

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Brutus offered the following:

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3 **Amendment to Amendment (711947) (with title amendment)**

4 On line(s) 17 insert:

5  
6 Section 8. A person convicted of a crime may at any time  
7 petition the court for postsentencing DNA testing on physical  
8 evidence collected in connection with the case. The court shall  
9 order postsentencing DNA testing only if the convicted person  
10 asserts under oath that he or she is innocent of the offense and  
11 establishes that exculpatory results of the requested DNA  
12 testing would create a reasonable probability that, if the test  
13 results had been admitted at trial, the person would have been  
14 acquitted or received a lesser sentence. If a petitioner was  
15 convicted pursuant to a plea of guilty, to obtain an order for

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5/5/2005 11:40:51 AM

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16 DNA testing under this section, the petitioner must first  
 17 demonstrate to the court that there is a likelihood that the  
 18 plea was entered under circumstances that render it suspect or  
 19 the court finds that the interests of justice warrant the  
 20 requested testing. All government entities shall continue to  
 21 preserve physical evidence that may be subjected to  
 22 postsentencing DNA testing until the person convicted of the  
 23 crime is no longer incarcerated, on probation or parole, or  
 24 subject to registration as a sex offender. A motion to vacate a  
 25 conviction or sentence filed under Rule 3.850, Florida Rules of  
 26 Criminal Procedure, or a motion for postconviction or collateral  
 27 relief filed under Rule 3.851, Florida Rules of Criminal  
 28 Procedure which is based on the results of DNA testing obtained  
 29 under this section, shall be treated as raising a claim of newly  
 30 discovered evidence and the time periods set forth in Rules  
 31 3.850 and 3.851, Florida Rules of Criminal Procedure, shall  
 32 commence on the date that the written test results are provided  
 33 to the parties.

34  
 35 ===== T I T L E A M E N D M E N T =====

36 Remove line(s) 32 and insert:  
 37 Tallahassee; providing conditions for postsentencing DNA  
 38 testing; requiring government entities to preserve certain  
 39 evidence; providing for a motion to vacate; providing an  
 40 effective date.

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