ENROLLED

Regular Session, 2014

HOUSE BILL NO. 1038

BY REPRESENTATIVE DIXON

AN ACT

To amend and reenact Code of Criminal Procedure Article 926.1(A)(1) and (H)(3), relative to post-conviction DNA testing; to extend the time period in which to file an application for post-conviction DNA testing; to extend the time period for preservation of biological material which can be subject to DNA testing once an application for DNA testing has been served; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 926.1(A)(1) and (H)(3) are hereby amended and reenacted to read as follows:

Art. 926.1. Application for DNA testing

A.(1) Prior to August 31, ~~2014~~ 2019, a person convicted of a felony may file an application under the provisions of this Article for post-conviction relief requesting DNA testing of an unknown sample secured in relation to the offense for which he was convicted. On or after August 31, ~~2014~~ 2019, a petitioner may request DNA testing under the rules for filing an application for post-conviction relief as provided in Article 930.4 or 930.8 of this Code.

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H.

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(3) After service of the application on the district attorney and the law enforcement agency in possession of the evidence, the clerks of court of each parish and all law enforcement agencies, including but not limited to district attorneys, sheriffs, the office of state police, local police agencies, and crime laboratories shall preserve until August 31, ~~2014~~ 2019, all items of evidence in their possession which

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are known to contain biological material that can be subjected to DNA testing, in all cases that, as of August 15, 2001, have been concluded by a verdict of guilty or a plea of guilty.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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