

109TH CONGRESS
1ST SESSION

S. 1606

To establish an opt-out system for expungement of DNA profiles from the national index and to authorize collection of DNA samples from persons arrested or detained under Federal authority.

IN THE SENATE OF THE UNITED STATES

JULY 29, 2005

Mr. KYL (for himself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish an opt-out system for expungement of DNA profiles from the national index and to authorize collection of DNA samples from persons arrested or detained under Federal authority.

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 Fingerprint Act
5 of 2005”.

1 **SEC. 2. USE OF OPT-OUT PROCEDURE TO REMOVE SAM-**
2 **PLES FROM NATIONAL DNA INDEX.**

3 Section 210304 of the DNA Identification Act of
4 1994 (42 U.S.C. 14132) is amended—

5 (1) in subsection (a)(1)(C), by striking “, pro-
6 vided” and all that follows through “System”;

7 (2) in subsection (d)(2)(A)(ii), by striking “all
8 charges for” and all that follows, and inserting the
9 following: “the responsible agency or official of that
10 State receives, for each charge against the person on
11 the basis of which the analysis was or could have
12 been included in the index, a certified copy of a final
13 court order establishing that such charge has been
14 dismissed or resulted in an acquittal.”; and

15 (3) by striking subsection (e).

16 **SEC. 3. EXPANDED USE OF CODIS GRANTS.**

17 Section 2(a)(1) of the DNA Analysis Backlog Elimini-
18 nation Act of 2000 (42 U.S.C. 14135(a)(1)) is amended
19 by striking “taken from individuals convicted of a quali-
20 fying State offense (as determined under subsection
21 (b)(3))” and inserting “collected under applicable legal au-
22 thority”.

1 **SEC. 4. AUTHORIZATION TO CONDUCT DNA SAMPLE COL-**
2 **LECTION FROM PERSONS ARRESTED OR DE-**
3 **TAINED UNDER FEDERAL AUTHORITY.**

4 (a) IN GENERAL.—Section 3 of the DNA Analysis
5 Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is
6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1), by striking “The Di-
9 rector” and inserting the following:

10 “(A) The Attorney General may, as pre-
11 scribed by the Attorney General in regulation,
12 collect DNA samples from individuals who are
13 arrested or detained under the authority of the
14 United States. The Attorney General may dele-
15 gate this function within the Department of
16 Justice as provided in section 510 of title 28,
17 United States Code, and may also authorize
18 and direct any other agency of the United
19 States that arrests or detains individuals or su-
20 pervises individuals facing charges to carry out
21 any function and exercise any power of the At-
22 torney General under this section.

23 “(B) The Director”; and

24 (B) in paragraphs (3) and (4), by striking
25 “Director of the Bureau of Prisons” each place

1 it appears and inserting “Attorney General, the
2 Director of the Bureau of Prisons,”; and

3 (2) in subsection (b), by striking “Director of
4 the Bureau of Prisons” and inserting “Attorney
5 General, the Director of the Bureau of Prisons,”.

6 (b) CONFORMING AMENDMENTS.—Subsections (b)
7 and (c)(1)(A) of section 3142 of title 18, United States
8 Code, are each amended by inserting “and subject to the
9 condition that the person cooperate in the collection of a
10 DNA sample from the person if the collection of such a
11 sample is authorized pursuant to section 3 of the DNA
12 Analysis Backlog Elimination Act of 2000 (42 U.S.C.
13 14135a)” after “period of release”.

14 **SEC. 5. TOLLING OF STATUTE OF LIMITATIONS FOR SEX-**
15 **UAL-ABUSE OFFENSES.**

16 Section 3297 of title 18, United States Code, is
17 amended by striking “except for a felony offense under
18 chapter 109A,”.

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