

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 practice nurse who has specialized training conducting medical forensic examinations.

(13) Sexual assault response team; SART

The term “sexual assault response team” or “SART” means a multidisciplinary team that—

- (A) provides a specialized and immediate response to survivors of sexual assault; and
- (B) may include health care personnel, law enforcement representatives, community-based survivor advocates, prosecutors, and forensic scientists.

(14) State

The term “State” means any State of the United States, the District of Columbia, and any territory or possession of the United States.

(15) Trauma-informed

The term “trauma-informed” means, with respect to services or training, services or training that—

- (A) use a patient-centered approach to providing services or care;
- (B) promote the dignity, strength, and empowerment of patients who have experienced trauma; and
- (C) incorporate evidence-based practices based on knowledge about the impact of trauma on patients’ lives.

(16) Underserved populations

The term “underserved populations” has the meaning given the term in section 12291 of this title.

(b) Sexual assault nurse examiner training program grants

(1) Authorization for grants

The Attorney General, in consultation with the Secretary, shall make grants to eligible entities for the following purposes:

- (A) To establish qualified regional SANE training programs—
 - (i) to provide clinical education for SANE students;
 - (ii) to provide salaries for full and part-time SANE instructors, including those specializing in pediatrics and working in a multidisciplinary team setting, to help with the clinical training of SANEs; and
 - (iii) to provide access to simulation laboratories and other resources necessary for clinical education.

- (B) To provide full and part time salaries for SANEs and SAFEs, including pediatric SANEs and SAFEs.

- (C) To increase access to SANEs and SAFEs by otherwise providing training, education, or technical assistance relating to the collection, preservation, analysis, and use of DNA samples and DNA evidence by SANEs, SAFEs, and other qualified personnel.

(2) Preference for grants

In reviewing applications for grants under this section, the Attorney General shall give preference to any eligible entity that certifies in the grant application that the entity will coordinate with a rape crisis center or the State sexual assault coalition to facilitate sexual assault advocacy to support sexual assault survivors and use the grant funds to—

- (A) establish qualified SANE training programs in localities with a high volume of forensic trauma cases, including adult and child sexual assault, domestic violence, elder abuse, sex trafficking, and strangulation cases;
- (B) increase the local and regional availability of full and part time sexual assault nurse examiners in a rural area, Tribal area, an area with a health professional shortage, or for an underserved population, including efforts to provide culturally competent services; or
- (C) establish or sustain sexual assault mobile teams or units or otherwise enhance SANE and SAFE access through telehealth.

(c) Directive to the Attorney General

(1) In general

Not later than the beginning of fiscal year 2022, the Attorney General shall coordinate with the Secretary to inform health care facilities, including Federally qualified health centers and hospitals, colleges and universities, and other appropriate health-related entities about—

- (A) the availability of grant funding under this section; and
- (B) the role of sexual assault nurse examiners, both adult and pediatric, and available resources of the Department of Justice and the Department of Health and Human Services to train or employ sexual assault nurses examiners to address the needs of communities dealing with sexual assault, domestic violence, sex trafficking, elder abuse, strangulation, and, in particular, the need for pediatric SANEs, including such nurse examiners working in the multidisciplinary setting, in responding to abuse of both children and adolescents.

(2) Requirement

In carrying out paragraph (1), the Attorney General shall collaborate with nongovernmental organizations representing SANEs.

(d) Public information on access to sexual assault forensic examinations

(1) In general

Not later than 2 years after March 15, 2022, the Attorney General, in consultation with the Secretary, shall establish, and update annually, a public website on the access to forensic nurse examiners.

(2) Contents

The website required under paragraph (1) shall with specificity describe, by State—

- (A) funding opportunities for SANE training and continuing education; and
- (B) the availability of sexual assault advocates at locations providing sexual assault forensic exams.

(3) Report to Congress

Not later than 4 years after March 15, 2022, the Attorney General, in consultation with the Secretary, shall submit to the Committee on the Judiciary of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a report on—

- (A) the availability of, and patient access to, trained SANEs and other providers who perform MFEs or sexual assault forensic examinations;
- (B) the health care facilities, including hospitals or clinics, that offer SANEs and sexual assault forensic examinations and whether each health care facility, including a hospital or clinic, has full-time, part-time, or on-call coverage;
- (C) regional, provider, or other barriers to access for SANE care and services, including MFEs and sexual assault forensic examinations;
- (D) State requirements, minimum standards, and protocols for training SANEs, including trauma-informed and culturally competent training standards;
- (E) State requirements, minimum standards, and protocols for training emergency services personnel involved in MFEs and sexual assault forensic examinations;
- (F) the availability of sexual assault nurse examiner training, frequency of when training is convened, the providers of such training, the State's role in such training, and what process or procedures are in place for continuing education of such examiners;
- (G) the dedicated Federal and State funding to support SANE training;
- (H) funding opportunities for SANE training and continuing education;
- (I) the availability of sexual assault advocates at locations providing MFEs and sexual assault forensic exams; and
- (J) the total annual cost of conducting sexual assault forensic exams described in section 10449(b) of this title.

(e) Authorization of appropriations

There are authorized to be appropriated \$30,000,000 for each of fiscal years 2023 through 2027 to carry out this section.

(Pub. L. 108-405, title III, § 304, Oct. 30, 2004, 118 Stat. 2273; Pub. L. 110-360, § 4, Oct. 8, 2008, 122 Stat. 4009; Pub. L. 113-182, § 4, Sept. 29, 2014, 128 Stat. 1918; Pub. L. 114-324, § 4, Dec. 16, 2016, 130 Stat. 1950; Pub. L. 115-107, § 2, Jan. 8, 2018, 131 Stat. 2266; Pub. L. 116-104, § 4, Dec. 30, 2019, 133 Stat. 3273; Pub. L. 117-103, div. W, title XIII, § 1318(b)-(e), Mar. 15, 2022, 136 Stat. 940-945.)

Editorial Notes**CODIFICATION**

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

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-103, § 1318(b), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “The Attorney General shall make grants to eligible entities to provide training, technical assistance, education, equipment, and information relating to the identification, collection, preservation, analysis, and use of DNA samples and DNA evidence by medical personnel and other personnel, including doctors, medical examiners, coroners, nurses, victim service providers, and other professionals involved in treating victims of sexual assault and sexual assault examination programs, including SANE (Sexual Assault Nurse Examiner), SAFE (Sexual Assault Forensic Examiner), and SART (Sexual Assault Response Team).”

Subsec. (b). Pub. L. 117-103, § 1318(b), (c), added subsec. (b) and struck out former subsec. (b) which defined “eligible entity”.

Subsec. (c). Pub. L. 117-103, § 1318(b), (d)(2), added subsec. (c) and struck out former subsec. (c) which related to preference given to certain eligible entities for grants and promoting the role and employment of forensic nurses.

Subsec. (d). Pub. L. 117-103, § 1318(d)(2), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 117-103, § 1318(d)(2), (e), redesignated subsec. (d) as (e) and amended it generally. Prior to amendment, subsec. authorized appropriation of \$30,000,000 for each of fiscal years 2019 through 2024 to carry out this section.

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

2018—Subsec. (c)(2). Pub. L. 115-107 inserted “, both adult and pediatric,” after “role of forensic nurses” and substituted “elder abuse, and, in particular, the need for pediatric sexual assault nurse examiners, including such nurse examiners working in the multidisciplinary setting, in responding to abuse of both children and adolescents” for “and elder abuse”.

2016—Subsecs. (c), (d). Pub. L. 114-324 added subsec. (c) and redesignated former subsec. (c) as (d).

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

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

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2022 AMENDMENT**

Amendment by Pub. L. 117-103 not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as an Effective Date note under section 6851 of Title 15, Commerce and Trade.

§ 40724. DNA research and development**(a) Improving DNA technology**

The Attorney General shall make grants for research and development to improve forensic DNA technology, including increasing the identification accuracy and efficiency of DNA analysis, decreasing time and expense, and increasing portability.

(b) Demonstration projects

The Attorney General shall make grants to appropriate entities under which research is carried out through demonstration projects involving coordinated training and commitment of re-