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use it. It's of no value. Number 3 amends the intent section of the DNA Testing Act. Currently, there is much discussion of actual innocence. This portion will deal with convictions that are unreliable because the evidence was shaky, that the DNA evidence that is discovered, or the tests that are conducted, may not prove absolute innocence, but it may raise such a question that the original conviction is now called into question. This would allow action to be taken on that basis. DNA evidence is different from the ordinary set of circumstances where convictions are involved. Because of its precision and its scientific exactitude, DNA evidence can either establish that a person is absolutely innocent by showing that he or she could not have committed the crime, did not commit the crime, therefore is actually innocent; that is one plateau and that is the highest. Below that, the DNA evidence may not establish absolute innocence but it may indicate that there is sufficient question raised by this DNA evidence that a new trial should be allowed. So the top level is where the DNA evidence results in the person being released, based on actual innocence. When this Bronson case was decided, that I touched on, the court dealt with some issues that showed changes to clarify and simplify the law would be necessary. That's what this bill attempts to do. The page numbers go to the green copy of the bill. It was advanced from the Judiciary Committee without amendments, so that's why you see the page numbers here. In Number 5, it deals with the circumstances when a person would be released, based on DNA evidence. The standard or burden of proof of the defendant would be clear and convincing evidence. Conviction is based on proof beyond a reasonable doubt. If there is clear and convincing evidence of innocence, that means that beyond a reasonable doubt does not exist and the person would be released as being actually innocent. In Number 6, the court would order a new trial if there is clear and convincing exculpatory evidence which undermines the reliability and accuracy of the original trial. That means that actual innocence is not established, but sufficient questions are raised to justify the granting of a new trial. The court, because the DNA Testing Act now allows two avenues to approach a new trial, set an unreasonably high standard before a person could get a new trial based on DNA evidence. The court said that this motion to vacate and set aside which exists under the DNA evidence...or