

Calendar No. 463114TH CONGRESS
2D SESSION**S. 2577**

To protect crime victims' rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2016

Mr. CORNYN (for himself, Mr. LEAHY, Ms. AYOTTE, Mr. DURBIN, Mr. PORTMAN, Mr. HELLER, Ms. KLOBUCHAR, Mr. UDALL, Ms. COLLINS, Mr. WARNER, Mr. HATCH, Mrs. SHAHEEN, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MAY 12, 2016

Reported by Mr. GRASSLEY, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To protect crime victims' rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to

increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, 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 All Reau-
 5 thorization Act of 2016”.

6 **SEC. 2. CRIME VICTIMS’ RIGHTS.**

7 (a) RESTITUTION DURING SUPERVISED RELEASE.—
 8 Section 3583(d) of title 18, United States Code, is amend-
 9 ed in the first sentence by inserting “, that the defendant
 10 make restitution in accordance with sections 3663 and
 11 3663A, or any other statute authorizing a sentence of res-
 12 titution,” after “supervision”.

13 (b) COLLECTION OF RESTITUTION FROM DEFEND-
 14 ANT’S ESTATE.—Section 3613(b) of title 18, United
 15 States Code, is amended by adding at the end the fol-
 16 lowing: “The liability to pay restitution shall terminate on
 17 the date that is the later of 20 years from the entry of
 18 judgment or 20 years after the release from imprisonment

1 of the person ordered to pay restitution. In the event of
 2 the death of the person ordered to pay restitution, the in-
 3 dividual's estate will be held responsible for any unpaid
 4 balance of the restitution amount, and the lien provided
 5 in subsection (c) of this section shall continue until the
 6 estate receives a written release of that liability.”.

7 (c) VICTIM INTERPRETERS.—Rule 28 of the Federal
 8 Rules of Criminal Procedure is amended in the first sen-
 9 tence by inserting before the period at the end the fol-
 10 lowing: “, including an interpreter for the victim”.

11 (d) GAO STUDY.—

12 (1) *IN GENERAL.*—*Not later than 180 days after*
 13 *the date of enactment of this Act, the Comptroller*
 14 *General of the United States shall—*

15 (A) *conduct a study to determine whether*
 16 *enhancing the restitution provisions under sec-*
 17 *tions 3663 and 3663A of title 18, United States*
 18 *Code, to provide courts broader authority to*
 19 *award restitution for Federal offenses would be*
 20 *beneficial to crime victims and what other fac-*
 21 *tors Congress should consider in weighing such*
 22 *changes; and*

23 (B) *submit to Congress a report on the*
 24 *study conducted under subparagraph (A).*

1 (2) *CONTENTS.*—*In conducting the study under*
2 *paragraph (1), the Comptroller General shall focus on*
3 *the benefits to crime victims that would result if the*
4 *restitution provisions under sections 3663 and 3663A*
5 *of title 18, United States Code, were expanded—*

6 *(A) to apply to victims who have suffered*
7 *harm, injury, or loss that would not have oc-*
8 *curred but for the defendant's related conduct;*

9 *(B) in the case of an offense resulting in*
10 *bodily injury resulting in the victim's death, to*
11 *allow the court to use its discretion to award an*
12 *appropriate sum to reflect the income lost by the*
13 *victim's surviving family members or estate as a*
14 *result of the victim's death;*

15 *(C) to require that the defendant pay to the*
16 *victim an amount determined by the court to re-*
17 *store the victim to the position he or she would*
18 *have been in had the defendant not committed*
19 *the offense; and*

20 *(D) to require that the defendant com-*
21 *pensate the victim for any injury, harm, or loss,*
22 *including emotional distress, that occurred as a*
23 *result of the offense.*

1 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS**
2 **FOR CRIME VICTIMS.**

3 (a) CRIME VICTIMS LEGAL ASSISTANCE GRANTS.—
4 Section 103(b) of the Justice for All Act of 2004 (Public
5 Law 108–405; 118 Stat. 2264) is amended—

6 (1) in paragraph (1), by striking “2006, 2007,
7 2008, and 2009” and inserting “2017 through
8 2021”;

9 (2) in paragraph (2), by striking “2006, 2007,
10 2008, and 2009” and inserting “2017 through
11 2021”;

12 (3) in paragraph (3), by striking “2006, 2007,
13 2008, and 2009” and inserting “2017 through
14 2021”;

15 (4) in paragraph (4), by striking “2006, 2007,
16 2008, and 2009” and inserting “2017 through
17 2021”; and

18 (5) in paragraph (5), by striking “2006, 2007,
19 2008, and 2009” and inserting “2017 through
20 2021”.

21 (b) CRIME VICTIMS NOTIFICATION GRANTS.—Sec-
22 tion 1404E(c) of the Victims of Crime Act of 1984 (42
23 U.S.C. 10603e(c)) is amended by striking “2006, 2007,
24 2008, and 2009” and inserting “2017 through 2021”.

1 SEC. 4. REDUCING THE RAPE KIT BACKLOG.

2 Of the amounts made available to the Attorney Gen-
 3 eral for a DNA Analysis and capacity enhancement pro-
 4 gram and for other local, State, and Federal forensic ac-
 5 tivities under the heading “STATE AND LOCAL LAW EN-
 6 FORCEMENT” under the heading “OFFICE OF JUSTICE
 7 PROGRAMS” under the heading “DEPARTMENT OF
 8 JUSTICE” in a fiscal year—

9 (1) not less than 75 percent of such amounts
 10 shall be provided for grants for direct testing activi-
 11 ties described under paragraphs (1), (2), and (3) of
 12 section 2(a) of the DNA Analysis Backlog Elimini-
 13 nation Act of 2000 (42 U.S.C. 14135(a)); and

14 (2) not less than 5 percent of such amounts
 15 shall be provided for grants for law enforcement
 16 agencies to conduct audits of their backlogged rape
 17 kits, including through the creation of a tracking
 18 system, under section 2(a)(7) of the DNA Analysis
 19 Backlog Elimination Act of 2000 (42 U.S.C.
 20 14135(a)(7)), and to prioritize testing in those cases
 21 in which the statute of limitation will soon expire.

22 SEC. 5. SEXUAL ASSAULT NURSE EXAMINERS.

23 Section 304 of the DNA Sexual Assault Justice Act
 24 of 2004 (42 U.S.C. 14136a) is amended—

25 (1) by redesignating subsection (c) as sub-
 26 section (d); and

1 (2) by inserting after subsection (b) the fol-
2 lowing:

3 “(c) PREFERENCE.—

4 “(1) IN GENERAL.—In reviewing applications
5 submitted in accordance with a program authorized,
6 in whole or in part, by this section, the Attorney
7 General shall give preference to any eligible entity
8 that certifies that the entity will use the grant funds
9 to—

10 “(A) operate or expand forensic nurse ex-
11 aminer programs in a rural area or for an un-
12 derserved population, as those terms are de-
13 fined in section 4002 of the Violence Against
14 Women Act of 1994 (42 U.S.C. 13925);

15 “(B) hire full-time forensic nurse exam-
16 iners to conduct activities under subsection (a);
17 or

18 “(C) sustain or establish a training pro-
19 gram for forensic nurse examiners.

20 “(2) DIRECTIVE TO THE ATTORNEY GEN-
21 ERAL.—Not later than 120 days after the date of
22 enactment of the Justice for All Reauthorization Act
23 of 2016, the Attorney General shall coordinate with
24 the Secretary of Health and Human Services to in-
25 form Federally Qualified Health Centers, Commu-

1 nity Health Centers, hospitals, colleges and univer-
 2 sities, and other appropriate health-related entities
 3 about the role of forensic nurses and existing re-
 4 sources available within the Department of Justice
 5 and the Department of Health and Human Services
 6 to train or employ forensic nurses to address the
 7 needs of communities dealing with sexual assault,
 8 domestic violence, and elder abuse. The Attorney
 9 General shall collaborate on this effort with non-
 10 governmental organizations representing forensic
 11 nurses.”.

12 **SEC. 6. PROTECTING THE VIOLENCE AGAINST WOMEN ACT.**

13 Section 8(e)(1)(A) of the Prison Rape Elimination
 14 Act of 2003 (42 U.S.C. 15607(e)(1)(A)) is amended—

15 (1) in clause (i), by striking “and” at the end;

16 (2) in clause (ii), by striking the period and in-
 17 serting “; and”; and

18 (3) by inserting at the end the following:

19 “(iii) the program is not administered
 20 by the Office on Violence Against Women
 21 of the Department of Justice.”.

1 **SEC. 7. CLARIFICATION OF VIOLENCE AGAINST WOMEN**
 2 **ACT HOUSING PROTECTIONS.**

3 Section 41411(b)(3)(B)(ii) of the Violence Against
 4 Women Act of 1994 (42 U.S.C. 14043e–11(b)(3)(B)(ii))
 5 is amended—

6 (1) in the first sentence, by inserting “or resi-
 7 dent” after “any remaining tenant”; and

8 (2) in the second sentence, by inserting “or
 9 resident” after “tenant” each place it appears.

10 **SEC. 8. STRENGTHENING THE PRISON RAPE ELIMINATION**
 11 **ACT.**

12 The Prison Rape Elimination Act of 2003 (42 U.S.C.
 13 15601 et seq.) is amended—

14 (1) in section 6(d)(2) (42 U.S.C. 15605(d)(2)),
 15 by striking subparagraph (A) and inserting the fol-
 16 lowing:

17 “(A)(i) include the certification of the chief
 18 executive that the State receiving such grant
 19 has adopted all national prison rape standards
 20 that, as of the date on which the application
 21 was submitted, have been promulgated under
 22 this Act; or

23 “(ii) demonstrate to the Attorney General,
 24 in such manner as the Attorney General shall
 25 require, that the State receiving such grant is
 26 actively working to adopt and achieve full com-

1 pliance with the national prison rape standards
2 described in clause (i);” and
3 (2) in section 8(e) (42 U.S.C. 15607(e))—

4 (A) by striking paragraph (2) and insert-
5 ing the following:

6 “(2) ADOPTION OF NATIONAL STANDARDS.—

7 “(A) IN GENERAL.—For each fiscal year,
8 any amount that a State would otherwise re-
9 ceive for prison purposes for that fiscal year
10 under a grant program covered by this sub-
11 section shall be reduced by 5 percent, unless the
12 chief executive officer of the State submits to
13 the Attorney General proof of compliance with
14 this Act through—

15 “(i) a certification that the State has
16 adopted, and is in full compliance with, the
17 national standards described in subsection
18 (a); or

19 “(ii) an assurance that the State in-
20 tends to adopt and achieve full compliance
21 with those national standards so as to en-
22 sure that a certification under clause (i)
23 may be submitted in future years, which
24 includes—

1 “(I) a commitment that not less
2 than 5 percent of such amount shall
3 be used for this purpose; or

4 “(II) a request that the Attorney
5 General hold 5 percent of such
6 amount in abeyance pursuant to the
7 requirements of subparagraph (E).

8 “(B) RULES FOR CERTIFICATION.—

9 “(i) IN GENERAL.—A chief executive
10 officer of a State who submits a certifi-
11 cation under this paragraph shall also pro-
12 vide the Attorney General with—

13 “(I) a list of the prisons under
14 the operational control of the execu-
15 tive branch of the State;

16 “(II) a list of the prisons listed
17 under subclause (I) that were audited
18 during the most recently concluded
19 audit year;

20 “(III) all final audit reports for
21 prisons listed under subclause (I) that
22 were completed during the most re-
23 cently concluded audit year; and

24 “(IV) a proposed schedule for
25 completing an audit of all the prisons

1 listed under subclause (I) during the
2 following 3 audit years.

3 “(ii) AUDIT APPEAL EXCEPTION.—Be-
4 ginning on the date that is 3 years after
5 the date of enactment of the Justice for
6 All Reauthorization Act of 2016, a chief
7 executive officer of a State may submit a
8 certification that the State is in full com-
9 pliance pursuant to subparagraph (A)(i)
10 even if a prison under the operational con-
11 trol of the executive branch of the State
12 has an audit appeal pending.

13 “(C) RULES FOR ASSURANCES.—

14 “(i) IN GENERAL.—A chief executive
15 officer of a State who submits an assur-
16 ance under subparagraph (A)(ii) shall also
17 provide the Attorney General with—

18 “(I) a list of the prisons under
19 the operational control of the execu-
20 tive branch of the State;

21 “(II) a list of the prisons listed
22 under subclause (I) that were audited
23 during the most recently concluded
24 audit year;

1 “(III) an explanation of any bar-
2 riers the State faces to completing re-
3 quired audits;

4 “(IV) all final audit reports for
5 prisons listed under subclause (I) that
6 were completed during the most re-
7 cently concluded audit year;

8 “(V) a proposed schedule for
9 completing an audit of all prisons
10 under the operational control of the
11 executive branch of the State during
12 the following 3 audit years; and

13 “(VI) an explanation of the
14 State’s current degree of implementa-
15 tion of the national standards.

16 “(ii) ADDITIONAL REQUIREMENT.—A
17 chief executive officer of a State who sub-
18 mits an assurance under subparagraph
19 (A)(ii)(I) shall, before receiving the appli-
20 cable funds described in subparagraph
21 (A)(ii)(I), also provide the Attorney Gen-
22 eral with a proposed plan for the expendi-
23 ture of the funds during the applicable
24 grant period.

1 “(iii) ACCOUNTING OF FUNDS.—A
 2 chief executive officer of a State who sub-
 3 mits an assurance under subparagraph
 4 (A)(ii)(I) shall, in a manner consistent
 5 with the applicable grant reporting require-
 6 ments, submit to the Attorney General a
 7 detailed accounting of how the funds de-
 8 scribed in subparagraph (A) were used.

9 “(D) SUNSET OF ASSURANCE OPTION.—

10 “(i) IN GENERAL.—On the date that
 11 is 3 years after the date of enactment of
 12 the Justice for All Reauthorization Act of
 13 2016, subclause (II) of subparagraph
 14 (A)(ii) shall cease to have effect.

15 “(ii) ADDITIONAL SUNSET.—On the
 16 date that is 6 years after the date of enact-
 17 ment of the Justice for All Reauthorization
 18 Act of 2016, clause (ii) of subparagraph
 19 (A) shall cease to have effect.

20 “(iii) EMERGENCY ASSURANCES.—

21 “(I) REQUEST.—Notwithstanding
 22 clause (ii), during the 2-year period
 23 beginning 6 years after the date of en-
 24 actment of the Justice for All Reau-
 25 thorization Act of 2016, a chief execu-

1 tive officer of a State who certifies
2 that the State has audited not less
3 than 90 percent of prisons under the
4 operational control of the executive
5 branch of the State may request that
6 the Attorney General allow the chief
7 executive officer to submit an emer-
8 gency assurance in accordance with
9 subparagraph (A)(ii) as in effect on
10 the day before the date on which that
11 subparagraph ceased to have effect
12 under clause (ii) of this subparagraph.

13 “(II) GRANT OF REQUEST.—The
14 Attorney General shall grant a re-
15 quest submitted under subclause (I)
16 within 60 days upon a showing of
17 good cause.

18 “(E) DISPOSITION OF FUNDS HELD IN
19 ABEYANCE.—

20 “(i) IN GENERAL.—If the chief execu-
21 tive officer of a State who has submitted
22 an assurance under subparagraph
23 (A)(ii)(II) subsequently submits a certifi-
24 cation under subparagraph (A)(i) during
25 the 3-year period beginning on the date of

1 enactment of the Justice for All Reauthor-
2 ization Act of 2016, the Attorney General
3 will release all funds held in abeyance
4 under subparagraph (A)(ii)(II) to be used
5 by the State in accordance with the condi-
6 tions of the grant program for which the
7 funds were provided.

8 “(ii) RELEASE OF FUNDS.—If the
9 chief executive officer of a State who has
10 submitted an assurance under subpara-
11 graph (A)(ii)(II) is unable to submit a cer-
12 tification during the 3-year period begin-
13 ning on the date of enactment of the Jus-
14 tice for All Reauthorization Act of 2016,
15 but does assure the Attorney General that
16 $\frac{2}{3}$ of prisons under the operational control
17 of the executive branch of the State have
18 been audited at least once, the Attorney
19 General shall release all of the funds of the
20 State held in abeyance to be used in adopt-
21 ing and achieving full compliance with the
22 national standards, if the State agrees to
23 comply with the applicable requirements in
24 clauses (ii) and (iii) of subparagraph (C).

1 “(iii) REDISTRIBUTION OF FUNDS.—

2 If the chief executive officer of a State who
3 has submitted an assurance under sub-
4 paragraph (A)(ii)(II) is unable to submit a
5 certification during the 3-year period be-
6 ginning on the date of enactment of the
7 Justice for All Reauthorization Act of
8 2016 and does not assure the Attorney
9 General that $\frac{2}{3}$ of prisons under the oper-
10 ational control of the executive branch of
11 the State have been audited at least once,
12 the Attorney General shall redistribute the
13 funds of the State held in abeyance to
14 other States to be used in accordance with
15 the conditions of the grant program for
16 which the funds were provided.

17 “(F) PUBLICATION OF AUDIT RESULTS.—

18 Not later than 1 year after the date of enact-
19 ment of the Justice for All Reauthorization Act
20 of 2016, the Attorney General shall request
21 from each State, and make available on an ap-
22 propriate Internet website, all final audit re-
23 ports completed to date for prisons under the
24 operational control of the executive branch of
25 each State. The Attorney General shall update

1 such website annually with reports received
2 from States under subparagraphs (B)(i) and
3 (C)(i).

4 “(G) REPORT ON IMPLEMENTATION OF
5 NATIONAL STANDARDS.—Not later than 2 years
6 after the date of enactment of the Justice for
7 All Reauthorization Act of 2016, the Attorney
8 General shall issue a report to the Committee
9 on the Judiciary of the Senate and the Com-
10 mittee on the Judiciary of the House of Rep-
11 resentatives on the status of implementation of
12 the national standards and the steps the De-
13 partment, in conjunction with the States and
14 other key stakeholders, is taking to address any
15 unresolved implementation issues.”; and

16 (B) by adding at the end the following:

17 “(8) BACKGROUND CHECKS FOR AUDITORS.—

18 An individual seeking certification by the Depart-
19 ment of Justice to serve as an auditor of prison
20 compliance with the national standards described in
21 subsection (a) shall, upon request, submit finger-
22 prints in the manner determined by the Attorney
23 General for criminal history record checks of the ap-
24 plicable State and Federal Bureau of Investigation
25 repositories.”.

1 **SEC. 9. ADDITIONAL REAUTHORIZATIONS.**

2 (a) DNA RESEARCH AND DEVELOPMENT.—Section
3 305(c) of the Justice for All Act of 2004 (42 U.S.C.
4 14136b(c)) is amended by striking “\$15,000,000 for each
5 of fiscal years 2005 through 2009” and inserting
6 “\$5,000,000 for each of fiscal years 2017 through 2021”.

7 (b) FBI DNA PROGRAMS.—Section 307(a) of the
8 Justice for All Act of 2004 (Public Law 108–405; 118
9 Stat. 2275) is amended by striking “\$42,100,000 for each
10 of fiscal years 2005 through 2009” and inserting
11 “\$10,000,000 for each of fiscal years 2017 through
12 2021”.

13 (c) DNA IDENTIFICATION OF MISSING PERSONS.—
14 Section 308(c) of the Justice for All Act of 2004 (42
15 U.S.C. 14136d(c)) is amended by striking “fiscal years
16 2005 through 2009” and inserting “fiscal years 2017
17 through 2021”.

18 **SEC. 10. PAUL COVERDELL FORENSIC SCIENCES IMPROVE-**
19 **MENT GRANTS.**

20 (a) GRANTS.—Part BB of title I of the Omnibus
21 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
22 3797j) is amended—

23 (1) in section 2802(2) (42 U.S.C. 3797k(2)), by
24 inserting after “bodies” the following: “and is ac-
25 credited by an accrediting body that is a signatory
26 to an internationally recognized arrangement and

1 that offers accreditation to forensic science con-
 2 formity assessment bodies using an accreditation
 3 standard that is recognized by that internationally
 4 recognized arrangement, or attests, in a manner that
 5 is legally binding and enforceable, to use a portion
 6 of the grant amount to prepare and apply for such
 7 accreditation not more than 2 years after the date
 8 on which a grant is awarded under section 2801”;

9 (2) in section 2803(a) (42 U.S.C. 3797l(a))—

10 (A) in paragraph (1)—

11 (i) by striking “Seventy-five percent”
 12 and inserting “Eighty-five percent”; and

13 (ii) by striking “75 percent” and in-
 14 serting “85 percent”;

15 (B) in paragraph (2), by striking “Twenty-
 16 five percent” and inserting “Fifteen percent”;
 17 and

18 (C) in paragraph (3), by striking “0.6 per-
 19 cent” and inserting “1 percent”;

20 (3) in section 2804(a) (42 U.S.C. 3797m(a))—

21 (A) in paragraph (2)—

22 (i) by inserting “impression evidence,”
 23 after “latent prints,”; and

24 (ii) by inserting “digital evidence, fire
 25 evidence,” after “toxicology,”;

1 (B) in paragraph (3), by inserting “and
2 medicolegal death investigators” after “labora-
3 tory personnel”; and

4 (C) by inserting at the end the following:

5 “(4) To address emerging forensic science
6 issues (such as statistics, contextual bias, and uncer-
7 tainty of measurement) and emerging forensic
8 science technology (such as high throughput automa-
9 tion, statistical software, and new types of instru-
10 mentation).

11 “(5) To educate and train forensic pathologists
12 in the United States.

13 “(6) To work with the States and units of local
14 government to direct funding to medicolegal death
15 investigation systems to facilitate accreditation of
16 medical examiner and coroner offices and certifi-
17 cation of medicolegal death investigators.”; and

18 (4) in section 2806(a) (42 U.S.C. 3797o(a))—

19 (A) in paragraph (3), by striking “and” at
20 the end;

21 (B) by redesignating paragraph (4) as
22 paragraph (5); and

23 (C) by inserting after paragraph (3) the
24 following:

1 “(4) the progress of any unaccredited forensic
 2 science service provider receiving grant funds toward
 3 obtaining accreditation; and”.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 5 1001(a)(24) of title I of the Omnibus Crime Control and
 6 Safe Streets Act of 1968 (42 U.S.C. 3793(a)(24)) is
 7 amended—

8 (1) in subparagraph (H), by striking “and” at
 9 the end;

10 (2) in subparagraph (I), by striking the period
 11 at the end and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(J) \$25,000,000 for each of fiscal years
 14 2017 through 2021.”.

15 **SEC. 11. IMPROVING THE QUALITY OF REPRESENTATION**
 16 **IN STATE CAPITAL CASES.**

17 Section 426 of the Justice for All Act of 2004 (42
 18 U.S.C. 14163e) is amended—

19 (1) in subsection (a), by striking “\$75,000,000
 20 for each of fiscal years 2005 through 2009” and in-
 21 serting “\$30,000,000 for each of fiscal years 2017
 22 through 2021”; and

23 (2) in subsection (b), by inserting before the pe-
 24 riod at the end the following: “, or upon a showing
 25 of good cause, and at the discretion of the Attorney

1 General, the State may determine a fair allocation of
 2 funds across the uses described in sections 421 and
 3 422”.

4 **SEC. 12. POST-CONVICTION DNA TESTING.**

5 (a) IN GENERAL.—Section 3600 of title 18, United
 6 States Code, is amended—

7 (1) by striking “under a sentence of” in each
 8 place it appears and inserting “sentenced to”;

9 (2) in subsection (a)—

10 (A) in paragraph (1)(B)(i), by striking
 11 “death”; and

12 (B) in paragraph (3)(A), by striking “and
 13 the applicant did not—” and all that follows
 14 through “knowingly fail to request” and insert-
 15 ing “and the applicant did not knowingly fail to
 16 request”;

17 (3) in subsection (b)(1)—

18 (A) in subparagraph (A), by striking
 19 “and” at the end;

20 (B) in subparagraph (B), by striking the
 21 period at the end and inserting “; and”; and

22 (C) by adding at the end the following:

23 “(C) order the Government to—

24 “(i) prepare an inventory of the evi-
 25 dence related to the case; and

1 “(ii) issue a copy of the inventory to
2 the court, the applicant, and the Govern-
3 ment.”;

4 (4) in subsection (e)—

5 (A) by amending paragraph (1) to read as
6 follows:

7 “(1) RESULTS.—

8 “(A) IN GENERAL.—The results of any
9 DNA testing ordered under this section shall be
10 simultaneously disclosed to the court, the appli-
11 cant, and the Government.

12 “(B) RESULTS EXCLUDE APPLICANT.—

13 “(i) IN GENERAL.—If a DNA profile
14 is obtained through testing that excludes
15 the applicant as the source and the DNA
16 complies with the Federal Bureau of Inves-
17 tigation’s requirements for the uploading
18 of crime scene profiles to the National
19 DNA Index System (referred to in this
20 subsection as ‘NDIS’), the court shall
21 order that the law enforcement entity with
22 direct or conveyed statutory jurisdiction
23 that has access to the NDIS submit the
24 DNA profile obtained from probative bio-
25 logical material from crime scene evidence

1 to determine whether the DNA profile
2 matches a profile of a known individual or
3 a profile from an unsolved crime.

4 “(ii) NDIS SEARCH.—The results of a
5 search under clause (i) shall be simulta-
6 neously disclosed to the court, the appli-
7 cant, and the Government.”; and

8 (B) in paragraph (2), by striking “the Na-
9 tional DNA Index System (referred to in this
10 subsection as ‘NDIS’)” and inserting “NDIS”;
11 and

12 (5) in subsection (g)(2)(B), by striking
13 “death”.

14 (b) PRESERVATION OF BIOLOGICAL EVIDENCE.—

15 Section 3600A of title 18, United States Code, is amend-
16 ed—

17 (1) in subsection (a), by striking “under a sen-
18 tence of” and inserting “sentenced to”; and

19 (2) in subsection (c)—

20 (A) by striking paragraphs (1) and (2);

21 and

22 (B) by redesignating paragraphs (3), (4),
23 and (5) as paragraphs (1), (2), and (3), respec-
24 tively.

1 **SEC. 13. KIRK BLOODSWORTH POST-CONVICTION DNA**
2 **TESTING PROGRAM.**

3 (a) IN GENERAL.—Section 413 of the Justice for All
4 Act of 2004 (42 U.S.C. 14136 note) is amended—

5 (1) in the matter preceding paragraph (1), by
6 striking “fiscal years 2005 through 2009” and in-
7 serting “fiscal years 2017 through 2021”; and

8 (2) by striking paragraph (2) and inserting the
9 following:

10 “(2) for eligible entities that are a State or unit
11 of local government, provide a certification by the
12 chief legal officer of the State in which the eligible
13 entity operates or the chief legal officer of the juris-
14 diction in which the funds will be used for the pur-
15 poses of the grants, that the State or jurisdiction—

16 “(A) provides DNA testing of specified evi-
17 dence under a State statute or a State or local
18 rule or regulation to persons sentenced to im-
19 prisonment or death for a State felony offense,
20 in a manner intended to ensure a reasonable
21 process for resolving claims of actual innocence
22 that ensures post-conviction DNA testing in at
23 least those cases that would be covered by sec-
24 tion 3600(a) of title 18, United States Code,
25 had they been Federal cases and, if the results
26 of the testing exclude the applicant as the

1 source of the DNA, permits the applicant to
 2 apply for post-conviction relief, notwithstanding
 3 any provision of law that would otherwise bar
 4 the application as untimely; and

5 “(B) preserves biological evidence, as de-
 6 fined in section 3600A of title 18, United
 7 States Code, under a State statute or a State
 8 or local rule, regulation, or practice in a man-
 9 ner intended to ensure that reasonable meas-
 10 ures are taken by the State or jurisdiction to
 11 preserve biological evidence secured in relation
 12 to the investigation or prosecution of, at a min-
 13 imum, murder, nonnegligent manslaughter and
 14 sexual offenses.”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 16 412(b) of the Justice for All Act of 2004 (42 U.S.C.
 17 14136e(b)) is amended by striking “\$5,000,000 for each
 18 of fiscal years 2005 through 2009” and inserting
 19 “\$10,000,000 for each of fiscal years 2017 through
 20 2021”.

21 **SEC. 14. ESTABLISHMENT OF BEST PRACTICES FOR EVI-**
 22 **DENCE RETENTION.**

23 (a) IN GENERAL.—Subtitle A of title IV of the Jus-
 24 tice for All Act of 2004 (Public Law 108–405; 118 Stat.
 25 2278) is amended by adding at the end the following:

1 **“SEC. 414. ESTABLISHMENT OF BEST PRACTICES FOR EVI-**
 2 **DENCE RETENTION.**

3 “(a) IN GENERAL.—The Director of the National In-
 4 stitute of Justice, in consultation with Federal, State, and
 5 local law enforcement agencies and government labora-
 6 tories, shall—

7 “(1) establish best practices for evidence reten-
 8 tion to focus on the preservation of forensic evi-
 9 dence; and

10 “(2) assist State, local, and tribal governments
 11 in adopting and implementing the best practices es-
 12 tablished under paragraph (1).

13 “(b) DEADLINE.—Not later than 1 year after the
 14 date of enactment of this section, the Director of the Na-
 15 tional Institute of Justice shall publish the best practices
 16 established under subsection (a)(1).

17 “(c) LIMITATION.—Nothing in this section shall be
 18 construed to require or obligate compliance with the best
 19 practices established under subsection (a)(1).”.

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 21 The table of contents in section 1(b) of the Justice for
 22 All Act of 2004 (Public Law 108–405; 118 Stat. 2260)
 23 is amended by inserting after the item relating to section
 24 413 the following:

“Sec. 414. Establishment of best practices for evidence retention.”.

1 **SEC. 15. EFFECTIVE ADMINISTRATION OF CRIMINAL JUS-**
2 **TICE.**

3 (a) SHORT TITLE.—This section may be cited as the
4 “Effective Administration of Criminal Justice Act of
5 2015”.

6 (b) STRATEGIC PLANNING.—Section 502 of title I of
7 the Omnibus Crime Control and Safe Streets Act of 1968
8 (42 U.S.C. 3752) is amended—

9 (1) by inserting “(a) IN GENERAL.—” before
10 “To request a grant”; and

11 (2) by adding at the end the following:

12 “(6) A comprehensive Statewide plan detailing
13 how grants received under this section will be used
14 to improve the administration of the criminal justice
15 system, which shall—

16 “(A) be designed in consultation with local
17 governments, and representatives of all seg-
18 ments of the criminal justice system, including
19 judges, prosecutors, law enforcement personnel,
20 corrections personnel, and providers of indigent
21 defense services, victim services, juvenile justice
22 delinquency prevention programs, community
23 corrections, and reentry services;

24 “(B) include a description of how the State
25 will allocate funding within and among each of

1 the uses described in subparagraphs (A)
2 through (G) of section 501(a)(1);

3 “(C) describe the process used by the State
4 for gathering evidence-based data and devel-
5 oping and using evidence-based and evidence-
6 gathering approaches in support of funding de-
7 cisions;

8 “(D) describe the barriers at the State and
9 local level for accessing data and implementing
10 evidence-based approaches to preventing and re-
11 ducing crime and recidivism; and

12 “(E) be updated every 5 years, with an-
13 nual progress reports that—

14 “(i) address changing circumstances
15 in the State, if any;

16 “(ii) describe how the State plans to
17 adjust funding within and among each of
18 the uses described in subparagraphs (A)
19 through (G) of section 501(a)(1);

20 “(iii) provide an ongoing assessment
21 of need;

22 “(iv) discuss the accomplishment of
23 goals identified in any plan previously pre-
24 pared under this paragraph; and

1 “(v) reflect how the plan influenced
2 funding decisions in the previous year.

3 “(b) TECHNICAL ASSISTANCE.—

4 “(1) STRATEGIC PLANNING.—Not later than 90
5 days after the date of enactment of this subsection,
6 the Attorney General shall begin to provide technical
7 assistance to States and local governments request-
8 ing support to develop and implement the strategic
9 plan required under subsection (a)(6). *The Attorney*
10 *General may enter into agreements with 1 or more*
11 *non-governmental organizations to provide technical*
12 *assistance and training under this paragraph.*

13 “(2) PROTECTION OF CONSTITUTIONAL
14 RIGHTS.—Not later than 90 days after the date of
15 enactment of this subsection, the Attorney General
16 shall begin to provide technical assistance to States
17 and local governments, including any agent thereof
18 with responsibility for administration of justice, re-
19 questing support to meet the obligations established
20 by the Sixth Amendment to the Constitution of the
21 United States, which shall include—

22 “(A) public dissemination of practices,
23 structures, or models for the administration of
24 justice consistent with the requirements of the
25 Sixth Amendment; and

1 “(B) assistance with adopting and imple-
 2 menting a system for the administration of jus-
 3 tice consistent with the requirements of the
 4 Sixth Amendment.

5 “(3) AUTHORIZATION OF APPROPRIATIONS.—
 6 There is authorized to be appropriated \$5,000,000
 7 for each of fiscal years 2017 through 2021 to carry
 8 out this subsection.”.

9 (c) APPLICABILITY.—The requirement to submit a
 10 strategic plan under section 501(a)(6) of title I of the Om-
 11 nibus Crime Control and Safe Streets Act of 1968, as
 12 added by subsection (b), shall apply to any application
 13 submitted under such section 501 for a grant for any fis-
 14 cal year beginning after the date that is 1 year after the
 15 date of enactment of this Act.

16 **SEC. 16. OVERSIGHT AND ACCOUNTABILITY.**

17 All grants awarded by the Department of Justice that
 18 are authorized under this Act shall be subject to the fol-
 19 lowing:

20 (1) AUDIT REQUIREMENT.—Beginning in fiscal
 21 year 2016, and each fiscal year thereafter, the In-
 22 spector General of the Department of Justice shall
 23 conduct audits of recipients of grants under this Act
 24 to prevent waste, fraud, and abuse of funds by
 25 grantees. The Inspector General shall determine the

1 appropriate number of grantees to be audited each
2 year.

3 (2) MANDATORY EXCLUSION.—A recipient of
4 grant funds under this Act that is found to have an
5 unresolved audit finding shall not be eligible to re-
6 ceive grant funds under this Act during the 2 fiscal
7 years beginning after the 12-month period described
8 in paragraph (5).

9 (3) PRIORITY.—In awarding grants under this
10 Act, the Attorney General shall give priority to eligi-
11 ble entities that, during the 3 fiscal years before
12 submitting an application for a grant under this Act,
13 did not have an unresolved audit finding showing a
14 violation in the terms or conditions of a Department
15 of Justice grant program.

16 (4) REIMBURSEMENT.—If an entity is awarded
17 grant funds under this Act during the 2-fiscal-year
18 period in which the entity is barred from receiving
19 grants under paragraph (2), the Attorney General
20 shall—

21 (A) deposit an amount equal to the grant
22 funds that were improperly awarded to the
23 grantee into the General Fund of the Treasury;
24 and

1 (B) seek to recoup the costs of the repay-
2 ment to the fund from the grant recipient that
3 was erroneously awarded grant funds.

4 (5) DEFINED TERM.—In this section, the term
5 “unresolved audit finding” means an audit report
6 finding in the final audit report of the Inspector
7 General of the Department of Justice that the
8 grantee has utilized grant funds for an unauthorized
9 expenditure or otherwise unallowable cost that is not
10 closed or resolved within a 12-month period begin-
11 ning on the date when the final audit report is
12 issued.

13 (6) NONPROFIT ORGANIZATION REQUIRE-
14 MENTS.—

15 (A) DEFINITION.—For purposes of this
16 section and the grant programs described in
17 this Act, the term “nonprofit organization”
18 means an organization that is described in sec-
19 tion 501(c)(3) of the Internal Revenue Code of
20 1986 and is exempt from taxation under section
21 501(a) of such Code.

22 (B) PROHIBITION.—The Attorney General
23 shall not award a grant under any grant pro-
24 gram described in this Act to a nonprofit orga-
25 nization that holds money in offshore accounts

1 for the purpose of avoiding paying the tax de-
2 scribed in section 511(a) of the Internal Rev-
3 enue Code of 1986.

4 (C) DISCLOSURE.—Each nonprofit organi-
5 zation that is awarded a grant under a grant
6 program described in this Act and uses the pro-
7 cedures prescribed in regulations to create a re-
8 buttable presumption of reasonableness for the
9 compensation of its officers, directors, trustees
10 and key employees, shall disclose to the Attor-
11 ney General, in the application for the grant,
12 the process for determining such compensation,
13 including the independent persons involved in
14 reviewing and approving such compensation, the
15 comparability data used, and contemporaneous
16 substantiation of the deliberation and decision.
17 Upon request, the Attorney General shall make
18 the information disclosed under this subsection
19 available for public inspection.

20 (7) ADMINISTRATIVE EXPENSES.—Unless oth-
21 erwise explicitly provided in authorizing legislation,
22 not more than 7.5 percent of the amounts author-
23 ized to be appropriated under this Act may be used
24 by the Attorney General for salaries and administra-
25 tive expenses of the Department of Justice.

1 (8) CONFERENCE EXPENDITURES.—

2 (A) LIMITATION.—No amounts authorized
3 to be appropriated to the Department of Justice
4 under this Act may be used by the Attorney
5 General or by any individual or organization
6 awarded discretionary funds through a coopera-
7 tive agreement under this Act, to host or sup-
8 port any expenditure for conferences that uses
9 more than \$20,000 in Department funds, un-
10 less the Deputy Attorney General or the appro-
11 priate Assistant Attorney General, Director, or
12 principal deputy as the Deputy Attorney Gen-
13 eral may designate, provides prior written au-
14 thorization that the funds may be expended to
15 host a conference.

16 (B) WRITTEN APPROVAL.—Written ap-
17 proval under subparagraph (A) shall include a
18 written estimate of all costs associated with the
19 conference, including the cost of all food and
20 beverages, audio/visual equipment, honoraria
21 for speakers, and any entertainment.

22 (C) REPORT.—The Deputy Attorney Gen-
23 eral shall submit an annual report to the Com-
24 mittee on the Judiciary of the Senate and the
25 Committee on the Judiciary of the House of

1 Representatives on all conference expenditures
2 approved by operation of this paragraph.

3 (9) PROHIBITION ON LOBBYING ACTIVITY.—

4 (A) IN GENERAL.—Amounts authorized to
5 be appropriated under this Act may not be uti-
6 lized by any grant recipient to—

7 (i) lobby any representative of the De-
8 partment of Justice regarding the award of
9 grant funding; or

10 (ii) lobby any representative of a Fed-
11 eral, State, local, or tribal government re-
12 garding the award of grant funding.

13 (B) PENALTY.—If the Attorney General
14 determines that any recipient of a grant under
15 this Act has violated subparagraph (A), the At-
16 torney General shall—

17 (i) require the grant recipient to repay
18 the grant in full; and

19 (ii) prohibit the grant recipient from
20 receiving another grant under this Act for
21 not less than 5 years.

22 **SEC. 17. NEEDS ASSESSMENT OF FORENSIC LABORA-**
23 **TORIES.**

24 (a) STUDY AND REPORT.—Not later than October 1,
25 2018, the Attorney General shall conduct a study and sub-

1 mit a report to the Committee on the Judiciary of the Sen-
2 ate and the Committee on the Judiciary of the House of
3 Representatives on the status and needs of the forensic
4 science community.

5 (b) REQUIREMENTS.—The report required under
6 subsection (a) shall—

7 (1) examine the status of current workload,
8 backlog, personnel, equipment, and equipment needs
9 of public crime laboratories and medical examiner
10 and coroner offices;

11 (2) include an overview of academic forensic
12 science resources and needs, from a broad forensic
13 science perspective, including nontraditional crime
14 laboratory disciplines such as forensic anthropology,
15 forensic entomology, and others as determined ap-
16 propriate by the Attorney General;

17 (3) consider—

18 (A) the National Institute of Justice study,
19 Forensic Sciences: Review of Status and Needs,
20 published in 1999;

21 (B) the Bureau of Justice Statistics census
22 reports on Publicly Funded Forensic Crime
23 Laboratories, published in 2002, 2005, 2009,
24 and 2014;

(C) the National Academy of Sciences report, Strengthening Forensic Science: A Path Forward, published in 2009; and

(D) the Bureau of Justice Statistics survey of forensic providers recommended by the National Commission of Forensic Science and approved by the Attorney General on September 8, 2014;

(4) provide Congress with a comprehensive view of the infrastructure, equipment, and personnel needs of the broad forensic science community; and

(5) be made available to the public.

SEC. 18. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the authority of the Director of the Office of Victims of Crime under section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) includes funding ongoing projects that provide services to victims of crime on a nationwide basis or Americans abroad who are victims of crimes committed outside of the United States; and

(2) the proposed rule entitled “VOCA Victim Assistance Program” published by the Office of Victims of Crime of the Department of Justice in the Federal Register on August 27, 2013 (78 Fed. Reg.

1 ~~52877)~~, is consistent with section ~~1404~~ of the Vic-
 2 tims of Crime Act of 1984 (~~42 U.S.C. 10603~~).

3 **SEC. 18. CRIME VICTIM ASSISTANCE.**

4 (a) *AMENDMENT.*—Section 1404(c)(1)(A) of the Vic-
 5 tims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is
 6 amended by inserting “victim services,” before “demonstra-
 7 tion projects”.

8 (b) *SENSE OF CONGRESS.*—It is the sense of Congress
 9 that the proposed rule entitled “VOCA Victim Assistance
 10 Program” published by the Office of Victims of Crime of
 11 the Department of Justice in the Federal Register on August
 12 27, 2013 (78 Fed. Reg. 52877), is consistent with section
 13 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603).

14 **SEC. 19. IMPROVING THE RESTITUTION PROCESS.**

15 Section 3612 of title 18, United States Code, is amend-
 16 ed by adding at the end the following:

17 “(j) *EVALUATION OF OFFICES OF THE UNITED STATES*
 18 *ATTORNEY AND DEPARTMENT COMPONENTS.*—

19 “(1) *IN GENERAL.*—The Attorney General shall,
 20 as part of the regular evaluation process, evaluate
 21 each office of the United States attorney and each
 22 component of the Department of Justice on the per-
 23 formance of the office or the component, as the case
 24 may be, in seeking and recovering restitution for vic-
 25 tims under sections 3663 and 3663A.

1 “(2) *REQUIREMENT.*—*Following an evaluation*
 2 *under paragraph (1), each office of the United States*
 3 *attorney and each component of the Department of*
 4 *Justice shall work to improve the practices of the of-*
 5 *fice or component, as the case may be, with respect*
 6 *to seeking and recovering restitution for victims*
 7 *under sections 3663 and 3663A.*

8 “(k) *GAO REPORTS.*—

9 “(1) *REPORT.*—*Not later than 1 year after the*
 10 *date of enactment of this subsection, the Comptroller*
 11 *General of the United States shall prepare and sub-*
 12 *mit to the Committee on the Judiciary of the House*
 13 *of Representatives and the Committee on the Judici-*
 14 *ary of the Senate a report on restitution sought by the*
 15 *Attorney General under sections 3663 and 3663A*
 16 *during the 3-year period preceding the report.*

17 “(2) *CONTENTS.*—*The report required under*
 18 *paragraph (1) shall include statistically valid esti-*
 19 *mates of—*

20 “(A) *the number of cases in which a defend-*
 21 *ant was convicted and the Attorney General*
 22 *could seek restitution under this title;*

23 “(B) *the number of cases in which the At-*
 24 *torney General sought restitution;*

1 “(C) of the cases in which the Attorney Gen-
2 eral sought restitution, the number of times res-
3 titution was ordered by the district courts of the
4 United States;

5 “(D) the amount of restitution ordered by
6 the district courts of the United States;

7 “(E) the amount of restitution collected
8 pursuant to the restitution orders described in
9 subparagraph (D);

10 “(F) the percentage of restitution orders for
11 which the full amount of restitution has not been
12 collected; and

13 “(G) any other measurement the Comp-
14 troller General determines would assist in evalu-
15 ating how to improve the restitution process in
16 Federal criminal cases.

17 “(3) RECOMMENDATIONS.—The report required
18 under paragraph (1) shall include recommendations
19 on the best practices for—

20 “(A) requesting restitution in cases in
21 which restitution may be sought under sections
22 3663 and 3663A;

23 “(B) obtaining restitution orders from the
24 district courts of the United States; and

1 “(C) collecting restitution ordered by the
2 district courts of the United States.

3 “(4) *REPORT.*—Not later than 3 years after date
4 on which the report required under paragraph (1) is
5 submitted, the Comptroller General of the United
6 States shall prepare and submit to the Committee on
7 the Judiciary of the House of Representatives and the
8 Committee on the Judiciary of the Senate a report on
9 the implementation by the Attorney General of the
10 best practices recommended under paragraph (3).”.

Calendar No. 463

114TH CONGRESS
2^D Session

S. 2577

A BILL

To protect crime victims' rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes.

May 12, 2016

Reported with amendments