

# Legislative Analysis

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## DNA TESTING AND NEW TRIALS

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### House Bill 4413

**Sponsor: Rep. Tonya Schuitmaker**

**Committee: Judiciary**

**Complete to 3-1-05**

## A SUMMARY OF HOUSE BILL 4413 AS INTRODUCED 2-24-05

The bill would extend the deadline for convicted felons to petition the circuit court for a DNA test of biological materials related to the conviction and for a new trial from January 1, 2006 to January 1, 2011.

Currently, Chapter X of the Code of Criminal Procedure permits individuals convicted of a felony prior to January 8, 2001 who are currently serving a prison sentence for that felony to petition the court for a DNA test of biological materials identified in the investigation that led to the conviction and for a new trial based on the results of that test. The code provides that the petition must be filed by January 1, 2006.

The circuit court in the appropriate county is required to order the DNA test if the convicted individual (1) presents proof that on its face shows that the material to be tested is significantly related to the identity of the perpetrator of, or accomplice to, the crime resulting in the conviction; and (2) establishes by clear and convincing evidence that a sample of the material is available for DNA testing, the material was not previously subject to DNA testing or will be subject to testing not available at the time of the conviction, and that his or her identity as the perpetrator was at issue during the trial.

MCL 770.16

## FISCAL IMPACT:

The bill would have an indeterminate impact on the state and on local units of government, depending on the numbers of petitions, DNA tests, new trials, indigent counsel assigned, the number of prisoners released, and any impact from the procedures for the preservation of evidence.

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