

§ 14135e. Privacy protection standards**(a) In general**

Except as provided in subsection (b) of this section, any sample collected under, or any result of any analysis carried out under, section 14135, 14135a, or 14135b of this title may be used only for a purpose specified in such section.

(b) Permissive uses

A sample or result described in subsection (a) of this section may be disclosed under the circumstances under which disclosure of information included in the Combined DNA Index System is allowed, as specified in subparagraphs (A) through (D) of section 14132(b)(3) of this title.

(c) Criminal penalty

A person who knowingly discloses a sample or result described in subsection (a) of this section in any manner to any person not authorized to receive it, or obtains or uses, without authorization, such sample or result, shall be fined not more than \$250,000, or imprisoned for a period of not more than one year. Each instance of disclosure, obtaining, or use shall constitute a separate offense under this subsection.

(Pub. L. 106-546, § 10, Dec. 19, 2000, 114 Stat. 2735; Pub. L. 108-405, title II, § 203(e)(2), title III, § 309, Oct. 30, 2004, 118 Stat. 2271, 2275.)

CODIFICATION

Section was enacted as part of the DNA Analysis Backlog Elimination Act of 2000, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

AMENDMENTS

2004—Subsec. (c). Pub. L. 108-405, § 309, reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “A person who knowingly—

“(1) discloses a sample or result described in subsection (a) of this section in any manner to any person not authorized to receive it; or

“(2) obtains, without authorization, a sample or result described in subsection (a) of this section, shall be fined not more than \$250,000, or imprisoned for a period of not more than one year, or both.”

Pub. L. 108-405, § 203(e)(2), substituted “\$250,000, or imprisoned for a period of not more than one year, or both” for “\$100,000” in concluding provisions.

§ 14136. DNA training and education for law enforcement, correctional personnel, and court officers**(a) In general**

The Attorney General shall make grants to provide training, technical assistance, education, and information relating to the identification, collection, preservation, analysis, and use of DNA samples and DNA evidence by—

(1) law enforcement personnel, including police officers and other first responders, evidence technicians, investigators, and others who collect or examine evidence of crime;

(2) court officers, including State and local prosecutors, defense lawyers, and judges;

(3) forensic science professionals; and

(4) corrections personnel, including prison and jail personnel, and probation, parole, and other officers involved in supervision.

(b) Authorization of appropriations

There are authorized to be appropriated \$12,500,000 for each of fiscal years 2015 through 2019 to carry out this section.

(Pub. L. 108-405, title III, § 303, Oct. 30, 2004, 118 Stat. 2273; Pub. L. 110-360, § 3, Oct. 8, 2008, 122 Stat. 4008; Pub. L. 113-182, § 3, Sept. 29, 2014, 128 Stat. 1918.)

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

2014—Subsec. (b). Pub. L. 113-182 substituted “2015 through 2019” for “2009 through 2014”.

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 2015 through 2019 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; Pub. L. 113-182, §4, Sept. 29, 2014, 128 Stat. 1918.)

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

2014—Subsec. (c). Pub. L. 113-182 substituted “2015 through 2019” for “2009 through 2014”.

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 car-

ried 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.

(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—