
DIGEST

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Dixon

HB No. 1038

Abstract: Extends the time period for filing an application for post-conviction relief DNA testing and for preservation of evidence.

Present law provides for the rules for post-conviction relief and generally requires all applications to be filed within two years after the judgment of conviction and sentence have become final. Present law creates an exception to the time period for filing an application for post-conviction relief by allowing inmates until Aug. 31, 2014, to seek post-conviction DNA testing.

Proposed law extends the time period for such applications to be filed to Aug. 31, 2019.

Present law additionally requires that once an application for DNA testing is served on the district attorney or the law enforcement agency in possession of the evidence to be tested, the clerks of court of each parish and all law enforcement agencies, including but not limited to district attorneys, sheriffs, the office of state police, local police agencies, and crime laboratories are to preserve until Aug. 31, 2014, all items of evidence in their possession which are known to contain biological material that can be subjected to DNA testing, in all cases that, as of Aug. 15, 2001, have been concluded by a verdict of guilty or a plea of guilty.

Proposed law retains present law and extends the time period for such preservation until Aug. 31, 2019.

(Amends C.Cr.P. Art. 926.1(A)(1) and (H)(3))