

**SB 819 A STAFF MEASURE SUMMARY**Carrier: Sen. Lieber, Sen.  
Prozanski**Senate Committee On Judiciary and Ballot Measure 110  
Implementation**


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**Action Date:** 04/13/21  
**Action:** Do pass with amendments. (Printed A-Eng.)  
**Vote:** 4-2-1-0  
**Yeas:** 4 - Dembrow, Gelser, Manning Jr, Prozanski  
**Nays:** 2 - Linthicum, Thatcher  
**Exc:** 1 - Heard  
**Fiscal:** Fiscal impact issued  
**Revenue:** No revenue impact  
**Prepared By:** Gillian Fischer, Counsel  
**Meeting Dates:** 3/31, 4/13

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**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 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:**

- Similar statutes passed in surrounding states not resulting in overwhelming requests
- Examples of categories of cases likely to be appropriate for reconsideration
- Importance of addressing convictions based on disproved scientific methods
- Limitations created by appellate process

**EFFECT OF AMENDMENT:**

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 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.

**SB 819 A STAFF MEASURE SUMMARY**

Senate Bill 819 A 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.