
SUBSTITUTE SENATE BILL 6498

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators McCaslin, Franklin and Costa)

Read first time 02/03/2000.

1 AN ACT Relating to post conviction appeals based upon DNA evidence;
2 adding a new section to chapter 10.73 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** It has been found that a number of convicted
5 and incarcerated people have been proven innocent by DNA evidence
6 unavailable at the time of conviction. It is the intent of the
7 legislature to maximize the use of advances in DNA technology for the
8 purposes of exonerating convicted offenders and prosecuting offenders.
9 Use of DNA technology requires a deliberated balance between the
10 pursuit of truth and finality in the criminal justice system. The
11 national institute of justice has published a report from the national
12 commission on the future of DNA evidence. The report entitled
13 "Postconviction DNA: Recommendations for Handling Requests, September
14 1999 NCJ 177626," makes recommendations to prosecutors, defense
15 counsel, law enforcement personnel, the court, victims' advocates, and
16 laboratory personnel. The legislature finds it in the best interests
17 of the public health, safety, and welfare to implement the
18 recommendations of the report state-wide.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.73 RCW
2 to read as follows:

3 (1) On or before December 31, 2002, a person convicted in this
4 state may submit a request to the county prosecutor in the county where
5 the conviction was obtained for postconviction DNA testing, if DNA
6 evidence was not admitted because the court ruled DNA testing did not
7 meet acceptable scientific standards or DNA testing technology was not
8 sufficiently developed to test the DNA evidence in the case. On and
9 after January 1, 2003, a person must raise the DNA issues at trial or
10 on appeal.

11 (2) The prosecutor shall screen the request. The request should be
12 categorized based upon the likelihood that the DNA evidence would
13 demonstrate innocence, reasonable doubt of guilt, be helpful relevant
14 evidence, or is a frivolous request. The prosecutor must consider the
15 state of evidence or technology to produce inconclusive or conclusive
16 results and the presence of DNA evidence in the case. Upon determining
17 the category of the case and that the case is not frivolous, the
18 prosecutor shall proceed to court with appropriate motions to initiate
19 DNA testing in cases where DNA testing more probably than not would
20 result in newly discovered evidence material for the defendant. Notice
21 shall be served on any party the court may require to produce evidence
22 for DNA testing. Contact with the victims shall be handled through
23 victim/witness divisions, according to the recommendations in the
24 report.

25 (3) A convicted offender has a right to appeal his or her request
26 within thirty days of service of the request upon the prosecutor in the
27 event the prosecutor does not file a motion to initiate DNA testing.
28 The appeal shall be to superior court.

29 (4) Any person who the court determines to be indigent shall be
30 appointed counsel. The costs of DNA testing shall be paid for any
31 indigent person who obtains an order for DNA testing under this
32 chapter.

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