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**AMENDMENT TO H.R. 6062**  
**OFFERED BY MR. NADLER OF NEW YORK**

At the end of the bill, add the following:

1 **SEC. 3. INCENTIVE FUNDS UNDER THE BYRNE GRANT PRO-**  
2 **GRAM FOR STATES AND UNITS OF LOCAL**  
3 **GOVERNMENT THAT PROVIDE CERTAIN**  
4 **SERVICES TO VICTIMS OF SEXUAL ASSAULT.**

5 Section 505 of the Omnibus Crime Control and Safe  
6 Streets Act of 1968 (42 U.S.C. 3754) is amended by add-  
7 ing at the end the following new subsection:

8 “(i) INCENTIVE FUNDS FOR PROVIDING CERTAIN  
9 SERVICES TO VICTIMS OF SEXUAL ASSAULT AND ESTAB-  
10 LISHING RAPE KIT DATABASES.—

11 “(1) IN GENERAL.—The amounts allocated  
12 under this section to a State or unit of local govern-  
13 ment for a fiscal year (beginning with the first fiscal  
14 year that begins at least one year after the date of  
15 the enactment of this subsection) shall be increased  
16 by 10 percent if such State or unit of local govern-  
17 ment provides and certifies, in accordance with such  
18 standards as the Attorney General may require, that  
19 the State or unit of local government had in effect,  
20 for the previous fiscal year, each of the following:

1           “(A) EXAMINATION AND TESTING OF RAPE  
2           KIT.—A process to provide to each victim of  
3           sexual assault, with respect to an act of sexual  
4           assault over which the State or unit of local  
5           government has jurisdiction, each of the fol-  
6           lowing:

7                   “(i) Examination by a qualified sexual  
8                   assault nurse examiner to collect a rape kit  
9                   from such victim.

10                   “(ii) Testing of any rape kit collected  
11                   from such victim and the furnishing of any  
12                   results from such test to the victim not  
13                   later than 180 days after the date on  
14                   which such testing was requested.

15           “(B) RAPE KIT DATABASE.—A database  
16           developed and maintained by such State or unit  
17           of local government related to rape kits col-  
18           lected, in connection with acts of sexual assault  
19           over which the State or unit of local govern-  
20           ment has jurisdiction, from victims of such acts  
21           that complies with the following requirements:

22                   “(i) The database, for each rape kit  
23                   collected from each victim of sexual as-  
24                   sault, provides for the following:

1           “(I) Identifies such rape kit by a  
2 unique identifying number.

3           “(II) Contains information on  
4 the date and location of each of the  
5 following:

6                   “(aa) The act of sexual as-  
7 sault for which such rape kit was  
8 collected.

9                   “(bb) The medical examina-  
10 tion conducted from which such  
11 rape kit was collected.

12                   “(cc) The testing of such  
13 rape kit.

14           “(III) Contains information on  
15 the real-time physical location of such  
16 rape kit, including street address, lo-  
17 cality, and State.

18           “(IV) Contains information on  
19 the results of any testing of such rape  
20 kit.

21           “(ii) Information contained in the  
22 database, with respect to a rape kit, may  
23 be made available only as follows:

24                   “(I) On a publically available  
25 Internet site but only to the extent

1 that such information does not include  
2 any personally identifiable information  
3 (including the name of the victim as-  
4 sociated with a unique identifying  
5 number).

6 “(II) To criminal justice agencies  
7 for law enforcement identification pur-  
8 poses.

9 “(III) In judicial proceedings, if  
10 otherwise admissible pursuant to ap-  
11 plicable statutes or rules.

12 “(IV) To a physician or nurse  
13 who is treating a victim of sexual as-  
14 sault from whom the rape kit was col-  
15 lected for injuries resulting from the  
16 sexual assault of such victim or with  
17 respect to the collection of such rape  
18 kit, but only insofar as the informa-  
19 tion relates to such treatment.

20 “(V) To the victim of sexual as-  
21 sault from whom the rape kit was col-  
22 lected, if the information made avail-  
23 able is limited to information relating  
24 to the rape kit collected from such vic-  
25 tim.

1           “(iii) Information contained in such  
2           database shall be searchable by any of the  
3           criteria specified in clause (i), subject to  
4           the availability of such information under  
5           clause (ii).

6           “(iv) Access for purposes of data  
7           entry and editing (including updating) of  
8           such database shall be limited to appro-  
9           priate individuals of a State or local law  
10          enforcement agency.

11          “(2) FUNDING.—

12           “(A) RATABLE REDUCTION FOR INSUFFI-  
13          CIENT FUNDS.—If there are insufficient funds  
14          for a fiscal year to allocate to each State or  
15          unit of local government the amount of incen-  
16          tive funds that such State or unit of local gov-  
17          ernment is eligible to receive under this sub-  
18          section, the Attorney General shall ratably re-  
19          duce the percentage of the increase described in  
20          the matter preceding subparagraph (A) of para-  
21          graph (1) until there are sufficient funds to  
22          provide an allotment of incentive funds under  
23          this section to all States and units of local gov-  
24          ernment that are eligible to receive such incen-  
25          tive funds.

1           “(B) AUTHORIZATION OF APPROPRIA-  
2           TIONS.—In addition to funds made available  
3           under section 508, there are authorized to be  
4           appropriated for incentive funds under this sub-  
5           section such sums as may be necessary for each  
6           of the fiscal years 2013 through 2017.

7           “(3) DEFINITIONS.—For purposes of this sub-  
8           section:

9           “(A) The term ‘sexual assault’ has the  
10           meaning given such term in section 40002(a) of  
11           the Violence Against Women Act of 1994 (42  
12           U.S.C. 13925(a)).

13           “(B) The term ‘victim of sexual assault’  
14           means an individual who seeks medical treat-  
15           ment or care for an injury sustained as a result  
16           of sexual assault and reports such injury to a  
17           local or State law enforcement officer or agen-  
18           cy.

19           “(C) The term ‘rape kit’ means evidence  
20           obtained related to sexual assault.

21           “(D) The term ‘qualified sexual assault  
22           nurse examiner’ means a nurse that has ob-  
23           tained certification from a hospital, govern-  
24           mental entity, or an institution of higher edu-  
25           cation (as defined in section 102 of the Higher

1 Education Act of 1965 (20 U.S.C. 1002)), for  
2 the collection of rape kits from victims of sexual  
3 assault.

4 “(E) The term ‘tested’ means, with respect  
5 to a rape kit, that such rape kit has undergone  
6 forensic analysis.

7 “(F) The term ‘unique identifying number’  
8 means a series of letters, numbers, or a com-  
9 bination thereof, that a law enforcement agency  
10 assigns to a rape kit that—

11 “(i) such agency receives in connec-  
12 tion with an act of sexual assault; and

13 “(ii) is used in place of the name of  
14 a victim of sexual assault in the database  
15 established under this subsection except if  
16 the person accessing the database is the  
17 victim of sexual assault or a member of a  
18 law enforcement agency.”.

