

SENATE JOINT RESOLUTION NO. 29

INTRODUCED BY MOSS, SHOCKLEY

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO EXAMINE THE RETENTION AND PRESERVATION OF BIOLOGICAL EVIDENCE BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

WHEREAS, the value of properly preserved biological evidence has been enhanced by the discovery of modern DNA testing methods, which allow law enforcement to improve its crime-solving potential; and

WHEREAS, tapping the potential of preserved biological evidence requires the proper identification, collection, preservation, storage, cataloguing, and organization of the evidence; and

WHEREAS, updating preservation policies can save valuable law enforcement resources, personnel hours, and storage space; and

WHEREAS, "cold" case investigations are hindered by an inability to access biological evidence that was collected in connection with criminal investigations; and

WHEREAS, innocent people mistakenly convicted of the serious crimes for which biological evidence is probative cannot prove their innocence if the evidence is not accessible for testing in appropriate circumstances; and

WHEREAS, simple but crucial enhancements to protocols for properly preserving biological evidence can solve old crimes, enhance public safety, and settle claims of innocence.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study the retention and preservation of biological evidence by state and local law enforcement agencies, including:

- (1) identifying current practices and challenges of state and local law enforcement agencies and other entities charged with preserving biological evidence;
- (2) considering practices and standards developed to improve preservation of biological practices in other states;
- (3) recommending changes to existing definitions, practices, and statutes that will improve the

accessibility of biological evidence in felony cases and improve the efficiency of agencies that dedicate valuable law enforcement resources to processing and preserving biological evidence;

(4) recommending statewide standards regarding proper identification, collection, preservation, storage, cataloguing, and organization of biological evidence; and

(5) recommending essential components of training programs for law enforcement officers and other relevant employees who are charged with preserving and retrieving biological evidence.

BE IT FURTHER RESOLVED, that the committee use methods such as working groups, public hearings, or panel discussions to solicit concerns and information from the public and stakeholders, including the Department of Justice, county and local law enforcement agencies, tribal governments, the Office of the Public Defender, Montana Association of Clerk and Recorders, an organization dedicated to investigating postconviction claims of innocence, a victims' rights organization, and other stakeholders identified by the committee.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2010.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 62nd Legislature.

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