

112TH CONGRESS
1ST SESSION

H. R. 2197

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

JUNE 15, 2011

Mr. NADLER (for himself, Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. LEE of California, Ms. NORTON, Ms. SCHAKOWSKY, Mr. STARK, and Mr. TOWNS) 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 2011”.

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 after 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) Contains information on
22 the date and location of each of the
23 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) Contains information on
10 the real-time physical location of such
11 rape kit, including street address, lo-
12 cality, and State.

13 “(IV) Contains information on
14 the results of any testing of such rape
15 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 eligible to receive under this sub-
13 section, the Attorney General shall ratably re-
14 duce the percentage of the increase described in
15 the matter preceding subparagraph (A) of para-
16 graph (1) until there are sufficient funds to
17 provide an allotment of incentive funds under
18 this section to all States and units of local gov-
19 ernment that are eligible to receive such incen-
20 tive funds.

21 “(B) AUTHORIZATION OF APPROPRIA-
22 TIONS.—In addition to funds made available
23 under section 508, there are authorized to be
24 appropriated for incentive funds under this sub-

1 section such sums as may be necessary for each
2 of the fiscal years 2012 through 2016.

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

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

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

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

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

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

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

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

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

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

17 Subsection (g) of section 2 of the DNA Analysis
18 Backlog Elimination Act of 2000 (42 U.S.C. 14135(g))
19 is amended—

20 (1) by redesignating paragraphs (1), (2), and
21 (3) as subparagraphs (A), (B), and (C), respectively;
22 (2) by moving subparagraphs (A), (B), and (C)
23 (as so redesignated by paragraph (1) of this section)
24 two ems to the right;

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

3 “(g) REPORTS TO CONGRESS.—

4 “(1) IN GENERAL.—Not”; and

5 (4) by adding at the end the following new
6 paragraph:

7 “(2) STUDY AND REPORT TO CONGRESS ON
8 DNA BACKLOG.—

9 “(A) STUDY.—The Attorney General shall
10 conduct an annual study to determine the ex-
11 tent of the backlog in the United States relat-
12 ing to the analysis of DNA samples collected
13 from crime scenes, victims, suspects, arrestees,
14 and convicted offenders. Such study shall deter-
15 mine the following:

16 “(i) The number of each of the fol-
17 lowing:

18 “(I) DNA samples that have
19 been prepared to be sent to a public
20 or private crime laboratory for foren-
21 sic analysis but have not been sent to
22 such laboratory.

23 “(II) Investigations for which
24 DNA samples described in subclause
25 (I) have been collected.

1 “(III) DNA samples that have
2 been received by a public or private
3 crime laboratory for forensic analysis
4 but have not yet been tested at such
5 laboratory.

6 “(IV) Investigations for which
7 DNA samples described in subclause
8 (III) have been collected.

9 “(ii) For each category of DNA sam-
10 ple and for each category of investigation
11 for which such samples exist, the average
12 duration of the following periods:

13 “(I) The period beginning on the
14 date that is 30 days after the date
15 each sample is collected and ending on
16 the date each sample is sent to a pub-
17 lic or private crime laboratory to be
18 tested.

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

1 “(B) REPORT.—Not later than two years
2 after the date of the enactment of this para-
3 graph and for each year thereafter, the Attor-
4 ney General shall submit to Congress a report
5 containing—

6 “(i) the results of the study conducted
7 under subparagraph (A);

8 “(ii) a statistical analysis of the data
9 contained in such study, disaggregated by
10 jurisdiction, criminal offense, type of DNA
11 evidence tested, if available, and any other
12 category of information the Attorney Gen-
13 eral may require; and

14 “(iii) recommendations on how to re-
15 duce—

16 “(I) the number of DNA samples
17 and investigations described in sub-
18 paragraph (A)(i); and

19 “(II) the average duration of the
20 periods described in subparagraph
21 (A)(ii).

22 “(C) DEFINITIONS.—For purposes of this
23 paragraph:

24 “(i) The term ‘DNA sample’ means
25 evidence containing human DNA collected

1 by Federal, State, local, or tribal law en-
2 forcement agencies.

3 “(ii) The term ‘investigation’ includes
4 any investigatory action taken by a Fed-
5 eral, State, tribal, or local law enforcement
6 agency.

7 “(iii) The term ‘tested’ means, with
8 respect to a DNA sample, that such sam-
9 ple has undergone forensic analysis.”.

○