

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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S.B. 425
PRINCIPAL CLERK

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SENATE BILL DRS15191-ND-43

Short Title: Clarify DNA Result Would Have Changed Verdict. (Public)

Sponsors: Senators McKissick, Britt, and Daniel (Primary Sponsors).

Referred to:

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 HAVE REASONABLY LED TO A DIFFERENT
5 VERDICT IN THE DEFENDANT'S CASE.
6 The General Assembly of North Carolina enacts:
7 **SECTION 1.** G.S. 15A-269(b) reads as rewritten:
8 "(b) The court shall grant the motion for DNA testing and, if testing complies with FBI
9 requirements, the run of any profiles obtained from the testing, upon its determination that:
10 (1) The conditions set forth in subdivisions (1), (2), and (3) of subsection (a) of
11 this section have been ~~met~~; met.
12 (2) If the DNA testing being requested had been conducted on the ~~evidence~~,
13 evidence with favorable results, there exists a reasonable probability that the
14 verdict would have been ~~more favorable to the defendant; and~~ different.
15 (3) The defendant has signed a sworn affidavit of innocence."
16 **SECTION 2.** This act is effective when it becomes law.

