



HOUSE BILL 678: Amend Innocence Commission Statutes.

2016-2017 General Assembly

Committee:	Senate Judiciary I	Date:	June 14, 2016
Introduced by:	Reps. Glazier, Daughtry, Stam, Reives	Prepared by:	Jennifer H. Bedford*
Analysis of:	Second Edition		Committee Co-Counsel

SUMMARY: *House Bill 678 would make various changes to the operations of the Innocence Commission.*

BILL ANALYSIS: House Bill 678 would do all of the following:

- Require the Innocence Commission to submit semi-annual reports to the Director of the Administrative Office of the Courts. (Section 1)
- Require the Director, at least every 6 months, to provide a confidential case status update to the district attorney and defense counsel for each case in formal inquiry. If there is no defense counsel, the update is to be provided to the referring counsel. (Section 2)
- Require all relevant evidence be presented to the full Commission at a public hearing. (Section 3)
- Clarifies that a witness may be ordered to testify or produce information, under certain circumstances, if the Commission chair, first determines the witness' testimony will likely be material to the investigation necessary to reach a correct factual determination in the case. (Section 3)
- Clarifies that the district attorney must be given an opportunity to provide the Commission with a written statement before any Commission proceeding. The District Attorney may, at least 24 hours in advance of the Commission hearing, provide his or her position to the Commission, and it becomes part of the record. (Section 3)
- Clarifies who must be served when the Commission concludes there is sufficient evidence of factual innocence to merit judicial review. (Section 3)
- Requires a full copy of the Commission file, including a full transcript to be provided to the district attorney and defense counsel. That file would be confidential, and may not be released by the district attorney or defense counsel until it is filed with the clerk of superior court. (Section 3)
- Clarifies that the district attorney and defense counsel determine what is to be presented as evidence to the three judge panel. (Section 3)
- Authorizes the Commission to conduct a search of any location where files or evidence are reasonably likely to be stored relating to a claim under inquiry. The Commission must provide advance notice of the search, and the agency must permit the search within 2 weeks or at an agreed upon time. (Section 4)

EFFECTIVE DATE: Effective when it becomes law.

**Staff Attorneys Erika Churchill, Brad Krehely, and Kristin Harris substantially contributed to this summary.*

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