

111TH CONGRESS  
2D SESSION

# H. R. 6214

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide incentives to States and units of local government under the Edward Byrne Memorial Justice Assistance Grant Program for providing certain services to victims of sexual assault or rape, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2010

Mr. NADLER of New York introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide incentives to States and units of local government under the Edward Byrne Memorial Justice Assistance Grant Program for providing certain services to victims of sexual assault or rape, and for other purposes.

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 “Justice for Rape Vic-

5       tims and Improving Use of DNA Evidence Act of 2010”.

1 **SEC. 2. INCENTIVE FUNDS UNDER THE BYRNE GRANT PRO-**  
2 **GRAM FOR STATES AND UNITS OF LOCAL**  
3 **GOVERNMENT THAT PROVIDE CERTAIN**  
4 **SERVICES TO VICTIMS OF SEXUAL ASSAULT.**

5 Section 505 of the Omnibus Crime Control and Safe  
6 Streets Act of 1968 (42 U.S.C. 3754) is amended by add-  
7 ing at the end the following new subsection:

8 “(i) INCENTIVE FUNDS FOR PROVIDING CERTAIN  
9 SERVICES TO VICTIMS OF SEXUAL ASSAULT AND ESTAB-  
10 LISHING RAPE KIT DATABASES.—

11 “(1) IN GENERAL.—The amounts allocated  
12 under this section to a State or unit of local govern-  
13 ment for a fiscal year (beginning with the first fiscal  
14 year that begins at least one year from the date of  
15 the enactment of this subsection) shall be increased  
16 by 10 percent if such State or unit of local govern-  
17 ment provides and certifies in accordance with such  
18 standards as the Attorney General may require, that  
19 the State or unit of local government had in effect,  
20 for the previous fiscal year, each of the following:

21 “(A) EXAMINATION AND TESTING OF RAPE  
22 KIT.—A process to provide to each victim of  
23 sexual assault, with respect to an act of sexual  
24 assault over which the State or unit of local  
25 government has jurisdiction, each of the fol-  
26 lowing:

1                   “(i) Examination by a qualified sexual  
2                   assault nurse examiner to collect a rape kit  
3                   from such victim.

4                   “(ii) Testing of any rape kit collected  
5                   from such victim and the furnishing of any  
6                   results from such test to the victim not  
7                   later than 180 days after the date on  
8                   which such testing was requested.

9                   “(B) RAPE KIT DATABASE.—A database  
10                  developed and maintained by such State or unit  
11                  of local government related to rape kits col-  
12                  lected, in connection with acts of sexual assault  
13                  over which the State or unit of local govern-  
14                  ment has jurisdiction, from victims of such acts  
15                  that complies with the following requirements:

16                  “(i) The database, for each rape kit  
17                  collected from each victim of sexual as-  
18                  sault, provides for the following:

19                          “(I) Identifies such rape kit by a  
20                          unique identifying number.

21                          “(II) The database contains in-  
22                          formation on the date and location of  
23                          each of the following:

1                   “(aa) The act of sexual as-  
2                   sault for which such rape kit was  
3                   collected.

4                   “(bb) The medical examina-  
5                   tion conducted from which such  
6                   rape kit was collected.

7                   “(cc) The testing of such  
8                   rape kit.

9                   “(III) The database contains in-  
10                  formation on the real-time physical lo-  
11                  cation of such rape kit, including  
12                  street address, locality, and State.

13                  “(IV) The database contains in-  
14                  formation on the results of any test-  
15                  ing of such rape kit.

16                  “(ii) Information contained in the  
17                  database, with respect to a rape kit, may  
18                  be made available only as follows:

19                         “(I) On a publically available  
20                         Internet site but only to the extent  
21                         that such information does not include  
22                         any personally identifiable information  
23                         (including the name of the victim as-  
24                         sociated with a unique identifying  
25                         number).

1                   “(II) To criminal justice agencies  
2                   for law enforcement identification pur-  
3                   poses.

4                   “(III) In judicial proceedings, if  
5                   otherwise admissible pursuant to ap-  
6                   plicable statutes or rules.

7                   “(IV) To a physican or nurse  
8                   who is treating a victim of sexual as-  
9                   sault from whom the rape kit was col-  
10                  lected for injuries resulting from the  
11                  sexual assault of such victim or with  
12                  respect to the collection of such rape  
13                  kit, but only insofar as the informa-  
14                  tion relates to such treatment.

15                  “(V) To the victim of sexual as-  
16                  sault from whom the rape kit was col-  
17                  lected, if the information made avail-  
18                  able is limited to information relating  
19                  to the rape kit collected from such vic-  
20                  tim.

21                  “(iii) Information contained in such  
22                  database shall be searchable by any of the  
23                  criteria specified in clause (i), subject to  
24                  the availability of such information under  
25                  clause (ii).

1           “(iv) Access for purposes of data  
2           entry and editing (including updating) of  
3           such database shall be limited to appro-  
4           priate individuals of a State or local law  
5           enforcement agency.

6           “(2) FUNDING.—

7           “(A) RATABLE REDUCTION FOR INSUFFI-  
8           CIENT FUNDS.—If there are insufficient funds  
9           for a fiscal year to allocate to each State or  
10          unit of local government the amount of incen-  
11          tive funds that such State or unit of local gov-  
12          ernment is otherwise eligible to receive under  
13          this subsection, the Attorney General shall rat-  
14          ably reduce the allotment to all States and  
15          units of local government based on the propor-  
16          tionate share each State or unit of local govern-  
17          ment received under this section (before the ap-  
18          plication of this subsection) for the preceding  
19          fiscal year.

20          “(B) AUTHORIZATION OF APPROPRIA-  
21          TIONS.—In addition to funds made available  
22          under section 508, there is authorized to be ap-  
23          propriated for incentive funds under this sub-  
24          section such sums as may be necessary for each  
25          of the fiscal years 2011 through 2015.

1           “(3) DEFINITIONS.—For purposes of this sub-  
2       section:

3           “(A) The term ‘sexual assault’ has the  
4       meaning given such term in section 40002(a) of  
5       the Violence Against Women Act of 1994 (42  
6       U.S.C. 13925a(a)).

7           “(B) The term ‘victim of sexual assault’  
8       means an individual who seeks medical treat-  
9       ment or care for an injury sustained as a result  
10      of sexual assault and reports such injury to a  
11      local or State law enforcement officer or agen-  
12      cy.

13          “(C) The term ‘rape kit’ means DNA evi-  
14      dence obtained related to sexual assault.

15          “(D) The term ‘qualified sexual assault  
16      nurse examiner’ means a nurse that has ob-  
17      tained certification from a hospital, govern-  
18      mental entity, or an appropriate institution of  
19      higher education (as defined in section 102 of  
20      the Higher Education Act of 1965 (20 U.S.C.  
21      1002)), for the collection of rape kits from vic-  
22      tims of sexual assault.

23          “(E) The term ‘tested’ means, with respect  
24      to a rape kit, that such rape kit has undergone  
25      forensic analysis.

1                   “(F) The term ‘unique identifying number’  
 2                   means a series of letters, numbers, or a com-  
 3                   bination thereof, that a law enforcement agency  
 4                   assigns to a rape kit that—

5                   “(i) such agency receives in connec-  
 6                   tion with an act of sexual assault; and

7                   “(ii) is used in place of the name of  
 8                   a victim of sexual assault in the database  
 9                   established under this subsection except if  
 10                  the person accessing the database is the  
 11                  victim of sexual assault or a member of a  
 12                  law enforcement agency.”.

13 **SEC. 3. STUDY AND REPORT ON DNA BACKLOG.**

14                  Subsection (g) of section 2 of the DNA Analysis  
 15                  Backlog Elimination Act of 2000 (42 U.S.C. 14135(g))  
 16                  is amended—

17                  (1) by redesignating paragraphs (1), (2), and  
 18                  (3) as subparagraphs (A), (B), and (C), respectively;

19                  (2) by moving subparagraphs (A), (B), and (C)  
 20                  (as so redesignated by paragraph (1) of this section)  
 21                  two ems to the right;

22                  (3) by striking “(g) REPORTS TO CONGRESS—  
 23                  Not” and inserting the following:

24                  “(g) REPORTS TO CONGRESS.—

25                  “(1) IN GENERAL.—Not”; and



1           (4) by adding at the end the following new  
2 paragraph:

3           “(2) STUDY AND REPORT TO CONGRESS ON  
4 DNA BACKLOG.—

5           “(A) STUDY.—The Attorney General shall  
6 conduct a study to determine the extent of the  
7 backlog in the United States relating to the  
8 analysis of DNA samples collected from crime  
9 scenes, victims, suspects, arrestees, and con-  
10 victed offenders. Such study shall determine the  
11 following:

12                   “(i) The number of each of the fol-  
13 lowing:

14                           “(I) DNA samples that have  
15 been prepared to be sent to a public  
16 or private crime laboratory for foren-  
17 sic analysis but have not been sent to  
18 such laboratory.

19                           “(II) Investigations for which  
20 DNA samples described in subclause  
21 (I) have been collected.

22                           “(III) DNA samples that have  
23 been received by a public or private  
24 crime laboratory for forensic analysis

1 but have not yet been tested at such  
2 laboratory.

3 “(IV) Investigations for which  
4 DNA samples described in subclause  
5 (III) have been collected.

6 “(ii) For each DNA sample and for  
7 each investigation for which such samples  
8 exist, the average duration of the following  
9 periods:

10 “(I) The period beginning on the  
11 date that is 30 days after the date  
12 each sample is collected from victims  
13 of sexual assault and ending on the  
14 date each sample is sent to a public or  
15 private crime laboratory to be tested.

16 “(II) The period beginning on  
17 the date that is 30 days after the date  
18 each sample is received by a public or  
19 private crime laboratory and ending  
20 on the date each sample is tested at  
21 each such laboratory.

22 “(B) REPORT.—Not later than two years  
23 after the date of the enactment of this Act and  
24 for each year thereafter, the Attorney General  
25 shall submit to Congress a report containing—

1 “(i) the results of the study conducted  
2 under subparagraph (A);

3 “(ii) a statistical analysis of the data  
4 contained in such study, disaggregated by  
5 jurisdiction, criminal offense, type of DNA  
6 evidence tested, if available, and any other  
7 category of information the Attorney Gen-  
8 eral may require; and

9 “(iii) recommendations on how to re-  
10 duce—

11 “(I) the number of DNA samples  
12 and investigations that are subject to  
13 the conditions described in subpara-  
14 graph (A)(i); and

15 “(II) the average duration of the  
16 periods described in subparagraph  
17 (A)(ii).

18 “(C) DEFINITIONS.—For purposes of this  
19 paragraph:

20 “(i) The term ‘DNA sample’ means  
21 evidence containing human DNA collected  
22 by Federal, State, local, or tribal law en-  
23 forcement agencies.

24 “(ii) The term ‘investigation’ includes  
25 any investigatory action taken by a Fed-

1           eral, State, tribal, or local law enforcement  
2           agency relating to an act of sexual assault  
3           after such agency receives a report of such  
4           act.

5           “(iii) The term ‘tested’ means, with  
6           respect to a DNA sample that such sample  
7           has undergone forensic analysis.”.

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