

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

418D0430

SENATE BILL NO. 108

Introduced by: Senators Staggers and Albers and Representatives Koehn, Klautt, Koetzle, and
Patterson

1 FOR AN ACT ENTITLED, An Act to provide for DNA testing for certain inmates for the
2 purposes of determining whether they may have been wrongfully convicted.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any person confined in the state penitentiary for a conviction of murder or any
5 felony under chapter 22-22 may request deoxyribonucleic acid (DNA) testing for the purpose
6 of determining whether the person may have been wrongfully convicted. The request shall be
7 made to the Department of Corrections. If the department determines that DNA evidence is
8 relevant to the conviction, a health professional licensed or certified to do so shall take the
9 samples required for testing. If the test results in reversing the conviction of the person, the state
10 shall pay for the services of the licensed or certified health professional and the testing. If the test
11 does not result in reversing the conviction of the person, the person shall reimburse the state for
12 the costs of the services and testing.

13 Section 2. This Act is effective January 1, 2002.