

2019 Regular Session

HOUSE BILL NO. 71

BY REPRESENTATIVE MACK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC SFTY/DEPARTMENT: Provides relative to the accreditation bodies for laboratories used in certain post-conviction relief proceedings

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 926.1(F) and (H)(5), relative to
3 crime laboratories; to provide relative to accreditation of laboratories for purposes
4 of post-conviction DNA testing; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 926.1(F) and (H)(5) are hereby
7 amended and reenacted to read as follows:

8 Art. 926.1. Application for DNA testing

9 * * *

10 F. Once an application has been filed and the court determines the location
11 of the evidence sought to be tested, the court shall serve a copy of the application on
12 the district attorney and the law enforcement agency which has possession of the
13 evidence to be tested, including but not limited to sheriffs, the office of state police,
14 local police agencies, and crime laboratories. If the court grants relief under this
15 Article and orders DNA testing, the court shall also issue such orders as are
16 appropriate to obtain the necessary samples to be tested and to protect their integrity.
17 The testing shall be conducted by a laboratory mutually agreed upon by the district
18 attorney and the petitioner. If the parties cannot agree, the court shall designate a
19 laboratory to perform the tests which that is accredited by ~~the American Society of~~
20 ~~Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) in~~

1 ~~forensic DNA analysis~~ an accreditation program based on the international standard
2 ISO/IEC 17025, with an accreditation scope in the field of forensic science testing
3 in the discipline of biology, and that is compliant with the current version of the
4 Federal Bureau of Investigations Quality Assurance Standards for Forensic DNA
5 Testing Laboratories.

6 * * *

7 H.

8 * * *

9 (5) Notwithstanding the provisions of Subparagraphs (3) and (4) of this
10 Paragraph, after service of the application on the district attorney and the law
11 enforcement agency in possession of the evidence, the clerks of court of each parish
12 and all law enforcement agencies, including but not limited to district attorneys,
13 sheriffs, the office of state police, local police agencies, and crime laboratories may
14 forward for proper storage and preservation all items of evidence described in
15 Subparagraph (3) of this Paragraph to a laboratory that is accredited in forensic DNA
16 analysis by the American Society of Crime Laboratory Directors/Laboratory
17 Accreditation Board (ASCLD/LAB) by an accreditation program based on the
18 international standard ISO/IEC 17025 with an accreditation scope in the field of
19 forensic science testing in the discipline of biology, and that is compliant with the
20 current version of the Federal Bureau of Investigations Quality Assurance Standards
21 for Forensic DNA Testing Laboratories.

22 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Abstract: Changes the accreditation entity for the crime laboratories performing post-conviction DNA testing.

Present law, for purposes of post-conviction DNA testing, provides that crime laboratories shall be accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) in forensic DNA analysis.

Proposed law changes the accreditation entity for the crime laboratories to those accredited by an accreditation program based on the international standard ISO/IEC 17025, with an accreditation scope in the field of forensic science testing in the discipline of biology and that is compliant with the current version of Federal Bureau of Investigations Quality Assurance Standards for Forensic DNA Testing Laboratories.

(Amends C.Cr.P. Art. 926.1(F) and (H)(5))