



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2081

Introduced 2/15/2019, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

New Act

Amends the Code of Criminal Procedure of 1963. Creates the Forensic Science Act. Provides that a convicted person may file a petition for relief based on relevant forensic scientific evidence that was not available to be offered at the convicted person's trial or entry of judgment, plea of guilty, or plea of nolo contendere or that undermines forensic scientific evidence relied upon by the prosecution at trial. Prescribes what shall be included in a petition for relief under the Act. Provides that, upon reviewing a petition, a court shall grant relief to the petitioner if the court finds that, had the forensic scientific evidence been presented at trial or entry of judgment, plea of guilty, or plea of nolo contendere, there is a reasonable likelihood the petitioner would not have been convicted. Provides that, in making a finding as to whether relevant forensic scientific evidence was not ascertainable through the exercise of reasonable diligence on or before a specific date, the court shall consider whether the relevant forensic scientific evidence has changed since the applicable trial date or dates, or date of entry of judgment, plea of guilty, or plea of nolo contendere, for a determination made with respect to an original application, or the date on which the original application or a previously considered application, as applicable, was filed, for a determination made with respect to a subsequent application. Effective July 1, 2019.

LRB101 10940 SLF 56111 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Forensic Science Act.

6 Section 5. Definitions.

7 "Forensic science" means the application of scientific or
8 technical practices to the recognition, collection, analysis,
9 and interpretation of evidence for criminal proceedings.

10 "Forensic scientific evidence" includes: scientific or
11 technical knowledge; a testifying forensic analyst's or
12 expert's scientific or technical knowledge or opinion; reports
13 or testimony offered by experts or forensic analysts;
14 scientific standards; and scientific methods or techniques
15 upon which the relevant forensic scientific evidence is based.

16 "Scientific knowledge" includes the knowledge of the
17 general scientific community and all fields of scientific
18 knowledge on which those fields or disciplines rely and is not
19 limited to practitioners or proponents of a particular
20 scientific or technical field or discipline.

21 Section 10. Applicability of basis for relief.

22 (a) This Act applies to relevant forensic scientific

1 evidence that:

2 (1) was not available to be offered by a convicted
3 person at the convicted person's trial, entry of judgment,
4 plea of guilty, or plea of nolo contendere; or

5 (2) undermines forensic scientific evidence relied
6 upon by the prosecution at trial.

7 (b) A convicted person may file a petition for relief based
8 on relevant forensic scientific evidence described in
9 subsection (a) of this Section. The petition shall contain:

10 (1) an assertion that the petitioner did not commit the
11 crime for which he was convicted or engage in conduct
12 constituting a lesser included or inchoate offense of the
13 crime for which he or she was convicted, pled guilty, or
14 pled nolo contendere; and

15 (2) specific facts indicating that relevant forensic
16 scientific evidence is currently available and was not
17 available at the time of the convicted person's trial,
18 entry of judgment, plea of guilty, or plea of nolo
19 contendere because the evidence was not ascertainable
20 through the exercise of reasonable diligence by the
21 convicted person before the date of or during the convicted
22 person's trial or prior to entry of judgment, plea of
23 guilty, or plea of nolo contendere.

24 (c) The court shall grant relief to the petitioner if the
25 court finds that, had the forensic scientific evidence been
26 presented at trial or prior to entry of judgment, plea of

1 guilty, or nolo plea, there is a reasonable likelihood the
2 petitioner would not have been convicted.

3 (d) In making a finding as to whether relevant forensic
4 scientific evidence was not ascertainable through the exercise
5 of reasonable diligence on or before a specific date, the court
6 shall consider whether the relevant forensic scientific
7 evidence has changed since: (1) the applicable trial date or
8 dates, or date of entry of judgment, plea of guilty, or plea of
9 nolo contendere, for a determination made with respect to an
10 original application; or (2) the date on which the original
11 application or a previously considered application, as
12 applicable, was filed, for a determination made with respect to
13 a subsequent application.

14 (e) This Section does not create additional liabilities,
15 beyond those already recognized, for an expert who repudiates
16 his or her original opinion provided at a hearing or trial or
17 whose opinion has been undermined by later scientific research
18 or technological advancements.

19 Section 99. Effective date. This Act takes effect July 1,
20 2019.