

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6011

To direct the Attorney General to design and implement a procedure to permit enhanced searches of the National DNA Index System.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2010

Mr. SCHIFF introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To direct the Attorney General to design and implement a procedure to permit enhanced searches of the National DNA Index System.

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 “Utilizing DNA Tech-  
5 nology to Solve Cold Cases Act of 2010”.

6 **SEC. 2. ENHANCED SEARCHES.**

7 (a) FAMILIAL SEARCHES.—

8 (1) IN GENERAL.—Not later than 180 days  
9 after the date of the enactment of this Act, the At-

1       torney General shall adopt policies and procedures in  
2       accordance with this section to ensure that—

3               (A) the Federal Bureau of Investigation  
4               may conduct familial searches for DNA samples  
5               collected from crime scenes in Federal inves-  
6               tigations;

7               (B) a State law enforcement agency may  
8               request that the Federal Bureau of Investiga-  
9               tion conduct familial searches for DNA samples  
10              collected from crime scenes in State investiga-  
11              tions; and

12              (C) the privacy interests of persons identi-  
13              fied in familial searches are carefully protected.

14              (2)       SEARCH       REQUIREMENTS.—Familial  
15              searches conducted by the Federal Bureau of Inves-  
16              tigation under this section shall be conducted only  
17              under the following circumstances:

18                      (A) No identical match for the DNA sam-  
19                      ple collected from a crime scene can be identi-  
20                      fied in the offender index.

21                      (B) The investigation for which DNA sam-  
22                      ples are collected at a crime scene involves one  
23                      or more of the following offenses under Federal  
24                      or State law:

1 (i) An offense of murder, voluntary  
2 manslaughter, or any attempt to commit  
3 murder or voluntary manslaughter.

4 (ii) A specified offense against a  
5 minor (as such term is defined in section  
6 111(7) of the Sex Offender Registration  
7 and Notification Act (42 U.S.C.  
8 16911(7))), or an attempt to commit such  
9 a specified offense.

10 (iii) An offense or attempt to commit  
11 an offense that—

12 (I) involves a sexual act or sexual  
13 contact with another; and

14 (II) is punishable by imprison-  
15 ment for more than one year.

16 (3) REQUESTING STATE LAW ENFORCEMENT  
17 AGENCY.—A State law enforcement agency making  
18 a request for a familial search under this section  
19 shall—

20 (A) before making such request, have in  
21 place a written policy that—

22 (i) establishes the criteria and proce-  
23 dures for requesting a familial search and  
24 for evaluating a familial match; and

1                   (ii) is consistent with any regulations  
2                   issued by the Attorney General pursuant to  
3                   this section; and

4                   (B) each time a familial search request is  
5                   made, make such policy available to the Attor-  
6                   ney General.

7                   (4) REPORTING OF MATCHES.—Any familial  
8                   match resulting from a request for a familial search  
9                   that complies with the requirements of this section  
10                  shall be reported to a laboratory authorized as a  
11                  Combined DNA Index System laboratory in the ju-  
12                  risdiction of the State law enforcement agency re-  
13                  questing information related to such match.

14                  (b) REPORT.—Not later than one year after the date  
15                  of the enactment of this Act, and annually thereafter, the  
16                  Attorney General shall submit to the chair and ranking  
17                  member of the Committee on the Judiciary of the House  
18                  of Representatives and the Committee on the Judiciary  
19                  of the Senate a report on compliance with this section.  
20                  Each such report shall contain the following information:

21                   (1) The number of familial searches requested  
22                   by State law enforcement agencies.

23                   (2) The number of familial searches conducted  
24                   under this section.

1           (3) The number of familial matches found as a  
2 result of such searches.

3           (4) The status of any case in which such a fa-  
4 miliary match was found.

5           (c) REGULATIONS.—Not later than 180 days after  
6 the date of the enactment of this Act, the Attorney Gen-  
7 eral shall issue regulations to carry out this section.

8           (d) DEFINITIONS.—In this section:

9           (1) The term “familial search” means a search  
10 of the offender index in which a DNA sample from  
11 an unknown source collected from a crime scene is  
12 compared to such offender index to determine if a  
13 familial match exists between the DNA profile con-  
14 tained in such index and the DNA sample collected  
15 from the crime scene.

16           (2) The term “familial match” means—

17           (A) a match of at least 1 shared allele at  
18 15 loci between a DNA profile in the offender  
19 index and a DNA sample collected at a crime  
20 scene; or

21           (B) any other genetic association the At-  
22 torney General determines is sufficient to con-  
23 stitute such a match.

24           (3) The term “offender index” means the data-  
25 base containing information on individuals convicted

1 of sex offenses and other violent crimes in the Na-  
2 tional DNA Index System established under section  
3 210304 of the Violent Crime Control and Law En-  
4 forcement Act of 1994 (Public Law 103–322, 108  
5 Stat. 1796).

6 (4) The term “State” means each of the several  
7 States, the District of Columbia, the Commonwealth  
8 of Puerto Rico, the United States Virgin Islands,  
9 American Samoa, Guam, and the Commonwealth of  
10 the Northern Mariana Islands.

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