

2872

Sponsor(s): Representatives Darneille, Pettigrew, O'Brien, Kagi, G. Simpson, Dickerson and Wallace

Brief Description: Revising DNA testing provision.

HB 2872 - DIGEST

(SEE ALSO PROPOSED 1ST SUB)

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 demonstrated on a more probable than not basis that the proposed DNA testing would provide substantial new evidence related to the identity of the perpetrator of, or accomplice to, the crime, or to sentence enhancement.

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, any biological material that has been secured in connection with a criminal case, or evidence samples sufficient for testing, shall not be destroyed before the date of the convicted person's release from custody or twenty years from the date of conviction, whichever occurs first.