



been unjustly sentenced to death; and

Whereas, Experience has shown that it is not unduly burdensome to make DNA testing available to inmates; the cost of the testing is relatively modest and has decreased in recent years and moreover, the number of cases in which post-conviction DNA testing is appropriate is small and will decrease as pretrial testing becomes more common; and

Whereas, The National Commission on the Future of DNA Evidence, a federal panel established by the Department of Justice and comprised of law enforcement, judicial and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude that testing, and notwithstanding the inability of an inmate to pay for the testing; and

Whereas, Since New York passed the nation's first post-conviction DNA statute in 1994, only a few states have adopted post-conviction DNA testing procedures, and some of these procedures are unduly restrictive; moreover, only a handful of states have passed legislation requiring that biological evidence be adequately preserved; and

Whereas, Congress should continue to provide financial assistance to the States to increase the capacity of state and local laboratories to carry out DNA testing for law enforcement identification purposes; at the same time, Congress should insist that states which accept financial assistance make DNA testing available to both sides of the adversarial system in order to enhance the reliability and integrity of that system; and

Whereas, If biological material is not subjected to DNA testing in appropriate cases, there is a significant risk that persuasive evidence of innocence will not be detected and, consequently, that innocent persons will be executed; and

Whereas, Given the harm that would result from the execution of an innocent person and the failure of many states to ensure that innocent persons are not sentenced to death, a Federal statute assuring the availability of DNA testing and a chance to present the results of testing in court is an essential measure to prevent constitutional injuries and irredeemable damage to human life; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass S.486 / H.R.912, also known as the Innocence Protection Act of 2001, to allow for post conviction DNA testing in the Federal and State criminal justice systems.

TMQ  
LS# 936