

(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

in which the funds will be used for the purposes of the grants, that the State or jurisdiction—

“(A) provides DNA testing of specified evidence under a State statute or a State or local rule or regulation to persons sentenced to imprisonment or death for a State felony offense, in a manner intended to ensure a reasonable process for resolving claims of actual innocence that ensures post-conviction DNA testing in at least those cases that would be covered by section 3600(a) of title 18, United States Code, had they been Federal cases and, if the results of the testing exclude the applicant as the source of the DNA, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar the application as untimely; and

“(B) preserves biological evidence, as defined in section 3600A of title 18, United States Code, under a State statute or a State or local rule, regulation, or practice in a manner intended to ensure that reasonable measures are taken by the State or jurisdiction to preserve biological evidence secured in relation to the investigation or prosecution of, at a minimum, murder, nonnegligent manslaughter and sexual offenses.”

§ 40723. 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) Preference

(1) In general

In reviewing applications submitted in accordance with a program authorized, in whole or in part, by this section, the Attorney General shall give preference to any eligible entity that certifies that the entity will use the grant funds to—

(A) improve forensic nurse examiner programs in a rural area or for an underserved population, as those terms are defined in section 12291¹ of this title;

(B) engage in activities that will assist in the employment of full-time forensic nurse examiners to conduct activities under subsection (a); or

(C) sustain or establish a training program for forensic nurse examiners.

(2) Directive to the Attorney General

Not later than the beginning of fiscal year 2018, the Attorney General shall coordinate with the Secretary of Health and Human Services to inform Federally Qualified Health Centers, Community Health Centers, hospitals, colleges and universities, and other appropriate health-related entities about the role of forensic nurses, both adult and pediatric, and existing resources available within the Department of Justice and the Department of Health and Human Services to train or employ forensic nurses to address the needs of communities dealing with sexual assault, domestic violence, elder abuse, and, in particular, the need for pediatric sexual assault nurse examiners, including such nurse examiners working in the multidisciplinary setting, in responding to abuse of both children and adolescents. The Attorney General shall collaborate on this effort with nongovernmental organizations representing forensic nurses.

(d) 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; Pub. L. 114-324, § 4, Dec. 16, 2016, 130 Stat. 1950; Pub. L. 115-107, § 2, Jan. 8, 2018, 131 Stat. 2266.)

REFERENCES IN TEXT

Section 12291 of this title, referred to in subsec. (c)(1)(A), was in the original a reference to section “4002” of the Violence Against Women Act of 1994 and was translated as if it referred to section 40002 of that act to reflect the probable intent of Congress.

CODIFICATION

Section was formerly classified to section 14136a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Subsec. (c)(2). Pub. L. 115-107 inserted “, both adult and pediatric,” after “role of forensic nurses” and substituted “elder abuse, and, in particular, the need for pediatric sexual assault nurse examiners, including such nurse examiners working in the multidisciplinary setting, in responding to abuse of both children and adolescents” for “and elder abuse”.

2016—Subsecs. (c), (d). Pub. L. 114-324 added subsec. (c) and redesignated former subsec. (c) as (d).

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”.

¹ See References in Text note below.