
DIGEST

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HB 275 Original

2019 Regular Session

Duplessis

Abstract: Removes the time period for filing an application for post-conviction relief DNA testing and for preservation of evidence, and changes the accreditation entity for the crime laboratories performing post-conviction DNA testing.

Present law provides for the rules for post-conviction relief and generally requires all applications to be filed within two years after the judgment of conviction and sentence have become final. Present law creates an exception to the time period for filing an application for post-conviction relief by allowing petitioners until Aug. 31, 2019, to seek post-conviction DNA testing.

Proposed law removes the time period for petitioners seeking post-conviction DNA testing.

Present law additionally requires that once an application for DNA testing is served on the district attorney and the law enforcement agency in possession of the evidence to be tested, 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 are to preserve until Aug. 31, 2019, all items of evidence in their possession which are known to contain biological material that can be subjected to DNA testing, in all cases that, as of Aug. 15, 2001, have been concluded by a verdict of guilty or a plea of guilty.

Proposed law requires the preservation of all items of evidence until completion of the petitioner's sentence.

Present law provides that for purposes of DNA testing, crime laboratories shall be accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB).

Proposed law changes the accreditation for the crime laboratories to those accredited by an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangements for Testing Laboratories (ILAC MRA) and requires conformance to an accreditation program based on the international standard ISO/IEC 17025 with an accreditation scope in the field of forensic science testing in the discipline of biology, and that is compliant with the current version of the Federal Bureau of Investigations Quality Assurance Standards for Forensic DNA Testing Laboratories.

Present law provides for the creation of the DNA Testing Post-Conviction Relief for Indigents Fund in the state treasury to be administered by the La. Indigent Defense Assistance Board.

Proposed law changes the La. Indigent Defense Assistance Board to the La. Public Defender Board.

(Amends C.Cr.P. Art. 926.1(A), (F), (H)(3) and (5), and (K))