

The Justice for All Reauthorization Act of 2013

The Justice for All Act

Enacted in 2004, the Justice for All Act (JFAA) enhanced protections for victims of Federal crimes, provided Federal resources to improve the use of DNA technology to combat crimes, and established safeguards to prevent and reverse wrongful convictions. This year's legislation reauthorizes and improves many of the programs created by the original law and responsibly reduces overall funding in response to the current economic situation. It includes the Crime Victims' Rights Act, the Debbie Smith Act, the Coverdell Forensic Science Improvement Grant Program, and the Innocence Protection Act.

Section 2 – Extension of Crime Victims Rights

This section gives crime victims the right to be informed of their rights under the Crime Victims' Rights Act and the Victims' Rights and Restitution Act of 1990. Under current law, judges have 72 hours to review writs of mandamus filed by crime victims pursuant to the Crime Victims Rights Act. This section gives judges, with the consent of the relevant litigants, more time to consider victims' claims. This section also clarifies an ambiguity regarding the applicability of the Crime Victims' Rights Act to victims located in the District of Columbia by clarifying that crime victims in the District may exercise their rights in the Superior Court for the District of Columbia and its corresponding court of appeals.

Section 3 – Reauthorization of Appropriations for Grants for Crime Victims

This section reauthorizes the Crime Victims Legal Assistance Grants and Crime Victims Notification Grants at current levels.

Section 4 – The Debbie Smith DNA Backlog Grant Program

This section reauthorizes the Debbie Smith DNA Backlog Grant Program at current levels.

Section 5 – Rape Exam Payments

This section corrects the reference to current law to reflect a modification made in the Violence Against Women Act of 2013.

Section 6 – Additional Reauthorizations

This section reauthorizes DNA Training and Education for Law Enforcement Grants, Sexual Assault Forensic Exam Program Grants, DNA Research and Development Grants, FBI DNA Programs, and DNA Identification of Missing Persons Grants.

Section 7 – Paul Coverdell Forensic Sciences Improvement Grants

This section reauthorizes the Paul Coverdell Forensic Sciences Improvement Grants and increases the annual authorization by \$5,000,000 per year to a level of \$25,000,000 per year.

Section 8 – Improving the Quality of Representation in State Capital Cases

This section reauthorizes the Capital Representation Improvement Grants and the Capital Prosecution Improvement Grants and reduces the authorization from \$75,000,000 to \$30,000,000 per year. It also allows the Attorney General to award grants to units of local government and non-profits, rather than exclusively to States. Additionally, this section allows the Attorney General, upon a showing of good cause, to determine a fair allocation of the funding across the two grant programs.

Section 9 – Post-Conviction DNA Testing

There have been 258 post-conviction DNA exonerations in the United States. Seventy of those exonerees pleaded guilty to or confessed to the crime they did not commit. This section eliminates the prohibition on a court granting an individual's petition for post-conviction DNA testing if that individual had waived his or her right to post-conviction DNA testing as part of a plea agreement.

This section also relaxes the requirement that states must preserve all biological evidence to obtain grants through the Kirk Bloodsworth Post Conviction DNA Testing Grant Program. Instead, states and local governments receiving funding through the program must preserve all biological evidence in cases involving certain crimes of violence.

Section 10 – Incentive Grants to States to Ensure Consideration of Claims of Actual Innocence

This section reauthorizes the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program and increases the annual authorization by \$5,000,000 per year to a level of \$10,000,000 per year.

The section also relaxes the certification requirements regarding biological evidence preservation required of the chief legal officers of states receiving Bloodsworth grants. The new requirements reflect the reality that there are limits to the extent to which chief legal officers can be held accountable for preservation efforts in jurisdictions beyond their control.

Section 11 – Establishment of National Standards Promulgated by NIJ

The section directs NIJ to promulgate best practices for evidence retention within eighteen months of the bill's enactment. It also requires NIJ to assist state, local and tribal governments wishing to adopt the best practices.

Section 12 – Effective Administration of Criminal Justice

This section reinstates a previous requirement of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program that states develop, and update annually, a strategic plan detailing how grants received under the program will be used to improve the administration of the criminal justice system. This requirement was removed from the Byrne JAG grant application several years ago, but groups representing states and victims

have requested that it be reinstated in order to improve the efficient and effective use of criminal justice resources. Under this section, the strategic plan must be formulated in consultation with local governments and all segments of the criminal justice system. The Attorney General will also be required to make technical assistance available to help states formulate their strategic plans.

The section also requires the Attorney General to provide technical assistance to states and local governments requesting support to meet their Sixth Amendment obligations. This assistance is available immediately. The bill authorizes \$5,000,000 for the Attorney General to carry out the technical assistance required under this section.

Section 13 – Oversight and Accountability

This section includes several measures to ensure that funds authorized under the Justice for All Act are used as efficiently and effectively as possible.