

SENATE BILL NO. 91

BY SENATOR DUPLESSIS AND REPRESENTATIVES BAYHAM, WILFORD  
CARTER, CHASSION, LARVADAIN, TAYLOR AND WALTERS

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

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

11 Art. 926.1. Application for DNA testing

12 A.(1) Prior to August 31, ~~2024~~ 2030, a person convicted of a felony may file  
13 an application under the provisions of this Article for post-conviction relief  
14 requesting DNA testing of an unknown sample secured in relation to the offense for  
15 which he was convicted. On or after August 31, ~~2024~~ 2030, a petitioner may request  
16 DNA testing under the rules for filing an application for post-conviction relief as  
17 provided in Article 930.4 or 930.8.

18 \* \* \*

19 H. \* \* \*

20 (3) After service of the application on the district attorney and the law  
21 enforcement agency in possession of the evidence, the clerks of court of each parish  
22 and all law enforcement agencies, including but not limited to district attorneys,  
23 sheriffs, the office of state police, local police agencies, and crime laboratories shall  
24 preserve until August 31, ~~2024~~ 2030, all items of evidence in their possession which  
25 are known to contain biological material that can be subjected to DNA testing, in all  
26 cases that, as of August 15, 2001, have been concluded by a verdict of guilty or a

1 plea of guilty.

2 \* \* \*

3 K. There is hereby created in the state treasury a special fund designated as  
4 the DNA Testing Post-Conviction Relief for Indigents Fund. The fund shall consist  
5 of money specially appropriated by the legislature. No other public money may be  
6 used to pay for the DNA testing authorized under the provisions of this Article. The  
7 fund shall be administered by the ~~Louisiana Public Defender Board~~ **office of the**  
8 **state public defender**. The fund shall be segregated from all other funds and shall  
9 be used exclusively for the purposes established under the provisions of this Article.  
10 If the court finds that a petitioner under this Article is indigent, the fund shall pay for  
11 the testing as authorized in the court order.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_