

117TH CONGRESS
2D SESSION

H. R. 3359

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2022

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To provide for a system for reviewing the case files of cold case murders at the instance of certain persons, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Homicide Victims’
3 Families’ Rights Act of 2021”.

4 **SEC. 2. CASE FILE REVIEW.**

5 (a) IN GENERAL.—The head of an agency shall re-
6 view the case file regarding a cold case murder upon writ-
7 ten application by one designated person to determine if
8 a full reinvestigation would result in either the identifica-
9 tion of probative investigative leads or a likely perpetrator.

10 (b) REVIEW.—The review under subsection (a) shall
11 include—

12 (1) an analysis of what investigative steps or
13 follow-up steps may have been missed in the initial
14 investigation;

15 (2) an assessment of whether witnesses should
16 be interviewed or reinterviewed;

17 (3) an examination of physical evidence to see
18 if all appropriate forensic testing and analysis was
19 performed in the first instance or if additional test-
20 ing might produce information relevant to the inves-
21 tigation; and

22 (4) an update of the case file using the most
23 current investigative standards as of the date of the
24 review to the extent it would help develop probative
25 leads.

1 (c) CERTIFICATION IN LIEU OF REVIEW.—In any
2 case in which a written application for review has been
3 received under this Act by the agency, review shall be un-
4 necessary where the case does not satisfy the criteria for
5 a cold case murder. In such a case, the head of the agency
6 shall issue a written certification, with a copy provided to
7 the designated person that made the application under
8 subsection (a), stating that final review is not necessary
9 because all probative investigative leads have been ex-
10 hausted or that a likely perpetrator will not be identified.

11 (d) REVIEWER.—A review required under subsection
12 (a) shall not be conducted by a person who previously in-
13 vestigated the murder at issue.

14 (e) ACKNOWLEDGMENT.—The agency shall provide
15 in writing to the applicant as soon as reasonably pos-
16 sible—

17 (1) confirmation of the agency's receipt of the
18 application under subsection (a); and

19 (2) notice of the applicant's rights under this
20 Act.

21 (f) PROHIBITION ON MULTIPLE CONCURRENT RE-
22 VIEWS.—Only one case review shall be undertaken at any
23 one time with respect to the same cold case murder victim.

24 (g) TIME LIMIT.—Not later than 6 months after the
25 receipt of the written application submitted pursuant to

1 subsection (a), the agency shall conclude its case file re-
2 view and reach a conclusion about whether or not a full
3 reinvestigation under section 4 is warranted.

4 (h) EXTENSIONS.—

5 (1) IN GENERAL.—The agency may extend the
6 time limit under subsection (g) once for a period of
7 time not to exceed 6 months if the agency makes a
8 finding that the number of case files to be reviewed
9 make it impracticable to comply with such limit
10 without unreasonably taking resources from other
11 law enforcement activities.

12 (2) ACTIONS SUBSEQUENT TO WAIVER.—For
13 cases for which the time limit in subsection (g) is ex-
14 tended, the agency shall provide notice and an expla-
15 nation of its reasoning to one designated person who
16 filed the written application pursuant to this section.

17 **SEC. 3. APPLICATION.**

18 Each agency shall develop a written application to be
19 used for designated persons to request a case file review
20 under section 2.

21 **SEC. 4. FULL REINVESTIGATION.**

22 (a) IN GENERAL.—The agency shall conduct a full
23 reinvestigation of the cold case murder at issue if the re-
24 view of the case file required by section 2 concludes that

1 a full reinvestigation of such cold case murder would result
2 in probative investigative leads.

3 (b) REINVESTIGATION.—A full reinvestigation shall
4 include analyzing all evidence regarding the cold case mur-
5 der at issue for the purpose of developing probative inves-
6 tigative leads or a likely perpetrator.

7 (c) REVIEWER.—A reinvestigation required under
8 subsection (a) shall not be conducted by a person who pre-
9 viously investigated the murder at issue.

10 (d) PROHIBITION ON MULTIPLE CONCURRENT RE-
11 VIEWS.—Only one full reinvestigation shall be undertaken
12 at any one time with respect to the same cold case murder
13 victim.

14 **SEC. 5. CONSULTATION AND UPDATES.**

15 (a) IN GENERAL.—The agency shall consult with the
16 designated person who filed the written application pursu-
17 ant to section 2 and provide him or her with periodic up-
18 dates during the case file review and full reinvestigation.

19 (b) EXPLANATION OF CONCLUSION.—The agency
20 shall meet with the designated person and discuss the evi-
21 dence to explain to the designated person who filed the
22 written application pursuant to section 2 its decision
23 whether or not to engage in the full reinvestigation pro-
24 vided for under section 4 at the conclusion of the case
25 file review.

1 **SEC. 6. SUBSEQUENT REVIEWS.**

2 (a) CASE FILE REVIEW.—If a review under sub-
3 section (a) case file regarding a cold case murder is con-
4 ducted and a conclusion is reached not to conduct a full
5 reinvestigation, no additional case file review shall be re-
6 quired to be undertaken under this Act with respect to
7 that cold case murder for a period of five years, unless
8 there is newly discovered, materially significant evidence.
9 An agency may continue an investigation absent a des-
10 ignated person's application.

11 (b) FULL REINVESTIGATION.—If a full reinvestiga-
12 tion of a cold case murder is completed and a suspect is
13 not identified at its conclusion, no additional case file re-
14 view or full reinvestigation shall be undertaken with re-
15 gard to that cold case murder for a period of five years
16 beginning on the date of the conclusion of the reinvestiga-
17 tion, unless there is newly discovered, materially signifi-
18 cant evidence.

19 **SEC. 7. DATA COLLECTION.**

20 (a) IN GENERAL.—Beginning on the date that is
21 three years after the date of enactment of this Act, and
22 annually thereafter, the Director of the National Institute
23 of Justice shall publish statistics on the number of cold
24 case murders.

25 (b) MANNER OF PUBLICATION.—The statistics pub-
26 lished pursuant to subsection (a) shall, at a minimum, be

1 disaggregated by the circumstances of the cold case mur-
2 der, including the classification of the offense, and by
3 agency.

4 **SEC. 8. PROCEDURES TO PROMOTE COMPLIANCE.**

5 (a) REGULATIONS.—Not later than one year after the
6 date of enactment of this Act, the head of each agency
7 shall promulgate regulations to enforce the right of a des-
8 ignated person to request a review under this Act and to
9 ensure compliance by the agency with the obligations de-
10 scribed in this Act.

11 (b) PROCEDURES.—The regulations promulgated
12 under subsection (a) shall—

13 (1) designate an administrative authority within
14 the agency to receive and investigate complaints re-
15 lating to a review initiated under section 2 or a re-
16 investigation initiated under section 4;

17 (2) require a course of training for appropriate
18 employees and officers within the agency regarding
19 the procedures, responsibilities, and obligations re-
20 quired under this Act;

21 (3) contain disciplinary sanctions, which may
22 include suspension or termination from employment,
23 for employees of the agency who are shown to have
24 willfully or wantonly failed to comply with this Act;

1 (4) provide a procedure for the resolution of
2 complaints filed by the designated person concerning
3 the agency's handling of a cold case murder inves-
4 tigation or the case file evaluation; and

5 (5) provide that the head of the agency, or the
6 designee thereof, shall be the final arbiter of the
7 complaint, and that there shall be no judicial review
8 of the final decision of the head of the agency by a
9 complainant.

10 **SEC. 9. WITHHOLDING INFORMATION.**

11 Nothing in this Act shall require an agency to provide
12 information that would endanger the safety of any person,
13 unreasonably impede an ongoing investigation, violate a
14 court order, or violate legal obligations regarding privacy.

15 **SEC. 10. MULTIPLE AGENCIES.**

16 In the case that more than one agency conducted the
17 initial investigation of a cold case murder, each agency
18 shall coordinate their case file review or full reinvestiga-
19 tion such that there is only one joint case file review or
20 full reinvestigation occurring at a time in compliance with
21 section 2(f) or 4(d), as applicable.

22 **SEC. 11. APPLICABILITY.**

23 This Act applies in the case of any cold case murder
24 occurring on or after January 1, 1970.

1 **SEC. 12. DEFINITIONS.**

2 In this Act:

3 (1) The term “designated person” means an
4 immediate family member or someone similarly situ-
5 ated, as defined by the Attorney General.

6 (2) The term “immediate family member”
7 means a parent, parent-in-law, grandparent, grand-
8 parent-in-law, sibling, spouse, child, or step-child of
9 a murder victim.

10 (3) The term “victim” means a natural person
11 who died as a result of a cold case murder.

12 (4) The term “murder” means any criminal of-
13 fense under section 1111(a) of title 18, United
14 States Code, or any offense the elements of which
15 are substantially identical to such section.

16 (5) The term “agency” means a Federal law
17 enforcement entity with jurisdiction to engage in the
18 detection, investigation, or prosecution of a cold case
19 murder.

20 (6) The term “cold case murder” means a mur-
21 der—

22 (A) committed more than three years prior
23 to the date of an application by a designated
24 person under section 2(a);

25 (B) previously investigated by a Federal
26 law enforcement entity;

1 (C) for which all probative investigative
2 leads have been exhausted; and

3 (D) for which no likely perpetrator has
4 been identified.

5 **SEC. 13. ANNUAL REPORT.**

6 (a) IN GENERAL.—Each agency shall submit an an-
7 nual report to the Committees on the Judiciary of the
8 House of Representatives and of the Senate describing ac-
9 tions taken and results achieved under this Act during the
10 previous year.

11 (b) REPORT DESCRIBED.—The report described in
12 subsection (a) shall include—

13 (1) the number of written applications filed
14 with the agency pursuant to section 2(a);

15 (2) the number of extensions granted, and an
16 explanation of reasons provided under section 2(h);

17 (3) the number of full reinvestigations initiated
18 and closed pursuant to section 4; and

19 (4) statistics and individualized information on
20 topics that include identified suspects, arrests,

1 charges, and convictions for reviews under section 2
 2 and reinvestigations under section 4.

Passed the House of Representatives March 29,
 2022.

Attest: CHERYL L. JOHNSON,
Clerk.