

1 AN ACT in relation to criminal law.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 116-3 as follows:

6 (725 ILCS 5/116-3)

7 Sec. 116-3. Motion for fingerprint or forensic testing
8 not available at trial regarding actual innocence.

9 (a) A defendant may make a motion before the trial court
10 that entered the judgment of conviction in his or her case
11 for the performance of fingerprint or forensic DNA testing on
12 evidence that was secured in relation to the trial which
13 resulted in his or her conviction, but which was not subject
14 to the testing which is now requested because the technology
15 for the testing was not available at the time of trial.
16 Reasonable notice of the motion shall be served upon the
17 State.

18 (b) The defendant must present a prima facie case that:

19 (1) identity was the issue in the trial which
20 resulted in his or her conviction; and

21 (2) the evidence to be tested has been subject to a
22 chain of custody sufficient to establish that it has not
23 been substituted, tampered with, replaced, or altered in
24 any material aspect.

25 (c) The trial court shall allow the testing under
26 reasonable conditions designed to protect the State's
27 interests in the integrity of the evidence and the testing
28 process upon a determination that:

29 (1) the result of the testing has the scientific
30 potential to produce new, noncumulative evidence
31 materially relevant to the defendant's assertion of

1 actual innocence and in capital cases, the evidence must
2 significantly advance the defendant's claim of innocence
3 but need not completely exonerate the defendant;

4 (2) the testing requested employs a scientific
5 method generally accepted within the relevant scientific
6 community.

7 (Source: P.A. 90-141, eff. 1-1-98.)