



Sen. Kwame Raoul

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09800SB2995sam001

LRB098 18301 RLC 58327 a

1 AMENDMENT TO SENATE BILL 2995

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2995 by replacing  
3 everything after the enacting clause with the following:

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, Integrated Ballistic  
8 Identification System, or forensic testing not available at  
9 trial or guilty plea regarding actual innocence.

10 (a) A defendant may make a motion before the trial court  
11 that entered the judgment of conviction in his or her case for  
12 the performance of fingerprint, Integrated Ballistic  
13 Identification System, or forensic DNA testing, including  
14 comparison analysis of genetic marker groupings of the evidence  
15 collected by criminal justice agencies pursuant to the alleged  
16 offense, to those of the defendant, to those of other forensic

1 evidence, and to those maintained under subsection (f) of  
2 Section 5-4-3 of the Unified Code of Corrections, on evidence  
3 that was secured in relation to the trial or guilty plea which  
4 resulted in his or her conviction, and:

5 (1) was not subject to the testing which is now  
6 requested at the time of trial; or

7 (2) although previously subjected to testing, can be  
8 subjected to additional testing utilizing a method that was  
9 not scientifically available at the time of trial that  
10 provides a reasonable likelihood of more probative  
11 results. Reasonable notice of the motion shall be served  
12 upon the State.

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

14 (1) identity was the issue in the trial or guilty plea  
15 which resulted in his or her conviction; and

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

20 (c) The trial court shall allow the testing under  
21 reasonable conditions designed to protect the State's  
22 interests in the integrity of the evidence and the testing  
23 process upon a determination that:

24 (1) the result of the testing has the scientific  
25 potential to produce new, noncumulative evidence (i)  
26 materially relevant to the defendant's assertion of actual

1       innocence when the defendant's conviction was the result of  
2       a trial, even though the results may not completely  
3       exonerate the defendant, or (ii) that would raise a  
4       reasonable probability that the defendant would have been  
5       acquitted if the results of the evidence to be tested had  
6       been available prior to the defendant's guilty plea and the  
7       petitioner had proceeded to trial instead of pleading  
8       guilty, even though the results may not completely  
9       exonerate the defendant; and

10       (2) the testing requested employs a scientific method  
11       generally accepted within the relevant scientific  
12       community.

13       (d) If evidence previously tested pursuant to this Section  
14       reveals an unknown fingerprint from the crime scene that does  
15       not match the defendant or the victim, the order of the Court  
16       shall direct the prosecuting authority to request the Illinois  
17       State Police Bureau of Forensic Science to submit the unknown  
18       fingerprint evidence into the FBI's Integrated Automated  
19       Fingerprint Identification System (AIFIS) for identification.

20       (e) In the court's order to allow testing, the court shall  
21       order the investigating authority to prepare an inventory of  
22       the evidence related to the case and issue a copy of the  
23       inventory to the prosecution, the petitioner, and the court.

24       (f) When a motion is filed to vacate based on favorable  
25       post-conviction testing results, the State may, upon request,  
26       reactivate victim services for the victim of the crime during

1 the pendency of the proceedings, and, as determined by the  
2 court after consultation with the victim or victim advocate, or  
3 both, following final adjudication of the case.

4 (Source: P.A. 95-688, eff. 10-23-07.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.".