

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 section 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

(3) make a determination on all expungement requests not later than 90 days after receipt and provide a written response of the determination to the requesting party.

(Pub. L. 112-253, § 3, Jan. 10, 2013, 126 Stat. 2408.)

CODIFICATION

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§ 14137b. Expungement of profiles

The expungement requirements under section 14132(d) of this title shall apply to any DNA profile or DNA data collected pursuant to sections 14137 to 14137c of this title for purposes of inclusion in the National DNA Index System.

(Pub. L. 112-253, § 4, Jan. 10, 2013, 126 Stat. 2408.)

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§ 14137c. Offset of funds appropriated

Any funds appropriated to carry out sections 14137 to 14137c of this title, not to exceed \$10,000,000 for each of fiscal years 2013 through 2015, shall be derived from amounts appropriated pursuant to subsection (j) of section 14135 of this title in each such fiscal year for grants under such section.

(Pub. L. 112-253, § 5, Jan. 10, 2013, 126 Stat. 2409.)

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PART B—POLICE PATTERN OR PRACTICE

§ 14141. Cause of action

(a) Unlawful conduct

It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

(b) Civil action by Attorney General

Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1)¹ has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

(Pub. L. 103-322, title XXI, § 210401, Sept. 13, 1994, 108 Stat. 2071.)

§ 14142. Data on use of excessive force

(a) Attorney General to collect

The Attorney General shall, through appropriate means, acquire data about the use of excessive force by law enforcement officers.

(b) Limitation on use of data

Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of the victim or any law enforcement officer.

(c) Annual summary

The Attorney General shall publish an annual summary of the data acquired under this section.

(Pub. L. 103-322, title XXI, § 210402, Sept. 13, 1994, 108 Stat. 2071.)

PART C—IMPROVED TRAINING AND TECHNICAL AUTOMATION

§ 14151. Repealed. Pub. L. 109-162, title XI, § 1154(b)(3), Jan. 5, 2006, 119 Stat. 3113

Section, Pub. L. 103-322, title XXI, § 210501, Sept. 13, 1994, 108 Stat. 2072, related to grants for the purposes of improving criminal justice agency efficiency through computerized automation and technological improvements, directed the expansion and improvement of training and investigative assistance, authorized appropriations, and defined terms.

PART D—OTHER STATE AND LOCAL AID

§ 14161. Repealed. Pub. L. 109-162, title XI, § 1154(b)(4), Jan. 5, 2006, 119 Stat. 3113

Section, Pub. L. 103-322, title XXI, § 210602, Sept. 13, 1994, 108 Stat. 2073, related to federal assistance to ease

¹ So in original. Probably should be “subsection (a) of this section”.

increased burdens on State court systems and authorized appropriations.

PART E—IMPROVING THE QUALITY OF REPRESENTATION IN STATE CAPITAL CASES

§ 14163. Capital representation improvement grants

(a) In general

The Attorney General shall award grants to States for the purpose of improving the quality of legal representation provided to indigent defendants in State capital cases.

(b) Defined term

In this section, the term “legal representation” means legal counsel and investigative, expert, and other services necessary for competent representation.

(c) Use of funds

Grants awarded under subsection (a) of this section—

(1) shall be used to establish, implement, or improve an effective system for providing competent legal representation to—

(A) indigents charged with an offense subject to capital punishment;

(B) indigents who have been sentenced to death and who seek appellate or collateral relief in State court; and

(C) indigents who have been sentenced to death and who seek review in the Supreme Court of the United States; and

(2) shall not be used to fund, directly or indirectly, representation in specific capital cases.

(d) Apportionment of funds

(1) In general

Of the funds awarded under subsection (a) of this section—

(A) not less than 75 percent shall be used to carry out the purpose described in subsection (c)(1)(A) of this section; and

(B) not more than 25 percent shall be used to carry out the purpose described in subsection (c)(1)(B) of this section.

(2) Waiver

The Attorney General may waive the requirement under this subsection for good cause shown.

(e) Effective system

As used in subsection (c)(1) of this section, an effective system for providing competent legal representation is a system that—

(1) invests the responsibility for appointing qualified attorneys to represent indigents in capital cases—

(A) in a public defender program that relies on staff attorneys, members of the private bar, or both, to provide representation in capital cases;

(B) in an entity established by statute or by the highest State court with jurisdiction in criminal cases, which is composed of individuals with demonstrated knowledge and expertise in capital cases, except for individuals currently employed as prosecutors; or

(C) pursuant to a statutory procedure enacted before October 30, 2004, under which