

# 1996 SESSION

ENROLLED

## HOUSE JOINT RESOLUTION NO. 31

*Directing the Virginia State Crime Commission to study DNA evidence and the ability of the parties to review it and to challenge its introduction.*

Agreed to by the House of Delegates, February 1, 1996

Agreed to by the Senate, February 21, 1996

WHEREAS, by authorization of § 19.2-270.5 of the Code of Virginia, a DNA (deoxyribonucleic acid) profile of a person is admissible in a criminal proceeding to prove or disprove his identity; and

WHEREAS, as set forth in § 19.2-270.5, DNA testing is "deemed to be a reliable scientific technique"; and

WHEREAS, notwithstanding the statutory assertion that DNA evidence is deemed reliable, there is some concern among the scientific and legal communities that this assertion may not always be valid in the setting of a criminal trial; and

WHEREAS, DNA evidence is among the most difficult evidence to understand and interpret because of its basis in complex science, and presents a challenge to both juries and judges; and

WHEREAS, the presentation and interpretation of DNA evidence is, likewise, challenging for the parties; and

WHEREAS, if the law of Virginia may so boldly state that DNA evidence is reliable, an adequate legal method of verifying its reliability is necessary; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study DNA evidence and the ability of the parties to review it and to challenge its introduction. The Commission shall examine and consider (i) the general reliability of DNA evidence in a criminal trial setting, (ii) the legal methods available to the parties under current law to assure that both a judge and a jury may reasonably interpret the evidence offered, and (iii) the latitude and reasonableness of current law regarding challenges to DNA evidence introduction. The Commission shall be assisted by the Division of Forensic Science and other agencies of the Commonwealth at the request of the Commission. Attorneys for the Commonwealth and members of Virginia's criminal defense bar shall be requested to assist in the study.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1997 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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