

ALASKA STATE LEGISLATURE



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Representative Gabrielle LeDoux

SPONSOR STATEMENT FOR CS HB 325(FIN) 24-LS1222P

An Act relating to post-conviction DNA testing; and amending Rule 35.1, Alaska Rules of Criminal Procedure.

DNA testing is a new technology that has enabled criminal justice systems worldwide to prove the guilt or innocence of many people who claim they were mistakenly convicted. This Act would enable Alaska criminal law to keep up with new technology, joining 40 other states in providing a statutory right to DNA testing when meaningful claims of innocence have been made by those convicted. In cases where the DNA would be probative of guilt or innocence, this Act will provide Alaska with a clear procedure for assessing such claims and, where appropriate, enable DNA testing of existing biological evidence. This will enable Alaska to quell any lingering doubts where such claims of innocence have been made. Providing access to such testing will serve victims, police, prosecutors, the public, and public faith in our criminal justice system.

This Act would help enable Alaska to receive funds under the Congressional Justice for All Act of 2004 (H.R. 5107), which, under the leadership of Senator Frist, Speaker Hastert and President Bush, provides financial incentives for states to allow post-conviction DNA testing, and provides funds for qualifying states to pay for such tests.

Specifically, this Act establishes an application procedure for DNA testing and the appointment of counsel. A person who has been convicted of a crime may petition the court for testing. If the court determines that the facts warrant testing, the court will appoint a public defender if the applicant is indigent and that agency will pay for the testing. Law enforcement agencies will retain any collected biological evidence pertaining to the offense.

In this way, a person has an opportunity for testing in order to prove actual innocence. The court will determine whether the case merits this extra step, so not every person who requests such testing will automatically receive it. Fourteen of the nation's 175 DNA exonerations involved innocent people facing execution. The other 161 innocent people were simply being forced to endure large parts of their lives behind bars for crimes they did not commit. Wrongful imprisonment, as well as wrongful execution, victimizes an innocent person-which is never the intent of our criminal justice system. This legislation can help free an innocent person and re-focus law enforcement attention on the real perpetrator, who otherwise enjoys the comfort of knowing an innocent person was deemed responsible for their crime.