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HOUSE BILL 2491

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State of Washington

56th Legislature

2000 Regular Session

By Representatives Schindler, Ballasiotes, Koster, Sullivan, Esser, Wood, Crouse, Cairnes, Rockefeller, Edmonds, Mulliken, Clements, Ruderman, McDonald and Dunn

Read first time 01/14/2000. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to DNA testing of evidence; and adding a new  
2 section to chapter 72.09 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 72.09 RCW  
5 to read as follows:

6 (1) Any person sentenced to death or to life imprisonment without  
7 possibility of release or parole may request the department to issue an  
8 order for DNA testing of any appropriate evidence available for testing  
9 which may be a reasonable basis for proving the person's innocence, if  
10 DNA test results were not available at the time of conviction or were  
11 not allowed in the court in which the conviction occurred.

12 (2) The department may issue an order for DNA testing when DNA  
13 testing is appropriate under rules adopted by the department and was  
14 not available or allowed in the court in which the conviction occurred.

15 (3) The order for DNA testing shall be served on the law  
16 enforcement agency holding the evidence by personal service or by any  
17 form of mail requiring a return receipt.

1           (4) Within twenty days of the date of service of an order for DNA  
2 testing, any party required to produce evidence for DNA testing may  
3 petition in superior court to bar or postpone DNA testing.

4           (5) The order for DNA testing shall contain:

5           (a) An explanation of the right to proceed in superior court under  
6 subsection (4) of this section; and

7           (b) Notice that if no one proceeds under subsection (4) of this  
8 section, the agency issuing the order will schedule DNA testing and  
9 will notify the producing law enforcement agency of the time and place  
10 of testing by regular mail.

11          (6) The department shall adopt by rule policies for evaluating  
12 requests for DNA testing, determining whether evidence is appropriate  
13 evidence including whether the evidence may provide a reasonable basis  
14 for challenging the conviction, sharing of the results of the testing  
15 with the legal counsel for the convicted person, and when the  
16 department will assume the costs of DNA testing under this section.

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