

RÉSUMÉ DIGEST

ACT 156 (HB 275)

2019 Regular Session

Duplessis

Existing 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.

Prior law created 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.

New law retains prior law, but extends the time period for petitioners seeking post-conviction DNA testing to Aug. 31, 2024.

Prior law required that once an application for DNA testing was served to 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, were to preserve until Aug. 31, 2019, all items of evidence in their possession known to contain biological material that could be subjected to DNA testing in all cases that, as of Aug. 15, 2001, were concluded by a verdict of guilty or a plea of guilty.

New law retains prior law, but extends the time period for the preservation of all items of evidence until Aug. 31, 2024.

Prior law provided that, for purposes of DNA testing, crime laboratories were to be accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB).

New 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.

Existing 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.

New law retains existing law and changes the La. Indigent Defense Assistance Board to the La. Public Defender Board.

Effective August 1, 2019.

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