

2872-S

Sponsor(s): House Committee on Criminal Justice & Corrections
(originally sponsored by Representatives Darneille, Pettigrew,
O'Brien, Kagi, G. Simpson, Dickerson and Wallace)

Brief Description: Revising DNA testing provision.

HB 2872-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that a person convicted of a felony in a Washington state court who currently is serving a term of imprisonment may submit to the court that entered the judgment of conviction a verified written motion requesting DNA testing.

Provides that the court shall grant a motion requesting DNA testing under this act if such motion is in the form required by this act, and the convicted person has shown the likelihood that the DNA evidence would demonstrate innocence on a more probable than not basis.

Provides that, upon written request to the court that entered a judgment of conviction, a convicted person who demonstrates that he or she is indigent under RCW 10.101.010 may request appointment of counsel solely to prepare and present a motion under this section, and the court, in its discretion, may grant the request. Such motion for appointment of counsel shall comply with all procedural requirements established by court rule.

Declares that DNA testing ordered under this act shall be performed by the Washington state patrol crime laboratory. Contact with victims shall be handled through victim/witness divisions.

Provides that, notwithstanding any other provision of law, upon motion of defense counsel or the court's own motion, a sentencing court in a felony case may order the preservation of any biological material that has been secured in connection with a criminal case, or evidence samples sufficient for testing. The court must specify the samples to be maintained and the length of time the samples must be preserved.