SENATE BILL 425: Clarify DNA Result Would Have Changed Verdict.

2019-2020 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	May 1, 2019
Introduced by:	Sens. McKissick, Britt, Daniel	**Prepared by:**	Shawn Middlebrooks
Analysis of:	First Edition		Staff Attorney

OVERVIEW: Senate Bill 425 would clarify a judge's duty to grant a defendant's motion for DNA testing when, among other things, there exists a probability that the verdict would have been different.

CURRENT LAW:

A defendant may file a motion before a court enters judgement of a conviction for the performance of DNA testing, and if the testing complies with FBI and National DNA Index System (NDIS) requirements, the profiles shall be input into the Criminal DNA Index System (CODIS), provided that the biological evidence (1) is material to the defense, (2) related to the investigation or prosecution that resulted in the judgment, and (3) either (a) was not previously tested or (b) a new test would provide results significantly more accurate and probative of the perpetrators identity or have a probability of contradicting prior test results.

The court *shall* grant the motion for DNA if the testing complies with FBI requirements and upon determination that:

- (1), (2), and (3), above are met;
- If the DNA being testing being requested had been conducted on evidence, there exist a reasonable probability that the verdict would have been *more favorable to the defendant*; and
- The defendant has signed an affidavit of innocence.

G.S. 15A-269.

BILL ANALYSIS: Senate Bill 425 would amend G.S. 15A-269(b) requiring a judge to grant the defendant's motion if the DNA requesting to be tested presents a reasonable probability that the verdict *would have been different.*

EFFECTIVE DATE: This act is effective when it becomes law.

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