

2019 Regular Session

HOUSE BILL NO. 275

BY REPRESENTATIVE DUPLESSIS AND SENATORS BARROW, CARTER, AND MILLS

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 926.1(A), (F), (H)(3) and (5), and  
3 (K), relative to post-conviction DNA testing; to extend the time period in which to  
4 file an application for post-conviction DNA testing; to extend the time period for  
5 preservation of biological material under certain circumstances; to provide relative  
6 to accreditation of laboratories for purposes of post-conviction DNA testing; to  
7 provide relative to the administration of the DNA Testing Post-Conviction Relief for  
8 Indigents Fund; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Code of Criminal Procedure Article 926.1(A), (F), (H)(3) and (5), and (K)  
11 are hereby amended and reenacted to read as follows:

12 Art. 926.1. Application for DNA testing

13 A.(1) Prior to August 31, ~~2019~~ 2024, a person convicted of a felony may file  
14 an application under the provisions of this Article for post-conviction relief  
15 requesting DNA testing of an unknown sample secured in relation to the offense for  
16 which he was convicted. On or after August 31, ~~2019~~ 2024, a petitioner may request  
17 DNA testing under the rules for filing an application for post-conviction relief as  
18 provided in Article 930.4 or 930.8 of this Code.

19 (2) Notwithstanding the provisions of Subparagraph (1) of this Paragraph,  
20 in cases in which the defendant has been sentenced to death prior to August 15,  
21 2001, the application for DNA testing under the provisions of this Article may be  
22 filed at any time.

23 \* \* \*

24 F. Once an application has been filed and the court determines the location  
25 of the evidence sought to be tested, the court shall serve a copy of the application on

1 the district attorney and the law enforcement agency which has possession of the  
 2 evidence to be tested, including but not limited to sheriffs, the office of state police,  
 3 local police agencies, and crime laboratories. If the court grants relief under this  
 4 Article and orders DNA testing the court shall also issue such orders as are  
 5 appropriate to obtain the necessary samples to be tested and to protect their integrity.  
 6 The testing shall be conducted by a laboratory mutually agreed upon by the district  
 7 attorney and the petitioner. If the parties cannot agree, the court shall designate a  
 8 laboratory to perform the tests ~~which~~ that is accredited ~~by the American Society of~~  
 9 ~~Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB)~~ in  
 10 forensic DNA analysis by an accrediting body that is a signatory to the International  
 11 Laboratory Accreditation Cooperation Mutual Recognition Arrangements for Testing  
 12 Laboratories (ILAC MRA) and requires conformance to an accreditation program  
 13 based on the international standard ISO/IEC 17025 with an accreditation scope in the  
 14 field of forensic science testing in the discipline of biology, and that is compliant  
 15 with the current version of the Federal Bureau of Investigations Quality Assurance  
 16 Standards for Forensic DNA Testing Laboratories.

17 \* \* \*

18 H.

19 \* \* \*

20 (3) After service of the application on the district attorney and the law  
 21 enforcement agency in possession of the evidence, the clerks of court of each parish  
 22 and all law enforcement agencies, including but not limited to district attorneys,  
 23 sheriffs, the office of state police, local police agencies, and crime laboratories shall  
 24 preserve until August 31, ~~2019~~ 2024, all items of evidence in their possession which  
 25 are known to contain biological material that can be subjected to DNA testing, in all  
 26 cases that, as of August 15, 2001, have been concluded by a verdict of guilty or a  
 27 plea of guilty.

28 \* \* \*

29 (5) Notwithstanding the provisions of Subparagraphs (3) and (4) of this  
 30 Paragraph, after service of the application on the district attorney and the law

1 enforcement agency in possession of the evidence, the clerks of court of each parish  
 2 and all law enforcement agencies, including but not limited to district attorneys,  
 3 sheriffs, the office of state police, local police agencies, and crime laboratories may  
 4 forward for proper storage and preservation all items of evidence described in  
 5 Subparagraph (3) of this Paragraph to a laboratory that is accredited in forensic DNA  
 6 analysis by the American Society of Crime Laboratory Directors/Laboratory  
 7 Accreditation Board (ASCLD/LAB) by an accrediting body that is a signatory to the  
 8 International Laboratory Accreditation Cooperation Mutual Recognition  
 9 Arrangements for Testing Laboratories (ILAC MRA) and requires conformance to  
 10 an accreditation program based on the international standard ISO/IEC 17025 with  
 11 an accreditation scope in the field of forensic science testing in the discipline of  
 12 biology, and that is compliant with the current version of the Federal Bureau of  
 13 Investigations Quality Assurance Standards for Forensic DNA Testing Laboratories.

\* \* \*

15 K. There is hereby created in the state treasury a special fund designated as  
 16 the DNA Testing Post-Conviction Relief for Indigents Fund. The fund shall consist  
 17 of money specially appropriated by the legislature. No other public money may be  
 18 used to pay for the DNA testing authorized under the provisions of this Article. The  
 19 fund shall be administered by the Louisiana ~~Indigent Defense Assistance~~ Public  
 20 Defender Board. The fund shall be segregated from all other funds and shall be used  
 21 exclusively for the purposes established under the provisions of this Article. If the  
 22 court finds that a petitioner under Article 926.1 of this Code is indigent, the fund  
 23 shall pay for the testing as authorized in the court order.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_