

1 INTERIM STUDY PROPOSAL 2017-077

2
3 REQUESTING THAT THE SENATE COMMITTEE ON JUDICIARY STUDY AVAILABLE
4 POST-CONVICTION RELIEF ON THE GROUNDS OF EVIDENCE ONLY AVAILABLE
5 THROUGH NEW SCIENTIFIC METHODS, FORENSICS, OR TECHNOLOGY.
6

7 WHEREAS, it is well known that advances and breakthroughs in scientific
8 methods of testing, forensics, and technology have led to innocent persons
9 across the county being exonerated for crimes they did not commit; and
10

11 WHEREAS, Acts 2001, No. 1780, was passed in order to enhance the
12 ability of the judiciary to analyze DNA, biological, and other scientific
13 evidence through the use of new scientific methods of testing, forensics, and
14 technology, and to provide a post-conviction remedy for an innocent person
15 who may be exonerated of a crime by that evidence; and
16

17 WHEREAS, the provisions of Acts 2001, No. 1780, should be revisited and
18 refined to address the procedures and remedies available to a person who may
19 be exonerated of a crime based on the testing of DNA, biological, or other
20 scientific evidence through the use of new scientific methods, forensics, or
21 technology; and
22

23 WHEREAS, there is a need to create a clear legal mechanism for a
24 potentially innocent person, who would otherwise be barred or face extreme
25 delays under existing post-conviction relief, to be permitted to present to a
26 court DNA, biological, or other scientific evidence resulting from testing
27 using new scientific methods, forensics, or technology in order to exonerate
28 himself or herself of a crime; and
29

30 WHEREAS, new DNA, biological, or other scientific evidence that could
31 exonerate a person of a crime may also potentially lead law enforcement to
32 the actual offender who may then be brought to justice; and
33

34 WHEREAS, a clear legal mechanism for the introduction of DNA,
35 biological, or other scientific evidence resulting from testing using new
36 scientific methods, forensics, or technology is an opportunity to correct the

1 harm imposed on the wrongfully convicted and the public, thereby maintaining
2 the integrity and public trust in the criminal justice system,

3
4 NOW THEREFORE,

5 BE IT PROPOSED BY THE SENATE COMMITTEE ON JUDICIARY OF THE NINETY-FIRST
6 GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

7
8 THAT the Senate Committee on Judiciary study available post-conviction
9 relief available to a person convicted of an offense that is based on DNA,
10 biological, or other scientific evidence resulting from testing using new
11 scientific methods, forensics, or technology.

12
13 Respectfully submitted,

14
15
16
17 Senator Jeremy Hutchinson

18 District 33

19
20
21
22 Senator Joyce Elliott

23 District 31

24
25
26 By: BPG/BPG