



## *Synopsis of House Committee Amendments*<sup>\*</sup>

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Legislative Service Commission

### **S.B. 7**

124th General Assembly  
(H. Criminal Justice)

Removes references to the state offering to conduct DNA testing, withdrawals of this offer, and rejections of this offer.

Requires that the inmate, *on the date on which the application for DNA testing is filed* (replacing effective date of the bill), have at least one year remaining on the prison term for which the offense relating to DNA testing or be under a sentence of death for that offense.

Removes the provisions authorizing an eligible inmate to submit a notice of an intention to request DNA testing.

Removes the provisions authorizing the trial judge, or the trial judge's successor in office, to request DNA testing of the eligible inmate.

Removes a provision making an inmate who has pleaded guilty or no contest to the offense for which DNA testing is sought ineligible for DNA testing under the bill.

Removes the requirement that the identity of the person who committed the offense for which DNA testing is sought be at issue.

Removes several statements from the acknowledgement that must accompany an application for DNA testing.

Instead of requiring the clerk of the court of common pleas in which an application for DNA testing is filed to send a notice to the prosecuting attorney and the Attorney General, requires the eligible inmate to serve a copy of the application on the prosecuting attorney and the Attorney General; and removes provisions relating to the jurisdiction of the court to decide the application if the clerk fails to timely send the notices.

Requires the prosecuting attorney and the Attorney General to file a response within 45 days after the application is filed.

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<sup>\*</sup> This synopsis does not address amendments that may have been adopted on the House floor.

Removes the requirement that the application be assigned to the judge who was the trial judge in the case in which the inmate was convicted of the offense for which the inmate was an eligible offender; instead requires the application be assigned to a judge of the court in accordance with court rules.

Requires that the application become part of the file in the case.

Revises the procedure and criteria under which the application is reviewed.

Removes the requirement from the chain of custody provisions that the parent sample and the extracted test sample never be out of state custody since they were collected.

Prohibits, if a court rejects an application for DNA testing, any court from requiring the state to administer a DNA test on the applicant, subject to the bill's appeal provisions.

Permits an eligible inmate to appeal the rejection of an application for DNA testing to a court of appeals.

States that a timely submission of an application for DNA testing under the bill constitutes a showing of good cause and prejudice or extraordinary circumstances.

Revises several provisions regarding the quality and quantity of the biological material, the anticontamination precautions, and the distribution, maintenance, and use of the DNA test results, in regard to which person or entity must perform certain tasks.

If the personnel extracting the DNA sample determine that the inmate is refusing to submit to the collection of the DNA sample or is hindering the process for collecting the DNA sample, additionally requires the extracting personnel to notify the court of the inmate's refusal or hindrance.

Specifies that the state DNA laboratory, in conducting DNA analysis of DNA specimens, give priority to DNA analysis of DNA specimens that relate to ongoing criminal investigations and prosecutions over DNA analysis of DNA specimens that relate to applications made under the bill.

Eliminates statement in existing law that petitioner for post-conviction relief need not serve a copy of the petition to the prosecuting attorney.

Defines "actual innocence."

Makes technical changes.

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