

**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 file<sup>1</sup> regarding a cold case murder is conducted and a conclusion is reached not to conduct a full reinvestigation, no additional case file review

<sup>1</sup> 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.

(Pub. L. 117–164, §8, Aug. 3, 2022, 136 Stat. 1360.)

**§ 60908. Withholding information**

Nothing in this chapter shall require an agency to provide information that would endanger the safety of any person, unreasonably impede an ongoing investigation, violate a court order, or violate legal obligations regarding privacy.

(Pub. L. 117–164, §9, Aug. 3, 2022, 136 Stat. 1360.)

**§ 60909. Multiple agencies**

In the case that more than one agency conducted the initial investigation of a cold case murder, each agency shall coordinate their case file review or full reinvestigation such that there is only one joint case file review or full reinvestigation occurring at a time in compliance with section 60901(f) or 60903(d) of this title, as applicable.

(Pub. L. 117–164, §10, Aug. 3, 2022, 136 Stat. 1361.)

**§ 60910. Applicability**

This chapter applies in the case of any cold case murder occurring on or after January 1, 1970.

(Pub. L. 117–164, §11, Aug. 3, 2022, 136 Stat. 1361.)

**§ 60911. Definitions**

In this chapter:

(1) The term “designated person” means an immediate family member or someone similarly situated, as defined by the Attorney General.

(2) The term “immediate family member” means a parent, parent-in-law, grandparent, grandparent-in-law, sibling, spouse, child, or step-child of a murder victim.

(3) The term “victim” means a natural person who died as a result of a cold case murder.

(4) The term “murder” means any criminal offense under section 1111(a) of title 18 or any offense the elements of which are substantially identical to such section.

(5) The term “agency” means a Federal law enforcement entity with jurisdiction to engage in the detection, investigation, or prosecution of a cold case murder.

(6) The term “cold case murder” means a murder—

(A) committed more than three years prior to the date of an application by a designated person under section 60901(a) of this title;

(B) previously investigated by a Federal law enforcement entity;

(C) for which all probative investigative leads have been exhausted; and

(D) for which no likely perpetrator has been identified.

(Pub. L. 117–164, §12, Aug. 3, 2022, 136 Stat. 1361.)

**§ 60912. Annual report**

**(a) In general**

Each agency shall submit an annual report to the Committees on the Judiciary of the House of Representatives and of the Senate describing actions taken and results achieved under this chapter during the previous year.

**(b) Report described**

The report described in subsection (a) shall include—

(1) the number of written applications filed with the agency pursuant to section 60901(a) of this title;

(2) the number of extensions granted, and an explanation of reasons provided under section 60901(h) of this title;

(3) the number of full reinvestigations initiated and closed pursuant to section 60903 of this title; and

(4) statistics and individualized information on topics that include identified suspects, arrests, charges, and convictions for reviews under section 60901 of this title and reinvestigations under section 60903 of this title.

(Pub. L. 117–164, §13, Aug. 3, 2022, 136 Stat. 1361.)