

116TH CONGRESS  
1ST SESSION

# S. 820

To strengthen programs authorized under the Debbie Smith Act of 2004.

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## IN THE SENATE OF THE UNITED STATES

MARCH 14, 2019

Mr. CORNYN (for himself, Mrs. FEINSTEIN, Mr. TILLIS, Mr. BLUMENTHAL, Ms. ERNST, Ms. MCSALLY, Mr. BURR, Mr. LEAHY, Ms. KLOBUCHAR, Mrs. BLACKBURN, Mr. HAWLEY, Mr. CRAPO, and Mr. SCOTT of South Carolina) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To strengthen programs authorized under the Debbie Smith Act of 2004.

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 “Debbie Smith Act of  
5 2019”.

6       **SEC. 2. DNA BACKLOG GRANT PROGRAM IMPROVEMENT.**

7       Section 2 of the DNA Analysis Backlog Elimination  
8 Act of 2000 (34 U.S.C. 40701) is amended—

9               (1) in subsection (a)—

1 (A) in paragraph (2), by striking “includ-  
2 ing” and inserting “prioritizing, to the extent  
3 practicable consistent with public safety consid-  
4 erations”; and

5 (B) in paragraph (8), by striking “includ-  
6 ing” and inserting “in particular,”;

7 (2) in subsection (b)—

8 (A) in paragraph (6), by striking “and” at  
9 the end;

10 (B) in paragraph (7), by striking the pe-  
11 riod at the end and inserting “; and”; and

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

13 “(8) provide assurances that the DNA section  
14 of the laboratory to be used to conduct DNA anal-  
15 yses has a written policy that prioritizes the analysis  
16 of, to the extent practicable consistent with public  
17 safety considerations, samples from homicides and  
18 sexual assaults.”;

19 (3) in subsection (c)(3)—

20 (A) in subparagraph (B), by striking  
21 “2014 through 2019” and inserting “2019  
22 through 2024”; and

23 (B) in subparagraph (C), by striking  
24 “2014 through 2019” and inserting “2019  
25 through 2024”;

1 (4) in subsection (g)—

2 (A) by redesignating paragraph (1), (2),  
3 and (3) as subparagraphs (A), (B), and (C),  
4 and adjusting the margins accordingly;

5 (B) by striking “Not later” and inserting  
6 the following:

7 “(1) IN GENERAL.—Not later”; and

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

9 “(2) REPORT ON EFFECTIVENESS OF GRANT  
10 PROGRAM.—Not later than 180 days after the date  
11 on which the Comptroller General of the United  
12 States issues the 2018 report on the DNA Capacity  
13 Enhancement and Backlog Reduction Grant Pro-  
14 gram, or 180 days after the date of enactment of  
15 the Debbie Smith Act of 2019, whichever date is  
16 later, the Attorney General shall submit a report to  
17 the Committee on the Judiciary of the Senate and  
18 the Committee on the Judiciary of the House of  
19 Representatives that—

20 “(A) describes any action taken by the De-  
21 partment of Justice since the release of the  
22 2018 report on the DNA Capacity Enhance-  
23 ment and Backlog Reduction Grant Program to  
24 improve the DNA Capacity Enhancement and  
25 Backlog Reduction Grant Program based on

1 the recommendations of the Comptroller Gen-  
2 eral; and

3 “(B) includes recommendations for re-  
4 forms that could enhance the effectiveness of  
5 the program in reducing the backlog of  
6 unanalyzed DNA evidence in sexual assault  
7 cases.

8 “(3) GAO REPORT.—Not later than 180 days  
9 after the end of the third fiscal year beginning after  
10 the date of enactment of this Act, and once every 3  
11 fiscal years thereafter, the Comptroller General of  
12 the United States shall issue a report on the DNA  
13 Capacity Enhancement and Backlog Reduction  
14 Grant Program describing, by year—

15 “(A) the total number of new DNA re-  
16 quests;

17 “(B) the total number of cases, items, and  
18 offender and arrestee samples analyzed;

19 “(C) the total number of DNA profiles  
20 uploaded to the national DNA index;

21 “(D) the total number of matches and in-  
22 vestigations aided by matches made by the na-  
23 tional DNA index;

1           “(E) changes in total laboratory capacity  
2 to conduct DNA analyses as described in sub-  
3 section (a)(3);

4           “(F) the number of open DNA cases at  
5 the end of each year and open DNA cases older  
6 than 30 days at the end of the year;

7           “(G) the number of sexual assault cases  
8 submitted to the laboratory during the year and  
9 the number of untested sexual assault cases  
10 older than 30 days at the end of the year;

11           “(H) whether the National Institute of  
12 Justice has defined DNA Capacity Enhance-  
13 ment and Backlog Reduction program-wide  
14 goals in clear, specific, and measurable terms;  
15 and

16           “(I) whether the Office of Justice Pro-  
17 grams has fully established all appropriate con-  
18 trols related to lobbying.”; and

19           (5) in subsection (j), by striking “2015 through  
20 2019” and inserting “2019 through 2024”.

21 **SEC. 3. TRAINING AND EDUCATION.**

22           Section 303(b) of the DNA Sexual Assault Justice  
23 Act of 2004 (34 U.S.C. 40722(b)) is amended by striking  
24 “2015 through 2019” and inserting “2019 through  
25 2024”.

1 **SEC. 4. SEXUAL ASSAULT FORENSIC EXAM GRANTS.**

2       Section 304(d) of the DNA Sexual Assault Justice  
3 Act of 2004 (34 U.S.C. 40723(d)) is amended by striking  
4 “2015 through 2019” and inserting “2019 through  
5 2024”.

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