

House Study Bill 567 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act relating to forensic scientific evidence and
2 postconviction relief.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 822.2, subsection 1, Code 2020, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *i.* There exists forensic scientific evidence
4 pursuant to section 822.2A.

5 Sec. 2. NEW SECTION. **822.2A Forensic scientific evidence.**

6 1. As used in this section:

7 *a.* "*Applied validity*" means the reliability of a scientific
8 method or technique in practice.

9 *b.* "*Forensic science*" means the application of scientific or
10 technical practices to the recognition, collection, analysis,
11 and interpretation of evidence for criminal and civil law or
12 regulatory issues.

13 *c.* "*Forensic scientific evidence*" includes scientific or
14 technical knowledge including a forensic analyst's or expert's
15 scientific or technical knowledge or opinion and reports
16 offered by forensic analysts and experts; scientific standards,
17 and a scientific method or technique upon which forensic
18 scientific evidence is based.

19 *d.* "*Foundational validity*" means the reliability of a
20 scientific method that is repeatable, reproducible, and
21 accurate in a scientific setting.

22 *e.* "*Scientific knowledge*" includes knowledge of the general
23 scientific community and all fields of scientific knowledge
24 upon which those fields are based.

25 2. A person seeking relief under section 822.2, subsection
26 1, paragraph "*i*", shall prove all of the following:

27 *a.* There is evidence of any of the following:

28 (1) Forensic scientific evidence that was not discoverable
29 through the exercise of reasonable diligence by the person
30 on the date of the person's conviction or guilty plea. In
31 determining whether forensic scientific evidence was not
32 discoverable through the exercise of reasonable diligence prior
33 to the date of a person's conviction or guilty plea, the court
34 shall consider whether a claim or issue could not have been
35 presented previously in the person's original application or in

1 any previously considered application if the claim or issue is
2 based on forensic scientific evidence that was not available
3 through the exercise of reasonable diligence by the person
4 on or before the date on which the original application or a
5 previously considered application, as applicable, was filed.

6 (2) Forensic scientific evidence that undermines the
7 forensic scientific evidence used to convict the person.
8 Forensic scientific evidence is considered to be undermined
9 if new research or information exists that repudiates the
10 foundational validity of scientific evidence or expert
11 testimony or the applied validity of a scientific method or
12 technique.

13 b. The person proves by a preponderance of the evidence
14 that had the forensic scientific evidence been presented at the
15 time of the person's conviction or guilty plea, it would have
16 probably changed the result of the trial or voided the factual
17 basis of the guilty plea.

18 c. The forensic scientific evidence would have been
19 admissible under the Iowa rules of evidence in existence at the
20 time of the person's conviction or guilty plea.

21 3. Claims brought pursuant to section 822.2, subsection
22 1, paragraph "i", are not subject to the limitation periods
23 provided in section 822.3.

24 4. This section does not create a cause of action against
25 an expert who repudiates the expert's opinion during any
26 proceeding that resulted in a conviction or whose opinion
27 has been undermined by subsequent scientific research or
28 technological advancements.

29

EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill allows a court to grant postconviction relief
33 if a person who files an application for postconviction
34 relief proves all of the following: 1) there is forensic
35 scientific evidence that was not discoverable at the time of

1 the person's conviction or guilty plea or that undermines
2 forensic scientific evidence used to convict the person, 2)
3 the person proves by a preponderance of the evidence that the
4 forensic scientific evidence would have probably changed the
5 result of the trial or voided the factual basis of the guilty
6 plea, and 3) the forensic scientific evidence would have been
7 admissible under the Iowa rules of evidence in existence at the
8 time of the person's conviction or guilty plea.

9 The bill provides that in determining whether forensic
10 scientific evidence was not discoverable through the exercise
11 of reasonable diligence, a court shall consider whether the
12 claim or issue could not have been presented previously in the
13 person's original application or in any previously considered
14 application.

15 Under the bill, a claim for postconviction relief based
16 upon forensic scientific evidence is not subject to the time
17 limitations in Code section 822.3. The bill does not create a
18 cause of action against an expert who repudiates the expert's
19 original opinion during any proceeding that resulted in a
20 conviction or whose opinion is undermined by any subsequent
21 scientific research or technological advancement.

22 The bill provides definitions of "forensic science",
23 "forensic scientific evidence", "scientific knowledge",
24 "applied validity", and "foundational validity".