

## REFERENCES IN TEXT

This Act, referred to in subsec. (b), is Pub. L. 106-468, Nov. 9, 2000, 114 Stat. 2027, known as Kristen's Act, which enacted this section and provisions set out as notes under this section and section 10101 of this title. For complete classification of this Act to the Code, see Tables.

## CODIFICATION

Section was enacted as part of Kristen's Act, and not as part of Jennifer's Law which comprises this chapter.

Section was formerly classified to section 14665 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## AUTHORIZATION OF APPROPRIATIONS

Pub. L. 106-468, §3, Nov. 9, 2000, 114 Stat. 2028, provided that: "There are authorized to be appropriated to carry out this Act [enacting this section and provisions set out as a note under section 10101 of this title] \$1,000,000 each year for fiscal years 2001 through 2004."

**CHAPTER 407—DNA IDENTIFICATION****SUBCHAPTER I—COLLECTION AND ANALYSIS OF SAMPLES**

Sec.	
40701.	The Debbie Smith DNA Backlog Grant Program.
40702.	Collection and use of DNA identification information from certain Federal offenders.
40703.	Collection and use of DNA identification information from certain District of Columbia offenders.
40704.	Conditions of release generally.
40705.	Authorization of appropriations.
40706.	Privacy protection standards.

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

40721.	Report to Congress on plans to modify CODIS system.
40722.	DNA training and education for law enforcement, correctional personnel, and court officers.
40723.	Sexual assault forensic exam program grants.
40724.	DNA research and development.
40725.	National Forensic Science Commission.
40726.	DNA identification of missing persons.
40727.	Kirk Bloodsworth Post-Conviction DNA Testing Grant Program.
40728.	Establishment of best practices for evidence retention.

**SUBCHAPTER III—DNA ARRESTEE COLLECTION PROCESSES**

40741.	Definitions.
40742.	Grants to States to implement DNA arrestee collection processes.
40743.	Expungement of profiles.
40744.	Offset of funds appropriated.

**SUBCHAPTER I—COLLECTION AND ANALYSIS OF SAMPLES****§ 40701. The Debbie Smith DNA Backlog Grant Program****(a) Authorization of grants**

The Attorney General may make grants to eligible States or units of local government for use by the State or unit of local government for the following purposes:

(1) To carry out, for inclusion in the Combined DNA Index System of the Federal Bureau of Investigation, DNA analyses of samples collected under applicable legal authority.

(2) To carry out, for inclusion in such Combined DNA Index System, DNA analyses of samples from crime scenes, including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect.

(3) To increase the capacity of laboratories owned by the State or by units of local government to carry out DNA analyses of samples specified in paragraph (1) or (2).

(4) To collect DNA samples specified in paragraph (1).

(5) To ensure that DNA testing and analysis of samples from crimes, including sexual assault and other serious violent crimes, are carried out in a timely manner.

(6) To implement a DNA arrestee collection process consistent with subchapter III of this chapter.

(7) To conduct an audit consistent with subsection (n) of the samples of sexual assault evidence that are in the possession of the State or unit of local government and are awaiting testing.

(8) To ensure that the collection and processing of DNA evidence by law enforcement agencies from crimes, including sexual assault and other violent crimes against persons, is carried out in an appropriate and timely manner and in accordance with the protocols and practices developed under subsection (o)(1).

**(b) Eligibility**

For a State or unit of local government to be eligible to receive a grant under this section, the chief executive officer of the State or unit of local government shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require. The application shall, as required by the Attorney General—

(1) provide assurances that the State or unit of local government has implemented, or will implement not later than 120 days after the date of such application, a comprehensive plan for the expeditious DNA analysis of samples in accordance with this section;

(2) include a certification that each DNA analysis carried out under the plan shall be maintained pursuant to the privacy requirements described in section 12592(b)(3) of this title;

(3) include a certification that the State or unit of local government has determined, by statute, rule, or regulation, those offenses under State law that shall be treated for purposes of this section as qualifying State offenses;

(4) specify the allocation that the State or unit of local government shall make, in using grant amounts to carry out DNA analyses of samples, as between samples specified in subsection (a)(1) and samples specified in subsection (a)(2);

(5) specify that portion of grant amounts that the State or unit of local government shall use for the purpose specified in subsection (a)(3);

(6) if submitted by a unit of local government, certify that the unit of local government has taken, or is taking, all necessary