

Editorial Notes

REFERENCES IN TEXT

For the amendments made by this subsection, referred to in subsec. (c)(3), see Codification note below.

CODIFICATION

Section is comprised of section 2 of Pub. L. 117-327. Subsec. (c)(1) and (2) of section 2 of Pub. L. 117-327 amended sections 41307 and 41308 of this title, respectively.

Section was enacted as part of Billy's Law, also known as the Help Find the Missing Act, and not as part of Jennifer's Law which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

“In this Act [see section 1 of Pub. L. 117-327, set out as a Short Title of 2022 Amendment note under section 10101 of this title]:

“(1) **AUTHORIZED AGENCY.**—The term ‘authorized agency’ means a Government agency with an originating agency identification (ORI) number and that is a criminal justice agency, as defined in section 20.3 of title 28, Code of Federal Regulations.

“(2) **FBI.**—The term ‘FBI’ means the Federal Bureau of Investigation.

“(3) **FORENSIC MEDICINE SERVICE PROVIDER.**—The term ‘forensic medicine service provider’ means a State or unit of local government forensic medicine service provider having not fewer than 1 part-time or full-time employed forensic pathologist, or forensic pathologist under contract, who conducts medicolegal death investigations, including examinations of human remains, and who provides reports or opinion testimony with respect to such activity in courts of law within the United States.

“(4) **FORENSIC SCIENCE SERVICE PROVIDER.**—The term ‘forensic science service provider’ means a State or unit of local government agency having not fewer than 1 full-time analyst who examines physical evidence in criminal or investigative matters and provides reports or opinion testimony with respect to such evidence in courts in the United States.

“(5) **NAMUS DATABASES.**—The term ‘NamUs databases’ means the National Missing and Unidentified Persons System Missing Persons database and National Missing and Unidentified Persons System Unidentified Decedents database maintained by the National Institute of Justice of the Department of Justice, which serves as a clearinghouse and resource center for missing, unidentified, and unclaimed person cases.

“(6) **NCIC DATABASE.**—The term ‘NCIC database’ means the National Crime Information Center Missing Person File and National Crime Information Center Unidentified Person File of the National Crime Information Center database of the FBI, established pursuant to section 534 of title 28, United States Code.

“(7) **QUALIFYING LAW ENFORCEMENT AGENCY DEFINED.**—The term ‘qualifying law enforcement agency’ means a State, local, or Tribal law enforcement agency.

“(8) **STATE.**—The term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.”

§ 40507. Information sharing**(a) Access to NCIC**

Not later than 1 year after December 27, 2022, the Attorney General shall, in accordance with this section, provide access to the NCIC Missing Person and Unidentified Person Files to the Na-

tional Institute of Justice or its designee administering the NamUs program as a grantee or contractor, for the purpose of reviewing missing and unidentified person records in NCIC for case validation and NamUs data reconciliation.

(b) Electronic data sharing

Not later than 6 months after December 27, 2022, the Attorney General shall, in accordance with this section, have completed an assessment of the NCIC and NamUs system architectures and governing statutes, policies, and procedures and provide a proposed plan for the secure and automatic data transmission of missing and unidentified person records that are reported to and entered into the NCIC database, with the following criteria, to be electronically transmitted to the NamUs system.

(1) Missing Person cases with an MNP (Missing Person) code of CA (Child Abduction) or AA (Amber Alert) within 72 hours of entry into NCIC;

(2) Missing Person cases with an MNP code EME (Endangered) or EMI (Involuntary) within 30 days of entry into NCIC;

(3) All other Missing Person cases that have been active (non-cancelled) in NCIC for 180 days;

(4) Unidentified person cases that have been active (non-cancelled) in NCIC for 60 days;

(5) Once case data are transmitted to NamUs, cases are marked as such within NCIC, and any updates to such cases will be transmitted to NamUs within 24 hours.

(c) Rules on confidentiality**(1) In general**

Not later than 1 year after December 27, 2022, the Attorney General, in consultation with the Director of the FBI, shall promulgate rules pursuant to notice and comment that specify the information the Attorney General may allow NamUs to access from the NCIC Missing Person and Unidentified Person files or be transmitted from the NCIC database to the NamUs databases for purposes of this Act. Such rules shall—

(A) provide for the protection of confidential, private, and law enforcement sensitive information contained in the NCIC Missing Person and Unidentified Person files; and

(B) specify the circumstances in which access to portions of information in the Missing Person and Unidentified Person files may be withheld from the NamUs databases.

(Pub. L. 117-327, §3, Dec. 27, 2022, 136 Stat. 4456.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (c)(1), is Pub. L. 117-327, Dec. 27, 2022, 136 Stat. 4454, known as Billy's Law and also as the Help Find the Missing Act, which is classified principally to sections 40506 to 40508 of this title. For complete classification of this Act to the Code, see Short Title of 2022 Amendment note set out under section 10101 of this title and Tables.

CODIFICATION

Section was enacted as part of Billy's Law, also known as the Help Find the Missing Act, and not as part of Jennifer's Law which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of terms used in this section, see section 6 of Pub. L. 117-327, set out as a note under section 40506 of this title.

§ 40508. Report to Congress**(a) In general**

Not later than 1 year after December 27, 2022, and biennially thereafter, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report describing the status of the NCIC database and NamUs databases.

(b) Contents

The report required by subsection (a) shall describe, to the extent available, information on the process of information sharing between the NCIC database and NamUs databases.

(Pub. L. 117-327, § 5, Dec. 27, 2022, 136 Stat. 4457.)

Editorial Notes

CODIFICATION

Section was enacted as part of Billy's Law, also known as the Help Find the Missing Act, and not as part of Jennifer's Law which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of "NCIC database" and "NamUs databases" as used in this section, see section 6 of Pub. L. 117-327, set out as a note under section 40506 of this title.

CHAPTER 407—DNA IDENTIFICATION

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SUBCHAPTER I—COLLECTION AND ANALYSIS OF SAMPLES

§ 40701. The Debbie Smith DNA Backlog Grant Program**(a) Authorization of grants**

The Attorney General may make grants to eligible States or units of local government for use by the State or unit of local government for the following purposes:

(1) To carry out, for inclusion in the Combined DNA Index System of the Federal Bureau of Investigation, DNA analyses of samples collected under applicable legal authority.

(2) To carry out, for inclusion in such Combined DNA Index System, DNA analyses of samples from crime scenes, prioritizing, to the extent practicable consistent with public safety considerations¹ samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect.

(3) To increase the capacity of laboratories owned by the State or by units of local government to carry out DNA analyses of samples specified in paragraph (1) or (2).

(4) To collect DNA samples specified in paragraph (1).

(5) To ensure that DNA testing and analysis of samples from crimes, including sexual assault and other serious violent crimes, are carried out in a timely manner.

(6) Repealed. Pub. L. 113-4, title X, § 1006, Mar. 7, 2013, 127 Stat. 134.

(7) To conduct an audit consistent with subsection (n) of the samples of sexual assault evidence that are in the possession of the State or unit of local government and are awaiting testing.

(8) To ensure that the collection and processing of DNA evidence by law enforcement agencies from crimes, in particular, sexual assault and other violent crimes against persons, is carried out in an appropriate and timely manner and in accordance with the protocols and practices developed under subsection (o)(1).

(9) To increase the capacity of State and local prosecution offices to address the backlog of violent crime cases in which suspects have been identified through DNA evidence.

(b) Eligibility

For a State or unit of local government to be eligible to receive a grant under this section, the chief executive officer of the State or unit of local government shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require. The application shall, as required by the Attorney General—

(1) provide assurances that the State or unit of local government has implemented, or will implement not later than 120 days after the

¹ So in original. Probably should be followed by a comma.