

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

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.

¹ So in original.