

**(c) Criminal penalty**

A person who knowingly discloses a sample or result described in subsection (a) in any manner to any person not authorized to receive it, or obtains or uses, without authorization, such sample or result, shall be fined not more than \$250,000, or imprisoned for a period of not more than one year. Each instance of disclosure, obtaining, or use shall constitute a separate offense under this subsection.

(Pub. L. 106-546, §10, Dec. 19, 2000, 114 Stat. 2735; Pub. L. 108-405, title II, §203(e)(2), title III, §309, Oct. 30, 2004, 118 Stat. 2271, 2275.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 14135e of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

2004—Subsec. (c). Pub. L. 108-405, §309, reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “A person who knowingly—

“(1) discloses a sample or result described in subsection (a) of this section in any manner to any person not authorized to receive it; or

“(2) obtains, without authorization, a sample or result described in subsection (a) of this section, shall be fined not more than \$250,000, or imprisoned for a period of not more than one year, or both.”

Pub. L. 108-405, §203(e)(2), substituted “\$250,000, or imprisoned for a period of not more than one year, or both” for “\$100,000” in concluding provisions.

SUBCHAPTER II—TRAINING, TECHNOLOGY,  
RESEARCH, AND EXPANDED USE**§ 40721. Report to Congress on plans to modify CODIS system**

If the Department of Justice plans to modify or supplement the core genetic markers needed for compatibility with the CODIS system, it shall notify the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives in writing not later than 180 days before any change is made and explain the reasons for such change.

(Pub. L. 108-405, title II, §203(f), Oct. 30, 2004, 118 Stat. 2271.)

**Editorial Notes**

## CODIFICATION

Section is comprised of subsec. (f) of section 203 of Pub. L. 108-405. For complete classification of section 203, see Tables.

Section was formerly classified as a note under section 531 of Title 28, Judiciary and Judicial Procedure, prior to editorial reclassification and renumbering as this section.

**§ 40722. DNA training and education for law enforcement, correctional personnel, and court officers****(a) In general**

The Attorney General shall make grants to provide training, technical assistance, education, and information relating to the identification, collection, preservation, analysis, and use of DNA samples and DNA evidence by—

(1) law enforcement personnel, including police officers and other first responders, evidence technicians, investigators, and others who collect or examine evidence of crime;

(2) court officers, including State and local prosecutors, defense lawyers, and judges;

(3) forensic science professionals; and

(4) corrections personnel, including prison and jail personnel, and probation, parole, and other officers involved in supervision.

**(b) Authorization of appropriations**

There are authorized to be appropriated \$12,500,000 for each of fiscal years 2019 through 2024 to carry out this section.

(Pub. L. 108-405, title III, §303, Oct. 30, 2004, 118 Stat. 2273; Pub. L. 110-360, §3, Oct. 8, 2008, 122 Stat. 4008; Pub. L. 113-182, §3, Sept. 29, 2014, 128 Stat. 1918; Pub. L. 116-104, §3, Dec. 30, 2019, 133 Stat. 3272.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 14136 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

2019—Subsec. (b). Pub. L. 116-104 substituted “2019 through 2024” for “2015 through 2019”.

2014—Subsec. (b). Pub. L. 113-182 substituted “2015 through 2019” for “2009 through 2014”.

2008—Subsec. (b). Pub. L. 110-360 substituted “2009 through 2014” for “2005 through 2009”.

**Statutory Notes and Related Subsidiaries**INCENTIVE GRANTS TO STATES TO ENSURE  
CONSIDERATION OF CLAIMS OF ACTUAL INNOCENCE

Pub. L. 108-405, title IV, §413, Oct. 30, 2004, 118 Stat. 2285, as amended by Pub. L. 114-324, §12(a), Dec. 16, 2016, 130 Stat. 1957, provided that: “For each of fiscal years 2017 through 2021, all funds appropriated to carry out sections 303, 305, 308, and 412 [sections 40722, 40724, 40726, and 40727 of this title] shall be reserved for grants to eligible entities that—

“(1) meet the requirements under section 303, 305, 308, or 412, as appropriate; and

“(2) for eligible entities that are a State or unit of local government, provide a certification by the chief legal officer of the State in which the eligible entity operates or the chief legal officer of the jurisdiction in which the funds will be used for the purposes of the grants, that the State or jurisdiction—

“(A) provides DNA testing of specified evidence under a State statute or a State or local rule or regulation to persons sentenced to imprisonment or death for a State felony offense, in a manner intended to ensure a reasonable process for resolving claims of actual innocence that ensures post-conviction DNA testing in at least those cases that would be covered by section 3600(a) of title 18, United States Code, had they been Federal cases and, if the results of the testing exclude the applicant as the source of the DNA, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar the application as untimely; and

“(B) preserves biological evidence, as defined in section 3600A of title 18, United States Code, under a State statute or a State or local rule, regulation, or practice in a manner intended to ensure that reasonable measures are taken by the State or jurisdiction to preserve biological evidence secured in relation to the investigation or prosecution of, at a

minimum, murder, nonnegligent manslaughter and sexual offenses.”

**§ 40723. Sexual assault forensic exam program grants**

**(a) Definitions**

In this section:

**(1) Eligible entity**

The term “eligible entity” includes—

(A) a State, Tribal, or local government or hospital;

(B) a sexual assault examination program, including—

(i) a SANE program;

(ii) a SAFE program;

(iii) a SART program;

(iv) medical personnel, including a doctor or nurse, involved in treating victims of sexual assault; and

(v) a victim service provider involved in treating victims of sexual assault;

(C) a State sexual assault coalition;

(D) a health care facility, including a hospital that provides sexual assault forensic examinations by a qualified or certified SANE or SAFE;

(E) a sexual assault examination program that provides SANE or SAFE training; and

(F) a community-based program that provides sexual assault forensic examinations, including pediatric forensic exams in a multidisciplinary setting, by a qualified or certified SANE or SAFE outside of a traditional health care setting.

**(2) Health care facility**

The term “health care facility” means any State, local, Tribal, community, free, non-profit, academic, or private medical facility, including a hospital, that provides emergency medical care to patients.

**(3) Medical forensic examination; MFE**

The term “medical forensic examination” or “MFE” means an examination of a sexual assault patient by a health care provider, who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients, which includes—

(A) gathering information from the patient for the medical forensic history;

(B) an examination;

(C) coordinating treatment of injuries, documentation of biological and physical findings, and collection of evidence from the patient;

(D) documentation of findings;

(E) providing information, treatment, and referrals for sexually transmitted infections, pregnancy, suicidal ideation, alcohol and substance abuse, and other non-acute medical concerns; and

(F) providing follow-up as needed to provide additional healing, treatment, or collection of evidence.

**(4) Pediatric SANE and SAFE**

The term “pediatric SANE and SAFE” means a SANE or SAFE who is trained to conduct sexual assault forensic examinations on

children and youth between the ages of 0 and 18.

**(5) Qualified personnel**

The term “qualified personnel” includes a registered or advanced practice nurse, physician, doctor of osteopathy, or physician assistant who has specialized training conducting medical forensic examinations.

**(6) Qualified SANE and SAFE training program**

The term “qualified SANE and SAFE training program” means a program that—

(A) is qualified to prepare current and future sexual assault nurse examiners to be profession-ready and meet the applicable State and National certification and licensure requirements, through didactic, clinical, preceptor, or capstone programs that include longer-term training;

(B) provides that preparation under a health care model that uses trauma-informed techniques; and

(C) is approved as meeting the most recent National Training Standards for Sexual Assault Medical Forensic Examiners.

**(7) Rural area**

The term “rural area” has the meaning given the term in section 12291 of this title.

**(8) Secretary**

The term “Secretary” means the Secretary of Health and Human Services.

**(9) Sexual assault**

The term “sexual assault” means any non-consensual sexual act or sexual contact proscribed by Federal, Tribal, or State law, including when the individual lacks capacity to consent.

**(10) Sexual assault forensic examiner; SAFE**

The term “sexual assault forensic examiner” or “SAFE” means an individual who has specialized forensic training in treating sexual assault survivors and conducting medical forensic examinations.

**(11) Sexual assault forensic examination**

The term “sexual assault forensic examination” means an examination of a sexual assault patient by a health care provider, who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients, which includes—

(A) gathering information from the patient for the medical forensic history;

(B) an examination;

(C) coordinating treatment of injuries, documentation of biological and physical findings, and collection of evidence from the patient;

(D) documentation of findings;

(E) providing information, treatment, and referrals for sexually transmitted infections, pregnancy, suicidal ideation, alcohol and substance abuse, and other non-acute medical concerns; and

(F) providing follow-up as needed to provide additional healing, treatment, or collection of evidence.

**(12) Sexual assault nurse examiner; SANE**

The term “sexual assault nurse examiner” or “SANE” means a registered or advanced