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Senate Bill 1014 (as reported without amendment)
Sponsor: Senator Jeff Irwin
Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

The bill would amend Chapter 10 (New Trials, Writs of Error and Bills of Exceptions) of the Code of Criminal Procedure to do the following:

- Modify the circumstances under which a convicted defendant may petition to the circuit court to order DNA testing of biological material identified during the investigation leading to the conviction, and for a new trial based on the results of that testing.
- Modify the requirements for when a court would have to order DNA testing for a convicted defendant.
- Require, if the results of the DNA testing called into question the convicted defendant's identity, that the court hold a hearing to determine if the testing and any new evidence could yield a different result upon retrial.
- Modify how long an investigating agency would have to preserve any biological material.

MCL 770.16

BRIEF RATIONALE

The Wrongful Imprisonment Compensation Act allows an individual to bring an action for compensation against the State for wrongful conviction and imprisonment in a State correctional facility for a crime that individual did not commit. According to testimony, it is not uncommon for a judge to determine that a defendant could have been wrongfully convicted and should be allowed to petition a new trial based on updated DNA testing, potentially allowing that individual to be compensated for the wrongful imprisonment. Modifying how biological material could be used in new trials under the Code of Criminal Procedure has been suggested to make it more likely that only guilty individuals are convicted for crimes and that individuals who have been wrongly convicted are eligible for relief.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill would increase the likelihood of more DNA testing, post-conviction. This would have varied and indeterminate fiscal impacts on the State and local governments depending on the extent to which DNA test petitions would increase under the bill. Additionally, an increase in petitions would likely result in a corresponding increase in circuit court hearings under the bill; however, the cost to local courts would likely be minimal. The Cooley Law School Innocence Project is the only post-conviction DNA-based innocence program in Michigan and has screened over 6,000 cases since 2001, resulting in nearly 400 exonerations in that time, mostly based on DNA evidence, an average of less than 20 exonerations per year.

DNA testing costs, which are covered by the State, vary depending on the sample tested and the type of test involved. Some types of forensic testing cost less than \$100, while other sample testing can exceed \$5,000 depending on the number and complexity of tests involved.

New cost-effective testing procedures are constantly being developed. A median range the State can expect to pay for DNA testing is likely to be between \$1,000 and \$2,000 per case.

Any new exonerations that came as a result of the bill would come with statewide savings and costs. These savings and costs would likely balance each other out. Savings would predominantly come from a reduction in the prison population, cited in recent years by multiple publications as costing the State \$48,000 per prisoner, per year, while costs would likely come from payments under the Wrongful Imprisonment Compensation Act of 2016, at \$50,000 per prisoner, per year.

Date Completed: 11-26-24

Fiscal Analyst: Michael Siracuse

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