

**(c) Authorization of appropriations**

There are authorized to be appropriated \$15,000,000 for each of fiscal years 2005 through 2009 to carry out this section.

(Pub. L. 108–405, title III, §305, Oct. 30, 2004, 118 Stat. 2273.)

## 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.

**§ 14136c. National Forensic Science Commission****(a) Appointment**

The Attorney General shall appoint a National Forensic Science Commission (in this section referred to as the “Commission”), composed of persons experienced in criminal justice issues, including persons from the forensic science and criminal justice communities, to carry out the responsibilities under subsection (b) of this section.

**(b) Responsibilities**

The Commission shall—

- (1) assess the present and future resource needs of the forensic science community;
- (2) make recommendations to the Attorney General for maximizing the use of forensic technologies and techniques to solve crimes and protect the public;
- (3) identify potential scientific advances that may assist law enforcement in using forensic technologies and techniques to protect the public;
- (4) make recommendations to the Attorney General for programs that will increase the number of qualified forensic scientists available to work in public crime laboratories;
- (5) disseminate, through the National Institute of Justice, best practices concerning the collection and analyses of forensic evidence to help ensure quality and consistency in the use of forensic technologies and techniques to solve crimes and protect the public;
- (6) examine additional issues pertaining to forensic science as requested by the Attorney General;
- (7) examine Federal, State, and local privacy protection statutes, regulations, and practices relating to access to, or use of, stored DNA samples or DNA analyses, to determine whether such protections are sufficient;
- (8) make specific recommendations to the Attorney General, as necessary, to enhance the protections described in paragraph (7) to ensure—
  - (A) the appropriate use and dissemination of DNA information;
  - (B) the accuracy, security, and confidentiality of DNA information;
  - (C) the timely removal and destruction of obsolete, expunged, or inaccurate DNA information; and
  - (D) that any other necessary measures are taken to protect privacy; and
- (9) provide a forum for the exchange and dissemination of ideas and information in fur-

therance of the objectives described in paragraphs (1) through (8).

**(c) Personnel; procedures**

The Attorney General shall—

- (1) designate the Chair of the Commission from among its members;
- (2) designate any necessary staff to assist in carrying out the functions of the Commission; and
- (3) establish procedures and guidelines for the operations of the Commission.

**(d) Authorization of appropriations**

There are authorized to be appropriated \$500,000 for each of fiscal years 2005 through 2009 to carry out this section.

(Pub. L. 108–405, title III, §306, Oct. 30, 2004, 118 Stat. 2274.)

## 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.

**§ 14136d. DNA identification of missing persons****(a) In general**

The Attorney General shall make grants to promote the use of forensic DNA technology to identify missing persons and unidentified human remains.

**(b) Requirement**

Each State or unit of local government that receives funding under this section shall be required to submit the DNA profiles of such missing persons and unidentified human remains to the National Missing Persons DNA Database of the Federal Bureau of Investigation.

**(c) Authorization of appropriations**

There are authorized to be appropriated \$2,000,000 for each of fiscal years 2005 through 2009 to carry out this section.

(Pub. L. 108–405, title III, §308, Oct. 30, 2004, 118 Stat. 2275.)

## 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.

**§ 14136e. Kirk Bloodsworth Post-Conviction DNA Testing Grant Program****(a) In general**

The Attorney General shall establish the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program to award grants to States to help defray the costs of post-conviction DNA testing.

**(b) Authorization of appropriations**

There are authorized to be appropriated \$5,000,000 for each of fiscal years 2005 through 2009 to carry out this section.

**(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.)

#### CODIFICATION

Section was enacted as part of the Innocence Protection Act 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.

#### § 14137. Definitions.

For purposes of sections 14137 to 14137c of this title:

##### (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 14132(a) of this title (in sections 14137 to 14137c of this title 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.)

#### REFERENCES IN TEXT

Sections 14137 to 14137c of this title, 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 enacted sections 14137 to 14137c of this title and amended section 14135 of this title. For complete classification of this Act to the Code, see Short Title of 2013 Amendment note set out under 13701 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Katie Sepich Enhanced DNA Collection Act of 2012, and not as part of

Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

#### § 14137a. Grants to States to implement DNA arrestee collection processes

##### (a) In general

The Attorney General shall, subject to amounts made available pursuant to section 14137c 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 to—

(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