

1889-S

Sponsor(s): House Committee on Criminal Justice & Corrections  
(originally sponsored by Representatives Lovick, Cairnes, Dunshee,  
Lantz, Dickerson, Hurst, Kenney, Wood and Ruderman)

Brief Description: Providing for additional DNA testing of  
evidence.

**HB 1889-S - DIGEST**

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides for DNA testing of evidence.

Declares that, on or before December 31, 2004, a person in this state who has been convicted of a felony and is currently serving a term of imprisonment and who has been denied postconviction DNA testing may submit a request to the county prosecutor in the county where the conviction was obtained for postconviction DNA testing.

Provides that, on and after January 1, 2005, a person must raise the DNA issues at trial or on appeal.

Provides that the decision of the trial court granting or denying a motion for DNA testing under this act is not appealable, and is subject to review only through petition for writ of mandate or prohibition filed by the person seeking DNA testing, the prosecuting attorney, or the attorney general.

Provides that, notwithstanding any other provision of law, any biological material that has been secured in connection with a criminal case prior to the effective date of this act may not be destroyed before January 1, 2005.