

FINAL BILL REPORT

SSB 5896

C 301 L 01
Synopsis as Enacted

Brief Description: Providing for additional DNA testing of evidence.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Constantine, Kline, Hargrove, Costa, Thibaudeau, Kohl-Welles and Regala).

Senate Committee on Judiciary

Senate Committee on Ways & Means

House Committee on Criminal Justice & Corrections

Background: DNA testing is a reliable forensic technique for identifying criminals when biological material is left at a crime scene. Advances in DNA technology now allow successful testing of very small and degraded samples which would not have been possible a few years ago. These advances produce much more informative and accurate results than was yielded by earlier DNA testing. Groups studying this issue report that at least 65 persons who were convicted in the U.S. and Canada have been exonerated by DNA evidence during the past decade, including eight persons who were sentenced to death. The Department of Justice and a number of legal scholars advocate that postconviction testing be available in those limited cases where biological evidence is still available and where use of new DNA methods might provide useful information regarding the identity of the perpetrator. There is also concern that biological material which is collected as evidence is preserved for postconviction DNA testing.

Summary: On or before December 31, 2004, a convicted felon, who is currently imprisoned, may submit a request for post-conviction DNA testing to the prosecutor of the county where the conviction was obtained. The request may only be made if the DNA evidence was not admitted in court because it did not meet acceptable scientific standards or the testing technology was not sufficiently developed to test the DNA evidence in the case. After January 1, 2005, DNA issues must be raised at trial or on appeal. The prosecutor must review requests for DNA testing based on the likelihood that the DNA evidence would demonstrate innocence on a more probable than not basis. If it is determined that testing should occur, and the evidence still exists, the prosecutor must request testing by the Washington State Patrol crime lab. A person denied a request for DNA testing may appeal the denial to the Office of the Attorney General.

Any biological material that was secured before the effective date of this act may not be destroyed before January 1, 2005.

The act does not create a legal right or cause of action, nor does it deny or alter any existing legal right.

Votes on Final Passage:

Senate	48	0	
House	92	0	(House amended)
Senate			(Senate refused to concur)
House	94	0	(House receded)

Effective: July 22, 2001