

111TH CONGRESS  
2D SESSION

# H. R. 4614

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IN THE SENATE OF THE UNITED STATES

MAY 19, 2010

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

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## AN ACT

To amend part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for incentive payments under the Edward Byrne Memorial Justice Assistance Grant program for States to implement minimum and enhanced DNA collection processes.

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 “Katie Sepich Enhanced  
3 DNA Collection Act of 2010”.

4 **SEC. 2. INCENTIVE PAYMENTS UNDER THE BYRNE GRANTS**  
5 **PROGRAM FOR STATES TO IMPLEMENT MIN-**  
6 **IMUM AND ENHANCED DNA COLLECTION**  
7 **PROCESSES.**

8       Section 505 of title I of the Omnibus Crime Control  
9 and Safe Streets Act of 1968 (42 U.S.C. 3755) is amend-  
10 ed by adding at the end the following new subsection:

11       “(i) PAYMENT INCENTIVES FOR STATES TO IMPLE-  
12 MENT MINIMUM AND ENHANCED DNA COLLECTION  
13 PROCESSES.—

14               “(1) PAYMENT INCENTIVES.—

15                       “(A) BONUS FOR MINIMUM DNA COLLEC-  
16 TION PROCESS.—Subject to subparagraph (B),  
17 in the case of a State that receives funds for a  
18 fiscal year (beginning with fiscal year 2011)  
19 under this subpart and has implemented a min-  
20 imum DNA collection process and uses such  
21 process for such year, the amount of funds that  
22 would otherwise be allocated under this subpart  
23 to such State for such fiscal year shall be in-  
24 creased by 5 percent.

25                       “(B) BONUS FOR ENHANCED DNA COLLEC-  
26 TION PROCESS.—In the case of a State that re-

1 ceives funds for a fiscal year (beginning with  
2 fiscal year 2011) under this subpart and has  
3 implemented an enhanced DNA collection proc-  
4 ess and uses such process for such year, the  
5 amount of funds that would otherwise be allo-  
6 cated under this subpart to such State for such  
7 fiscal year shall be increased by 10 percent.

8 “(2) DEFINITIONS.—For purposes of this sub-  
9 section:

10 “(A) MINIMUM DNA COLLECTION PROC-  
11 ESS.—The term ‘minimum DNA collection  
12 process’ means, with respect to a State, a proc-  
13 ess under which the Combined DNA Index Sys-  
14 tem (CODIS) of the Federal Bureau of Inves-  
15 tigation is searched at least one time against  
16 samples from the following individuals who are  
17 at least 18 years of age:

18 “(i) Such individuals who are arrested  
19 for, charged with, or indicted for a crimi-  
20 nal offense under State law that consists of  
21 murder or voluntary manslaughter or any  
22 attempt to commit murder or voluntary  
23 manslaughter.

24 “(ii) Such individuals who are ar-  
25 rested for, charged with, or indicted for a

1 criminal offense under State law that has  
2 an element involving a sexual act or sexual  
3 contact with another and that is punish-  
4 able by imprisonment for more than 5  
5 years, or an attempt to commit such an of-  
6 fense.

7 “(iii) Such individuals who are ar-  
8 rested for, charged with, or indicted for a  
9 criminal offense under State law that has  
10 an element of kidnaping or abduction pun-  
11 ishable by imprisonment for 5 years or  
12 more.

13 “(B) ENHANCED DNA COLLECTION PROC-  
14 ESS.—The term ‘enhanced DNA collection proc-  
15 ess’ means, with respect to a State, a process  
16 under which the State provides for the collec-  
17 tion, for purposes of inclusion in the Combined  
18 DNA Index System (CODIS) of the Federal  
19 Bureau of Investigation, of DNA samples from  
20 the following individuals who are at least 18  
21 years of age:

22 “(i) Such individuals who are arrested  
23 for or charged with a criminal offense  
24 under State law that consists of murder or

1 voluntary manslaughter or any attempt to  
2 commit murder or voluntary manslaughter.

3 “(ii) Such individuals who are ar-  
4 rested for or charged with a criminal of-  
5 fense under State law that has an element  
6 involving a sexual act or sexual contact  
7 with another and that is punishable by im-  
8 prisonment for more than 1 year, or an at-  
9 tempt to commit such an offense.

10 “(iii) Such individuals who are ar-  
11 rested for or charged with a criminal of-  
12 fense under State law that consists of a  
13 specified offense against a minor (as de-  
14 fined in section 111(7) of the Sex Offender  
15 Registration and Notification Act (42  
16 U.S.C. 16911(7)), or an attempt to com-  
17 mit such an offense.

18 “(iv) Such individuals who are ar-  
19 rested for or charged with a criminal of-  
20 fense under State law that consists of bur-  
21 glary or any attempt to commit burglary.

22 “(v) Such individuals who are ar-  
23 rested for or charged with a criminal of-  
24 fense under State law that consists of ag-  
25 gravated assault.

1           “(3) EXPUNGEMENT OF PROFILES.—The  
2 expungement requirements under section 210304(d)  
3 of the DNA Identification Act of 1994 (42 U.S.C.  
4 14132(d)) shall apply to any samples collected pur-  
5 suant to this subsection for purposes of inclusion in  
6 the Combined DNA Index System (CODIS) of the  
7 Federal Bureau of Investigation.

8           “(4) REPORTS.—The Attorney General shall  
9 submit to the Committee of the Judiciary of the  
10 House of Representatives and the Committee of the  
11 Judiciary of the Senate an annual report (which  
12 shall be made publicly available) that—

13               “(A) lists the States, for the year in-  
14 volved—

15                   “(i) which have (and those States  
16 which have not) implemented a minimum  
17 DNA collection process and use such proc-  
18 ess; and

19                   “(ii) which have (and those States  
20 which have not) implemented an enhanced  
21 DNA collection process and use such proc-  
22 ess;

23               “(B) describes the increases granted to  
24 States under paragraph (1) for the year in-  
25 volved and the amounts that States not receiv-

“(C) includes statistics, with respect to the year involved, regarding the benefits to law enforcement resulting from the implementation of minimum and enhanced DNA collection processes, including the number of matches made due to the inclusion of arrestee profiles under such a process.

“(5) AUTHORIZATION OF APPROPRIATIONS.—  
There is authorized to be appropriated to carry out  
this subsection for each of the fiscal years 2011  
through 2015, in addition to funds made available  
under section 508, such sums as may be necessary,  
but not to exceed the amount that is 10 percent of  
the total amount appropriated pursuant to such sec-  
tion for such fiscal year.”.

Passed the House of Representatives May 18, 2010.

Attest: LORRAINE C. MILLER,  
*Clerk.*