,000,000 for fiscal year 2006; and

20 “(G) \$25,000,000 for fiscal year 2007.

21 Amounts made available to carry out the purposes
22 specified in paragraphs (2) and (3) of subsection (a)
23 shall remain available until expended.”.

1 **SEC. 5. AUTHORITY OF LOCAL GOVERNMENTS TO APPLY**
 2 **FOR AND RECEIVE DNA BACKLOG ELIMI-**
 3 **NATION GRANTS.**

4 *Section 2 of the DNA Analysis Backlog Elimination*
 5 *Act of 2000 (42 U.S.C. 14135) is amended—*

6 *(1) in subsection (a)—*

7 *(A) in the matter preceeding paragraph*

8 *(1)—*

9 *(i) by inserting “, units of local gov-*
 10 *ernment, or Indian tribes” after “eligible*
 11 *States”; and*

12 *(ii) by inserting “, unit of local gov-*
 13 *ernment, or Indian tribe” after “State”;*
 14 *and*

15 *(B) in paragraph (3), by striking “or by*
 16 *units of local government” and inserting “, units*
 17 *of local government, or Indian tribes”;*

18 *(2) in subsection (b)—*

19 *(A) in the matter preceding paragraph (1),*
 20 *by inserting “or unit of local government, or the*
 21 *head of the Indian tribe” after “State” each*
 22 *place that term appears;*

23 *(B) in paragraph (1), by inserting “, unit*
 24 *of local government, or Indian tribe” after*
 25 *“State”;*

1 (C) in paragraph (3), by inserting “, unit
2 of local government, or Indian tribe” after
3 “State” the first time that term appears;

4 (D) in paragraph (4), by inserting “, unit
5 of local government, or Indian tribe” after
6 “State”; and

7 (E) in paragraph (5), by inserting “, unit
8 of local government, or Indian tribe” after
9 “State”;

10 (3) in subsection (c), by inserting “, unit of local
11 government, or Indian tribe” after “State”;

12 (4) in subsection (d)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (A), by striking
15 “or a unit of local government” and insert-
16 ing “, a unit of local government, or an In-
17 dian tribe”; and

18 (ii) in subparagraph (B), by striking
19 “or a unit of local government” and insert-
20 ing “, a unit of local government, or an In-
21 dian tribe”; and

22 (B) in paragraph (2)(A), by inserting “,
23 units of local government, and Indian tribes,”
24 after “States”;

25 (5) in subsection (e)—

1 (A) in paragraph (1), by inserting “or local
2 government” after “State” each place that term
3 appears; and

4 (B) in paragraph (2), by inserting “, unit
5 of local government, or Indian tribe” after
6 “State”;

7 (6) in subsection (f), in the matter preceeding
8 paragraph (1), by inserting “, unit of local govern-
9 ment, or Indian tribe” after “State”;

10 (7) in subsection (g)—

11 (A) in paragraph (1), by inserting “, unit
12 of local government, or Indian tribe” after
13 “State”; and

14 (B) in paragraph (2), by inserting “, units
15 of local government, or Indian tribes” after
16 “States”; and

17 (8) in subsection (h), by inserting “, unit of local
18 government, or Indian tribe” after “State” each place
19 that term appears.

20 **SEC. 6. IMPROVING ELIGIBILITY CRITERIA FOR BACKLOG**
21 **GRANTS.**

22 Section 2 of the DNA Analysis Backlog Elimination
23 Act of 2000 (42 U.S.C. 14135) is amended—

24 (1) in subsection (b)—

1 (A) in paragraph (4), by striking “and”
2 after the semicolon;

3 (B) in paragraph (5), by striking the period
4 at the end and inserting a semicolon; and

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

6 “(6) if the applicant is a unit of local govern-
7 ment, certify that the applicant participates in a
8 State laboratory system;

9 “(7) provide assurances that, not later than 3
10 years after the date on which the application is sub-
11 mitted, the State, unit of local government, or Indian
12 tribe will implement a plan for forwarding, not later
13 than 180 days after a DNA evidence sample is ob-
14 tained, all samples collected in cases of sexual assault
15 to a laboratory that meets the quality assurance
16 standards for testing under subsection (d); and

17 “(8) upon issuance of the regulations specified in
18 section 10(d), certify that the State, unit of local gov-
19 ernment, or Indian tribe is in compliance with those
20 regulations.”; and

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

22 “(k) *PRIORITY*.—In awarding grants under this sec-
23 tion, the Attorney General shall give priority to a State
24 or unit of local government that has a significant rape kit

1 *or nonsuspect case backlog per capita as compared with*
 2 *other applicants.”.*

3 **SEC. 7. QUALITY ASSURANCE STANDARDS FOR COLLEC-**
 4 **TION AND HANDLING OF DNA EVIDENCE.**

5 *(a) NATIONAL PROTOCOL.—*

6 *(1) IN GENERAL.—The Attorney General shall*
 7 *review national, State, local, and tribal government*
 8 *protocols, that exist on or before the date of enactment*
 9 *of this Act, on the collection and processing of DNA*
 10 *evidence at crime scenes.*

11 *(2) RECOMMENDED PROTOCOL.—Based upon the*
 12 *review described in paragraph (1), the Attorney Gen-*
 13 *eral shall develop a recommended national protocol*
 14 *for the collection of DNA evidence at crime scenes, in-*
 15 *cluding crimes of rape and other sexual assault.*

16 *(b) STANDARDS, PRACTICE, AND TRAINING FOR SEX-*
 17 *UAL ASSAULT FORENSIC EXAMINATIONS.—Section 1405(a)*
 18 *of the Victims of Trafficking and Violence Protection Act*
 19 *of 2000 (42 U.S.C. 3796gg note) is amended—*

20 *(1) in paragraph (2), by inserting “and emer-*
 21 *gency response personnel” after “health care stu-*
 22 *dents”; and*

23 *(2) in paragraph (3), by inserting “and DNA*
 24 *evidence collection” after “sexual assault forensic ex-*
 25 *aminations”.*

1 **SEC. 8. SEXUAL ASSAULT FORENSIC EXAM PROGRAM**

2 **GRANTS.**

3 (a) *AUTHORIZATION OF GRANTS.*—*The Attorney Gen-*
 4 *eral shall make grants to eligible entities to—*

5 (1) *establish and maintain sexual assault exam-*
 6 *iner programs;*

7 (2) *carry out sexual assault examiner training*
 8 *and certification; and*

9 (3) *acquire or improve forensic equipment.*

10 (b) *ELIGIBLE ENTITY.*—*For purposes of this section,*
 11 *the term “eligible entity” means—*

12 (1) *a State;*

13 (2) *a unit of local government;*

14 (3) *a college, university, or other institute of*
 15 *higher learning;*

16 (4) *an Indian tribe;*

17 (5) *sexual assault examination programs, in-*
 18 *cluding sexual assault nurse examiner (SANE) pro-*
 19 *grams, sexual assault forensic examiner (SAFE) pro-*
 20 *grams, and sexual assault response team (SART) pro-*
 21 *grams; and*

22 (6) *a State sexual assault coalition.*

23 (c) *APPLICATION.*—*To receive a grant under this*
 24 *section—*

25 (1) *an eligible entity shall submit to the Attor-*
 26 *ney General an application in such form and con-*

1 *taining such information as the Attorney General*
 2 *may require; and*

3 *(2) an existing or proposed sexual assault exam-*
 4 *ination program shall also—*

5 *(A) certify that the program complies with*
 6 *the standards and recommended protocol devel-*
 7 *oped by the Attorney General pursuant to section*
 8 *1405 of the Victims of Trafficking and Violence*
 9 *Protection Act of 2000 (42 U.S.C. 3796gg note);*
 10 *and*

11 *(B) certify that the applicant is aware of,*
 12 *and utilizing, uniform protocols and standards*
 13 *issued by the Department of Justice on the collec-*
 14 *tion and processing of DNA evidence at crime*
 15 *scenes.*

16 *(d) PRIORITY.—In awarding grants under this section,*
 17 *the Attorney General shall give priority to proposed or ex-*
 18 *isting sexual assault examination programs that are serv-*
 19 *ing, or will serve, populations currently underserved by ex-*
 20 *isting sexual assault examination programs.*

21 *(e) RESTRICTIONS ON USE OF FUNDS.—*

22 *(1) SUPPLEMENTAL FUNDS.—Funds made avail-*
 23 *able under this section shall not be used to supplant*
 24 *State funds, but shall be used to increase the amount*
 25 *of funds that would, in the absence of Federal funds,*

1 *be made available from State sources for the purposes*
 2 *of this section.*

3 (2) *ADMINISTRATIVE COSTS.—An eligible entity*
 4 *may not use more than 5 percent of the funds it re-*
 5 *ceives under this section for administrative expenses.*

6 (3) *NONEXCLUSIVITY.—Nothing in this section*
 7 *shall be construed to limit or restrict the ability of*
 8 *proposed or existing sexual assault examination pro-*
 9 *grams to apply for and obtain Federal funding from*
 10 *any other agency or department or any other Federal*
 11 *grant program.*

12 (f) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 13 *authorized to be appropriated to the Department of Justice,*
 14 *to remain available until expended, \$30,000,000 for each*
 15 *of fiscal years 2003 through 2007 to carry out this section.*

16 **SEC. 9. DNA EVIDENCE TRAINING GRANTS.**

17 (a) *AUTHORIZATION OF GRANTS.—The Attorney Gen-*
 18 *eral shall make grants to eligible entities to—*

19 (1) *train law enforcement personnel and all*
 20 *other first responders at crime scenes, including inves-*
 21 *tigators, in the handling of sexual assault cases and*
 22 *the collection and use of DNA samples for use as fo-*
 23 *rensic evidence;*

24 (2) *train State and local prosecutors on the use*
 25 *of DNA samples for use as forensic evidence; and*

1 (3) *train law enforcement personnel to recognize,*
2 *detect, report, and respond to drug-facilitated sexual*
3 *assaults.*

4 (b) *ELIGIBLE ENTITY.*—*For purposes of this section,*
5 *the term “eligible entity” means—*

6 (1) *a State;*

7 (2) *a unit of local government;*

8 (3) *a college, university, or other institute of*
9 *higher learning; and*

10 (4) *an Indian tribe.*

11 (c) *APPLICATION.*—*To receive a grant under this sec-*
12 *tion, the chief executive officer of a State, unit of local gov-*
13 *ernment, or university, or the head of a tribal government*
14 *that desires a grant under this section shall submit to the*
15 *Attorney General—*

16 (1) *an application in such form and containing*
17 *such information as the Attorney General may re-*
18 *quire;*

19 (2) *certification that the applicant is aware of,*
20 *and utilizing, uniform protocols and standards issued*
21 *by the Department of Justice on the collection and*
22 *processing of DNA evidence at crime scenes;*

23 (3) *certification that the applicant is aware of,*
24 *and utilizing, the national sexual assault forensic ex-*
25 *amination training protocols developed under section*

1 1405(a) of the Victims of Trafficking and Violence
 2 Protection Act of 2000 (42 U.S.C. 3796gg note); and

3 (4) if the applicant is a unit of local govern-
 4 ment, certification that the applicant participates in
 5 a State laboratory system.

6 (d) *RESTRICTIONS ON USE OF FUNDS.*—

7 (1) *SUPPLEMENTAL FUNDS.*—Funds made avail-
 8 able under this section shall not be used to supplant
 9 State funds, but shall be used to increase the amount
 10 of funds that would, in the absence of Federal funds,
 11 be made available from State sources for the purposes
 12 of this section.

13 (2) *ADMINISTRATIVE COSTS.*—An eligible entity
 14 may not use more than 5 percent of the funds it re-
 15 ceives under this section for administrative expenses.

16 (3) *NONEXCLUSIVITY.*—Nothing in this section
 17 shall be construed to limit or restrict the ability of an
 18 eligible entity to apply for and obtain Federal fund-
 19 ing from any other agency or department or any
 20 other Federal grant program.

21 (e) *AUTHORIZATION OF APPROPRIATIONS.*—There are
 22 authorized to be appropriated to the Department of Justice
 23 \$10,000,000 for each of fiscal years 2003 through 2007 to
 24 carry out this section.

1 **SEC. 10. AUTHORIZING JOHN DOE DNA INDICTMENTS.**

2 (a) *LIMITATIONS.*—Section 3282 of title 18, United
3 States Code, is amended—

4 (1) by striking “Except” and inserting the fol-
5 lowing:

6 “(a) *LIMITATION.*—Except”; and

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

8 “(b) *DNA PROFILE INDICTMENT.*—

9 “(1) *IN GENERAL.*—In any indictment found for
10 an offense under chapter 109A, if the identity of the
11 accused is unknown, it shall be sufficient to describe
12 the accused as an individual whose name is unknown,
13 but who has a particular DNA profile.

14 “(2) *EXCEPTION.*—Any indictment described in
15 paragraph (1), which is found within 5 years after
16 the offense under chapter 109A shall have been com-
17 mitted, shall not be subject to—

18 “(A) the limitations period described in
19 subsection (a); and

20 “(B) the provisions of chapter 208 until the
21 individual is arrested or served with a summons
22 in connection with the charges contained in the
23 indictment.

24 “(3) *DEFINITION.*—For purposes of this sub-
25 section, the term ‘DNA profile’ means a set of DNA
26 identification characteristics.”.

1 (b) *RULES OF CRIMINAL PROCEDURE.*—Rule 7 of the
 2 *Federal Rules of Criminal Procedure* is amended in sub-
 3 *division (c)(1)* by adding at the end the following: “For
 4 *purposes of an indictment referred to in section 3282 of*
 5 *title 18, United States Code, if the identity of the defendant*
 6 *is unknown, it shall be sufficient to describe the defendant,*
 7 *in the indictment, as an individual whose name is un-*
 8 *known, but who has a particular DNA profile, as defined*
 9 *in that section 3282.”.*

10 **SEC. 11. INCREASED GRANTS FOR COMBINED DNA INDEX**
 11 **(CODIS) SYSTEM.**

12 Section 210306 of the *DNA Identification Act of 1994*
 13 *(42 U.S.C. 14134)* is amended—

14 (1) by striking “There” and inserting the fol-
 15 lowing:

16 “(a) *IN GENERAL.*—There”; and

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

18 “(b) *INCREASED GRANTS FOR CODIS.*—There is au-
 19 *thorized to be appropriated to the Federal Bureau of Inves-*
 20 *tigation to carry out upgrades to the Combined DNA Index*
 21 *System (CODIS) \$9,700,000 for fiscal year 2003.”.*

1 **SEC. 12. INCREASED GRANTS FOR FEDERAL CONVICTED OF-**
 2 **FENDER PROGRAM (FCOP).**

3 *Section 3 of the DNA Analysis Backlog Elimination*
 4 *Act of 2000 (42 U.S.C. 14135a) is amended by adding at*
 5 *the end the following:*

6 “(g) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 7 *authorized to be appropriated to the Federal Bureau of In-*
 8 *vestigation to carry out this section \$500,000 for fiscal year*
 9 *2003.”.*

10 **SEC. 13. PRIVACY REQUIREMENTS FOR HANDLING DNA EVI-**
 11 **DENCE AND DNA ANALYSES.**

12 (a) *PRIVACY PROTECTION STANDARD.—Section 10(a)*
 13 *of the DNA Analysis Backlog Elimination Act of 2000 (42*
 14 *U.S.C. 14135e(a)) is amended by inserting before the period*
 15 *at the end the following: “or in section 3282(b) of title 18,*
 16 *United States Code”.*

17 (b) *LIMITATION ON ACCESS TO DNA INFORMATION.—*
 18 *Section 10 of the DNA Analysis Backlog Elimination Act*
 19 *of 2000 (42 U.S.C. 14135e) is amended by adding at the*
 20 *end the following:*

21 “(d) *LIMITATION ON ACCESS TO DNA INFORMA-*
 22 *TION.—*

23 “(1) *IN GENERAL.—The Attorney General shall*
 24 *establish, by regulation, procedures to limit access to,*
 25 *or use of, stored DNA samples or DNA analyses.*

1 “(2) *REGULATIONS.*—*The regulations established*
 2 *under paragraph (1) shall establish conditions for*
 3 *using DNA information to—*

4 “(A) *limit the use and dissemination of*
 5 *such information, as provided under subpara-*
 6 *graphs (A), (B), and (C) of section 210304(b)(3)*
 7 *of the Violent Crime Control and Law Enforce-*
 8 *ment Act of 1994 (42 U.S.C. 14132(b)(3));*

9 “(B) *limit the redissemination of such in-*
 10 *formation;*

11 “(C) *ensure the accuracy, security, and con-*
 12 *fidentiality of such information;*

13 “(D) *protect any privacy rights of individ-*
 14 *uals who are the subject of such information; and*

15 “(E) *provide for the timely removal and de-*
 16 *struction of obsolete or inaccurate information,*
 17 *or information required to be expunged.”.*

18 (c) *CRIMINAL PENALTY.*—*Section 10(c) of the DNA*
 19 *Analysis Backlog Elimination Act of 2000 (42 U.S.C.*
 20 *14135e) is amended—*

21 (1) *in paragraph (1), by striking “discloses a*
 22 *sample or result” and inserting “discloses or uses a*
 23 *DNA sample or DNA analysis”; and*

24 (2) *in paragraph (2), by inserting “per offense”*
 25 *after “\$100,000”.*

Calendar No. 501

107TH CONGRESS
2D SESSION

S. 2513

A BILL

To assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

JULY 18, 2002

Reported with an amendment