

106TH CONGRESS  
1ST SESSION

# H. R. 3375

To facilitate the exchange by law enforcement agencies of DNA identification information relating to violent offenders, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 1999

Mr. GILMAN (for himself, Mr. STUPAK, and Mr. RAMSTAD) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To facilitate the exchange by law enforcement agencies of DNA identification information relating to violent offenders, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Convicted Offender  
5 DNA Index System Support Act”.

6 **SEC. 2. ELIMINATION OF CONVICTED OFFENDER DNA**  
7 **BACKLOG.**

8 (a) DEVELOPMENT OF PLAN.—

1           (1) IN GENERAL.—Not later than 45 days after  
2 the date of the enactment of this Act, the Director  
3 of the Federal Bureau of Investigation, after con-  
4 sultation with representatives of the States and of  
5 appropriate Federal agencies, shall develop a plan to  
6 assist States in performing DNA analyses of DNA  
7 samples collected from convicted offenders.

8           (2) OBJECTIVE.—The objective of the plan de-  
9 veloped under paragraph (1) shall be to effectively  
10 eliminate the backlog of convicted offender DNA  
11 samples awaiting analysis in State or local forensic  
12 laboratory storage, including samples that need to be  
13 reanalyzed using upgraded methods, in an efficient,  
14 expeditious manner that will provide for the entry of  
15 those analyses into the combined DNA Indexing  
16 System (CODIS).

17           (3) PREFERENCE IN FUNDING.—In providing  
18 assistance to States under the plan, the Director  
19 shall give a preference in assistance to those States  
20 that have developed a comprehensive program for  
21 the DNA analysis of crime scene evidence in case-  
22 work for which there are no suspects.

23           (b) PLAN CONDITIONS.—The plan developed under  
24 subsection (a) shall require the following:

1           (1) That the Director of the Federal Bureau  
2 Investigation—

3           (A) establish requirements for the perform-  
4 ance of DNA analyses by private forensic lab-  
5 oratories, including quality assurance stand-  
6 ards, state-of-the-art testing methods, and other  
7 requirements that the Director considers appro-  
8 priate; and

9           (B) determine which private forensic lab-  
10 oratories satisfy the requirements established  
11 pursuant to subparagraph (A).

12           (2) That a laboratory may perform DNA anal-  
13 yses under the plan only if it is a private forensic  
14 laboratory determined under paragraph (1)(B) to  
15 satisfy the requirements established pursuant to  
16 paragraph (1)(A).

17           (3) That the Director of the Federal Bureau of  
18 Investigation provide assistance under the plan only  
19 pursuant to arrangements with private forensic lab-  
20 oratories that have been determined under para-  
21 graph (1)(B) to satisfy the requirements established  
22 pursuant to paragraph (1)(A).

23           (4) That under each such arrangement—

24           (A) the Director shall determine, for each  
25 State to which assistance is provided under the

1 plan, the quantity of convicted offender DNA  
2 samples awaiting analysis in that State on  
3 which the laboratory shall perform DNA anal-  
4 ysis;

5 (B) the laboratory shall perform those  
6 DNA analyses; and

7 (C) the Director shall, on behalf of that  
8 State, provide funding to the laboratory to  
9 cover the costs of those DNA analyses.

10 (5) That each DNA sample collected and ana-  
11 lyzed under the plan be accessible only—

12 (A) to criminal justice agencies for law en-  
13 forcement identification purposes;

14 (B) in judicial proceedings, if otherwise ad-  
15 missible pursuant to applicable statutes or  
16 rules;

17 (C) for criminal defense purposes, to a de-  
18 fendant, who shall have access to samples and  
19 analyses performed in connection with the case  
20 in which such defendant is charged; or

21 (D) for validation studies and protocol de-  
22 velopment purposes, if personally identifiable  
23 information is removed.

24 (c) IMPLEMENTATION OF PLAN.—Subject to the  
25 availability of appropriations under subsection (d), the Di-

1 rector of the Federal Bureau of Investigation shall imple-  
2 ment the plan developed pursuant to subsection (a) with  
3 States that elect to participate.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
5 are authorized to be appropriated to the Director of the  
6 Federal Bureau of Investigation to carry out this section  
7 \$15,000,000 for each of fiscal years 2000 and 2001.

8 **SEC. 3. ELIMINATION OF STATE AND LOCAL UNSOLVED**  
9 **CASEWORK DNA BACKLOG.**

10 (a) DEVELOPMENT OF PLAN.—

11 (1) IN GENERAL.—Not later than 45 days after  
12 the date of the enactment of this Act, the Attorney  
13 General, in coordination with the Director of the  
14 Federal Bureau of Investigation and after consulta-  
15 tion with representatives of the States and of appro-  
16 priate Federal agencies, shall develop a plan to as-  
17 sist States in performing DNA analyses of crime  
18 scene evidence in casework for which there are no  
19 suspects.

20 (2) OBJECTIVE.—The objective of the plan de-  
21 veloped under paragraph (1) shall be to effectively  
22 eliminate the backlog of crime scene evidence await-  
23 ing DNA analysis in State or local forensic labora-  
24 tory storage, including evidence that needs to be re-  
25 analyzed using upgraded methods, in an efficient,

1       expeditious manner that will provide for the entry of  
2       those analyses into the combined DNA Indexing  
3       System (CODIS).

4               (3) PREFERENCE IN FUNDING.—In providing  
5       assistance to States under the plan, the Attorney  
6       General shall give a preference in assistance to those  
7       States that have developed a comprehensive program  
8       for the DNA analysis of crime scene evidence in  
9       casework for which there are no suspects.

10       (b) PLAN CONDITIONS.—The plan developed under  
11       subsection (a) shall require the following:

12               (1) That the Attorney General, in coordination  
13       with the Director of the Federal Bureau of Inves-  
14       tigation, establish—

15                       (A) requirements for the performance of  
16       DNA analyses by State and local forensic lab-  
17       oratories, including quality assurance standards  
18       issued by the Director, state-of-the-art testing  
19       methods, and other requirements that the Di-  
20       rector considers appropriate;

21                       (B) procedures under which a State may  
22       apply for assistance under the plan; and

23                       (C) guidelines for the use by a State of  
24       any assistance under the plan.

1           (2) That the Attorney General provide assist-  
2           ance under the plan only by making grants to a  
3           State, to be used by the chief executive officer of the  
4           State, in conjunction with units of local government,  
5           other States, or any combination thereof, to carry  
6           out a project consistent with the plan.

7           (3) That the State, as a condition of receiving  
8           assistance under the plan, shall—

9                   (A) use the assistance only for the DNA  
10                  analysis of crime scene evidence in casework for  
11                  which there are no suspects; and

12                   (B) provide assurances that it will submit  
13                  a report to the Attorney General containing a  
14                  summary of the activities carried out using the  
15                  assistance provided.

16           (4) That the Federal share of assistance pro-  
17           vided under the plan with respect to a project may  
18           not exceed 75 percent of the total costs of the  
19           project.

20           (5) That each DNA sample collected and ana-  
21           lyzed under the plan be accessible only—

22                   (A) to criminal justice agencies for law en-  
23                  forcement identification purposes;

1 (B) in judicial proceedings, if otherwise ad-  
2 missible pursuant to applicable statutes or  
3 rules;

4 (C) for criminal defense purposes, to a de-  
5 fendant, who shall have access to samples and  
6 analyses performed in connection with the case  
7 in which such defendant is charged; or

8 (D) for validation studies and protocol de-  
9 velopment purposes, if personally identifiable  
10 information is removed.

11 (c) IMPLEMENTATION OF PLAN.—Subject to the  
12 availability of appropriations under subsection (d), the At-  
13 torney General shall implement the plan developed pursu-  
14 ant to subsection (a).

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated to the Attorney General  
17 to carry out this section \$24,500,000 for each of fiscal  
18 years 2000 and 2001.

19 **SEC. 4. ELIMINATION OF FBI UNSOLVED CASEWORK DNA**  
20 **BACKLOG.**

21 (a) DEVELOPMENT OF PLAN.—Not later than 45  
22 days after the date of the enactment of this Act, the Direc-  
23 tor of the Federal Bureau of Investigation shall develop  
24 a plan to effectively eliminate the backlog of crime scene  
25 evidence awaiting DNA analysis in forensic laboratory

1 storage of the Bureau, including evidence that needs to  
2 be reanalyzed using upgraded methods, in an efficient, ex-  
3 peditious manner that will provide for the entry of those  
4 analyses into the combined DNA Indexing System  
5 (CODIS).

6 (b) CONDITION OF PLAN.—The plan developed under  
7 subsection (a) shall require that each DNA sample col-  
8 lected and analyzed under the plan be accessible only—

9 (1) to criminal justice agencies for law enforce-  
10 ment identification purposes;

11 (2) in judicial proceedings, if otherwise admis-  
12 sible pursuant to applicable statutes or rules;

13 (3) for criminal defense purposes, to a defend-  
14 ant, who shall have access to samples and analyses  
15 performed in connection with the case in which such  
16 defendant is charged; or

17 (4) for validation studies and protocol develop-  
18 ment purposes, if personally identifiable information  
19 is removed.

20 (c) IMPLEMENTATION OF PLAN.—Subject to the  
21 availability of appropriations under subsection (d), the Di-  
22 rector of the Federal Bureau of Investigation shall imple-  
23 ment the plan developed pursuant to subsection (a).

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
25 are authorized to be appropriated to the Director of the

1 Federal Bureau of Investigation to carry out this section  
2 \$500,000 for fiscal year 2000, to remain available until  
3 expended.

4 **SEC. 5. MISSING PERSONS DATABASE.**

5 (a) IN GENERAL.—The Director of the Federal Bu-  
6 reau of Investigation may expand the combined DNA In-  
7 dexing System (CODIS) to include information on missing  
8 persons, including analyses of DNA samples voluntarily  
9 contributed from relatives of missing persons.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated to the Director of the  
12 Federal Bureau of Investigation to carry out this section  
13 \$2,835,000 for fiscal year 2000, to remain available until  
14 expended.

15 **SEC. 6. DNA IDENTIFICATION OF FEDERAL, DISTRICT OF**  
16 **COLUMBIA, AND MILITARY VIOLENT OFFEND-**  
17 **ERS.**

18 (a) EXPANSION OF DNA IDENTIFICATION INDEX.—  
19 Section 811(a)(2) of the Antiterrorism and Effective  
20 Death Penalty Act of 1996 (28 U.S.C. 531 note) is  
21 amended to read as follows:

22 “(2) the Director of the Federal Bureau of In-  
23 vestigation shall expand the combined DNA Identi-  
24 fication System (CODIS) to include information on  
25 DNA identification records and analyses related to

1 criminal offenses and acts of juvenile delinquency  
2 under Federal law, the Uniform Code of Military  
3 Justice, and the District of Columbia Code, in ac-  
4 cordance with section 210304 of the Violent Crime  
5 Control and Law Enforcement Act of 1994 (42  
6 U.S.C. 14132).”.

7 (b) INDEX TO FACILITATE LAW ENFORCEMENT EX-  
8 CHANGE OF DNA IDENTIFICATION INFORMATION.—Sec-  
9 tion 210304 of the Violent Crime Control and Law En-  
10 forcement Act of 1994 (42 U.S.C. 14132) is amended—

11 (1) in subsection (a)(1), by striking “persons  
12 convicted of crimes” and inserting “individuals con-  
13 victed of criminal offenses or adjudicated delinquent  
14 for acts of juvenile delinquency, including qualifying  
15 offenses (as defined in subsection (d)(1))”;

16 (2) in subsection (a)(2), by striking “and”;

17 (3) in subsection (a)(3), by striking the period  
18 and inserting “; and”;

19 (4) by adding at the end of subsection (a) the  
20 following new paragraph:

21 “(4) analyses of DNA samples voluntarily con-  
22 tributed from relatives of missing persons.”;

23 (5) in subsection (b)(2), by striking “, at reg-  
24 ular intervals of not to exceed 180 days,” and insert-  
25 ing “semiannual”; and

1 (6) by adding at the end the following:

2 “(d) INCLUSION OF DNA INFORMATION RELATING  
3 TO VIOLENT OFFENDERS.—

4 “(1) DEFINITIONS.—In this subsection—

5 “(A) the term ‘crime of violence’ has the  
6 meaning given such term in section 924(c)(3) of  
7 title 18, United States Code; and

8 “(B) the term ‘qualifying offense’ means a  
9 criminal offense or act of juvenile delinquency  
10 included on the list established by the Director  
11 of the Federal Bureau of Investigation under  
12 paragraph (2)(A)(i).

13 “(2) REGULATIONS.—

14 “(A) IN GENERAL.—Not later than 90  
15 days after the date of enactment of this sub-  
16 section, and at the discretion of the Director  
17 thereafter, the Director of the Federal Bureau  
18 of Investigation, in consultation with the Direc-  
19 tor of the Bureau of Prisons, the Director of  
20 the Court Services and Offender Supervision  
21 Agency for the District of Columbia or the  
22 Trustee appointed under section 11232(a) of  
23 the Balanced Budget Act of 1997 (as appro-  
24 priate), and the Chief of Police of the Metro-

1           politan Police Department of the District of Co-  
2           lumbia, shall by regulation establish—

3                   “(i) a list of qualifying offenses; and

4                   “(ii) standards and procedures for—

5                           “(I) the analysis of DNA samples  
6                           collected from individuals convicted of  
7                           or adjudicated delinquent for a quali-  
8                           fying offense;

9                           “(II) the inclusion in the index  
10                           established by this section of the DNA  
11                           identification records and DNA anal-  
12                           yses relating to the DNA samples de-  
13                           scribed in subclause (I); and

14                           “(III) the expungement of DNA  
15                           identification records and DNA anal-  
16                           yses described in subclause (II) from  
17                           the index established by this section in  
18                           any circumstance in which the under-  
19                           lying conviction or adjudication for  
20                           the qualifying offense has been re-  
21                           versed or expunged.

22                   “(B) OFFENSES INCLUDED.—The list es-  
23                   tablished under subparagraph (A)(i) shall  
24                   include—

1           “(i) each criminal offense or act of ju-  
2           venile delinquency under Federal law  
3           that—

4                   “(I) constitutes a crime of vio-  
5                   lence; or

6                   “(II) in the case of an act of ju-  
7                   venile delinquency, would, if com-  
8                   mitted by an adult, constitute a crime  
9                   of violence; and

10           “(ii) each criminal offense under the  
11           District of Columbia Code that would, if  
12           committed in the special maritime and ter-  
13           ritorial jurisdiction of the United States,  
14           constitute a crime of violence.

15           “(3) FEDERAL OFFENDERS.—

16                   “(A) COLLECTION OF SAMPLES FROM FED-  
17                   ERAL PRISONERS.—

18                   “(i) IN GENERAL.—Beginning 180  
19                   days after the date of enactment of this  
20                   subsection, the Director of the Bureau of  
21                   Prisons shall collect a DNA sample from  
22                   each individual in the custody of the Bu-  
23                   reau of Prisons who has been convicted of  
24                   or adjudicated delinquent for a qualifying  
25                   offense.

1           “(ii) TIME AND MANNER.—The Direc-  
2           tor of the Bureau of Prisons shall specify  
3           the time and manner of collection of DNA  
4           samples under this subparagraph.

5           “(B) COLLECTION OF SAMPLES FROM  
6           FEDERAL OFFENDERS ON SUPERVISED RE-  
7           LEASE, PAROLE, OR PROBATION.—

8           “(i) IN GENERAL.—Beginning 180  
9           days after the date of enactment of this  
10          subsection, the agency responsible for the  
11          supervision under Federal law of an indi-  
12          vidual on supervised release, parole, or pro-  
13          bation (other than an individual described  
14          in paragraph (4)(B)(i)) shall collect a  
15          DNA sample from each individual who has  
16          been convicted of or adjudicated delinquent  
17          for a qualifying offense.

18          “(ii) TIME AND MANNER.—The Direc-  
19          tor of the Administrative Office of the  
20          United States Courts shall specify the time  
21          and manner of collection of DNA samples  
22          under this subparagraph.

23          “(4) DISTRICT OF COLUMBIA OFFENDERS.—

24                 “(A) OFFENDERS IN CUSTODY OF DIS-  
25                 TRICT OF COLUMBIA.—

1           “(i) IN GENERAL.—The Government  
2 of the District of Columbia may—

3           “(I) identify 1 or more categories  
4 of individuals who are in the custody  
5 of, or under supervision by, the Dis-  
6 trict of Columbia as a result of a con-  
7 viction of a qualifying offense, from  
8 whom DNA samples should be col-  
9 lected; and

10           “(II) collect a DNA sample from  
11 each individual in any category identi-  
12 fied under clause (i).

13           “(ii) DEFINITION.—In this subpara-  
14 graph, the term ‘individuals in the custody  
15 of, or under supervision by, the District of  
16 Columbia’—

17           “(I) includes any individual in  
18 the custody of, or under supervision  
19 by, any agency of the Government of  
20 the District of Columbia; and

21           “(II) does not include an indi-  
22 vidual who is under the supervision of  
23 the Director of the Court Services and  
24 Offender Supervision Agency for the  
25 District of Columbia or the Trustee

1 appointed under section 11232(a) of  
2 the Balanced Budget Act of 1997.

3 “(B) OFFENDERS ON SUPERVISED RE-  
4 LEASE, PROBATION, OR PAROLE.—

5 “(i) IN GENERAL.—Beginning 180  
6 days after the date of enactment of this  
7 subsection, the Director of the Court Serv-  
8 ices and Offender Supervision Agency for  
9 the District of Columbia, or the Trustee  
10 appointed under section 11232(a) of the  
11 Balanced Budget Act of 1997, as appro-  
12 priate, shall collect a DNA sample from  
13 each individual under the supervision of  
14 the Agency or Trustee, respectively, who is  
15 on supervised release, parole, or probation  
16 who has been convicted of or adjudicated  
17 delinquent for a qualifying offense.

18 “(ii) TIME AND MANNER.—The Direc-  
19 tor or the Trustee, as appropriate, shall  
20 specify the time and manner of collection  
21 of DNA samples under this subparagraph.

22 “(5) WAIVER; COLLECTION PROCEDURES.—  
23 Notwithstanding any other provision of this sub-  
24 section, a person or agency responsible for the col-  
25 lection of DNA samples under this subsection may—

1           “(A) waive the collection of a sample from  
2           an individual under this subsection if another  
3           person or agency has collected such a sample  
4           from the individual under this subsection or  
5           subsection (e); and

6           “(B) use or authorize the use of such  
7           means as are necessary to restrain and collect  
8           a DNA sample from an individual who refuses  
9           to cooperate in the collection of the sample.

10          “(e) INCLUSION OF DNA INFORMATION RELATING  
11 TO VIOLENT MILITARY OFFENDERS.—

12           “(1) IN GENERAL.—Not later than 120 days  
13           after the date of enactment of this subsection, the  
14           Secretary of Defense shall prescribe regulations  
15           that—

16           “(A) specify categories of conduct punish-  
17           able under the Uniform Code of Military Jus-  
18           tice (referred to in this subsection as ‘qualifying  
19           military offenses’) that are comparable to quali-  
20           fying offenses (as defined in subsection (d)(1));  
21           and

22           “(B) set forth standards and procedures  
23           for—

1           “(i) the analysis of DNA samples col-  
2           lected from individuals convicted of a  
3           qualifying military offense;

4           “(ii) the inclusion in the index estab-  
5           lished by this section of the DNA identi-  
6           fication records and DNA analyses relating  
7           to the DNA samples described in clause  
8           (i); and

9           “(iii) the expungement of DNA identi-  
10          fication records and DNA analyses de-  
11          scribed in clause (ii) from the index estab-  
12          lished by this section in any circumstance  
13          in which the underlying conviction for the  
14          qualifying military offense has been re-  
15          versed or the underlying record has been  
16          expunged for any other reason.

17          “(2) COLLECTION OF SAMPLES.—

18                 “(A) IN GENERAL.—Beginning 180 days  
19                 after the date of enactment of this subsection,  
20                 the Secretary of Defense shall collect a DNA  
21                 sample from each individual under the jurisdic-  
22                 tion of the Secretary of a military department  
23                 who has been convicted of a qualifying military  
24                 offense.

1           “(B) TIME AND MANNER.—The Secretary  
2 of Defense shall specify the time and manner of  
3 collection of DNA samples under this para-  
4 graph.

5           “(3) WAIVER; COLLECTION PROCEDURES.—  
6 Notwithstanding any other provision of this sub-  
7 section, the Secretary of Defense may—

8           “(A) waive the collection of a sample from  
9 an individual under this subsection if another  
10 person or agency has collected such a sample  
11 from the individual under subsection (d); and

12           “(B) use or authorize the use of such  
13 means as are necessary to restrain and collect  
14 a DNA sample from an individual who refuses  
15 to cooperate in the collection of the sample.

16           “(f) CRIMINAL PENALTY.—

17           “(1) IN GENERAL.—An individual from whom  
18 the collection of a DNA sample is required under  
19 subsection (d) who fails to cooperate in the collection  
20 of that sample shall be—

21           “(A) guilty of a class A misdemeanor; and

22           “(B) punished in accordance with title 18,  
23 United States Code.

24           “(2) MILITARY OFFENDERS.—An individual  
25 from whom the collection of a DNA sample is re-

1       quired under subsection (e) who fails to cooperate in  
2       the collection of that sample may be punished as a  
3       court martial may direct as a violation of the Uni-  
4       form Code of Military Justice.

5       “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
6       are authorized to be appropriated—

7               “(1) to the Department of Justice to carry out  
8       subsection (d) of this section (including to reimburse  
9       the Federal judiciary for any reasonable costs in-  
10      curred in implementing such subsection, as deter-  
11      mined by the Attorney General) and section 3(d) of  
12      the National DNA Convicted Offender and Case-  
13      work Backlog Reduction Act of 1999—

14              “(A) \$6,600,000 for fiscal year 2000; and

15              “(B) such sums as may be necessary for  
16      each of fiscal years 2001 through 2004;

17              “(2) to the Court Services and Offender Super-  
18      vision Agency for the District of Columbia or the  
19      Trustee appointed under section 11232(a) of the  
20      Balanced Budget Act of 1997 (as appropriate), such  
21      sums as may be necessary for each of fiscal years  
22      2000 through 2004; and

23              “(3) to the Department of Defense to carry out  
24      subsection (e)—

25              “(A) \$600,000 for fiscal year 2000; and

1           “(B) \$300,000 for each of fiscal years  
2           2001 through 2004.”.

3           (c) CONDITIONS OF RELEASE.—

4           (1) CONDITIONS OF PROBATION.—Section  
5           3563(a) of title 18, United States Code, is  
6           amended—

7           (A) in paragraph (7), by striking “and” at  
8           the end;

9           (B) in paragraph (8), by striking the pe-  
10          riod at the end and inserting “; and”; and

11          (C) by inserting after paragraph (8) the  
12          following:

13          “(9) that the defendant cooperate in the collec-  
14          tion of a DNA sample from the defendant if the col-  
15          lection of such a sample is required pursuant to sec-  
16          tion 210304 of the Violent Crime Control and Law  
17          Enforcement Act of 1994 (42 U.S.C. 14132).”.

18          (2) CONDITIONS OF SUPERVISED RELEASE.—  
19          Section 3583(d) of title 18, United States Code, is  
20          amended by inserting before “The court shall also  
21          order” the following: “The court shall order, as an  
22          explicit condition of supervised release, that the de-  
23          fendant cooperate in the collection of a DNA sample  
24          from the defendant, if the collection of such a sam-  
25          ple is required pursuant to section 210304 of the

1 Violent Crime Control and Law Enforcement Act of  
2 1994 (42 U.S.C. 14132).”.

3 (3) CONDITIONS OF RELEASE GENERALLY.—If  
4 the collection of a DNA sample from an individual  
5 on probation, parole, or supervised release (including  
6 an individual on parole pursuant to chapter 311 of  
7 title 18, United States Code, as in effect on October  
8 30, 1997) is required pursuant to section 210304 of  
9 the Violent Crime Control and Law Enforcement  
10 Act of 1994 (42 U.S.C. 14132), and the sample has  
11 not otherwise been collected, the individual shall co-  
12 operate in the collection of a DNA sample as a con-  
13 dition of that probation, parole, or supervised re-  
14 lease.

15 (d) REPORT AND EVALUATION.—Not later than 1  
16 year after the date of enactment of this Act, the Attorney  
17 General, acting through the Assistant Attorney General  
18 for the Office of Justice Programs of the Department of  
19 Justice and the Director of the Federal Bureau of Inves-  
20 tigation, shall—

21 (1) conduct an evaluation to—

22 (A) identify criminal offenses, including of-  
23 fenses other than qualifying offenses (as defined  
24 in section 210304(d)(1) of the Violent Crime  
25 Control and Law Enforcement Act of 1994 (42

1 U.S.C. 14132(d)(1)), as added by this section)  
2 that, if serving as a basis for the mandatory  
3 collection of a DNA sample under section  
4 210304 of the Violent Crime Control and Law  
5 Enforcement Act of 1994 (42 U.S.C. 14132) or  
6 under State law, are likely to yield DNA  
7 matches, and the relative degree of such likeli-  
8 hood with respect to each such offense; and

9 (B) determine the number of investigations  
10 aided (including the number of suspects  
11 cleared), and the rates of prosecution and con-  
12 viction of suspects identified through DNA  
13 matching; and

14 (2) submit to Congress a report describing the  
15 results of the evaluation under paragraph (1).

16 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

17 (1) DRUG CONTROL AND SYSTEM IMPROVE-  
18 MENT GRANTS.—Section 503(a)(12)(C) of title I of  
19 the Omnibus Crime Control and Safe Streets Act of  
20 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by  
21 striking “, at regular intervals of not to exceed 180  
22 days,” and inserting “semiannual”.

23 (2) DNA IDENTIFICATION GRANTS.—Section  
24 2403(3) of title I of the Omnibus Crime Control and  
25 Safe Streets Act of 1968 (42 U.S.C. 3796kk–2(3))

1 is amended by striking “, at regular intervals not ex-  
2 ceeding 180 days,” and inserting “semiannual”.

3 (3) FEDERAL BUREAU OF INVESTIGATION.—  
4 Section 210305(a)(1)(A) of the Violent Crime Con-  
5 trol and Law Enforcement Act of 1994 (42 U.S.C.  
6 14133(a)(1)(A)) is amended by striking “, at reg-  
7 ular intervals of not to exceed 180 days,” and insert-  
8 ing “semiannual”.

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