

2024 Regular Session

SENATE BILL NO. 91

BY SENATOR DUPLESSIS

DNA. Extends the deadline for post-conviction DNA testing. (8/1/24)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 926.1(A)(1) and (H)(3), relative to  
3 post-conviction DNA testing; to extend the time period for filing an application for  
4 post-conviction DNA testing; to extend the time period for preservation of biological  
5 material under certain circumstances; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Art. 926.1(A)(1) and (H)(3) are hereby  
8 amended and reenacted to read as follows:

9 Art. 926.1. Application for DNA testing

10 A.(1) Prior to August 31, ~~2024~~ **2029**, a person convicted of a felony may file  
11 an application under the provisions of this Article for post-conviction relief  
12 requesting DNA testing of an unknown sample secured in relation to the offense for  
13 which he was convicted. On or after August 31, ~~2024~~ **2029**, a petitioner may request  
14 DNA testing under the rules for filing an application for post-conviction relief as  
15 provided in Article 930.4 or 930.8.

16 \* \* \*

17 H. \* \* \*

1 (3) After service of the application on the district attorney and the law  
2 enforcement agency in possession of the evidence, the clerks of court of each parish  
3 and all law enforcement agencies, including but not limited to district attorneys,  
4 sheriffs, the office of state police, local police agencies, and crime laboratories shall  
5 preserve until August 31, ~~2024~~ 2029, all items of evidence in their possession which  
6 are known to contain biological material that can be subjected to DNA testing, in all  
7 cases that, as of August 15, 2001, have been concluded by a verdict of guilty or a  
8 plea of guilty.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alden A. Clement Jr.

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DIGEST

SB 91 Engrossed

2024 Regular Session

Duplessis

Present law provides that prior to August 31, 2024, a person convicted of a felony may file an application for post-conviction relief requesting DNA testing under the specific provisions of present law relative to post-conviction applications for DNA testing.

Proposed law changes the date prior to which present law applies from August 31, 2024 to August 31, 2029, and otherwise retains present law.

Present law provides that on or after August 31, 2024, a petitioner may request DNA testing under the general rules for filing an application for post-conviction relief as provided in present law.

Proposed law changes the date after which present law applies from August 31, 2024 to August 31, 2029, and otherwise retains present law.

Present law provides that after service of the application for DNA testing on the district attorney and the law enforcement agency in possession of the evidence, the clerks of court of each parish and all law enforcement agencies must preserve, until August 31, 2024, 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 August 15, 2001, have been concluded by a verdict of guilty or a plea of guilty.

Proposed law extends the date until which DNA evidence must be preserved to August 31, 2029, and otherwise retains present law.

Effective August 1, 2024.

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