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2 An act relating to DNA evidence; amending s.
3 925.11, F.S.; extending the period following
4 sentencing during which a petition may be filed
5 or considered by the court to order the testing
6 of criminal DNA evidence; providing an
7 effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Subsection (1) of section 925.11, Florida
12 Statutes, is amended to read:

13 925.11 Postsentencing DNA testing.--

14 (1) Petition for examination.--

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

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

25 1. Within ~~4~~ 2 years following the date that the
26 judgment and sentence in the case becomes final if no direct
27 appeal is taken, within ~~4~~ 2 years following the date that the
28 conviction is affirmed on direct appeal if an appeal is taken,
29 within ~~4~~ 2 years following the date that collateral counsel is
30 appointed or retained subsequent to the conviction being
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1 affirmed on direct appeal in a capital case, or by October 1,
2 2005 ~~2003~~, whichever occurs later; or

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

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

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