Regular Session, 2014

#### HOUSE BILL NO. 1038

### BY REPRESENTATIVE DIXON

1	AN ACT
2	To amend and reenact Code of Criminal Procedure Article 926.1(A)(1) and (H)(3), relative
3	to post-conviction DNA testing; to extend the time period in which to file an
4	application for post-conviction DNA testing; to extend the time period for
5	preservation of biological material which can be subject to DNA testing once an
6	application for DNA testing has been served; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. Code of Criminal Procedure Article 926.1(A)(1) and (H)(3) are hereby
9	amended and reenacted to read as follows:
10	Art. 926.1. Application for DNA testing
11	A.(1) Prior to August 31, <del>2014</del> <u>2019</u> , a person convicted of a felony may file
12	an application under the provisions of this Article for post-conviction relief
13	requesting DNA testing of an unknown sample secured in relation to the offense for
14	which he was convicted. On or after August 31, 2014 2019, a petitioner may request
15	DNA testing under the rules for filing an application for post-conviction relief as
16	provided in Article 930.4 or 930.8 of this Code.
17	* * *
18	Н.
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, 2014 2019, all items of evidence in their possession which

**ENROLLED** 

**ACT No. 266** 

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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1are known to contain biological material that can be subjected to DNA testing, in all2cases that, as of August 15, 2001, have been concluded by a verdict of guilty or a3plea of guilty.

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## SPEAKER OF THE HOUSE OF REPRESENTATIVES

# PRESIDENT OF THE SENATE

## GOVERNOR OF THE STATE OF LOUISIANA

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