

107TH CONGRESS  
2D SESSION

# S. 2090

To eliminate any limitation on indictment for sexual offenses and make awards to States to reduce their DNA casework backlogs.

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IN THE SENATE OF THE UNITED STATES

APRIL 11, 2002

Mr. TORRICELLI introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To eliminate any limitation on indictment for sexual offenses and make awards to States to reduce their DNA casework backlogs.

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 “Sexual Assault Pros-  
5       ecution Act of 2002”.

6       **SEC. 2. SEXUAL OFFENSE LIMITATION.**

7       (a) IN GENERAL.—Chapter 213 of title 18, United  
8       States Code, is amended—

9               (1) in section 3283, by striking “sexual or”;  
10       and

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

2 **“§ 3296. Sexual offenses**

3 “An indictment for any offense committed in viola-  
4 tion of chapter 109A of this title may be found at any  
5 time without limitation.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
7 The table of sections for chapter 213 of title 18, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing:

“3296. Sexual offenses.”.

10 **SEC. 3. AWARDS TO STATES TO REDUCE DNA CASEWORK**  
11 **BACKLOG.**

12 (a) DEVELOPMENT OF PLAN.—

13 (1) IN GENERAL.—Not later than 45 days after  
14 the date of enactment of this Act, the Director of  
15 the Federal Bureau of Investigation, in coordination  
16 with the Assistant Attorney General of the Office of  
17 Justice Programs of the Department of Justice, and  
18 after consultation with representatives of States and  
19 private forensic laboratories, shall develop a plan to  
20 grant voluntary awards to States to facilitate DNA  
21 analysis of all casework evidence of unsolved crimes.

22 (2) OBJECTIVE.—The objective of the plan de-  
23 veloped under paragraph (1) shall be to—

1 (A) effectively expedite the analysis of all  
2 casework evidence of unsolved crimes in an effi-  
3 cient and effective manner; and

4 (B) provide for the entry of DNA profiles  
5 into the combined DNA Indexing System  
6 (“CODIS”).

7 (b) AWARD CRITERIA.—The Federal Bureau of In-  
8 vestigation, in coordination with the Assistant Attorney  
9 General of the Office of Justice Programs of the Depart-  
10 ment of Justice, shall develop criteria for the granting of  
11 awards under this section including—

12 (1) the number of unsolved crimes awaiting  
13 DNA analysis in the State that is applying for an  
14 award under this section; and

15 (2) the development of a comprehensive plan to  
16 collect and analyze DNA evidence by the State that  
17 is applying for an award under this section.

18 (c) GRANTING OF AWARDS.—The Federal Bureau of  
19 Investigation, in coordination with the Assistant Attorney  
20 General of the Office of Justice Programs of the Depart-  
21 ment of Justice, shall—

22 (1) develop applications for awards to be grant-  
23 ed to States under this section;

24 (2) consider all applications submitted by  
25 States; and

1           (3) disburse all awards under this section.

2           (d) AWARD CONDITIONS.—States receiving awards  
3 under this section shall—

4           (1) require that each laboratory performing  
5 DNA analysis satisfies quality assurance standards  
6 and utilizes state-of-the-art DNA testing methods,  
7 as set forth by the Federal Bureau of Investigation  
8 in coordination with the Assistant Attorney General  
9 of the Office of Justice Programs of the Department  
10 of Justice;

11          (2) ensure that each DNA sample collected and  
12 analyzed be made available only—

13               (A) to criminal justice agencies for law en-  
14 forcement purposes;

15               (B) in judicial proceedings if otherwise ad-  
16 missible;

17               (C) for criminal defense purposes, to a  
18 criminal defendant who shall have access to  
19 samples and analyses performed in connection  
20 with any case in which such defendant is  
21 charged; or

22               (D) if personally identifiable information is  
23 removed, for—

24                       (i) a population statistics database;

1                   (ii) identification research and pro-  
2                   tocol development purposes; or

3                   (iii) quality control purposes; and

4           (3) match the award by spending 15 percent of  
5           the amount of the award in State funds to facilitate  
6           DNA analysis of all casework evidence of unsolved  
7           crimes.

8           (e) AUTHORIZATION OF APPROPRIATIONS.—There  
9           are authorized to be appropriated to the Department of  
10          Justice \$15,000,000 for each of fiscal years 2003 through  
11          2006, for awards to be granted under this section.

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