

(c) State defined

For purposes of this section, the term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(Pub. L. 108-405, title IV, §412, Oct. 30, 2004, 118 Stat. 2284; Pub. L. 114-324, §12(b), Dec. 16, 2016, 130 Stat. 1957.)

Editorial Notes

CODIFICATION

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

AMENDMENTS

2016—Subsec. (b). Pub. L. 114-324 substituted “\$10,000,000 for each of fiscal years 2017 through 2021” for “\$5,000,000 for each of fiscal years 2005 through 2009”.

§ 40728. Establishment of best practices for evidence retention**(a) In general**

The Director of the National Institute of Justice, in consultation with Federal, State, and local law enforcement agencies and government laboratories, shall—

(1) establish best practices for evidence retention to focus on the preservation of forensic evidence; and

(2) assist State, local, and tribal governments in adopting and implementing the best practices established under paragraph (1).

(b) Deadline

Not later than 1 year after December 16, 2016, the Director of the National Institute of Justice shall publish the best practices established under subsection (a)(1).

(c) Limitation

Nothing in this section shall be construed to require or obligate compliance with the best practices established under subsection (a)(1).

(Pub. L. 108-405, title IV, §414, as added Pub. L. 114-324, §13(a), Dec. 16, 2016, 130 Stat. 1958.)

Editorial Notes

CODIFICATION

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

SUBCHAPTER III—DNA ARRESTEE
COLLECTION PROCESSES**§ 40741. Definitions**

For purposes of this subchapter:

(1) DNA arrestee collection process

The term “DNA arrestee collection process” means, with respect to a State, a process under which the State provides for the collection, for purposes of inclusion in the index described in section 12592(a) of this title (in this subchapter referred to as the “National DNA

Index System”), of DNA profiles or DNA data from the following individuals who are at least 18 years of age:

(A) Individuals who are arrested for or charged with a criminal offense under State law that consists of a homicide.

(B) Individuals who are arrested for or charged with a criminal offense under State law that has an element involving a sexual act or sexual contact with another and that is punishable by imprisonment for more than 1 year.

(C) Individuals who are arrested for or charged with a criminal offense under State law that has an element of kidnaping or abduction and that is punishable by imprisonment for more than 1 year.

(D) Individuals who are arrested for or charged with a criminal offense under State law that consists of burglary punishable by imprisonment for more than 1 year.

(E) Individuals who are arrested for or charged with a criminal offense under State law that consists of aggravated assault punishable by imprisonment for more than 1 year.

(2) 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.

(Pub. L. 112-253, §2, Jan. 10, 2013, 126 Stat. 2407.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this Act”, meaning Pub. L. 112-253, Jan. 10, 2013, 126 Stat. 2407, known as the Katie Sepich Enhanced DNA Collection Act of 2012, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Short Title of 2013 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 14137 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 40742. Grants to States to implement DNA arrestee collection processes**(a) In general**

The Attorney General shall, subject to amounts made available pursuant to section 40744 of this title, carry out a grant program for the purpose of assisting States with the costs associated with the implementation of DNA arrestee collection processes.

(b) Applications**(1) In general**

To be eligible to receive a grant under this section, in addition to any other requirements specified by the Attorney General, a State shall submit to the Attorney General an application that demonstrates that it has statutory authorization for the implementation of a DNA arrestee collection process.

(2) Non-supplanting funds

An application submitted under paragraph (1) by a State shall include assurances that the