

S 3250

SAFER Act of 2012

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: May 24, 2012

Current Status: Message on House action received in Senate and at desk: House amendments to Senate bill.

Latest Action: Message on House action received in Senate and at desk: House amendments to Senate bill. (Jan 2, 2013)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/3250>

Sponsor

Name: Sen. Cornyn, John [R-TX]

Party: Republican • **State:** TX • **Chamber:** Senate

Cosponsors (12 total)

| Cosponsor | Party / State | Role | Date Joined |
|-----------------------------------|---------------|------|--------------|
| Sen. Bennet, Michael F. [D-CO] | D · CO | | May 24, 2012 |
| Sen. Collins, Susan M. [R-ME] | R · ME | | May 24, 2012 |
| Sen. Franken, Al [D-MN] | D · MN | | May 24, 2012 |
| Sen. Kirk, Mark Steven [R-IL] | R · IL | | May 24, 2012 |
| Sen. Klobuchar, Amy [D-MN] | D · MN | | May 24, 2012 |
| Sen. Blumenthal, Richard [D-CT] | D · CT | | Sep 20, 2012 |
| Sen. Burr, Richard [R-NC] | R · NC | | Sep 20, 2012 |
| Sen. Coons, Christopher A. [D-DE] | D · DE | | Sep 20, 2012 |
| Sen. Feinstein, Dianne [D-CA] | D · CA | | Sep 20, 2012 |
| Sen. Hutchison, Kay Bailey [R-TX] | R · TX | | Sep 20, 2012 |
| Sen. Schumer, Charles E. [D-NY] | D · NY | | Sep 20, 2012 |
| Sen. McCaskill, Claire [D-MO] | D · MO | | Sep 21, 2012 |

Committee Activity

| Committee | Chamber | Activity | Date |
|---------------------|---------|-----------------|--------------|
| Judiciary Committee | Senate | Discharged From | Dec 31, 2012 |

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

| Bill | Relationship | Last Action |
|----------------|--------------|--|
| 112 HR 6628 | Related bill | Dec 7, 2012: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security. |
| 112 S 2338 | Related bill | Apr 24, 2012: Read the second time. Ordered Placed on Senate Legislative Calendar under General Orders. Calendar No. 364. |
| 112 HR 1523 | Related bill | Jul 11, 2011: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security. |

Sexual Assault Forensic Evidence Reporting Act of 2012 or the SAFER Act of 2012 - (Sec. 2) Amends the DNA Analysis Backlog Elimination Act of 2000 to authorize the Attorney General to make Debbie Smith grants under such Act to states or local governments to: (1) conduct audits of samples of sexual assault evidence that are awaiting testing; and (2) ensure that the collection and processing of DNA evidence by law enforcement agencies from crimes, including sexual assault and other violent crimes against persons, is carried out in an appropriate and timely manner and in accordance with specified protocols and practices. Requires not less than 5% but not more than 7% of Debbie Smith grant funds distributed in FY2014-FY2017 to be awarded for such audits if sufficient applications to justify such amounts are received by the Attorney General, provided such award doesn't decrease funds for other distribution requirements.

Authorizes the Attorney General to award such a grant to a state or local government for auditing sexual assault evidence backlogs only if the recipient submits a plan for performing the audit and includes a good-faith estimate of the number of such samples. Sets forth provisions regarding grant conditions, including requirements that: (1) the government complete the audit within one year, assign a unique numeric or alphanumeric identifier to each sample awaiting testing, and identify any statutory deadlines for prosecuting a perpetrator to which a sample relates; and (2) the chief law enforcement officer of the state or local government be the individual responsible for compliance with reporting requirements.

Requires a grant recipient, at least every 60 days for 12 months after completing an initial count of the samples awaiting testing, to submit a report to the Department of Justice (DOJ) on the number of samples: (1) that such government has determined should undergo testing, (2) that such government has determined should not undergo testing, (3) that have been submitted for testing, and (4) for which testing has been completed.

Directs the Attorney General to: (1) publish such reports, and (2) ensure that any information published as part of a report does not include personally identifiable information or details about a sexual assault that might lead to the identification of the individuals involved.

Requires the Director of the Federal Bureau of Investigation (FBI) to: (1) develop and publish a description of protocols and practices the Director considers appropriate for the accurate, timely, and effective collection and processing of DNA evidence, including protocols and practices specific to sexual assault cases, which shall address appropriate steps in the investigation of cases that might involve DNA evidence; and (2) make available technical assistance and training to support states and local governments in adopting and implementing such protocols and practices.

(Sec. 3) Requires the Attorney General, not later than 90 days after the end of each fiscal year for which a grant for an audit is made, to submit to Congress a report that: (1) lists the states and local governments awarded grants and the amount received by each, (2) states the number of audit deadline extensions granted by the Attorney General, and (3) summarizes the processing status of the samples of sexual assault evidence identified in Sexual Assault Forensic Evidence Reports.

(Sec. 4) Requires, for each fiscal year through FY2018, that not less than 75% of Debbie Smith grant amounts be awarded to: (1) carry out, for inclusion in the Combined DNA Index System, DNA analyses of samples collected under applicable legal authority and of samples collected from crime scenes; and (2) increase the capacity of state or local government laboratories to carry out DNA analyses.

(Sec. 5) Requires the DOJ Inspector General, each fiscal year beginning in FY2013, to conduct audits of recipients of all grants under this Act to prevent waste, fraud, and abuse by grantees. Makes a grant recipient found to have an

unresolved audit finding ineligible to receive grants under this Act during the two fiscal years beginning after the 12-month period beginning on the date when the final audit report is issued. Directs the Attorney General to give priority in awarding grants 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. Prohibits the Attorney General from awarding a grant under a program described in this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying tax on certain unrelated business income.

Limits the sum that may be used by the Attorney General for salaries and administrative expenses of DOJ to 7.5% of amounts authorized to be appropriated under this Act, unless otherwise explicitly provided in authorizing legislation. Prohibits amounts 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 specified authorization. Requires the Deputy Attorney General to report annually to the House and Senate Judiciary Committees on all conference expenditures approved.

Prohibits amounts authorized to be appropriated under this Act from being utilized by any grant recipient to lobby any DOJ representative regarding the award of grant funding, or to lobby any representative of a federal, state, local, or tribal government regarding the award of grant funding. Directs the Attorney General, upon determining that a grant recipient has violated such provision, to require the recipient to repay the grant in full and to prohibit the recipient from receiving another grant under this Act for not less than five years.

(Sec. 6) Sunsets specified provisions of this Act regarding Debbie Smith grants for auditing sexual assault evidence backlogs on December 31, 2018.

Actions Timeline

- **Jan 2, 2013:** Mr. Smith (TX) asked unanimous consent to take from the Speaker's table and consider.
- **Jan 2, 2013:** Considered by unanimous consent. (consideration: CR H7580-7584)
- **Jan 2, 2013:** Passed/agreed to in House: On passage Passed without objection.
- **Jan 2, 2013:** On passage Passed without objection.
- **Jan 2, 2013:** Motion to reconsider laid on the table Agreed to without objection.
- **Jan 2, 2013:** The title of the measure was amended. Agreed to without objection.
- **Jan 2, 2013:** Message on House action received in Senate and at desk: House amendments to Senate bill.
- **Dec 31, 2012:** Received in the House.
- **Dec 31, 2012:** Message on Senate action sent to the House.
- **Dec 31, 2012:** Held at the desk.
- **Dec 30, 2012:** Senate Committee on the Judiciary discharged by Unanimous Consent.
- **Dec 30, 2012:** Measure laid before Senate by unanimous consent. (consideration: CR S8551-8552)
- **Dec 30, 2012:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Dec 30, 2012:** Passed Senate with an amendment by Unanimous Consent.
- **Sep 20, 2012:** Committee on the Judiciary. Ordered to be reported without amendment favorably.
- **May 24, 2012:** Introduced in Senate
- **May 24, 2012:** Read twice and referred to the Committee on the Judiciary.