

Legislative Analysis



EXTEND DEADLINE FOR POST-CONVICTION DNA TESTING

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Senate Bill 361 as introduced
Sponsor: Sen. Steven Bieda
House Committee: Judiciary
Senate Committee: Judiciary

Complete to 9-7-11

A SUMMARY OF SENATE BILL 361 AS PASSED BY THE SENATE 6-14-11

The bill would extend by four years the time period for a petition to retest DNA evidence in a felony conviction and to request a new trial.

With some restrictions, Chapter X of the Code of Criminal Procedure permits individuals convicted of a felony at trial prior to January 8, 2001, who are currently serving a prison sentence for that felony, to petition the circuit 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. Eligibility to petition under this provision is limited to a defendant who can establish that (1) DNA testing had been done in the case or under the act; (2) the results of the testing were inconclusive; and (3) that testing with current DNA technology is likely to result in conclusive results. However, the code provides that the petition must be filed before January 1, 2012.

Senate Bill 361 would amend the Code of Criminal Procedure (MCL 770.16) to extend the deadline for filing the petitions from January 1, 2012, to January 1, 2016.

The bill would also require that if the results of the DNA testing were inclusive, the defendant's DNA profile would have to be provided to the Department of State Police for inclusion under the DNA Identification Profiling System Act. Currently, the DNA profile is provided to the department for inclusion in the database only if the test results showed the defendant to be the source of the identified biological material.

FISCAL IMPACT:

Judiciary: Senate Bill 361 will have an indeterminate fiscal impact on state and local government. To the extent that it increased the number of petitions for DNA tests and trials associated with those tests, local courts would realize an increase in costs associated with a new trial or hearing. Moreover, the state may realize increased costs associated with DNA testing if it is determined that the defendant is indigent.

Corrections: Conversely, the bill could reduce corrections costs within state prisons and county jails to the extent that new testing results overturn previous convictions and lead to the release of prisoners.

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