

authorities throughout the applicant's jurisdiction regarding every deceased unidentified person, regardless of age, found in the applicant's jurisdiction;

(2) enter a complete profile of such unidentified person in compliance with the guidelines established by the Department of Justice for the National Crime Information Center Missing and Unidentified Persons File, including dental records, DNA records, x-rays, and fingerprints, if available;

(3) enter the National Crime Information Center number or other appropriate number assigned to the unidentified person on the death certificate of each such unidentified person;

(4) retain all such records pertaining to unidentified persons until a person is identified; and

(5) collect and report information to the National Missing and Unidentified Persons System (NamUs) regarding missing persons and unidentified remains.

(c) Privacy protections for biological family reference samples

(1) In general

Any suspected biological family DNA reference samples received from citizens of the United States or foreign nationals and uploaded into the Combined DNA Index System (commonly referred to as "CODIS") by an accredited, publicly funded CODIS forensic laboratory awarded a grant under this section may be used only for identifying missing persons and unidentified remains.

(2) Limitation on use

Any biological family DNA reference samples from citizens of the United States or foreign nationals entered into CODIS for purposes of identifying missing persons and unidentified remains may not be disclosed to a Federal or State law enforcement agency for law enforcement purposes.

(Pub. L. 106-177, title II, §203, Mar. 10, 2000, 114 Stat. 36; Pub. L. 116-277, §2(a)(2), Dec. 31, 2020, 134 Stat. 3369.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14662 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2020—Subsec. (a). Pub. L. 116-277, §2(a)(2)(A), substituted "an entity described in section 40501 of this title" for "a State".

Subsec. (b). Pub. L. 116-277, §2(a)(2)(B)(i), substituted "applicant" for "State" in introductory provisions.

Subsec. (b)(1). Pub. L. 116-277, §2(a)(2)(B)(ii), added par. (1) and struck out former par. (1) which read as follows: "report to the National Crime Information Center and when possible, to law enforcement authorities throughout the State regarding every deceased unidentified person, regardless of age, found in the State's jurisdiction;"

Subsec. (b)(5). Pub. L. 116-277, §2(a)(2)(B)(iii)-(v), added par. (5).

Subsec. (c). Pub. L. 116-277, §2(a)(2)(C), added subsec. (c).

§ 40503. Use of funds

An applicant receiving a grant award under this chapter may use such funds to—

(1) pay for the costs incurred during or after fiscal year 2017 for the transportation, processing, identification, and reporting of missing persons and unidentified remains, including migrants;

(2) establish and expand programs developed to improve the reporting of unidentified persons in accordance with the assurances provided in the application submitted pursuant to section 40502(b) of this title;

(3) hire and maintain additional DNA case analysts and technicians, fingerprint examiners, forensic odontologists, and forensic anthropologists, needed to support such identification programs; and

(4) procure and maintain state of the art multi-modal, multi-purpose forensic and DNA-typing and analytical equipment.

(Pub. L. 106-177, title II, §205, as added Pub. L. 116-277, §2(a)(3), Dec. 31, 2020, 134 Stat. 3369.)

Editorial Notes

PRIOR PROVISIONS

A prior section 40503, Pub. L. 106-177, title II, §204, Mar. 10, 2000, 114 Stat. 36, related to uses of funds that a State received to establish or expand programs developed to improve the reporting of unidentified persons, prior to repeal by Pub. L. 116-277, §2(a)(3), Dec. 31, 2020, 134 Stat. 3369. Such section was formerly classified to section 14663 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as section 40503.

§ 40504. Grants for the assistance of organizations to find missing adults

(a) In general

The Attorney General may make grants to public agencies or nonprofit private organizations, or combinations thereof, for programs—

(1) to assist law enforcement and families in locating missing adults;

(2) to maintain a national, interconnected database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, diminished mental capacity, or the circumstances of disappearance, when foul play is suspected or circumstances are unknown;

(3) to maintain statistical information of adults reported as missing;

(4) to provide informational resources and referrals to families of missing adults;

(5) to assist in public notification and victim advocacy related to missing adults; and

(6) to establish and maintain a national clearinghouse for missing adults.

(b) Regulations

The Attorney General may make such rules and regulations as may be necessary to carry out this title.¹

(Pub. L. 106-468, title I, §101, formerly §2, Nov. 9, 2000, 114 Stat. 2027; renumbered title I, §101, and amended Pub. L. 115-401, §2(1)-(3), Dec. 31, 2018, 132 Stat. 5336.)

¹ See References in Text note below.

Editorial Notes

REFERENCES IN TEXT

This title, referred to in subsec. (b), is title I of Pub. L. 106-468, Nov. 9, 2000, 114 Stat. 2027, which enacted this section and provisions set out as a note under this section. For complete classification of title I 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.

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-401 substituted “this title” for “this Act”.

Statutory Notes and Related Subsidiaries

AUTHORIZATION OF FUNDING

Pub. L. 106-468, title I, §102, formerly §3, Nov. 9, 2000, 114 Stat. 2028, renumbered title I, §102, and amended by Pub. L. 115-401, §2(1), (2), (4), Dec. 31, 2018, 132 Stat. 5336; Pub. L. 116-277, §2(b), Dec. 31, 2020, 134 Stat. 3370, provided that: “To the extent provided in advance in appropriations Acts, the Attorney General is authorized to use funds appropriated for the operationalization, maintenance, and expansion of the National Missing and Unidentified Persons System (NamUs) for the purpose of carrying out this Act [enacting this section].”

§ 40505. Reporting on National Missing and Unidentified Persons System (NamUs) Program

Not later than 18 months after December 31, 2020, and every year thereafter, the Attorney General shall submit a report to the appropriate committees of Congress regarding—

- (1) the number of unidentified person cases processed;
- (2) CODIS associations and identifications;
- (3) the number of anthropology cases processed;
- (4) the number of suspected border crossing cases and associations made;
- (5) the number of trials supported with expert testimony;
- (6) the number of students trained and professions of those students; and
- (7) the turnaround time and backlog.

(Pub. L. 116-277, §4, Dec. 31, 2020, 134 Stat. 3370.)

Editorial Notes

CODIFICATION

Section was enacted as part of Missing Persons and Unidentified Remains Act of 2019, and not as part of Jennifer's Law which comprises this chapter.

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.

Sec.

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, prioritizing, to the extent practicable consistent with public safety considerations¹ 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, in particular, sexual as-

¹ So in original. Probably should be followed by a comma.