

## **Child Abuse Prevention and Enforcement Act**

[Public Law 106–177]

[As Amended Through P.L. 116–277, Enacted December 31, 2020]

【Currency: This publication is a compilation of the text of Public Law 106–177. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT To reduce the incidence of child abuse and neglect, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## **TITLE I—THE CHILD ABUSE PREVENTION AND ENFORCEMENT ACT**

### **SEC. 101. [34 U.S.C. 10101 note] SHORT TITLE.**

This title may be cited as the “Child Abuse Prevention and Enforcement Act”.

### **SEC. 102. GRANT PROGRAM.**

Section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(b)) is amended by striking “and” at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting “; and”, and by adding after paragraph (16) the following:

“(17) the capability of the criminal justice system to deliver timely, accurate, and complete criminal history record information to child welfare agencies, organizations, and programs that are engaged in the assessment of risk and other activities related to the protection of children, including protection against child sexual abuse, and placement of children in foster care.”.

### **SEC. 103. USE OF FUNDS UNDER BYRNE GRANT PROGRAM FOR CHILD PROTECTION.**

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

- (1) by striking “and” at the end of paragraph (25);
- (2) by striking the period at the end of paragraph (26) and inserting a semicolon; and

(3) by adding at the end the following:

“(27) enforcing child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect; and

“(28) establishing or supporting cooperative programs between law enforcement and media organizations, to collect, record, retain, and disseminate information useful in the identification and apprehension of suspected criminal offenders.”.

**SEC. 104. CONDITIONAL ADJUSTMENT IN SET ASIDE FOR CHILD ABUSE VICTIMS UNDER THE VICTIMS OF CRIME ACT OF 1984.**

(a) IN GENERAL.—Section 1402(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)) is amended—

(1) by striking “(2) The first \$10,000,000” and inserting “(2)(A) Except as provided in subparagraph (B), the first \$10,000,000”; and

(2) by adding at the end the following:

“(B)(i) For any fiscal year for which the amount deposited in the Fund is greater than the amount deposited in the Fund for fiscal year 1998, the \$10,000,000 referred to in subparagraph (A) plus an amount equal to 50 percent of the increase in the amount from fiscal year 1998 shall be available for grants under section 1404A.

“(ii) Amounts available under this subparagraph for any fiscal year shall not exceed \$20,000,000.”.

(b) INTERACTION WITH ANY CAP.—Subsection (a) shall be implemented so that any increase in funding provided thereby shall operate notwithstanding any dollar limitation on the availability of the Crime Victims Fund established under the Victims of Crime Act of 1984.

## TITLE II—JENNIFER’S LAW

**SEC. 201. [34 U.S.C. 10101 note] SHORT TITLE.**

This title may be cited as “Jennifer’s Law”.

**SEC. 202. [34 U.S.C. 40501] PROGRAM AUTHORIZED.**

(a) IN GENERAL.—

(1) GRANTS AUTHORIZED.—The Attorney General may award grants to eligible entities described in paragraph (2) to enable the eligible entities to improve the transportation, processing, identification, and reporting of missing persons and unidentified remains, including migrants.

(2) ELIGIBLE ENTITIES.—Eligible entities described in this paragraph are the following:

(A) States and units of local government.

(B) Accredited, publicly funded, Combined DNA Index System (commonly known as “CODIS”) forensic laboratories, which demonstrate the grant funds will be used for DNA typing and uploading biological family DNA reference samples, including samples from foreign nationals, into CODIS, subject to the protocols for inclusion of such forensic DNA profiles into CODIS, and the privacy protections required under section 203(c).

- (C) Medical examiners offices.
- (D) Accredited, publicly funded toxicology laboratories.
- (E) Accredited, publicly funded crime laboratories.
- (F) Publicly funded university forensic anthropology laboratories.
- (G) Nonprofit organizations that have working collaborative agreements with State and county forensic offices, including medical examiners, coroners, and justices of the peace, for entry of data into CODIS or the National Missing and Unidentified Persons System (commonly known as “NamUs”), or both.

**SEC. 203. [34 U.S.C. 40502] ELIGIBILITY.**

(a) APPLICATION.—To be eligible to receive a grant award under this title, an entity described in section 202 shall submit an application at such time and in such form as the Attorney General may reasonably require.

(b) CONTENTS.—Each such application shall include assurances that the applicant shall, to the greatest extent possible—

(1) report to the National Crime Information Center and, when possible, to law enforcement authorities throughout the applicant’s jurisdiction regarding every deceased unidentified person, regardless of age, found in the applicant’s jurisdiction;

(2) enter a complete profile of such unidentified person in compliance with the guidelines established by the Department of Justice for the National Crime Information Center Missing and Unidentified Persons File, including dental records, DNA records, x-rays, and fingerprints, if available;

(3) enter the National Crime Information Center number or other appropriate number assigned to the unidentified person on the death certificate of each such unidentified person;

(4) retain all such records pertaining to unidentified persons until a person is identified; and

(5) collect and report information to the National Missing and Unidentified Persons System (NamUs) regarding missing persons and unidentified remains.

(c) PRIVACY PROTECTIONS FOR BIOLOGICAL FAMILY REFERENCE SAMPLES.—

(1) IN GENERAL.—Any suspected biological family DNA reference samples received from citizens of the United States or foreign nationals and uploaded into the Combined DNA Index System (commonly referred to as “CODIS”) by an accredited, publicly funded CODIS forensic laboratory awarded a grant under this section may be used only for identifying missing persons and unidentified remains.

(2) LIMITATION ON USE.—Any biological family DNA reference samples from citizens of the United States or foreign nationals entered into CODIS for purposes of identifying missing persons and unidentified remains may not be disclosed to a Federal or State law enforcement agency for law enforcement purposes.

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**SEC. 205.<sup>1</sup> [34 U.S.C. 40503] USE OF FUNDS.**

An applicant receiving a grant award under this title may use such funds to—

- (1) pay for the costs incurred during or after fiscal year 2017 for the transportation, processing, identification, and reporting of missing persons and unidentified remains, including migrants;
- (2) establish and expand programs developed to improve the reporting of unidentified persons in accordance with the assurances provided in the application submitted pursuant to section 203(b);
- (3) hire and maintain additional DNA case analysts and technicians, fingerprint examiners, forensic odontologists, and forensic anthropologists, needed to support such identification programs; and
- (4) procure and maintain state of the art multi-modal, multi-purpose forensic and DNA-typing and analytical equipment.

**SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this title \$2,000,000 for each of fiscal years 2000, 2001, and 2002.

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<sup>1</sup>Section 2(a)(3) of Public Law 116-277 struck section 204 of this Act and inserted a new section 205. The amendment results in two section 205s' in this Act.