

SB 819 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary and Ballot Measure 110 Implementation

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Meeting Dates: 3/31, 4/12

WHAT THE MEASURE DOES:

Establishes procedure by which a district attorney and an incarcerated person may jointly petition the sentencing court for reconsideration of certain felony convictions and sentences if the original sentence no longer advances the interests of justice. Requires a petition to specify each the terms of the agreement between the district attorney and the person. After a hearing on the petition, if the court determines that the original sentence no longer advances the interests of justice, the court may resentence the person on the original conviction, vacate the previous judgment of conviction, accept a plea to a new offense and impose sentence on the new offense. If the court imposes a new sentence on the original conviction the court is prohibited from imposing a sentence greater than the original sentence imposed. Identifies factors the court may consider in determining whether to grant a petition. Directs district attorney to notify victim or survivor of victim of reconsideration hearing and process and the court to provide opportunity for the victim to provide a statement. States that resentencing under this provision does not revive any challenge otherwise barred at the time of resentencing.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Requires district attorney to make reasonable efforts to notify the victim of the fact that a petition has been filed under this section and to explain the petition process. Requires court to provide victim an an opportunity to be heard at any hearing held under this section.

BACKGROUND:

A 2009 report published by the National Academy of Science found that the forensic science system, encompassing both research and practice, has serious problems. The study summarized while forensic science disciplines have produced valuable evidence that has contributed to the successful prosecution and conviction of criminals, those advances have also revealed that, in some cases, substantive information and testimony based on faulty forensic science analyses may have contributed to wrongful convictions of innocent people. The research highlighted a potential danger of giving undue weight to evidence and testimony derived from imperfect testing and analysis and imprecise expert testimony may sometimes contribute to the admission of erroneous or misleading evidence.

Senate Bill 819 establishes a procedure by which a district attorney and an incarcerated person may jointly petition the sentencing court for reconsideration of certain felony convictions and sentences if the original sentence no longer advances the interests of justice, including, but not limited to, convictions based on invalidated or erroneous forensic evidence.