

Columbia offense (as determined under sections 14135a and 14135b of this title, respectively) if the Director receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned.”

Subsec. (d)(2)(A)(i). Pub. L. 109-162, §1002(3), substituted “the responsible agency or official of that State receives, for each charge against the person on the basis of which the analysis was or could have been included in the index, a certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable time period.” for “all charges for which the analysis was or could have been included in the index have been dismissed or resulted in acquittal.”

Subsec. (e). Pub. L. 109-162, §1002(4), struck out heading and text of subsec. (e). Prior to amendment, text related to authority for keyboard searches.

2004—Subsec. (a)(1). Pub. L. 108-405, §203(a)(1), substituted “of—” for “of persons convicted of crimes;” and added subpars (A) to (C).

Subsec. (b)(2). Pub. L. 108-405, §302, amended par. (2) generally. Prior to amendment, par. (2) read as follows: “prepared by laboratories, and DNA analysts, that undergo semiannual external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 14131 of this title; and”.

Subsec. (d)(2)(A). Pub. L. 108-405, §203(a)(2)(B), (C), which directed that subsection (d)(2) be amended by substituting “; or” for period at end and by adding cl. (ii) at end, was executed by making the amendment to subpar. (A) of subsec. (d)(2) to reflect the probable intent of Congress.

Pub. L. 108-405, §203(a)(2)(A), substituted “if—” for “if” and inserted cl. (i) designation before “the responsible agency”.

Subsec. (e). Pub. L. 108-405, §203(d), added subsec. (e). 2000—Subsec. (b)(1). Pub. L. 106-546, §6(b)(1), inserted “(or the Secretary of Defense in accordance with section 1565 of title 10)” after “criminal justice agency”.

Subsec. (b)(2). Pub. L. 106-546, §6(b)(2), substituted “semiannual” for “, at regular intervals of not to exceed 180 days,”.

Subsec. (b)(3). Pub. L. 106-546, §6(b)(3), inserted “(or the Secretary of Defense in accordance with section 1565 of title 10)” after “criminal justice agencies” in introductory provisions.

Subsec. (d). Pub. L. 106-546, §6(b)(4), added subsec. (d). 1999—Subsec. (a)(4). Pub. L. 106-113 added par. (4).

§ 12593. Federal Bureau of Investigation

(a) Proficiency testing requirements

(1) Generally

(A) Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo semiannual external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 12591 of this title.

(B) Within 1 year after September 13, 1994, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory.

(C) In this paragraph, “blind external test” means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(2) Report

For 5 years after September 13, 1994, the Director of the Federal Bureau of Investigation shall submit to the Committees on the Judiciary of the House and Senate an annual report

on the results of each of the tests described in paragraph (1).

(b) Privacy protection standards

(1) Generally

Except as provided in paragraph (2), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes¹ or rules; and

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged.

(2) Exception

If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) Criminal penalty

(1) A person who—

(A) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(B) knowingly discloses such information in any manner to any person or agency not authorized to receive it,

shall be fined not more than \$100,000.

(2) A person who, without authorization, knowingly obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than \$250,000, or imprisoned for a period of not more than one year, or both.

(Pub. L. 103-322, title XXI, §210305, Sept. 13, 1994, 108 Stat. 2070; Pub. L. 106-546, §8(c), Dec. 19, 2000, 114 Stat. 2735; Pub. L. 108-405, title II, §203(e)(1), Oct. 30, 2004, 118 Stat. 2270.)

CODIFICATION

Section was formerly classified to section 14133 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2004—Subsec. (c)(2). Pub. L. 108-405 substituted “\$250,000, or imprisoned for a period of not more than one year, or both” for “\$100,000”.

2000—Subsec. (a)(1)(A). Pub. L. 106-546 substituted “semiannual” for “, at regular intervals of not to exceed 180 days,”.

PART B—POLICE PATTERN OR PRACTICE

§ 12601. 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

¹ So in original. Probably should be “statutes”.