

112TH CONGRESS  
2D SESSION

# H. R. 6014

To authorize the Attorney General to award grants for States to implement minimum and enhanced DNA collection processes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2012

Mr. SCHIFF (for himself, Mr. TIPTON, Mr. REICHERT, Mr. LUJÁN, Mr. PEARCE, and Mr. HEINRICH) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To authorize the Attorney General to award grants for States to implement minimum and enhanced DNA collection processes.

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 “Katie Sepich Enhanced  
5 DNA Collection Act of 2012”.

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act:

8 (1) **MINIMUM DNA COLLECTION PROCESS.**—The  
9 term “minimum DNA collection process” means,

1 with respect to a State, a process under which the  
2 Combined DNA Index System (CODIS) of the Fed-  
3 eral Bureau of Investigation is searched at least 1  
4 time against DNA samples from the following indi-  
5 viduals who are at least 18 years of age:

6 (A) Individuals who are arrested for or  
7 charged with a criminal offense under State law  
8 that consists of murder or voluntary man-  
9 slaughter.

10 (B) Individuals who are arrested for or  
11 charged with a criminal offense under State law  
12 that has an element involving a sexual act or  
13 sexual contact with another and that is punish-  
14 able by imprisonment for more than 5 years.

15 (C) Individuals who are arrested for or  
16 charged with a criminal offense under State law  
17 that has an element of kidnapping or abduction  
18 and that is punishable by imprisonment for  
19 more than 5 years.

20 (2) ENHANCED DNA COLLECTION PROCESS.—

21 The term “enhanced DNA collection process”  
22 means, with respect to a State, a process under  
23 which the State provides for the collection, for pur-  
24 poses of inclusion in the Combined DNA Index Sys-  
25 tem (CODIS) of the Federal Bureau of Investiga-

1       tion, of DNA samples from the following individuals  
2       who are at least 18 years of age:

3               (A) Individuals who are arrested for or  
4               charged with a criminal offense under State law  
5               that consists of murder or voluntary man-  
6               slaughter.

7               (B) Individuals who are arrested for or  
8               charged with a criminal offense under State law  
9               that has an element involving a sexual act or  
10              sexual contact with another and that is punish-  
11              able by imprisonment for more than 1 year.

12              (C) Individuals who are arrested for or  
13              charged with a criminal offense under State law  
14              that has an element of kidnapping or abduction  
15              and that is punishable by imprisonment for  
16              more than 1 year.

17              (D) Individuals who are arrested for or  
18              charged with a criminal offense under State law  
19              that consists of burglary punishable by impris-  
20              onment for more than 1 year.

21              (E) Individuals who are arrested for or  
22              charged with a criminal offense under State law  
23              that consists of aggravated assault punishable  
24              by imprisonment for more than 1 year.

1           (3) STATE.—The term “State” means any  
2 State of the United States, the District of Columbia,  
3 the Commonwealth of Puerto Rico, the Virgin Is-  
4 lands, American Samoa, Guam, and the Common-  
5 wealth of the Northern Mariana Islands.

6 **SEC. 3. GRANTS TO STATES TO IMPLEMENT MINIMUM AND**  
7 **ENHANCED DNA COLLECTION PROCESSES.**

8           (a) GRANTS AUTHORIZED.—The Attorney General  
9 shall, subject to amounts made available pursuant to sec-  
10 tion 6, carry out a grant program for the purpose of as-  
11 sisting States with the costs associated with the implemen-  
12 tation of minimum or enhanced DNA collection processes.

13           (b) APPLICATIONS.—

14           (1) IN GENERAL.—To be eligible to receive a  
15 grant under this section, in addition to any other re-  
16 quirements specified by the Attorney General, a  
17 State shall submit to the Attorney General an appli-  
18 cation that demonstrates that it has statutory au-  
19 thorization for the implementation of either a min-  
20 imum or enhanced DNA collection process.

21           (2) NON-SUPPLANTING FUNDS.—An application  
22 submitted under paragraph (1) by a State shall in-  
23 clude assurances that the amounts received under  
24 the grant under this section shall be used to supple-  
25 ment, not supplant, State funds that would other-

1 wise be available for the purpose described in sub-  
2 section (a).

3 (3) OTHER REQUIREMENTS.—The Attorney  
4 General shall require a State seeking a grant under  
5 this section to document how such State will use the  
6 grant to meet expenses associated with a State’s im-  
7 plementation or planned implementation of a min-  
8 imum or enhanced DNA collection process.

9 (c) GRANT ALLOCATION.—

10 (1) IN GENERAL.—The amount available to a  
11 State under this section shall be based on the pro-  
12 jected costs that will be incurred by the State to im-  
13 plement a minimum or enhanced DNA collection  
14 process. Subject to paragraph (2), the Attorney Gen-  
15 eral shall retain discretion to determine the amount  
16 of each such grant awarded to an eligible State.

17 (2) MAXIMUM GRANT ALLOCATION.—

18 (A) STATES MEETING MINIMUM DNA COL-  
19 LECTION PROCESS.—In the case of a State  
20 seeking a grant under this section with respect  
21 to the implementation of a minimum DNA col-  
22 lection process, such State shall be eligible for  
23 a grant under this section that is equal to no  
24 more than 50 percent of the first year costs to  
25 the State of implementing such process.

1 (B) STATES MEETING ENHANCED DNA  
2 COLLECTION PROCESS.—In the case of a State  
3 seeking a grant under this section with respect  
4 to the implementation of an enhanced DNA col-  
5 lection process, such State shall be eligible for  
6 a grant under this section that is equal to no  
7 more than 100 percent of the first year costs to  
8 the State of implementing such process.

9 (d) GRANT CONDITIONS.—As a condition of receiving  
10 a grant under this section, a State shall have a procedure  
11 in place to—

12 (1) provide written notification of expungement  
13 provisions and instructions for requesting expunge-  
14 ment to all persons who submit a DNA sample for  
15 inclusion in the index;

16 (2) provide the eligibility criteria for expunge-  
17 ment and instructions for requesting expungement  
18 on an appropriate public Web site; and

19 (3) make a determination on all expungement  
20 requests not later than 90 days after receipt and  
21 provide a written response of the determination to  
22 the requesting party.

23 **SEC. 4. EXPUNGEMENT OF PROFILES.**

24 The expungement requirements under section  
25 210304(d) of the DNA Identification Act of 1994 (42

1 U.S.C. 14132(d)) shall apply to any samples collected pur-  
2 suant to this Act for purposes of inclusion in the Com-  
3 bined DNA Index System (CODIS) of the Federal Bureau  
4 of Investigation.

5 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated to carry out  
7 this Act up to \$10,000,000 for each of fiscal years 2013  
8 through 2015, to be derived from amounts appropriated  
9 pursuant to subsection (j) of section 2 of the DNA Anal-  
10 ysis Backlog Elimination Act of 2000 (42 U.S.C. 14135)  
11 in each such fiscal year for grants under such section.

12 **SEC. 6. CONFORMING AMENDMENT TO THE DEBBIE SMITH**  
13 **DNA BACKLOG GRANT PROGRAM.**

14 Section 2(a) of the DNA Analysis Backlog Elimini-  
15 nation Act of 2000 (42 U.S.C. 14135(a)) is amended by  
16 adding at the end the following new paragraph:

17 “(6) To make awards under the Katie Sepich  
18 Enhanced DNA Collection Act of 2012.”.

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