

SESSION OF 2013

SUPPLEMENTAL NOTE ON SENATE BILL NO. 40

As Amended by Senate Committee on Judiciary

Brief*

SB 40 would amend the statute allowing a person convicted of first-degree murder or rape to petition the court for forensic DNA testing of certain biological material. Specifically, the bill would change the phrase “are unfavorable to” to “do not exonerate” in the provision addressing the results of the testing. Similarly, “are favorable to” would be changed to “exonerate.” The bill would define “exonerate” as “to conclusively establish that the petitioner did not engage in the conduct that is the subject of the petitioner’s conviction.”

Background

SB 40 was introduced by the Senate Judiciary Committee at the request of the Kansas County and District Attorneys Association (KCDAA). In the Senate Committee, a representative of the KCDAA testified in support of the bill, explaining KCDAA members believe the bill will clarify the statute in light of issues raised in *Haddock v. State*, 295 Kan. ___, 286 P.3d 837 (2012). No opponents appeared at the hearing.

The Senate Committee adopted a technical amendment updating statutory citations in the bill and recommended the bill be passed as amended.

The fiscal note prepared by the Division of the Budget indicates the bill would have no fiscal effect on the Judicial Branch or the Kansas Bureau of Investigation.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>