

SB 1515 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/4

WHAT THE MEASURE DOES:

The measure modifies provisions relating to the wrongful conviction compensation process and post-conviction relief based on discredited forensic science.

Detailed Summary

Specifies that the petitioner must have not committed the crime at issue, was not an accessory to or accomplice to the crime and not involved in not only acts that were the basis for the conviction, but any conviction *in the same criminal episode*. States that a gubernatorial pardon based on innocence or a court finding are two ways a person could prove they did not commit the crimes for which they were convicted, but is not an exhaustive list. Specifies that the court is the fact finder, and that a petitioner may not compel a victim to testify unless a court order is obtained and provide guidelines to the court regarding victim subpoenas. Requires the petitioner to inform the court of any monetary awards. Provides a timeline of 180 days after receiving the petition and evidence for the Attorney General (AG) to determine whether the requirements for the petition are met. If the AG determines the requirements are met, directs the AG to not oppose the petition or judgement. Mandates that the AG shall submit an annual report to the Judiciary Committees summarizing the determinations made regarding wrongful conviction petitions.

States that a person convicted of a crime may file for post-conviction relief if the conviction was based on specific discredited forensic science disciplines. Directs the court to grant relief of a new trial, if the petitioner proves certain factors by a preponderance of the evidence.

Declares an emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Removes language around gubernatorial pardons as sufficient to prove a person did not commit a crime for which they were convicted. Changes the definition of comparative bullet analysis. Adds more specificity for the types of evidence that qualifies as a basis for a petition.

BACKGROUND: