

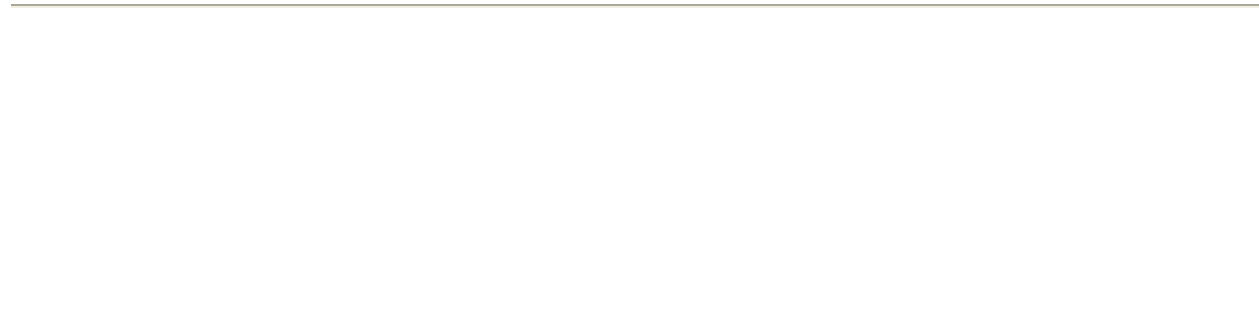
Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Brutus offered the following:

2  
3 **Amendment to Amendment (362603) (with title amendment)**

4 Between lines 208 and 209 insert:

5 Section 8.

6 (1) A person convicted of a crime may at any time petition  
7 the court for postsentencing DNA testing on physical evidence  
8 collected in connection with the case.

9 (2) The court shall order postsentencing testing only if  
10 the convicted person asserts under oath that he or she is  
11 innocent of the offense, and establishes that exculpatory  
12 results of the requested DNA testing would create a reasonable  
13 probability that, if the test results had been admitted at  
14 trial, the person would have been acquitted or received a lesser  
15 sentence.

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16 (3) If a petitioner was convicted pursuant to a plea of  
17 guilty, in to obtain an order for DNA testing under this  
18 section, he or she must first demonstrate to the court that  
19 there is a likelihood that the plea was entered under  
20 circumstances that render it suspect, or the court finds that  
21 the interests of justice warrant the requested testing.

22 (4) All government entities shall continue to preserve  
23 physical evidence that may be subjected to postsentencing DNA  
24 testing until the person convicted of the crime is no longer  
25 incarcerated, on probation or parole, or subject to registration  
26 as a sexual offender or sexual predator.

27 (5) A motion to vacate a conviction or sentence filed  
28 under Rule 3.850, Florida Rules of Criminal Procedure, or a  
29 motion for postconviction or collateral relief filed under Rule  
30 3.851, Florida Rules of Criminal Procedure, which is based on  
31 the results of DNA testing obtained under this section, shall be  
32 treated as raising a claim of newly-discovered evidence and the  
33 time periods set forth in rules 3.850 and 3.851, Florida Rules  
34 of Criminal Procedure, shall commence on the date that the  
35 written test results are provided to the parties.

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37 ===== T I T L E A M E N D M E N T =====

38 Remove line 234 and insert:

39 lobbyist's fees; providing for a petition for  
40 postconviction DNA testing; providing requirements for  
41 orders for such testing; requiring preservation of  
42 physical evidence that may be subjected to postsentencing

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HOUSE AMENDMENT

Bill No. CS/CS/SB 1964

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43 DNA testing; providing for application of specified rules  
44 of criminal procedure; providing an effective date.

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