

112TH CONGRESS
2D SESSION

H. R. 6014

IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 2012

Received

AN ACT

To authorize the Attorney General to award grants for States
to implement DNA arrestee collection processes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Katie Sepich Enhanced
3 DNA Collection Act of 2012”.

4 **SEC. 2. DEFINITIONS.**

5 For purposes of this Act:

6 (1) DNA ARRESTEE COLLECTION PROCESS.—

7 The term “DNA arrestee collection process” means,
8 with respect to a State, a process under which the
9 State provides for the collection, for purposes of in-
10 clusion in the index described in section 210304(a)
11 of the DNA Identification Act of 1994 (42 U.S.C.
12 14132(a)) (in this Act referred to as the “National
13 DNA Index System”), of DNA profiles or DNA data
14 from the following individuals who are at least 18
15 years of age:

16 (A) Individuals who are arrested for or
17 charged with a criminal offense under State law
18 that consists of a homicide.

19 (B) Individuals who are arrested for or
20 charged with a criminal offense under State law
21 that has an element involving a sexual act or
22 sexual contact with another and that is punish-
23 able by imprisonment for more than 1 year.

24 (C) Individuals who are arrested for or
25 charged with a criminal offense under State law
26 that has an element of kidnaping or abduction

1 and that is punishable by imprisonment for
2 more than 1 year.

3 (D) Individuals who are arrested for or
4 charged with a criminal offense under State law
5 that consists of burglary punishable by impris-
6 onment for more than 1 year.

7 (E) Individuals who are arrested for or
8 charged with a criminal offense under State law
9 that consists of aggravated assault punishable
10 by imprisonment for more than 1 year.

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

16 **SEC. 3. GRANTS TO STATES TO IMPLEMENT DNA ARRESTEE**
17 **COLLECTION PROCESSES.**

18 (a) IN GENERAL.—The Attorney General shall, sub-
19 ject to amounts made available pursuant to section 5,
20 carry out a grant program for the purpose of assisting
21 States with the costs associated with the implementation
22 of DNA arrestee collection processes.

23 (b) APPLICATIONS.—

24 (1) IN GENERAL.—To be eligible to receive a
25 grant under this section, in addition to any other re-

1 requirements specified by the Attorney General, a
2 State shall submit to the Attorney General an appli-
3 cation that demonstrates that it has statutory au-
4 thorization for the implementation of a DNA ar-
5 restee collection process.

6 (2) NON-SUPPLANTING FUNDS.—An application
7 submitted under paragraph (1) by a State shall in-
8 clude assurances that the amounts received under
9 the grant under this section shall be used to supple-
10 ment, not supplant, State funds that would other-
11 wise be available for the purpose described in sub-
12 section (a).

13 (3) OTHER REQUIREMENTS.—The Attorney
14 General shall require a State seeking a grant under
15 this section to document how such State will use the
16 grant to meet expenses associated with a State’s im-
17 plementation or planned implementation of a DNA
18 arrestee collection process.

19 (c) GRANT ALLOCATION.—

20 (1) IN GENERAL.—The amount available to a
21 State under this section shall be based on the pro-
22 jected costs that will be incurred by the State to im-
23 plement a DNA arrestee collection process. Subject
24 to paragraph (2), the Attorney General shall retain

1 discretion to determine the amount of each such
2 grant awarded to an eligible State.

3 (2) MAXIMUM GRANT ALLOCATION.—In the
4 case of a State seeking a grant under this section
5 with respect to the implementation of a DNA ar-
6 restee collection process, such State shall be eligible
7 for a grant under this section that is equal to no
8 more than 100 percent of the first year costs to the
9 State of implementing such process.

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

13 (1) provide written notification of expungement
14 provisions and instructions for requesting
15 expungement to all persons who submit a DNA pro-
16 file or DNA data for inclusion in the index;

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

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

1 **SEC. 4. EXPUNGEMENT OF PROFILES.**

2 The expungement requirements under section
3 210304(d) of the DNA Identification Act of 1994 (42
4 U.S.C. 14132(d)) shall apply to any DNA profile or DNA
5 data collected pursuant to this Act for purposes of inclu-
6 sion in the National DNA Index System.

7 **SEC. 5. OFFSET OF FUNDS APPROPRIATED.**

8 Any funds appropriated to carry out this Act, not to
9 exceed \$10,000,000 for each of fiscal years 2013 through
10 2015, shall be derived from amounts appropriated pursu-
11 ant to subsection (j) of section 2 of the DNA Analysis
12 Backlog Elimination Act of 2000 (42 U.S.C. 14135) in
13 each such fiscal year for grants under such section.

14 **SEC. 6. CONFORMING AMENDMENT TO THE DEBBIE SMITH**
15 **DNA BACKLOG GRANT PROGRAM.**

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

1 “(6) To implement a DNA arrestee collection
2 process consistent with the Katie Sepich Enhanced
3 DNA Collection Act of 2012.”.

 Passed the House of Representatives December 18,
2012.

Attest:

KAREN L. HAAS,

Clerk.