

By: McClendon

H.B. No. 3255

A BILL TO BE ENTITLED

AN ACT

relating to the application of certain post-conviction procedures to inmates in whose trials forensic evidence was admitted after analysis at an unprofessional laboratory.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 64, Code of Criminal Procedure, is amended by adding Article 64.06 to read as follows:

Art. 64.06. MANDATORY RETESTING. Notwithstanding any other provision of this chapter, and regardless of whether a person previously has filed a motion for forensic DNA testing under this chapter, the convicting court shall order forensic DNA retesting of evidence in the person's case that contains biological material previously tested in a laboratory the general professionalism of which has been publicly criticized by the attorney representing the state. The convicting court shall order the forensic DNA retesting to be performed at a laboratory agreed to by the attorney representing the state and the attorney representing the defendant.

SECTION 2. Chapter 11, Code of Criminal Procedure, is amended by adding Article 11.073 to read as follows:

Art. 11.073. SUBSEQUENT APPLICATIONS. For the purposes of Section 4, Article 11.07, and Section 5, Article 11.071, an application that alleges specific facts establishing that forensic evidence in the applicant's criminal case was tested in a laboratory the general professionalism of which has been publicly

1 criticized by the attorney representing the state establishes a
2 claim or issue that has not been and could not have been presented
3 previously in a timely initial application or in a previously
4 considered application.

5 SECTION 3. This Act takes effect September 1, 2003.