

HB 1935

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A bill to be entitled
An act relating to DNA evidence; amending s. 925.11, F.S.;
extending the period following sentencing during which a
petition may be filed or considered by the court to order
the testing of criminal DNA evidence; providing for
retroactive applicability; providing an effective date.

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

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

925.11 Postsentencing DNA testing.--

(1) Petition for examination.--

(a) A person who has been ~~tried and~~ found guilty of
committing a crime and has been sentenced by a court established
by the laws of this state may petition that court to order the
examination of physical evidence collected at the time of the
investigation of the crime for which he or she has been
sentenced which may contain DNA (deoxyribonucleic acid) and
which would exonerate that person or mitigate the sentence that
person received.

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

1. Within 4 2 years following the date that the judgment
and sentence in the case becomes final if no direct appeal is
taken, within 4 2 years following the date that the conviction
is affirmed on direct appeal if an appeal is taken, within 4 2
years following the date that collateral counsel is appointed or
retained subsequent to the conviction being affirmed on direct

CODING: Words **stricken** are deletions; words **underlined** are additions.

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30 appeal in a capital case, or by October 1, 2005 ~~2003~~, whichever
31 occurs later; or

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

36 Section 2. This act shall take effect upon becoming a law
37 and shall operate retroactively to October 1, 2003.