

(3) community-based violence prevention initiatives; or

(4) gang and youth violence education, prevention and intervention, and related activities.

(Pub. L. 115–185, §4, June 18, 2018, 132 Stat. 1485.)

§ 60704. Rules and regulations

(a) In general

The Attorney General shall issue guidance to create, carry out, and administer the Program in accordance with this section.

(b) Funds to be directed to local control

Amounts made available as grants under the Program shall be, to the greatest extent practicable, locally controlled to address problems that are identified locally.

(c) Task Forces

Thirty percent of the amounts made available as grants under the Program each fiscal year shall be granted to Gang Task Forces in regions experiencing a significant or increased presence of criminal or transnational organizations engaging in high levels of violent crime, firearms offenses, human trafficking, and drug trafficking.

(d) Priority

Amounts made available as grants under the Program shall be used to prioritize the investigation and prosecution of individuals who have an aggravating or leadership role in a criminal or transnational organization described in subsection (c).

(Pub. L. 115–185, §5, June 18, 2018, 132 Stat. 1486.)

§ 60705. Authorization of appropriations

There are authorized to be appropriated to the Attorney General to carry out the Program \$50,000,000 for each of fiscal years 2019 through 2021.

(Pub. L. 115–185, §6, June 18, 2018, 132 Stat. 1486.)

CHAPTER 609—HOMICIDE VICTIMS' FAMILIES' RIGHTS

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§ 60901. Case file review

(a) In general

The head of an agency shall review the case file regarding a cold case murder upon written application by one designated person to determine if a full reinvestigation would result in either the identification of probative investigative leads or a likely perpetrator.

(b) Review

The review under subsection (a) shall include—

(1) an analysis of what investigative steps or follow-up steps may have been missed in the initial investigation;

(2) an assessment of whether witnesses should be interviewed or reinterviewed;

(3) an examination of physical evidence to see if all appropriate forensic testing and analysis was performed in the first instance or if additional testing might produce information relevant to the investigation; and

(4) an update of the case file using the most current investigative standards as of the date of the review to the extent it would help develop probative leads.

(c) Certification in lieu of review

In any case in which a written application for review has been received under this chapter by the agency, review shall be unnecessary where the case does not satisfy the criteria for a cold case murder. In such a case, the head of the agency shall issue a written certification, with a copy provided to the designated person that made the application under subsection (a), stating that final review is not necessary because all probative investigative leads have been exhausted or that a likely perpetrator will not be identified.

(d) Reviewer

A review required under subsection (a) shall not be conducted by a person who previously investigated the murder at issue.

(e) Acknowledgment

The agency shall provide in writing to the applicant as soon as reasonably possible—

(1) confirmation of the agency's receipt of the application under subsection (a); and

(2) notice of the applicant's rights under this chapter.

(f) Prohibition on multiple concurrent reviews

Only one case review shall be undertaken at any one time with respect to the same cold case murder victim.

(g) Time limit

Not later than 6 months after the receipt of the written application submitted pursuant to subsection (a), the agency shall conclude its case file review and reach a conclusion about whether or not a full reinvestigation under section 60903 of this title is warranted.

(h) Extensions

(1) In general

The agency may extend the time limit under subsection (g) once for a period of time not to exceed 6 months if the agency makes a finding that the number of case files to be reviewed make it impracticable to comply with such limit without unreasonably taking resources from other law enforcement activities.

(2) Actions subsequent to waiver

For cases for which the time limit in subsection (g) is extended, the agency shall provide notice and an explanation of its reasoning to one designated person who filed the written application pursuant to this section.

(Pub. L. 117–164, §2, Aug. 3, 2022, 136 Stat. 1358.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

For short title of Pub. L. 117-164, which enacted this chapter, as the Homicide Victims' Families' Rights Act of 2021, see section 1 of Pub. L. 117-164, set out as a Short Title of 2022 Amendment note under section 10101 of this title.

§ 60902. Application

Each agency shall develop a written application to be used for designated persons to request a case file review under section 60901 of this title.

(Pub. L. 117-164, §3, Aug. 3, 2022, 136 Stat. 1359.)

§ 60903. Full reinvestigation**(a) In general**

The agency shall conduct a full reinvestigation of the cold case murder at issue if the review of the case file required by section 60901 of this title concludes that a full reinvestigation of such cold case murder would result in probative investigative leads.

(b) Reinvestigation

A full reinvestigation shall include analyzing all evidence regarding the cold case murder at issue for the purpose of developing probative investigative leads or a likely perpetrator.

(c) Reviewer

A reinvestigation required under subsection (a) shall not be conducted by a person who previously investigated the murder at issue.

(d) Prohibition on multiple concurrent reviews

Only one full reinvestigation shall be undertaken at any one time with respect to the same cold case murder victim.

(Pub. L. 117-164, §4, Aug. 3, 2022, 136 Stat. 1359.)

§ 60904. Consultation and updates**(a) In general**

The agency shall consult with the designated person who filed the written application pursuant to section 60901 of this title and provide him or her with periodic updates during the case file review and full reinvestigation.

(b) Explanation of conclusion

The agency shall meet with the designated person and discuss the evidence to explain to the designated person who filed the written application pursuant to section 60901 of this title its decision whether or not to engage in the full reinvestigation provided for under section 60903 of this title at the conclusion of the case file review.

(Pub. L. 117-164, §5, Aug. 3, 2022, 136 Stat. 1359.)

§ 60905. Subsequent reviews**(a) Case file review**

If a review under subsection (a) case file¹ regarding a cold case murder is conducted and a conclusion is reached not to conduct a full reinvestigation, no additional case file review

¹ So in original.

shall be required to be undertaken under this chapter with respect to that cold case murder for a period of five years, unless there is newly discovered, materially significant evidence. An agency may continue an investigation absent a designated person's application.

(b) Full reinvestigation

If a full reinvestigation of a cold case murder is completed and a suspect is not identified at its conclusion, no additional case file review or full reinvestigation shall be undertaken with regard to that cold case murder for a period of five years beginning on the date of the conclusion of the reinvestigation, unless there is newly discovered, materially significant evidence.

(Pub. L. 117-164, §6, Aug. 3, 2022, 136 Stat. 1359.)

§ 60906. Data collection**(a) In general**

Beginning on the date that is three years after August 3, 2022, and annually thereafter, the Director of the National Institute of Justice shall publish statistics on the number of cold case murders.

(b) Manner of publication

The statistics published pursuant to subsection (a) shall, at a minimum, be disaggregated by the circumstances of the cold case murder, including the classification of the offense, and by agency.

(Pub. L. 117-164, §7, Aug. 3, 2022, 136 Stat. 1360.)

§ 60907. Procedures to promote compliance**(a) Regulations**

Not later than one year after August 3, 2022, the head of each agency shall promulgate regulations to enforce the right of a designated person to request a review under this chapter and to ensure compliance by the agency with the obligations described in this chapter.

(b) Procedures

The regulations promulgated under subsection (a) shall—

(1) designate an administrative authority within the agency to receive and investigate complaints relating to a review initiated under section 60901 of this title or a reinvestigation initiated under section 60903 of this title;

(2) require a course of training for appropriate employees and officers within the agency regarding the procedures, responsibilities, and obligations required under this chapter;

(3) contain disciplinary sanctions, which may include suspension or termination from employment, for employees of the agency who are shown to have willfully or wantonly failed to comply with this chapter;

(4) provide a procedure for the resolution of complaints filed by the designated person concerning the agency's handling of a cold case murder investigation or the case file evaluation; and

(5) provide that the head of the agency, or the designee thereof, shall be the final arbiter of the complaint, and that there shall be no judicial review of the final decision of the head of the agency by a complainant.