

SB 819 A STAFF MEASURE SUMMARY**Carrier:** Rep. Kropf**House Committee On Judiciary****Action Date:** 05/25/21**Action:** Do Pass the A-Eng bill.**Vote:** 8-2-0-0**Yeas:** 8 - Bynum, Dexter, Helm, Kropf, Morgan, Noble, Power, Wilde**Nays:** 2 - Lewis, Wallan**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Gillian Fischer, Counsel**Meeting Dates:** 5/18, 5/25**WHAT THE MEASURE DOES:**

Establishes procedure by which a district attorney and an incarcerated person may jointly petition sentencing court for reconsideration of certain felony convictions and sentences if original sentence no longer advances the interests of justice. Requires petition to specify terms of the agreement between the district attorney and the incarcerated 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, or 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:

- Application to convictions involving mandatory minimum sentences
- Circumvents appellate process for cases with convictions or sentences likely to be found unconstitutional or unlawful
- Provides mechanism for district attorney to address convictions resulting from invalidated scientific methods

EFFECT OF AMENDMENT:

No amendment.

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 found that while forensic science disciplines have produced valuable evidence contributing to the successful prosecution and conviction of criminals, those advances have also revealed that, in some cases, substantive information and testimony has been based on faulty forensic science analyses. Relying on that evidence may have contributed to the wrongful convictions of innocent people.

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.