

2001—Subsec. (d)(2). Pub. L. 107-56 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The initial determination of qualifying Federal offenses shall be made not later than 120 days after December 19, 2000.”

**§ 40703. Collection and use of DNA identification information from certain District of Columbia offenders**

**(a) Collection of DNA samples**

**(1) From individuals in custody**

The Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who is, or has been, convicted of a qualifying District of Columbia offense (as determined under subsection (d)).

**(2) From individuals on release, parole, or probation**

The Director of the Court Services and Offender Supervision Agency for the District of Columbia shall collect a DNA sample from each individual under the supervision of the Agency who is on supervised release, parole, or probation who is, or has been, convicted of a qualifying District of Columbia offense (as determined under subsection (d)).

**(3) Individuals already in CODIS**

For each individual described in paragraph (1) or (2), if the Combined DNA Index System (in this section referred to as “CODIS”) of the Federal Bureau of Investigation contains a DNA analysis with respect to that individual, the Director of the Bureau of Prisons or Agency (as applicable) may (but need not) collect a DNA sample from that individual.

**(4) Collection procedures**

(A) The Director of the Bureau of Prisons or Agency (as applicable) may use or authorize the use of such means as are reasonably necessary to detain, restrain, and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

(B) The Director of the Bureau of Prisons or Agency, as appropriate, may enter into agreements with units of State or local government or with private entities to provide for the collection of the samples described in paragraph (1) or (2).

**(5) Criminal penalty**

An individual from whom the collection of a DNA sample is authorized under this subsection who fails to cooperate in the collection of that sample shall be—

- (A) guilty of a class A misdemeanor; and
- (B) punished in accordance with title 18.

**(b) Analysis and use of samples**

The Director of the Bureau of Prisons or Agency (as applicable) shall furnish each DNA sample collected under subsection (a) to the Director of the Federal Bureau of Investigation, who shall carry out a DNA analysis on each such DNA sample and include the results in CODIS. The Director of the Federal Bureau of Investigation may waive the requirements under this subsection if DNA samples are analyzed by means of Rapid DNA instruments and the results are included in CODIS.

**(c) Definitions**

In this section:

(1) The term “DNA sample” means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

(2) The term “DNA analysis” means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

(3) The term “Rapid DNA instruments” means instrumentation that carries out a fully automated process to derive a DNA analysis from a DNA sample.

**(d) Qualifying District of Columbia offenses**

The government of the District of Columbia may determine those offenses under the District of Columbia Code that shall be treated for purposes of this section as qualifying District of Columbia offenses.

**(e) Commencement of collection**

Collection of DNA samples under subsection (a) shall, subject to the availability of appropriations, commence not later than the date that is 180 days after December 19, 2000.

**(f) Authorization of appropriations**

There are authorized to be appropriated to the Court Services and Offender Supervision Agency for the District of Columbia to carry out this section such sums as may be necessary for each of fiscal years 2001 through 2005.

(Pub. L. 106-546, §4, Dec. 19, 2000, 114 Stat. 2730; Pub. L. 115-50, §3(b), Aug. 18, 2017, 131 Stat. 1002.)

CODIFICATION

Section was formerly classified to section 14135b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2017—Subsec. (b). Pub. L. 115-50, §3(b)(1), inserted at end “The Director of the Federal Bureau of Investigation may waive the requirements under this subsection if DNA samples are analyzed by means of Rapid DNA instruments and the results are included in CODIS.”

Subsec. (c)(3). Pub. L. 115-50, §3(b)(2), added par. (3).

**§ 40704. Conditions of release generally**

If the collection of a DNA sample from an individual on probation, parole, or supervised release is authorized pursuant to section 40702 or 40703 of this title or section 1565 of title 10, the individual shall cooperate in the collection of a DNA sample as a condition of that probation, parole, or supervised release.

(Pub. L. 106-546, §7(d), Dec. 19, 2000, 114 Stat. 2734.)

CODIFICATION

Section was formerly classified to section 14135c of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 40705. Authorization of appropriations**

There are authorized to be appropriated to the Attorney General to carry out this Act (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such Act, as determined by the Attorney General) such sums as may be necessary.

(Pub. L. 106-546, §9, Dec. 19, 2000, 114 Stat. 2735.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 106-546, Dec. 19, 2000, 114 Stat. 2726, known as the DNA Analysis Backlog Elimination Act of 2000. For complete classification of this Act to the Code, see Short Title of 2000 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 14135d of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 40706. Privacy protection standards**

**(a) In general**

Except as provided in subsection (b), any sample collected under, or any result of any analysis carried out under, section 40701, 40702, or 40703 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) 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 12592(b)(3) of this title.

**(c) Criminal penalty**

A person who knowingly discloses a sample or result described in subsection (a) 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 formerly classified to section 14135e of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

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.

SUBCHAPTER II—TRAINING, TECHNOLOGY,  
RESEARCH, AND EXPANDED USE

**§ 40721. Report to Congress on plans to modify CODIS system**

If the Department of Justice plans to modify or supplement the core genetic markers needed

for compatibility with the CODIS system, it shall notify the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives in writing not later than 180 days before any change is made and explain the reasons for such change.

(Pub. L. 108-405, title II, §203(f), Oct. 30, 2004, 118 Stat. 2271.)

CODIFICATION

Section is comprised of subsec. (f) of section 203 of Pub. L. 108-405. For complete classification of section 203, see Tables.

Section was formerly classified as a note under section 531 of Title 28, Judiciary and Judicial Procedure, prior to editorial reclassification and renumbering as this section.

**§ 40722. 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 formerly classified to section 14136 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

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, as amended by Pub. L. 114-324, §12(a), Dec. 16, 2016, 130 Stat. 1957, provided that: “For each of fiscal years 2017 through 2021, all funds appropriated to carry out sections 303, 305, 308, and 412 [sections 40722, 40724, 40726, and 40727 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) for eligible entities that are a State or unit of local government, provide a certification by the chief legal officer of the State in which the eligible entity operates or the chief legal officer of the jurisdiction