

Homicide Victims' Families' Rights Act of 2021

[Public Law 117–164]

[This law has not been amended]

【Currency: This publication is a compilation of the text of Public Law 117–164. 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 provide for a system for reviewing the case files of cold case murders at the instance of certain persons, and for other purposes.

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

SECTION 1. [34 U.S.C. 10101 note] SHORT TITLE.

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

SEC. 2. [34 U.S.C. 60901] CASE FILE REVIEW.

(a) IN GENERAL.—The head of an agency shall review the case file regarding a cold case murder upon written application by one designated person to determine if a full reinvestigation would result in either the identification of probative investigative leads or a likely perpetrator.

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

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

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

(3) an examination of physical evidence to see if all appropriate forensic testing and analysis was performed in the first instance or if additional testing might produce information relevant to the investigation; and

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

(c) CERTIFICATION IN LIEU OF REVIEW.—In any case in which a written application for review has been received under this Act by the agency, review shall be unnecessary where the case does not satisfy the criteria for a cold case murder. In such a case, the head of the agency shall issue a written certification, with a copy provided to the designated person that made the application under

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subsection (a), stating that final review is not necessary because all probative investigative leads have been exhausted or that a likely perpetrator will not be identified.

(d) **REVIEWER.**—A review required under subsection (a) shall not be conducted by a person who previously investigated the murder at issue.

(e) **ACKNOWLEDGMENT.**—The agency shall provide in writing to the applicant as soon as reasonably possible—

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

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

(f) **PROHIBITION ON MULTIPLE CONCURRENT REVIEWS.**—Only one case review shall be undertaken at any one time with respect to the same cold case murder victim.

(g) **TIME LIMIT.**—Not later than 6 months after the receipt of the written application submitted pursuant to subsection (a), the agency shall conclude its case file review and reach a conclusion about whether or not a full reinvestigation under section 4 is warranted.

(h) **EXTENSIONS.**—

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

(2) **ACTIONS SUBSEQUENT TO WAIVER.**—For cases for which the time limit in subsection (g) is extended, the agency shall provide notice and an explanation of its reasoning to one designated person who filed the written application pursuant to this section.

SEC. 3. [34 U.S.C. 60902] APPLICATION.

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

SEC. 4. [34 U.S.C. 60903] FULL REINVESTIGATION.

(a) **IN GENERAL.**—The agency shall conduct a full reinvestigation of the cold case murder at issue if the review of the case file required by section 2 concludes that a full reinvestigation of such cold case murder would result in probative investigative leads.

(b) **REINVESTIGATION.**—A full reinvestigation shall include analyzing all evidence regarding the cold case murder at issue for the purpose of developing probative investigative leads or a likely perpetrator.

(c) **REVIEWER.**—A reinvestigation required under subsection (a) shall not be conducted by a person who previously investigated the murder at issue.

(d) **PROHIBITION ON MULTIPLE CONCURRENT REVIEWS.**—Only one full reinvestigation shall be undertaken at any one time with respect to the same cold case murder victim.

SEC. 5. [34 U.S.C. 60904] CONSULTATION AND UPDATES.

(a) **IN GENERAL.**—The agency shall consult with the designated person who filed the written application pursuant to section 2 and

provide him or her with periodic updates during the case file review and full reinvestigation.

(b) **EXPLANATION OF CONCLUSION.**—The agency shall meet with the designated person and discuss the evidence to explain to the designated person who filed the written application pursuant to section 2 its decision whether or not to engage in the full reinvestigation provided for under section 4 at the conclusion of the case file review.

SEC. 6. [34 U.S.C. 60905] SUBSEQUENT REVIEWS.

(a) **CASE FILE REVIEW.**—If a review under subsection (a) case file regarding a cold case murder is conducted and a conclusion is reached not to conduct a full reinvestigation, no additional case file review shall be required to be undertaken under this Act with respect to that cold case murder for a period of five years, unless there is newly discovered, materially significant evidence. An agency may continue an investigation absent a designated person's application.

(b) **FULL REINVESTIGATION.**—If a full reinvestigation of a cold case murder is completed and a suspect is not identified at its conclusion, no additional case file review or full reinvestigation shall be undertaken with regard to that cold case murder for a period of five years beginning on the date of the conclusion of the reinvestigation, unless there is newly discovered, materially significant evidence.

SEC. 7. [34 U.S.C. 60906] DATA COLLECTION.

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

(b) **MANNER OF PUBLICATION.**—The statistics published pursuant to subsection (a) shall, at a minimum, be disaggregated by the circumstances of the cold case murder, including the classification of the offense, and by agency.

SEC. 8. [34 U.S.C. 60907] PROCEDURES TO PROMOTE COMPLIANCE.

(a) **REGULATIONS.**—Not later than one year after the date of enactment of this Act, the head of each agency shall promulgate regulations to enforce the right of a designated person to request a review under this Act and to ensure compliance by the agency with the obligations described in this Act.

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

(1) designate an administrative authority within the agency to receive and investigate complaints relating to a review initiated under section 2 or a reinvestigation initiated under section 4;

(2) require a course of training for appropriate employees and officers within the agency regarding the procedures, responsibilities, and obligations required under this Act;

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

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

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

SEC. 9. [34 U.S.C. 60908] WITHHOLDING INFORMATION.

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

SEC. 10. [34 U.S.C. 60909] MULTIPLE AGENCIES.

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

SEC. 11. [34 U.S.C. 60910] APPLICABILITY.

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

SEC. 12. [34 U.S.C. 60911] DEFINITIONS.

In this Act:

(1) The term "designated person" means an immediate family member or someone similarly situated, as defined by the Attorney General.

(2) The term "immediate family member" means a parent, parent-in-law, grandparent, grandparent-in-law, sibling, spouse, child, or step-child of a murder victim.

(3) The term "victim" means a natural person who died as a result of a cold case murder.

(4) The term "murder" means any criminal offense under section 1111(a) of title 18, United States Code, or any offense the elements of which are substantially identical to such section.

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

(6) The term "cold case murder" means a murder—

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

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

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

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

SEC. 13. [34 U.S.C. 60912] ANNUAL REPORT.

(a) **IN GENERAL.**—Each agency shall submit an annual report to the Committees on the Judiciary of the House of Representatives

and of the Senate describing actions taken and results achieved under this Act during the previous year.

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

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

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

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

(4) statistics and individualized information on topics that include identified suspects, arrests, charges, and convictions for reviews under section 2 and reinvestigations under section 4.