

HB 0021E

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A bill to be entitled
 An act relating to postsentencing DNA testing; amending s.
 925.11, F.S.; revising a specified alternative deadline
 date for filing or considering a petition for
 postsentencing DNA testing; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (1) of section
 925.11, Florida Statutes, is amended to read:

925.11 Postsentencing DNA testing.--

(1) Petition for examination.--

(b) Except as provided in subparagraph 2., a petition for
 postsentencing DNA testing may be filed or considered:

1. Within 2 years following the date that the judgment and
 sentence in the case becomes final if no direct appeal is taken,
 within 2 years following the date that the conviction is
 affirmed on direct appeal if an appeal is taken, within 2 years
 following the date that collateral counsel is appointed or
 retained subsequent to the conviction being affirmed on direct
 appeal in a capital case, or by October 1, 2004 ~~2003~~, whichever
 occurs later; or

2. At any time if the facts on which the petition is
 predicated were unknown to the petitioner or the petitioner's
 attorney and could not have been ascertained by the exercise of
 due diligence.

Section 2. This act shall take effect upon becoming a law.