



**Senator Hollis French**

## **HB110 Preservation of Evidence Sectional Analysis**

Section 1.

Section 1 creates new provisions in the criminal code for the preservation of evidence that require state agencies and municipal law enforcement agencies to preserve all evidence that relate to unsolved cases of murder and 1<sup>st</sup> degree sexual assault and 1<sup>st</sup> degree sexual abuse of a minor.

The section further requires that biological evidence in these crimes be retained while a person remains a prisoner in the custody of the Department of Corrections or subject to registration as a sex offender.

The section then provides that evidence that is impracticable due to size or other characteristics to retain may be destroyed after removal and preservation of portions likely to contain relevant evidence, and that evidence can be destroyed before the expiration of the time period by following a notice procedure outlined in the bill.

The section provides for the court to order remedies if evidence is destroyed in violation of this section, and protects agencies from civil immunity for unintentional failure to comply with the provisions of the section.

Finally, section one provides definitions of terms.

Sectional Analysis  
Page Two

Sections 2, 3 and 4, make amendments to the disposal of DNA for persons who are not guilty of offences for which they were arrested.

Section 5 establishes a task force to address standards and practices for the proper collection and preservation of preserved evidence.

Section 6 establishes the applicability of section 1.

Section 7 provides a repeal of the task force established in Section 5.