

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 425
Second Edition Engrossed 5/8/19
House Committee Substitute Favorable 6/12/19

Short Title: Clarify DNA Result Would Have Changed Verdict.

(Public)

Sponsors:

Referred to:

April 1, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT FOR A JUDGE TO GRANT POSTCONVICTION DNA
3 TESTING THE JUDGE MUST DETERMINE THAT A FAVORABLE RESULT FROM
4 THE REQUESTED DNA TEST WOULD SUPPORT THE DEFENDANT'S INNOCENCE
5 CLAIM AND TO MODIFY WHICH JUDGE SHALL HEAR CERTAIN MOTIONS FOR
6 APPROPRIATE RELIEF AFTER A CLAIM OF INNOCENCE IS DENIED BY A
7 THREE-JUDGE PANEL.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 15A-269(b) reads as rewritten:

10 "(b) The court shall grant the motion for DNA testing and, if testing complies with FBI
11 requirements, the run of any profiles obtained from the testing, upon ~~its determination~~
12 that determining all of the following:

13 (1) The conditions set forth in subdivisions (1), (2), and (3) of subsection (a) of
14 this section have been ~~met~~; met.

15 (2) If the DNA testing being requested had been conducted on the ~~evidence, there~~
16 ~~exists a reasonable probability that the verdict would have been more~~
17 ~~favorable to the defendant, and~~ evidence with favorable results, those results
18 would give support to the defendant's innocence claim.

19 (3) The defendant has signed a sworn affidavit of innocence."

20 **SECTION 2.** G.S. 15A-1469(h) reads as rewritten:

21 "(h) The three-judge panel shall rule as to whether the convicted person has proved by
22 clear and convincing evidence that the convicted person is innocent of the charges. Such a
23 determination shall require a unanimous vote. If the vote is unanimous, the panel shall enter
24 dismissal of all or any of the charges. If the vote is not unanimous, the panel shall deny relief.
25 Notwithstanding G.S. 15A-1413, if the claimant files a motion for appropriate relief pursuant to
26 Article 89 of Chapter 15A of the General Statutes any time within one year of the denied relief,
27 the motion shall be considered by the senior judge of the three-judge panel."

28 **SECTION 3.** This act is effective when it becomes law and applies to motions
29 pending or filed on or after that date.

