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BILL ANALYSIS

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Senate Bill 361 (as reported without amendment)
Sponsor: Senator Steven Bieda
Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to extend the deadline for a defendant who was convicted of a felony at trial, to petition the circuit court to order DNA testing of biological material identified during the investigation that led to his or her conviction, and for a new trial based on the results of that testing.

The bill would change the deadline to file a petition from January 1, 2012, to January 1, 2016.

Currently, if the DNA test results show that the defendant is the source of the identified biological material, his or her DNA profile must be provided to the Department of State Police for inclusion under the DNA Identification Profiling System Act. The bill also would require the defendant's DNA profile to be provided to the State Police if the test results were inconclusive.

MCL 770.16

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government based on the extent to which it would increase the number of petitions for DNA tests and the number of new trials resulting from those tests. The bill would potentially increase both court costs and DNA testing costs but also potentially decrease corrections costs as a result of overturned convictions and the release of prisoners.

Date Completed: 5-25-11

Fiscal Analyst: Matthew Grabowski