

February 19, 2001

**S 164. INNOCENCE PROTECTION ACT. TO ASSIST AN INNOCENT PERSON CHARGED WITH OR WRONGLY CONVICTED OF A CRIMINAL OFFENSE IN ESTABLISHING THE PERSON'S INNOCENCE AND TO AMEND THE LAW PROVIDING COMPENSATION TO THE PERSON FOR A WRONGFUL CONVICTION.** Amends GS 15A-266.5 (tests to be performed on blood sample) by adding a new subsection providing that a criminal defendant shall have access to information in the state DNA Database or Databank relating to the number of requests previously made for a comparison search and the name and identity of the requesting party. Amends GS 15A-266.10(a) to provide that upon receipt of notification that an individual has been pardoned or that the conviction has been reversed, the DNA sample for that individual shall be expunged and any DNA records and related materials shall be returned to the individual (currently, the individual has to apply for expungement). Creates new section GS 15A-267 providing that a criminal defendant shall have access before trial to any DNA samples and analyses performed in connection with the case. Creates new section GS 15A-268 providing that except when certain conditions are met, a governmental entity that, in the course of a criminal investigation, collects evidence containing DNA shall preserve that evidence for as long as the person remains incarcerated. Creates new section GS 15A-269 providing for post-conviction DNA testing and new section GS 15A-270 providing for post-test procedures. Amends GS 148-82 to provide that a person convicted of a felony and imprisoned may bring a claim against the state for pecuniary loss if that person is granted a pardon of innocence on the following grounds: that the crime was not committed or not committed by that person, that the conviction was reversed or set aside on the ground that the person was not guilty, that the person was found not guilty in a new trial or rehearing (currently claim may be brought if the person is granted a pardon of innocence on the ground that the crime was not committed or not committed by that person). Caps compensation that may be received for such a claim at \$500,000 (currently, the cap is \$150,000). Amends GS Ch. 114, Art. 3, to add a new section providing that the Div. of Criminal Statistics shall prepare and transmit to the General Assembly and the Governor an annual report concerning administration of state capital punishment laws.

**Intro. by Ballance.**

Ref. to Judiciary II	GS 15A, 114, 148
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