

## Report on Public Policy Position

**Name of committee:**

Criminal Jurisprudence & Practice Committee

**Contact persons:**

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**Bill Number:**

[HB 5089](#) (Condino) Criminal procedure; DNA; deadline for filing petition for DNA testing in felony conviction cases; extend, and revise certain procedures for obtaining test of DNA evidence. Amends sec. 16, ch. X of [1927 PA 175](#) (MCL [770.16](#)).

**Date position was adopted:**

February 14, 2008

**Process used to take the ideological position:**

Position adopted after discussion and vote at a scheduled meeting.

**Number of members in the decision-making body:**

23

**Number who voted in favor and opposed to the position:**

9 Voted for position

3 Voted against position

0 Abstained from vote

0 Did not vote

**Position:**

Support

**Explanation of the position, including any recommended amendments:**

This legislation will directly impact the integrity of the criminal justice system by allowing individuals convicted of one or more felonies access to DNA testing in order to exonerate that individual. The committee members in support of the legislation discussed that the rules of evidence should not apply in these proceedings but that does not limit their support of the existing legislation.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2007-HB-5089>

**RECOMMEND STATE BAR ACTION ON THIS ISSUE:**

**List any arguments against the position:**

The arguments in opposition to this legislation were that it may result in a large number of requests for DNA testing and that it is overbroad in the classes of felons to which it applies.

**FOR LEGISLATIVE ISSUES ONLY:**

**This position falls within the following Keller-permissible category:**

- The regulation and discipline of attorneys
- ✓ The improvement of the functioning of the courts
- ✓ The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

**Keller-permissible explanation:**

This legislation directly affects the integrity and fairness of the criminal justice system by giving convicted individuals the opportunity to access new technology that may disprove their guilt.