

One Hundred Fourth Legislature - First Session - 2015

Introducer's Statement of Intent

LB245

Chairperson: Senator Les Seiler

Committee: Judiciary

Date of Hearing: January 30, 2015

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

To clarify when DNA testing is allowed under the DNA Testing Act. Current law allows a person in custody, pursuant to the judgment of a court, to file a motion in the court that entered the judgment, requesting forensic DNA testing of any biological material that was not previously subjected to DNA testing or can be subjected to retesting with more current DNA techniques that provide a reasonable likelihood of more accurate and probative results. However, the court shall only order DNA testing upon a determination that such testing was effectively not available at the time of the trial.

LB 245 provides that the court may allow such DNA testing upon a determination that (a)(i) the biological material was not previously subjected to DNA testing or (ii) the biological material was tested previously, but current technology could provide a reasonable likelihood of more accurate and probative results.

Principal Introducer: _____

Senator Patty Pansing Brooks