

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 425  
Second Edition Engrossed 5/8/19

Short Title: Clarify DNA Result Would Have Changed Verdict. (Public)

Sponsors: Senators McKissick, Britt, and Daniel (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 1, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THAT FOR A JUDGE TO GRANT POSTCONVICTION DNA  
3 TESTING THE JUDGE MUST DETERMINE THAT A FAVORABLE RESULT FROM  
4 THE REQUESTED DNA TEST WOULD SUPPORT THE DEFENDANT'S INNOCENCE  
5 CLAIM AND TO MODIFY WHICH JUDGE SHALL HEAR CERTAIN MOTIONS FOR  
6 APPROPRIATE RELIEF AFTER A CLAIM OF INNOCENCE IS DENIED BY A  
7 THREE-JUDGE PANEL.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 15A-269(b) reads as rewritten:

10 "(b) The court shall grant the motion for DNA testing and, if testing complies with FBI  
11 requirements, the run of any profiles obtained from the testing, upon its determination that:

12 (1) The conditions set forth in subdivisions (1), (2), and (3) of subsection (a) of  
13 this section have been ~~met~~; met.

14 (2) If the DNA testing being requested had been conducted on the ~~evidence, there~~  
15 ~~exists a reasonable probability that the verdict would have been more~~  
16 ~~favorable to the defendant;~~ evidence with favorable results, those results  
17 would give support to the defendant's innocence claim.

18 (3) The defendant has signed a sworn affidavit of innocence."

19 **SECTION 2.** G.S. 15A-1469(h) reads as rewritten:

20 "(h) The three-judge panel shall rule as to whether the convicted person has proved by  
21 clear and convincing evidence that the convicted person is innocent of the charges. Such a  
22 determination shall require a unanimous vote. If the vote is unanimous, the panel shall enter  
23 dismissal of all or any of the charges. If the vote is not unanimous, the panel shall deny relief. If  
24 the claimant files a motion for appropriate relief pursuant to Article 89 of Chapter 15A of the  
25 General Statutes any time within a year of the denied relief, the motion shall be considered by  
26 the senior judge of the three-judge panel."

27 **SECTION 3.** Section 2 of this act becomes effective December 1, 2019, and applies  
28 to offenses committed on or after that date. The remainder of this act is effective when it becomes  
29 law.

