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AMENDMENT TO H.R. 4970
OFFERED BY MS. JACKSON LEE OF TEXAS

Page 68, beginning on line 18, strike section 108 and insert the following (and conform the table of contents accordingly):

1 **SEC. 108. DEBBIE SMITH GRANTS FOR AUDITING SEXUAL**
2 **ASSAULT EVIDENCE BACKLOGS.**

3 Section 2 of the DNA Analysis Backlog Elimination
4 Act of 2000 (42 U.S.C. 14135) is amended—

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

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

11 “(7) To ensure that the collection and proc-
12 essing of DNA evidence from crimes, including sex-
13 ual assault and other serious violent crimes, is car-
14 ried out in an appropriate and timely manner.

15 “(8) To ensure effective communication among
16 emergency response providers, law enforcement per-
17 sonnel, prosecutors, courts, defense counsel, crime

1 laboratory personnel, and crime victims regarding
2 the status of crime scene evidence to be tested.”;

3 (2) in subsection (c)(3)(B)—

4 (A) by striking “2014” and inserting
5 “2017”; and

6 (B) by striking “40” and inserting “70”;

7 and

8 (3) by adding at the end the following new sub-
9 sections:

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

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

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

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

22 “(2) GRANT CONDITIONS.—A State or unit of
23 local government receiving a grant for the purpose
24 described in subsection (a)(6) shall, not later than 1
25 year after receiving such grant, complete the audit

1 described in paragraph (1)(A) in accordance with
2 the plan submitted under such paragraph.

3 “(3) EXTENSION OF INITIAL DEADLINE.—The
4 Attorney General may grant an extension of the
5 deadline under paragraph (2)(A) to a State or unit
6 of local government that demonstrates that more
7 time is required for compliance with such paragraph.

8 “(4) DEFINITIONS.—In this subsection:

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

12 “(i) the sample has been collected and
13 is in the possession of a State or unit of
14 local government;

15 “(ii) DNA and other appropriate fo-
16 rensic analyses have not been performed on
17 such sample; and

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

21 “(B) POSSESSION.—

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

1 possession by an individual who is acting
2 as an agent of the State or unit of local
3 government for the collection of the sam-
4 ple.

5 “(ii) RULE OF CONSTRUCTION.—
6 Nothing in clause (i) shall be construed to
7 create or amend any Federal rights or
8 privileges for non-governmental vendor lab-
9 oratories described in regulations promul-
10 gated under section 210303 of the DNA
11 Identification Act of 1994 (42 U.S.C.
12 14131).

13 “(o) DEVELOPMENT OF PROTOCOLS AND PRAC-
14 TICES.—

15 “(1) PROTOCOLS AND PRACTICES.—Not later
16 24 than 18 months after the date of enactment of
17 the Violence Against Women Reauthorization Act of
18 2012, the Director of the National Institutes of Jus-
19 tice, in consultation with Federal, State, and local
20 government laboratories and law enforcement agen-
21 cies, shall develop and publish a description of proto-
22 cols and practices the Director considers appropriate
23 for the accurate, timely, and effective collection and
24 processing of DNA evidence, including protocols and
25 practices specific to sexual assault cases, which shall

1 address appropriate steps in the investigation of
2 cases that might involve DNA evidence.

3 “(2) TECHNICAL ASSISTANCE AND TRAINING.—
4 The Director shall make available technical assist-
5 ance and training to support States and units of
6 local government in adopting and implementing the
7 protocols and practices developed under paragraph
8 (1) on and after the date on which the protocols and
9 practices are published.

10 “(3) DEFINITION OF BACKLOG FOR DNA CASE
11 WORK.—The Director shall develop and publish a
12 definition of the term ‘backlog for DNA case work’
13 for purposes of this section—

14 “(A) taking into consideration the different
15 stages at which a backlog may develop, includ-
16 ing the investigation and prosecution of a crime
17 by law enforcement personnel, prosecutors, and
18 others, and the laboratory analysis of crime
19 scene samples; and

20 “(B) which may include different criteria
21 or thresholds for the different stages.

22 “(p) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Attorney General

1 for grants under this section \$151,000,000 for each of fis-
2 cal years 2013 through 2017.”.

