

## CODIFICATION

Section was enacted as part of the DNA Sexual Assault Justice Act of 2004 and also as part of the Justice for All Act of 2004, and not as part of Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

## AMENDMENTS

2008—Subsec. (b). Pub. L. 110-360 substituted “2009 through 2014” for “2005 through 2009”.

INCENTIVE GRANTS TO STATES TO ENSURE  
CONSIDERATION OF CLAIMS OF ACTUAL INNOCENCE

Pub. L. 108-405, title IV, §413, Oct. 30, 2004, 118 Stat. 2285, provided that: “For each of fiscal years 2005 through 2009, all funds appropriated to carry out sections 303, 305, 308, and 412 [sections 14136, 14136b, 14136d, and 14136e of this title] shall be reserved for grants to eligible entities that—

“(1) meet the requirements under section 303, 305, 308, or 412, as appropriate; and

“(2) demonstrate that the State in which the eligible entity operates—

“(A) provides post-conviction DNA testing of specified evidence—

“(i) under a State statute enacted before the date of enactment of this Act [Oct. 30, 2004] (or extended or renewed after such date), to persons convicted after trial and under a sentence of imprisonment or death for a State felony offense, in a manner that ensures a reasonable process for resolving claims of actual innocence; or

“(ii) under a State statute enacted after the date of enactment of this Act, or under a State rule, regulation, or practice, to persons under a sentence of imprisonment or death for a State felony offense, in a manner comparable to section 3600(a) of title 18, United States Code (provided that the State statute, rule, regulation, or practice may make post-conviction DNA testing available in cases in which such testing is not required by such section), and if the results of such testing exclude the applicant, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar such application as untimely; and

“(B) preserves biological evidence secured in relation to the investigation or prosecution of a State offense—

“(i) under a State statute or a State or local rule, regulation, or practice, enacted or adopted before the date of enactment of this Act (or extended or renewed after such date), in a manner that ensures that reasonable measures are taken by all jurisdictions within the State to preserve such evidence; or

“(ii) under a State statute or a State or local rule, regulation, or practice, enacted or adopted after the date of enactment of this Act, in a manner comparable to section 3600A of title 18, United States Code, if—

“(I) all jurisdictions within the State comply with this requirement; and

“(II) such jurisdictions may preserve such evidence for longer than the period of time that such evidence would be required to be preserved under such section 3600A.”

**§ 14136a. Sexual assault forensic exam program grants****(a) In general**

The Attorney General shall make grants to eligible entities to provide training, technical assistance, education, equipment, and information relating to the identification, collection, preservation, analysis, and use of DNA samples and DNA evidence by medical personnel and other

personnel, including doctors, medical examiners, coroners, nurses, victim service providers, and other professionals involved in treating victims of sexual assault and sexual assault examination programs, including SANE (Sexual Assault Nurse Examiner), SAFE (Sexual Assault Forensic Examiner), and SART (Sexual Assault Response Team).

**(b) Eligible entity**

For purposes of this section, the term “eligible entity” includes—

(1) States;

(2) units of local government; and

(3) sexual assault examination programs, including—

(A) sexual assault nurse examiner (SANE) programs;

(B) sexual assault forensic examiner (SAFE) programs;

(C) sexual assault response team (SART) programs;

(D) State sexual assault coalitions;

(E) medical personnel, including doctors, medical examiners, coroners, and nurses, involved in treating victims of sexual assault; and

(F) victim service providers involved in treating victims of sexual assault.

**(c) Authorization of appropriations**

There are authorized to be appropriated \$30,000,000 for each of fiscal years 2009 through 2014 to carry out this section.

(Pub. L. 108-405, title III, §304, Oct. 30, 2004, 118 Stat. 2273; Pub. L. 110-360, §4, Oct. 8, 2008, 122 Stat. 4009.)

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## AMENDMENTS

2008—Subsec. (c). Pub. L. 110-360 substituted “2009 through 2014” for “2005 through 2009”.

**§ 14136b. DNA research and development****(a) Improving DNA technology**

The Attorney General shall make grants for research and development to improve forensic DNA technology, including increasing the identification accuracy and efficiency of DNA analysis, decreasing time and expense, and increasing portability.

**(b) Demonstration projects**

The Attorney General shall make grants to appropriate entities under which research is carried out through demonstration projects involving coordinated training and commitment of resources to law enforcement agencies and key criminal justice participants to demonstrate and evaluate the use of forensic DNA technology in conjunction with other forensic tools. The demonstration projects shall include scientific evaluation of the public safety benefits, improvements to law enforcement operations, and cost-effectiveness of increased collection and use of DNA evidence.