

‘Discredited Forensic Evidence’ Statutes

Currently six states have enacted laws to clarify that wrongfully convicted people can get back into court based on discredited forensic evidence:

- *Texas*: In 2013, Texas passed the first law in the nation allowing people to challenge their convictions based on new or discredited scientific evidence. All petitions filed under the law go to the Court of Criminal Appeals, which has received a total of 35 petitions since the law was enacted in 2013.
- *California*: In 2014, California enacted a law that allowed convicted people to seek relief based on flawed forensic evidence used in their convictions. The Northern California Innocence Project, California Innocence Project and Loyola Law School have filed a total of 14 petitions.
- *Connecticut*: In 2018, Connecticut enacted a law removing the 3-year time limit in the motions for new trial law to permit the introduction of new, non-DNA evidence after conviction. The new law includes a provision to clarify that new evidence may include new scientific research, guidelines, or expert recantation.
- *Wyoming*: In 2018, Wyoming enacted a ‘factual innocence’ law to remove the state’s two-year time limit for introducing new, non-DNA evidence. The law includes a provision which clarifies that new evidence may include new scientific research, guidelines or expert recantations that undermine forensic evidence used for convictions.
- *Michigan*: In 2018, Michigan amended its court rule that dictates post-appeal relief. The changes allow a person file a post-conviction motion for relief based on new scientific evidence, including but not limited to: shifts in a field of scientific knowledge, changes in expert knowledge or opinion, and shifts in a scientific method used in a conviction.
- *Nevada*: In 2019, Nevada enacted a law (AB 356) that created an avenue to present new, non-DNA evidence of factual innocence beyond 2 years after conviction. The law also clarifies that new evidence may include relevant forensic evidence that was not available at trial or that materially undermines forensic evidence presented at trial. Forensic scientific evidence is considered to be undermined if new research or information exists that repudiates the foundational validity of scientific evidence or testimony or the applied validity of a scientific method or technique.