

POST CONVICTION DNA LEGISLATION

Prepared by Smith Alling Lane on behalf of Applied Biosystems
(as of October 2002)

ST	Bill #	SPONSOR	SUMMARY	STATUS
AL	SB 209	Sanders	Allows a convict to seek DNA testing on evidence which led to his or her conviction.	Died in Committee
AL	SB 420	Little	Allows a convict to seek DNA testing on evidence which led to his or her conviction.	Indefinitely Postponed
CA	SB 1026	McPherson	Establishes the California Innocence Protection Program to provide funds for assisting inmates with the costs of DNA testing. Annual grants go to eligible nonprofit organizations that operate legal clinics using law students and to county public defenders and private counsel.	VETOED
CO	HB 1109	Daniel	Establishes a procedure for post-conviction DNA testing.	Postponed Indefinitely
CO	HB 1012x	Sanchez	Establishes a procedure for post-conviction DNA testing.	Postponed Indefinitely
CT	SB 412	Judiciary Committee	Providing for the retention of DNA after a felony conviction.	ENACTED
DE	SB 444	Henry	Allows one more year for DNA testing motions for those whose judgment of conviction was final prior to September 1, 2000.	Died in Committee
HI	HB 42	Takumi	Ensures the availability of DNA testing in appropriate cases and that wrongfully convicted persons have an opportunity to establish their innocence through DNA testing, by requiring the preservation of DNA evidence for a limited period.	Died in Committee
IA	SF 229	Gronstal	Establishes the procedure for inmates to request and obtain DNA testing in seeking to prove their innocence in the crime for which they were convicted.	Died in Committee
IN	SB 425	Bowser	After a defendant's post-conviction proceedings have become final, the supreme court shall consider previously undisclosed exculpatory evidence as part of its continuing automatic review of capital cases.	Died in Committee
KY	HB 4	Yonts	Allows a convict to seek DNA testing on evidence which led to his or her conviction.	ENACTED
KY	SB 424	Webb	Allows for post-conviction forensic DNA testing under certain circumstances for death row inmates.	See HB 4
KY	SB 67	Neal	Provides for the retention of DNA evidence in felony cases.	See HB 4
MD	HB 427	Gladden	Establishes procedures for the preservation of DNA evidence and post-conviction DNA testing.	Withdrawn
MD	HB 455	Rosenberg	Requiring the preservation of DNA evidence for the duration of a convict's sentence.	Passed House. Died in Senate.
MI	SB 1214	Schuette	Allows a convict to seek DNA testing on evidence which led to his or her conviction.	Committee
MS	HB 217	Fleming	Allows a convict to seek DNA testing on evidence which led to his or her conviction in death penalty cases.	Died in Committee
MS	HB 836	Watson	Provides for the proper storage of DNA evidence and allows a felon to seek DNA testing on evidence which led to his or her conviction in death penalty cases.	Died in Committee

MS	SB 3020	Jackson	Provides reimbursement for DNA testing when it proves a convict's innocence.	Died in Committee
NC	HB 1421	Blue	Provides that any person who has been convicted of a crime and is currently serving a term of imprisonment may make an application to the court for the performance of forensic DNA testing under specified conditions. (Modeled after California law).	Postponed indefinitely
NC	SB 164	Balance	Establishes procedures for the consideration of DNA evidence not available at the time of an offender's criminal trial	Died in Committee
NC	SB 925	Rand	Establishes procedures for the consideration of DNA evidence not available at the time of an offender's criminal trial.	Died in Committee
NC	SB 932	Rand	Allows DNA testing of certain evidence relating to the conviction of inmates on death row. Provides for a stay of execution pending the results of the analysis.	Died in Committee
NE	HB 577	Brashear	Directs Legislative Commission to conduct interim study of issues regarding death penalty and related DNA testing.	Indefinitely Postponed
NE	HB 949	Baker	Allows for a new trial to a convict if exculpatory DNA evidence is discovered.	Indefinitely Postponed
NJ	HB 425	Kean	Allows a convict to seek DNA testing on evidence which led to his or her conviction.	See HB 3996
NJ	HB 1136	Quigley	Makes a supplemental appropriation of \$300,000 to fund the Post-Conviction DNA Testing Program.	Died in Committee
NJ	HB 3996	Geist	Allows a convict to seek DNA testing on evidence which led to his or her conviction.	ENACTED
NJ	SB 192	Allen	Allows a convict to seek DNA testing on evidence which led to his or her conviction.	See HB 3996
NJ	SB 205	Allen	Makes a supplemental appropriation of \$300,000 to fund the Post-Conviction DNA Testing Program.	Died in Committee
NJ	SB 1920	Martin	Authorizes a defendant to make a motion for the performance of forensic DNA testing of trial evidence as part of a motion to vacate a criminal conviction and set aside the sentence regardless of the date of conviction.	ENACTED
NM	HB 363	Sanchez	Allows a convict to seek DNA testing on evidence which led to his or her conviction.	Passed House. Died in Senate.
NY	HB 7675	McEneny	Establishes procedures for the preservation of DNA evidence.	Committee
NY	AB 9250	Wright	Provides that petition for post-conviction relief may be made at any time if grounds for petition is innocence of petitioner as established by DNA evidence.	Committee
NY	SB 405	Skelos	Provides procedures for post conviction DNA testing	Committee
NY	SB 5190	Volker	Providing for postconviction DNA testing.	Committee
NY	SB 5640	Skelos	Provides for DNA testing for certain inmates for the purposes of determining whether they may have been wrongfully convicted.	Committee

OH	SB 7	Johnson	Enacts "Post-Conviction DNA Analysis Act of 2001."	Passed Senate
OH	SB 25	Espy	Enacts "Post-Conviction DNA Analysis Act of 2001."	Committee
OH	SB 149	Coughlin	Increases the amount that a wrongfully imprisoned individual, in an action brought in the Court of Claims, is entitled to for each year of imprisonment.	Passed Senate.
PA	HB 1441	Roebuck	Relating to establishing a procedure for postconviction DNA testing.	See SB 589
PA	SB 589	Greenleaf	Relating to postconviction DNA testing.	ENACTED
RI	HB 7123	Voccola	Requires the prosecution and defense in felony prosecution to make DNA evidence available to the adverse party.	Died in Committee
RI	SB 2721	McCaffrey	Allows a convict to seek DNA testing on evidence which led to his or her conviction.	ENACTED
SD	SB 91	Staggers	Allows a convict to seek DNA testing on evidence which led to his or her conviction.	Passed Senate. Died in House
US	HB 321	Jackson	Provides for procedures, if post conviction DNA testing is favorable, to declare the person actually innocent. Also provides procedures if the result is unfavorable.	Died in Committee
US	HB 912	Delahunt	"Innocence Protection Act." Sets forth: (1) guidelines for the court to use in ordering DNA testing; (2) post-testing procedures; (3) provisions regarding preservation of evidence; (4) criminal penalties for destroying or altering DNA evidence; and (5) provisions regarding post-conviction DNA testing in State criminal justice systems. Prohibits a State from denying an application for DNA testing made by a prisoner in State custody who is under sentence of death if specified conditions apply. Provides grants to prosecutors for DNA testing programs.	Subcommittee hearing held
US	SB 486	Leahy	"Innocence Protection Act." Sets forth: (1) guidelines for the court to use in ordering DNA testing; (2) post-testing procedures; (3) provisions regarding preservation of evidence; (4) criminal penalties for destroying or altering DNA evidence; and (5) provisions regarding post-conviction DNA testing in State criminal justice systems. Prohibits a State from denying an application for DNA testing made by a prisoner in State custody who is under sentence of death if specified conditions apply. Provides grants to prosecutors for DNA testing programs.	Passed policy committee
US	SB 800	Feinstein	Criminal Justice Integrity and Innocence Protection Act of 2001 Provide for post conviction DNA testing, and establishes a competent counsel grant program.	Died in Committee
US	SB 2441	Specter	Allows a convict to seek DNA testing on evidence which led to his or her conviction and mandates the preservation of DNA evidence for the duration of a convict's sentence.	Died in Committee
US	SB 2739	Hatch	Provide for post-conviction DNA testing, to improve competence and performance of prosecutors, defense counsel, and trial judges handling State capital criminal cases, and to ensure the quality of defense counsel in Federal capital cases.	Died in Committee
WI	AB 291	Walker	Allows a convict to seek DNA testing on evidence which led to his or her conviction.	Passed House. Died in Senate
WV	HB 2883	Overington	Allows a convict to seek DNA testing on evidence which led to his or her conviction in death penalty cases.	Died in Committee