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**AMENDMENT TO H.R. 4970**  
**OFFERED BY MR. POE OF TEXAS**

Page 69, after line 4, insert the following (and amend the Table of Contents accordingly):

1 **SEC. 109. SEXUAL ASSAULT FORENSIC EVIDENCE REG-**  
2 **ISTRY.**

3 (a) DEBBIE SMITH GRANTS FOR AUDITING SEXUAL  
4 ASSAULT EVIDENCE BACKLOGS.—Section 2 of the DNA  
5 Analysis Backlog Elimination Act of 2000 (42 U.S.C.  
6 14135) is amended—

7 (1) in subsection (a), by adding at the end the  
8 following new paragraph:

9 “(6) To conduct an audit consistent with sub-  
10 section (n) of the samples of sexual assault evidence  
11 that are in the possession of the State or unit of  
12 local government and are awaiting testing.”;

13 (2) in subsection (c), by adding at the end the  
14 following new paragraph:

15 “(4) ALLOCATION OF GRANT AWARDS FOR AU-  
16 DITS.—For each of fiscal years 2013 through 2017,  
17 not less than 7 percent of the grant amounts distrib-  
18 uted under paragraph (1) shall be awarded for the  
19 purpose described in subsection (a)(6), provided that

1 none of the funds required to be distributed under  
2 this paragraph shall decrease or otherwise limit the  
3 availability of funds required to be awarded to  
4 States or units of local government under paragraph  
5 (3).”; and

6 (3) by adding at the end the following new sub-  
7 section:

8 “(n) USE OF FUNDS FOR AUDITING SEXUAL AS-  
9 SAULT EVIDENCE BACKLOGS.—

10 “(1) ELIGIBILITY.—The Attorney General may  
11 award a grant under this section to a State or unit  
12 of local government for the purpose described in  
13 subsection (a)(6) only if the State or unit of local  
14 government—

15 “(A) submits a plan for performing the  
16 audit of samples described in such subsection;  
17 and

18 “(B) includes in such plan a good-faith es-  
19 timate of the number of such samples.

20 “(2) GRANT CONDITIONS.—A State or unit of  
21 local government receiving a grant for the purpose  
22 described in subsection (a)(6) shall—

23 “(A) not later than 1 year after receiving  
24 such grant—

1           “(i) complete the audit referred to in  
2           paragraph (1)(A) in accordance with the  
3           plan submitted under such paragraph; and

4           “(ii) for each sample of sexual assault  
5           evidence identified in such audit, subject to  
6           paragraph (4), enter into the Sexual As-  
7           sault Forensic Evidence Registry estab-  
8           lished under subsection (o) the information  
9           listed in subsection (o)(2);

10          “(B) not later than 21 days after receiving  
11          possession of a sample of sexual assault evi-  
12          dence that was not in the possession of the  
13          State or unit of local government at the time of  
14          such audit, subject to paragraph (4), enter into  
15          the Sexual Assault Forensic Evidence Registry  
16          the information listed in subsection (o)(2) with  
17          respect to the sample; and

18          “(C) not later than 30 days after a change  
19          in the status referred to in subsection  
20          (o)(2)(A)(v) of a sample with respect to which  
21          the State or unit of local government has en-  
22          tered information into such Registry, update  
23          such status.

24          “(3) EXTENSION OF INITIAL DEADLINE.—The  
25          Attorney General may grant an extension of the

1 deadline under paragraph (2)(A) to a State or unit  
2 of local government that demonstrates that more  
3 time is required for compliance with such paragraph.

4 “(4) SAMPLES EXEMPT FROM REGISTRY RE-  
5 QUIREMENT.—A State or unit of local government is  
6 not required under paragraph (2) to enter into the  
7 Registry described in such paragraph information  
8 with respect to a sample of sexual assault evidence  
9 if—

10 “(A) the sample is not considered criminal  
11 evidence (such as a sample collected anony-  
12 mously from a victim who is unwilling to make  
13 a criminal complaint); or

14 “(B) the sample relates to a sexual assault  
15 for which the prosecution of each perpetrator is  
16 barred by a statute of limitations.

17 “(5) DEFINITIONS.—In this subsection:

18 “(A) AWAITING TESTING.—The term  
19 ‘awaiting testing’ means, with respect to a sam-  
20 ple of sexual assault evidence, that—

21 “(i) the sample has been collected and  
22 is in the possession of a State or unit of  
23 local government;

1           “(ii) DNA and other appropriate fo-  
2           rensic analyses have not been performed on  
3           such sample; and

4           “(iii) the sample is related to a crimi-  
5           nal case or investigation in which final dis-  
6           position has not yet been reached.

7           “(B) FINAL DISPOSITION.—The term ‘final  
8           disposition’ means, with respect to a criminal  
9           case or investigation to which a sample of sex-  
10          ual assault evidence relates—

11          “(i) the conviction or acquittal of all  
12          suspected perpetrators of the crime in-  
13          volved;

14          “(ii) a determination by the State or  
15          unit of local government in possession of  
16          the sample that the case is unfounded; or

17          “(iii) a declaration by the victim of  
18          the crime involved that the act constituting  
19          the basis of the crime was not committed.

20          “(C) POSSESSION.—

21          “(i) IN GENERAL.—The term ‘posses-  
22          sion’, used with respect to possession of a  
23          sample of sexual assault evidence by a  
24          State or unit of local government, includes  
25          possession by an individual who is acting

1 as an agent of the State or unit of local  
2 government for the collection of the sam-  
3 ple.

4 “(ii) RULE OF CONSTRUCTION.—  
5 Nothing in clause (i) shall be construed to  
6 create or amend any Federal rights or  
7 privileges for non-governmental vendor lab-  
8 oratories described in regulations promul-  
9 gated under section 210303 of the DNA  
10 Identification Act of 1994 (42 U.S.C.  
11 14131).”.

12 (b) ESTABLISHMENT OF SEXUAL ASSAULT FOREN-  
13 SIC EVIDENCE REGISTRY.—

14 (1) IN GENERAL.—Section 2 of the DNA Anal-  
15 ysis Backlog Elimination Act of 2000 (42 U.S.C.  
16 14135), as amended by subsection (a), is further  
17 amended by adding at the end the following new  
18 subsection:

19 “(o) SEXUAL ASSAULT FORENSIC EVIDENCE REG-  
20 ISTRY.—

21 “(1) IN GENERAL.—Subject to subsection (j),  
22 not later than 1 year after the date of enactment of  
23 this section, the Attorney General shall establish a  
24 Sexual Assault Forensic Evidence Registry (in this  
25 subsection referred to as the ‘Registry’) that—

1           “(A) is administered by the Department of  
2 Justice;

3           “(B) allows States and units of local gov-  
4 ernment to enter information into the Registry  
5 about samples of sexual assault evidence that  
6 are in the possession of such States or units of  
7 local government and are awaiting testing; and

8           “(C) tracks the testing and processing of  
9 such samples.

10           “(2) INFORMATION IN REGISTRY.—

11           “(A) IN GENERAL.—A State or unit of  
12 local government that chooses to enter informa-  
13 tion into the Registry about a sample of sexual  
14 assault evidence shall include the following in-  
15 formation:

16           “(i) The date of the sexual assault to  
17 which the sample relates.

18           “(ii) The city, county, or other appro-  
19 priate locality in which the sexual assault  
20 occurred.

21           “(iii) The date on which the sample  
22 was collected.

23           “(iv) The date on which information  
24 relating to the sample was entered into the  
25 Registry.

1           “(v) The status of the progression of  
2           the sample through testing and other  
3           stages of the evidentiary handling process,  
4           including the identity of the entity in pos-  
5           session of the sample.

6           “(vi) The date or dates after which  
7           the State or unit of local government  
8           would be barred by any applicable statutes  
9           of limitations from prosecuting a perpe-  
10          trator of the sexual assault for the sexual  
11          assault.

12          “(vii) Such other information as the  
13          Attorney General considers appropriate.

14          “(B) PERSONALLY IDENTIFIABLE INFOR-  
15          MATION.—The Attorney General shall ensure  
16          that the Registry does not include personally  
17          identifiable information or details about a sex-  
18          ual assault that might lead to the identification  
19          of the individuals involved, except for the infor-  
20          mation listed in subparagraph (A).

21          “(3) SAMPLE IDENTIFICATION NUMBER.—

22                 “(A) IN GENERAL.—A State or unit of  
23                 local government that chooses to enter informa-  
24                 tion about a sample of sexual assault evidence

1 into the Registry shall assign to the sample a  
2 unique numeric or alphanumeric identifier.

3 “(B) UNIQUE IDENTIFIER REQUIRED.—In  
4 assigning the identifier under subparagraph  
5 (A), a State or unit of local government may  
6 use a case-numbering system used for other  
7 purposes, but the Attorney General shall ensure  
8 that the identifier assigned to each sample is  
9 unique with respect to all samples entered by  
10 all States and units of local government.

11 “(4) UPDATE OF INFORMATION.—A State or  
12 unit of local government that chooses to enter infor-  
13 mation about a sample of sexual assault evidence  
14 into the Registry shall, not later than 30 days after  
15 a change in the status of the sample referred to in  
16 paragraph (2)(A)(v), update such status.

17 “(5) INTERNET ACCESS.—The Attorney Gen-  
18 eral shall make publicly available aggregate non-indi-  
19 vidualized and non-personally identifying data gath-  
20 ered from the Registry, to allow for comparison of  
21 backlog data by State and unit of local government,  
22 on an appropriate Internet website.

23 “(6) TECHNICAL ASSISTANCE.—The Attorney  
24 General shall—

1           “(A) provide a means by which an entity  
2           that does not have access to the Internet may  
3           enter information into the Registry; and

4           “(B) provide the technical assistance nec-  
5           essary to allow States and units of local govern-  
6           ment to participate in the Registry.”.

7           (2) FUNDING.—Section 2(j) of the DNA Anal-  
8           ysis Backlog Elimination Act of 2000 (42 U.S.C.  
9           14135(j)) is amended—

10           (A) by inserting “and for carrying out sub-  
11           section (o)” after “for grants under subsection  
12           (a)”;

13           (B) by adding at the end the following new  
14           sentence: “For each of fiscal years 2013  
15           through 2017, not less than 1 percent of the  
16           amount authorized to be appropriated under  
17           the previous sentence for such fiscal year shall  
18           be for carrying out subsection (o).”

19           (c) REPORTS TO CONGRESS.—Not later than 90 days  
20           after the end of each fiscal year for which a grant is made  
21           for the purpose described in section 2(a)(6) of the DNA  
22           Analysis Backlog Elimination Act of 2000, as by sub-  
23           section (a), the Attorney General shall submit to Congress  
24           a report that—

1 (1) lists the States and units of local govern-  
2 ment that have been awarded such grants and the  
3 amount of the grant received by each such State or  
4 unit of local government;

5 (2) states the number of extensions granted by  
6 the Attorney General under section 2(n)(3) of the  
7 DNA Analysis Backlog Elimination Act of 2000, as  
8 added by subsection (a); and

9 (3) summarizes the processing status of the  
10 samples of sexual assault evidence about which in-  
11 formation has been entered into the Sexual Assault  
12 Forensic Evidence Registry established under section  
13 2(o) of the DNA Analysis Backlog Elimination Act  
14 of 2000, as added by section 3(a), including the  
15 number of samples that have not been tested.

