

2008 POST CONVICTION DNA LEGISLATION

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Last updated February 28, 2008. Those bills in gray are carryovers from 2007 that have not moved in 2008.*

ST	BILL #	SPONSOR	SUMMARY	STATUS
AL	SB 46	Sanders	Allows an individual who is serving a term of imprisonment or awaiting execution to file a motion to obtain forensic DNA testing. The bill provides for testing procedures and post-testing procedures.	Passed Judiciary
AZ	SB 1412	Huppenthal	All biological evidence (including DNA) secured in connection with a felony sexual offense or homicide shall be retained for the entirety of the convict's incarceration or fifty-five years for a cold case where no one is convicted.	Referred to Rules Committee
KS	HB 2446	Appropriations Committee	Provides access to post conviction DNA testing for death row inmates.	In Committee
KY	HB 260	Burch	Anyone convicted of a life sentence must submit a DNA samples to the statewide database; the sample will be treated similarly to other felony samples collected.	In Committee
MI	HB 4260	Condino	Extends the time period for a petition to retest DNA evidence in a felony conviction and request a new trial, expand the eligibility of convicted felons who can request testing, and makes other changes.	In Committee
MI	HB 5089	Condino	Extends the time period for a petition to retest DNA evidence in a felony conviction and request a new trial, expand the eligibility of convicted felons who can request testing, and makes other changes.	In Committee
MS	HB 389	Brown	Requires DNA testing in capital cases based on availability of evidence; provides for post-conviction motions for DNA testing for all capital death penalty cases.	Passed House, Transferred to Senate
MS	HB 390	Brown	Requires DNA testing in capital cases based on availability of evidence; provides for post-conviction motions for DNA testing for all capital death penalty cases.	Died In Committee
MS	HB 391	Brown	Allows the use of DNA evidence in capital cases.	Passed House
MS	HB 817	Moak	Creates a task force to recommend procedures and practices to improve the preservation and testing of biological evidence, including DNA.	Died In Committee
MS	SB 2619	Tollison	Creates a task force to recommend procedures and practices to improve the preservation and testing of biological evidence.	Referred to Judiciary and Appropriations

NJ	HB 1394	Conaway	Requires evidence, including DNA, to be retained indefinitely in homicide cases and until defendant's sentence expires in sexual assault cases.	In Committee
NY	HB 8046	Lentol	Establishes the minimum period of time that forensic samples of blood, tissue and other biological material, should be retained by investigating authorities and the time or specified event or events, if any, after which such samples may be destroyed.	Introduced
NY	HB 8047	Lentol	Clarifies that post-conviction testing of crime scene material or other specified evidence for DNA identification information may be ordered whether the case was resolved by jury trial or otherwise.	Introduced
OH	HB 218	Chandler	Repeals the special procedure through which an inmate who pleaded guilty or no contest to a felony may obtain post-conviction DNA testing and instead permits such an inmate to apply for post-conviction DNA testing in the same manner as an inmate who was convicted of a felony may apply.	In Committee
PA	HB 1053	McGeehan	Expunges DNA records for those whose conviction is reversed.	In Committee
SC	HB 3901	Neal	Enacts the Innocence Protection Act and provides that a person in custody after conviction may apply to the court for certain forensic DNA testing.	In Committee
SC	SB 429	Malloy	"Post Conviction DNA Procedures Act." Permits access to post conviction DNA testing under certain circumstances.	In Sub-committee
TN	HB 1333	Briley	"Tennessee Innocence Commission Act." Requires the commission to investigate all post-conviction exonerations and pardons	In Committee
TN	HB 2592	Gilmore	Creates the "Tennessee Innocence Commission" to investigate cases in which an innocent person was wrongly convicted. Requires the commission to investigate all post-conviction exonerations and pardons.	In Sub-Committee
TN	HB 3212	Gilmore	Adds offenses of aggravated rape of a child, sexual battery by authority figure, and statutory rape by authority figure to list of offenses a person convicted of which may petition for production of evidence.	Placed on Calendar in Judiciary
TN	SB 538	Jackson	"Tennessee Innocence Commission Act." Requires the commission to investigate all post-conviction exonerations and pardons	Placed on Senate Calendar
TN	SB 2559	Jackson	Creates the "Tennessee Innocence Commission" to investigate cases in which an innocent person was wrongly convicted. Requires the commission to investigate all post-conviction exonerations and pardons.	Withdrawn
TN	SB 2789	Jackson	Adds offenses of aggravated rape of a child, sexual battery by authority figure, and statutory rape by authority figure to list of offenses a person convicted of which may petition for production of evidence.	In Committee
UT	SB 16	Bell	This bill modifies provisions regarding post conviction DNA testing and creates a process for post conviction claims of factual innocence and for financial assistance if the petitioner is found to be factually innocent.	Passed House Committee

UT	SB 277	Bell	Establishes procedures and requirements for post-conviction actions by a person convicted of a criminal offense.	Passed 2 nd Reading
VT	HB 50	Flory	Allows a person convicted of a crime to file a petition requesting forensic DNA testing of any evidence which may contain biological evidence. Creates a forensic laboratory oversight commission.	In Committee
VT	SB 6	Cummings	Allows a person convicted of a crime to file a petition requesting forensic DNA testing of any evidence which may contain biological evidence. Creates a forensic laboratory oversight commission.	Enacted
VT	SJR 33	Sears	Requests that the Attorney General and the Department of Public Safety examine DNA-related exonerations nationally in order to improve the accuracy and fairness of Vermont's criminal justice system.	In Committee
WA	HB 1890	Strow	"DNA Testing Act of 2007" requires DNA evidence prior to the imposition of the death penalty.	In Committee
WV	HB 2124	Overington	Allows DNA testing of biological material in death penalty cases.	In Committee
WV	HB 3200	Webster	Requires any biological material that is secured in the investigation or prosecution of a criminal case to be retained for the period that a defendant remains incarcerated in connection with that case.	In Committee
WV	SB 308	Kessler	Requires any biological material that is secured in the investigation and prosecution of a criminal case to be retained for the time that a defendant remains incarcerated.	In Committee
WY	SB 65	Joint Judiciary Interim Committee	Establishes procedures for post-conviction motions for DNA testing.	Referred to Judiciary Committee
US	HB5193	Rush, B	To award a congressional gold medal to Barry C Scheck and to Peter Neufield in recognition of their outstanding services to the Nation and to justice as co-founders and co-directors of the Innocence Project.	In Committee