

S 250

Justice for All Reauthorization Act of 2012

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Feb 1, 2011

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 435.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 435. (Jun 21, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/250>

Sponsor

Name: Sen. Leahy, Patrick J. [D-VT]

Party: Democratic • **State:** VT • **Chamber:** Senate

Cosponsors (6 total)

| Cosponsor | Party / State | Role | Date Joined |
|-----------------------------------|---------------|------|--------------|
| Sen. Franken, Al [D-MN] | D · MN | | Feb 1, 2011 |
| Sen. Harkin, Tom [D-IA] | D · IA | | Feb 1, 2011 |
| Sen. Klobuchar, Amy [D-MN] | D · MN | | Feb 1, 2011 |
| Sen. Merkley, Jeff [D-OR] | D · OR | | Apr 26, 2012 |
| Sen. Coons, Christopher A. [D-DE] | D · DE | | Jun 14, 2012 |
| Sen. Blumenthal, Richard [D-CT] | D · CT | | Jun 21, 2012 |

Committee Activity

| Committee | Chamber | Activity | Date |
|---------------------|---------|-------------|--------------|
| Judiciary Committee | Senate | Reported By | Jun 21, 2012 |

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

| Bill | Relationship | Last Action |
|-------------|--------------|--|
| 112 HR 6014 | Related bill | Jan 10, 2013: Became Public Law No: 112-253. |
| 112 S 3704 | Related bill | Dec 20, 2012: Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S8304) |
| 112 S 3335 | Related bill | Jun 21, 2012: Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S4422) |
| 112 S 254 | Related bill | Feb 1, 2011: Read twice and referred to the Committee on the Judiciary. |

Justice for All Reauthorization Act of 2012 - **Title I: Crime Victims** - (Sec. 101) Amends the federal criminal code to include as a victim's right the right to be informed of rights and to be provided contact information for the Office of the Victims' Rights Ombudsman of the Department of Justice (DOJ).

Amends the Victims of Crime Act of 1984 to permit sums in the Crime Victims Fund that are not used for child abuse prevention and treatment grants to be used only to improve services for the benefit of crime victims in the federal criminal justice system and for a Victim Notification System.

(Sec. 102) Amends: (1) the Justice for All Act of 2004 to authorize appropriations for crime victims legal assistance grants through FY2017, and (2) the Victims of Crime Act to authorize appropriations for crime victims notification grants through FY2017.

(Sec. 103) Amends the DNA Analysis Backlog Elimination Act of 2000 to revise the Debbie Smith DNA Backlog Grant Program to: (1) require the development of protocols and practices for the accurate, timely, and effective collection and processing of DNA evidence and to require states and local governments to adopt such protocols and practices; (2) expand the authority of the Attorney General to make grants for the collection, processing, testing, and analysis of DNA evidence; (3) allow the use of grant funds to alleviate a backlog of cases with respect to a forensic science other than DNA analysis; (4) impose penalties on states and local governments for noncompliance with Program requirements; and (5) extend funding for the Program through FY2017.

(Sec. 104) Amends the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act) to: (1) entitle a state, local, or tribal government to rape exam payments only if such government incurs the full out-of-pocket cost of such exams (current law) and coordinates with regional health care providers to notify sexual assault victims of the availability of free rape exams; and (2) repeal provisions providing that such a government shall be deemed to incur the full out-of-pocket cost of such exams if it reimburses victims for the cost of such exams. Provides that, to be in compliance with rape exam payment requirements, such a government must comply with Act requirements regardless of whether the victim participates in the criminal justice system or cooperates with law enforcement.

(Sec. 105) Amends the Justice for All Act of 2004 to authorize appropriations through FY2017 for: (1) DNA training and education for law enforcement, correctional personnel, and court officers; (2) sexual assault forensic exam program grants; (3) DNA research and development; (4) DNA programs of the Federal Bureau of Investigation (FBI); and (5) DNA identification of missing persons.

(Sec. 106) Amends: (1) the Safe Streets Act to increase appropriations for FY2013-FY2017 for the Paul Coverdell Forensic Sciences Improvement Grant Program, and (2) the Justice for All Act to authorize appropriations for FY2013-FY2017 for legal representation of indigent criminal defendants in state capital cases.

(Sec. 108) Amends the federal criminal code to expand eligibility for post-conviction DNA testing in criminal proceedings other than death penalty cases.

(Sec. 109) Amends the Justice for All Act to authorize appropriations for FY2013-FY2017 for: (1) incentive grants to states to ensure consideration of claims of actual innocence in criminal cases, and (2) the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program.

(Sec. 110) Amends the Justice for All Act to require the Director of the National Institute of Justice, in consultation with

federal, state, and local law enforcement agencies and government laboratories, to: (1) establish best practices for evidence retention to focus on the preservation of biological evidence; and (2) assist state, local, and tribal governments in adopting and implementing such practices. Requires the publication of the best practices within a year. States that nothing in this section shall be construed to require or obligate compliance with the best practices.

(Sec. 111) Effective Administration of Criminal Justice Act of 2012 - Amends the Safe Streets Act to require grant applications under the Edward Byrne Memorial Justice Assistance Grant Program to include a comprehensive statewide plan for the improvement of the administration of the criminal justice system. Makes it unlawful for government entities or their agents to engage in a pattern or practice of conduct that deprives indigent defendants of their constitutional rights to assistance of counsel in criminal proceedings. Authorizes appropriations for FY2013-FY2017.

(Sec. 112) Subjects all grants awarded by DOJ under this Act to the following: (1) a requirement that the DOJ Inspector General, beginning in FY2013, conduct audits of grant recipients to prevent waste, fraud, and abuse; (2) a requirement that a recipient found to have an unresolved audit finding that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost shall be ineligible to receive grant funds for a specified period; (3) a requirement that the Attorney General give priority to eligible entities that, during the three fiscal years before submitting a grant application, did not have an unresolved audit finding showing a violation in the terms or conditions of a DOJ grant program; and (4) requirements that an entity awarded grant funds during the period in which the entity is barred from receiving grants shall deposit an amount equal to the improperly awarded funds into the Treasury's General Fund and that the Attorney General shall seek to recoup the costs of repayment.

Prohibits the Attorney General from awarding a grant under this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax on unrelated business income of charitable organizations.

Requires each nonprofit organization that is awarded a grant under this Act and that uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees to disclose to the Attorney General, in the grant application, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Requires the Attorney General to make the information disclosed available for public inspection upon request.

Prohibits more than 7.5% of the amounts authorized to be appropriated under this Act from being used by the Attorney General for salaries and administrative expenses of DOJ, unless otherwise explicitly provided in authorizing legislation.

Prohibits sums authorized to be appropriated to DOJ under this Act from being used by the Attorney General, or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than \$20,000 in DOJ funds, without prior written authorization by the Deputy Attorney General or other specified officials. Requires: (1) written approval to include a written estimate of all costs associated with the conference, and (2) the Deputy Attorney General to report annually to specified congressional committees on all approved conference expenditures.

Prohibits sums authorized to be appropriated under this Act from being utilized by any grant recipient to lobby any representative of DOJ or of a federal, state, local, or tribal government regarding the award of grant funding. Directs the Attorney General to: (1) require any grant recipient determined to have violated such prohibition to repay the grant in full, and (2) prohibit such recipient from receiving another grant under this Act for not less than five years.

Title II: Katie Sepich Enhanced DNA Collection Act of 2012 - Katie Sepich Enhanced DNA Collection Act of 2012 -

(Sec. 203) Directs the Attorney General to carry out a grant program for the purpose of assisting states with the costs associated with the implementation of minimum or enhanced DNA collection processes.

Defines: (1) "minimum DNA collection process" to mean, with respect to a state, a process under which the Combined DNA Index System (CODIS) of the FBI is searched at least one time against samples from individuals at least 18 years of age who are arrested for or charged with a criminal offense under state law that consists of murder or voluntary manslaughter, that involves a sexual act or sexual contact with another and that is punishable by imprisonment for more than 5 years, or that involves kidnapping or abduction and that is punishable by imprisonment for more than 5 years; and (2) "enhanced DNA collection process" to mean, with respect to a state, a process under which the state provides for the collection, for purposes of inclusion in CODIS, of DNA samples from individuals at least 18 years of age who are arrested for or charged with a criminal offense under state law that consists of murder or voluntary manslaughter, that involves a sexual act or sexual contact with another and that is punishable by imprisonment for more than 1 year, that involves kidnapping or abduction and that is punishable by imprisonment for more than 1 year, that consists of burglary punishable by imprisonment for more than 1 year, or that consists of assault punishable by imprisonment for more than 1 year.

Sets forth grant application requirements, including requiring a state, to be eligible, to demonstrate that it has statutory authorization for the implementation of either a minimum or enhanced DNA collection process. Requires the amount available to a state to be based on the projected costs that will be incurred by the state to implement the collection process.

Provides that the Attorney General shall retain discretion to determine the amount of each grant awarded to an eligible state, subject to the following: (1) a state seeking a grant with respect to the implementation of a minimum DNA collection process shall be eligible for a grant that is equal to no more than 50% of the first year costs to the state of implementing such process, and (2) a state seeking a grant for implementation of an enhanced DNA collection process shall be eligible for a grant that is equal to no more than 100% of the first year costs.

Requires a state, as a condition of receiving a grant, to have a procedure in place to: (1) provide written notification of expungement provisions and instructions for requesting expungement to all persons who submit a DNA sample for inclusion in the index, (2) provide the eligibility criteria for expungement and instructions for requesting expungement on an appropriate public website, and (3) make a determination and provide a written response on all expungement requests within 90 days of receipt.

(Sec. 204) Makes the expungement requirements of the DNA Identification Act of 1994 applicable to any samples collected under this title for purposes of inclusion in CODIS.

(Sec. 205) Authorizes appropriations to carry out this title for each of FY2013-FY2015, to be derived from sums appropriated under the DNA Analysis Backlog Elimination Act of 2000.

(Sec. 206) Directs the Attorney General to submit a report annually to the House and Senate Judiciary Committees that: (1) lists the states that have and that have not implemented a minimum DNA collection process and an enhanced DNA collection process; and (2) includes statistics regarding the benefits to law enforcement resulting from the implementation of minimum and enhanced DNA collection processes, including the number of matches made due to the inclusion of arrestee profiles.

Actions Timeline

- **Jun 21, 2012:** Committee on the Judiciary. Ordered to be reported with amendments favorably.
- **Jun 21, 2012:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Jun 21, 2012:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 435.
- **Mar 21, 2012:** Committee on the Judiciary. Hearings held. Hearings printed: S.Hrg. 112-900.
- **Feb 1, 2011:** Introduced in Senate
- **Feb 1, 2011:** Sponsor introductory remarks on measure. (CR S418-420)
- **Feb 1, 2011:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S420-423)