

**BILL SUMMARY**  
1st Session of the 54<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB1068</b>
<b>Version:</b>	<b>Introduced</b>
<b>Request Number:</b>	<b>5354</b>
<b>Author:</b>	<b>Representative Denney</b>
<b>Date:</b>	<b>2/4/2013</b>
<b>Impact:</b>	<b>Dependent Upon the Number of Cases</b>

**Research Analysis**

HB 1068 creates the “Postconviction DNA Act”. The measure provides definitions used in the act and allows a person convicted of a crime to file a motion in the sentencing court requesting forensic DNA testing of any biological material secured in the investigation or prosecution. Provides criteria for persons eligible to request testing. Allow the court to appoint counsel for indigent persons. Provides for a hearing to determine if testing should occur. Requires the court to hold a hearing if the results of the DNA testing is favorable to the offender.

Prepared By: Brad Wolgamott

**Fiscal Analysis**

HB1068 requires the state to pay for the DNA testing if done by the Oklahoma State Bureau of Investigation (OSBI), and authorizes the court to determine whether the state or the petitioner pay for the DNA testing if done by an outside laboratory. The measure authorizes the court to appoint counsel for petitioners, but does not specify who will pay for counsel.

According to the OSBI, it will cost approximately \$1,000 per case for the post-conviction DNA testing. The fiscal impact to the OSBI would be dependent upon the number of cases where the sentencing court orders post-conviction DNA testing.

According to the Administrative Director of the Courts, if the costs will be paid from local court funds, it will adversely affect the funds paid into the State Judicial Revolving Fund and require the Legislature to appropriate additional General Revenue to support the courts. Although it is unknown how many convicted persons will request post conviction DNA testing, and/or appointed counsel, the Court Administrator expects the cost per case to be substantial. The fiscal impact to the courts would be dependent upon the number of cases where the court appoints counsel for petitioners.

Prepared By: Marilyn Anderson

**Other Considerations**

None

