

(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

amounts received under the grant under this section shall be used to supplement, not supplant, State funds that would otherwise be available for the purpose described in subsection (a).

(3) Other requirements

The Attorney General shall require a State seeking a grant under this section to document how such State will use the grant to meet expenses associated with a State's implementation or planned implementation of a DNA arrestee collection process.

(c) Grant allocation

(1) In general

The amount available to a State under this section shall be based on the projected costs that will be incurred by the State to implement a DNA arrestee collection process. Subject to paragraph (2), the Attorney General shall retain discretion to determine the amount of each such grant awarded to an eligible State.

(2) Maximum grant allocation

In the case of a State seeking a grant under this section with respect to the implementation of a DNA arrestee collection process, such State shall be eligible for a grant under this section that is equal to no more than 100 percent of the first year costs to the State of implementing such process.

(d) Grant conditions

As a condition of receiving a grant under this section, a State shall have a procedure in place—

- (1) provide written notification of expungement provisions and instructions for requesting expungement to all persons who submit a DNA profile or DNA data for inclusion in the index;
- (2) provide the eligibility criteria for expungement and instructions for requesting expungement on an appropriate public Web site; and
- (3) make a determination on all expungement requests not later than 90 days after receipt and provide a written response of the determination to the requesting party.

(Pub. L. 112-253, § 3, Jan. 10, 2013, 126 Stat. 2408.)

Editorial Notes

CODIFICATION

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

§ 40743. Expungement of profiles

The expungement requirements under section 12592(d) of this title shall apply to any DNA profile or DNA data collected pursuant to this subchapter for purposes of inclusion in the National DNA Index System.

(Pub. L. 112-253, § 4, Jan. 10, 2013, 126 Stat. 2408.)

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 14137b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 40744. Offset of funds appropriated

Any funds appropriated to carry out this subchapter, not to exceed \$10,000,000 for each of fiscal years 2013 through 2015, shall be derived from amounts appropriated pursuant to subsection (j) of section 40701 of this title in each such fiscal year for grants under such section.

(Pub. L. 112-253, § 5, Jan. 10, 2013, 126 Stat. 2409.)

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 14137c of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

CHAPTER 409—NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

- Sec. 40901. Establishment.
- 40902. Findings.
- 40903. Definitions.

SUBCHAPTER I—TRANSMITTAL OF RECORDS

- 40911. Enhancement of requirement that Federal departments and agencies provide relevant information to the National Instant Criminal Background Check System.
- 40912. Requirements to obtain waiver.
- 40913. Implementation assistance to States.
- 40914. Penalties for noncompliance.
- 40915. Relief from disabilities program required as condition for participation in grant programs.
- 40916. Illegal immigrant gun purchase notification.
- 40917. Implementation plan.

SUBCHAPTER II—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS

- 40931. Continuing evaluations.

SUBCHAPTER III—GRANTS TO STATE COURT SYSTEMS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS

- 40941. Disposition records automation and transmittal improvement grants.

§ 40901. Establishment

(a) Determination of timetables

Not later than 6 months after November 30, 1993, the Attorney General shall—

- (1) determine the type of computer hardware and software that will be used to operate the