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HOUSE JOINT RESOLUTION NO. 137

Offered January 9, 2002

Prefiled January 9, 2002

Establishing a joint subcommittee to study mistaken identification in criminal cases.

Patron—Purkey

Referred to Committee on Rules

WHEREAS, of the first forty cases in the United States in which DNA profiling was used to exonerate persons convicted of a crime, 90 percent involved mistaken identification by one or more eyewitnesses; and

WHEREAS, traditional police lineups or photographic review may create a situation where eyewitnesses identify the person in the lineup or in the photograph who looks most like the suspect relative to the others in the lineup or photo array; and

WHEREAS, in one study by Iowa State, of 63 wrongful convictions, 53 were based on eyewitness identification; and

WHEREAS, in virtually all of these cases, the actual criminal did not appear in the lineups; and

WHEREAS, the United States Justice Department now recommends the Iowa State-developed sequential method as being less error prone when one person, or photo, at a time is brought before an eyewitness rather than a half-dozen or so individuals at the same time; and

WHEREAS, New Jersey became the first state to adopt this sequential method as standard procedure and other states are now examining the use of a similar process; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study mistaken identification in criminal cases. The joint subcommittee shall be composed of nine members, which shall include eight legislative members and one nonlegislative and ex officio member as follows: five members of the House of Delegates, to be appointed by the Speaker of the House, in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate, to be appointed by the Senate Committee on Privileges and Elections; and, the Attorney General or his designee to serve ex officio with full voting privileges.

The direct costs of this study shall not exceed \$10,000.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work by November 30, 2002, and shall submit its written findings and recommendations to the Governor and the 2003 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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