

BILL ANALYSIS

Senate Research Center
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S.B. 680
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Criminal Justice
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The 77th Legislature, Regular Session, 2001, passed Chapter 64, Code of Criminal Procedure, regarding post-conviction DNA testing. That law established a standard by which a defendant could request post-conviction testing of the defendant's DNA.

Over the last four years, in a very limited number of circumstances, judges have wanted to grant a post-conviction test of DNA, but the cases were unable to meet the standard set forth in Article 64.03, Code of Criminal Procedure.

As proposed, S.B. 680 allows judges the discretion to order a post-conviction DNA test, even if the standards are not met, provided that the judge finds that it would be in the best interest of justice.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 64.03, Code of Criminal Procedure, by adding Subsection (a-1) and amending Subsection (c), as follows:

(a-1) Authorizes the convicting court, notwithstanding Subsection (a) (setting forth the circumstances under which the convicting court is authorized to order forensic DNA testing), to order forensic DNA testing on the filing of a motion under this chapter if the court finds that the testing would be in the best interest of justice.

(c) Requires the convicting court, if it makes a finding under Subsection (a-1), to order that the requested forensic DNA testing be conducted.

SECTION 2. Makes application of this Act prospective to convicted persons who submit a motion for forensic DNA testing of evidence under Chapter 64, Code of Criminal Procedure, as amended by this Act, on or after the effective date of this Act.

SECTION 3. Effective date: upon passage or September 1, 2005.