standards established by the Director of the Federal Bureau of Investigation; and''.

2006—Subsec. (a)(1)(C). Pub. L. 109–162, §1002(1), struck out ''DNA profiles from arrestees who have not been charged in an indictment or information with a crime, and'' after ''provided that''.

Subsec. (d)(1)(A). Pub. L. 109–162, §1002(2), added subpar. (A) and struck out former subpar. (A), which read as follows: ''The Director of the Federal Bureau of Investigation shall promptly expunge from the index described in subsection (a) of this section the DNA analysis of a person included in the index on the basis of a qualifying Federal offense or a qualifying District of 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)(ii). 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 statues[1] 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''.

[1] So in original. Probably should be ''statutes''.

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 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.)

CODIFICATION

Section was formerly classified to section 14141 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 12602. 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.)

CODIFICATION

Section was formerly classified to section 14142 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

SUBCHAPTER IX—MOTOR VEHICLE THEFT PREVENTION

§ 12611. Motor vehicle theft prevention program

(a) In general

Not later than 180 days after September 13, 1994, the Attorney General shall develop, in cooperation with the States, a national voluntary motor vehicle theft prevention program (in this section referred to as the ''program'') under which—

(1) the owner of a motor vehicle may voluntarily sign a consent form with a participating State or locality in which the motor vehicle owner—

(A) states that the vehicle is not normally operated under certain specified conditions; and

(B) agrees to—

(i) display program decals or devices on the owner's vehicle; and

(ii) permit law enforcement officials in any State to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is being operated under the specified conditions; and

(2) participating States and localities authorize law enforcement officials in the State or locality to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

(b) Uniform decal or device designs

(1) In general

The motor vehicle theft prevention program developed pursuant to this section shall include a uniform design or designs for decals or other devices to be displayed by motor vehicles participating in the program.

(2) Type of design

The uniform design shall—

(A) be highly visible; and

(B) explicitly state that the motor vehicle to which it is affixed may be stopped under the specified conditions without additional grounds for establishing a reasonable suspicion that the vehicle is being operated unlawfully.

(c) Voluntary consent form

The voluntary consent form used to enroll in the program shall—

(1) clearly state that participation in the program is voluntary;

(2) clearly explain that participation in the program means that, if the participating vehicle is being operated under the specified conditions, law enforcement officials may stop the vehicle and take reasonable steps to determine whether it is being operated by or with the consent of the owner, even if the law enforcement officials have no other basis for believing that the vehicle is being operated unlawfully;

(3) include an express statement that the vehicle is not normally operated under the specified conditions and that the operation of the vehicle under those conditions would provide sufficient grounds for a prudent law enforcement officer to reasonably believe that the vehicle was not being operated by or with the consent of the owner; and

(4) include any additional information that the Attorney General may reasonably require.

[1] So in original. Probably should be ''subsection (a) of this section''.