

S. 2348, RAPID DNA ACT OF 2015
ONE-PAGE SUMMARY

Background:

DNA analysis has opened new frontiers in the ability of law enforcement and innocence advocates to solve crime and exonerate the wrongfully accused. Unfortunately, under current law, which requires all DNA samples to be sent to crime labs for processing, obtaining results from DNA reference samples can take weeks or even months. During the interim, individuals may be released back onto the streets or, in the case of the wrongfully accused, continue to languish in jail.

Recently developed “Rapid DNA” technology offers great promise in speeding up the timetable for DNA analysis. Rapid DNA devices are self-contained, fully automated instruments that can be placed in a booking station and that can both develop a reference sample profile from a minimally invasive cheek swab and compare the results against existing profiles in less than two hours. With Rapid DNA technology, an officer can know within two hours whether an individual is wanted for an outstanding crime or has a connection to evidence from a crime scene. In theory, an incorrect suspect could be eliminated from suspicion almost immediately.

Current law, however, restricts access to the FBI’s Combined DNA Index System (CODIS) to DNA records generated at an accredited crime lab. This law was passed in the mid-1990s, long before Rapid DNA technology was conceived. The law needs to be updated to reflect the availability of Rapid DNA instruments and to permit their use by law enforcement officials to speedily process DNA reference samples and perform database comparisons. Expediting entry of DNA reference samples into CODIS through Rapid DNA instruments will help law enforcement to more quickly solve crimes, link suspects to other investigations, and release individuals whom DNA analysis indicates are innocent.

Key Provisions:

- Updates DNA Identification Act of 1994 to authorize criminal justice agencies using Rapid DNA instruments in conformance with quality assurance standards approved by the FBI to upload profiles generated by such devices to CODIS.
- Directs the FBI to issue standards and procedures for the use of Rapid DNA instruments and the use of DNA analyses derived from such instruments.
- Authorizes the FBI to waive the current requirement that samples collected from federal or District of Columbia offenders be sent to the FBI for processing in cases where samples are processed using FBI-approved Rapid DNA instruments in conformance with FBI-issued quality assurance standards.

What the Bill Does Not Do:

- Does not impact when and under what circumstances DNA reference samples are collected. Such decisions are governed by state law (for state arrestees) or other federal law (for federal arrestees).
- Does not alter the type of information uploaded to CODIS. DNA profiles uploaded to CODIS contain data from certain core genetic loci. This data cannot be used to identify physical characteristics (such as race, height, eye color, or hair color), predisposition to disease, or any other distinguishing features. Its only practical use is to create a DNA reference sample to compare against existing crime scene samples.
- Does not expand access to CODIS to every individual who uses a Rapid DNA instrument. Rather, restricts access to CODIS to law enforcement agencies using Rapid DNA instruments approved by the FBI in compliance with standards and procedures issued by the FBI. Such standards will help to ensure the integrity of CODIS and also ensure that individuals who use Rapid DNA instruments have been properly trained and certified.