

111TH CONGRESS
2^D SESSION

H. R. 6214

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide incentives to States and units of local government under the Edward Byrne Memorial Justice Assistance Grant Program for providing certain services to victims of sexual assault or rape, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2010

Mr. NADLER of New York introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide incentives to States and units of local government under the Edward Byrne Memorial Justice Assistance Grant Program for providing certain services to victims of sexual assault or rape, 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 Rape Vic-
5 tims and Improving Use of DNA Evidence Act of 2010”.

1 **SEC. 2. INCENTIVE FUNDS UNDER THE BYRNE GRANT PRO-**
2 **GRAM FOR STATES AND UNITS OF LOCAL**
3 **GOVERNMENT THAT PROVIDE CERTAIN**
4 **SERVICES TO VICTIMS OF SEXUAL ASSAULT.**

5 Section 505 of the Omnibus Crime Control and Safe
6 Streets Act of 1968 (42 U.S.C. 3754) is amended by add-
7 ing at the end the following new subsection:

8 “(i) INCENTIVE FUNDS FOR PROVIDING CERTAIN
9 SERVICES TO VICTIMS OF SEXUAL ASSAULT AND ESTAB-
10 LISHING RAPE KIT DATABASES.—

11 “(1) IN GENERAL.—The amounts allocated
12 under this section to a State or unit of local govern-
13 ment for a fiscal year (beginning with the first fiscal
14 year that begins at least one year from the date of
15 the enactment of this subsection) shall be increased
16 by 10 percent if such State or unit of local govern-
17 ment provides and certifies in accordance with such
18 standards as the Attorney General may require, that
19 the State or unit of local government had in effect,
20 for the previous fiscal year, each of the following:

21 “(A) EXAMINATION AND TESTING OF RAPE
22 KIT.—A process to provide to each victim of
23 sexual assault, with respect to an act of sexual
24 assault over which the State or unit of local
25 government has jurisdiction, each of the fol-
26 lowing:

1 “(i) Examination by a qualified sexual
2 assault nurse examiner to collect a rape kit
3 from such victim.

4 “(ii) Testing of any rape kit collected
5 from such victim and the furnishing of any
6 results from such test to the victim not
7 later than 180 days after the date on
8 which such testing was requested.

9 “(B) RAPE KIT DATABASE.—A database
10 developed and maintained by such State or unit
11 of local government related to rape kits col-
12 lected, in connection with acts of sexual assault
13 over which the State or unit of local govern-
14 ment has jurisdiction, from victims of such acts
15 that complies with the following requirements:

16 “(i) The database, for each rape kit
17 collected from each victim of sexual as-
18 sault, provides for the following:

19 “(I) Identifies such rape kit by a
20 unique identifying number.

21 “(II) The database contains in-
22 formation on the date and location of
23 each of the following:

1 “(aa) The act of sexual as-
2 sault for which such rape kit was
3 collected.

4 “(bb) The medical examina-
5 tion conducted from which such
6 rape kit was collected.

7 “(cc) The testing of such
8 rape kit.

9 “(III) The database contains in-
10 formation on the real-time physical lo-
11 cation of such rape kit, including
12 street address, locality, and State.

13 “(IV) The database contains in-
14 formation on the results of any test-
15 ing of such rape kit.

16 “(ii) Information contained in the
17 database, with respect to a rape kit, may
18 be made available only as follows:

19 “(I) On a publically available
20 Internet site but only to the extent
21 that such information does not include
22 any personally identifiable information
23 (including the name of the victim as-
24 sociated with a unique identifying
25 number).

1 “(II) To criminal justice agencies
2 for law enforcement identification pur-
3 poses.

4 “(III) In judicial proceedings, if
5 otherwise admissible pursuant to ap-
6 plicable statutes or rules.

7 “(IV) To a physician or nurse
8 who is treating a victim of sexual as-
9 sault from whom the rape kit was col-
10 lected for injuries resulting from the
11 sexual assault of such victim or with
12 respect to the collection of such rape
13 kit, but only insofar as the informa-
14 tion relates to such treatment.

15 “(V) To the victim of sexual as-
16 sault from whom the rape kit was col-
17 lected, if the information made avail-
18 able is limited to information relating
19 to the rape kit collected from such vic-
20 tim.

21 “(iii) Information contained in such
22 database shall be searchable by any of the
23 criteria specified in clause (i), subject to
24 the availability of such information under
25 clause (ii).

1 “(iv) Access for purposes of data
2 entry and editing (including updating) of
3 such database shall be limited to appro-
4 priate individuals of a State or local law
5 enforcement agency.

6 “(2) FUNDING.—

7 “(A) RATABLE REDUCTION FOR INSUFFI-
8 CIENT FUNDS.—If there are insufficient funds
9 for a fiscal year to allocate to each State or
10 unit of local government the amount of incen-
11 tive funds that such State or unit of local gov-
12 ernment is otherwise eligible to receive under
13 this subsection, the Attorney General shall rat-
14 ably reduce the allotment to all States and
15 units of local government based on the propor-
16 tionate share each State or unit of local govern-
17 ment received under this section (before the ap-
18 plication of this subsection) for the preceding
19 fiscal year.

20 “(B) AUTHORIZATION OF APPROPRIA-
21 TIONS.—In addition to funds made available
22 under section 508, there is authorized to be ap-
23 propriated for incentive funds under this sub-
24 section such sums as may be necessary for each
25 of the fiscal years 2011 through 2015.

1 “(3) DEFINITIONS.—For purposes of this sub-
2 section:

3 “(A) The term ‘sexual assault’ has the
4 meaning given such term in section 40002(a) of
5 the Violence Against Women Act of 1994 (42
6 U.S.C. 13925a(a)).

7 “(B) The term ‘victim of sexual assault’
8 means an individual who seeks medical treat-
9 ment or care for an injury sustained as a result
10 of sexual assault and reports such injury to a
11 local or State law enforcement officer or agen-
12 cy.

13 “(C) The term ‘rape kit’ means DNA evi-
14 dence obtained related to sexual assault.

15 “(D) The term ‘qualified sexual assault
16 nurse examiner’ means a nurse that has ob-
17 tained certification from a hospital, govern-
18 mental entity, or an appropriate institution of
19 higher education (as defined in section 102 of
20 the Higher Education Act of 1965 (20 U.S.C.
21 1002)), for the collection of rape kits from vic-
22 tims of sexual assault.

23 “(E) The term ‘tested’ means, with respect
24 to a rape kit, that such rape kit has undergone
25 forensic analysis.

1 “(F) The term ‘unique identifying number’
2 means a series of letters, numbers, or a com-
3 bination thereof, that a law enforcement agency
4 assigns to a rape kit that—

5 “(i) such agency receives in connec-
6 tion with an act of sexual assault; and

7 “(ii) is used in place of the name of
8 a victim of sexual assault in the database
9 established under this subsection except if
10 the person accessing the database is the
11 victim of sexual assault or a member of a
12 law enforcement agency.”.

13 **SEC. 3. STUDY AND REPORT ON DNA BACKLOG.**

14 Subsection (g) of section 2 of the DNA Analysis
15 Backlog Elimination Act of 2000 (42 U.S.C. 14135(g))
16 is amended—

17 (1) by redesignating paragraphs (1), (2), and
18 (3) as subparagraphs (A), (B), and (C), respectively;

19 (2) by moving subparagraphs (A), (B), and (C)
20 (as so redesignated by paragraph (1) of this section)
21 two ems to the right;

22 (3) by striking “(g) REPORTS TO CONGRESS—
23 Not” and inserting the following:

24 “(g) REPORTS TO CONGRESS.—

25 “(1) IN GENERAL.—Not”; and

1 (4) by adding at the end the following new
2 paragraph:

3 “(2) STUDY AND REPORT TO CONGRESS ON
4 DNA BACKLOG.—

5 “(A) STUDY.—The Attorney General shall
6 conduct a study to determine the extent of the
7 backlog in the United States relating to the
8 analysis of DNA samples collected from crime
9 scenes, victims, suspects, arrestees, and con-
10 victed offenders. Such study shall determine the
11 following:

12 “(i) The number of each of the fol-
13 lowing:

14 “(I) DNA samples that have
15 been prepared to be sent to a public
16 or private crime laboratory for foren-
17 sic analysis but have not been sent to
18 such laboratory.

19 “(II) Investigations for which
20 DNA samples described in subclause
21 (I) have been collected.

22 “(III) DNA samples that have
23 been received by a public or private
24 crime laboratory for forensic analysis

1 but have not yet been tested at such
2 laboratory.

3 “(IV) Investigations for which
4 DNA samples described in subclause
5 (III) have been collected.

6 “(ii) For each DNA sample and for
7 each investigation for which such samples
8 exist, the average duration of the following
9 periods:

10 “(I) The period beginning on the
11 date that is 30 days after the date
12 each sample is collected from victims
13 of sexual assault and ending on the
14 date each sample is sent to a public or
15 private crime laboratory to be tested.

16 “(II) The period beginning on
17 the date that is 30 days after the date
18 each sample is received by a public or
19 private crime laboratory and ending
20 on the date each sample is tested at
21 each such laboratory.

22 “(B) REPORT.—Not later than two years
23 after the date of the enactment of this Act and
24 for each year thereafter, the Attorney General
25 shall submit to Congress a report containing—

1 “(i) the results of the study conducted
2 under subparagraph (A);

3 “(ii) a statistical analysis of the data
4 contained in such study, disaggregated by
5 jurisdiction, criminal offense, type of DNA
6 evidence tested, if available, and any other
7 category of information the Attorney Gen-
8 eral may require; and

9 “(iii) recommendations on how to re-
10 duce—

11 “(I) the number of DNA samples
12 and investigations that are subject to
13 the conditions described in subpara-
14 graph (A)(i); and

15 “(II) the average duration of the
16 periods described in subparagraph
17 (A)(ii).

18 “(C) DEFINITIONS.—For purposes of this
19 paragraph:

20 “(i) The term ‘DNA sample’ means
21 evidence containing human DNA collected
22 by Federal, State, local, or tribal law en-
23 forcement agencies.

24 “(ii) The term ‘investigation’ includes
25 any investigatory action taken by a Fed-

1 eral, State, tribal, or local law enforcement
2 agency relating to an act of sexual assault
3 after such agency receives a report of such
4 act.

5 “(iii) The term ‘tested’ means, with
6 respect to a DNA sample that such sample
7 has undergone forensic analysis.”.

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