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## CREEM BILL ON WRONGFUL CONVICTIONS STEPS CLOSER TO ENACTMENT

*Judiciary Committee approves legislation to provide access to DNA evidence*

(State House, Boston) The Legislature's Judiciary Committee, co-chaired by Senator Cynthia Stone Creem (D/Newton), gave its approval to her bill providing expanded access to DNA and other forensic evidence for persons who maintain they have been wrongfully convicted of a crime. This action comes on the heels of a 2009 ruling by the U.S. Supreme Court that brought increased attention to the issue.

The Supreme Court decision, while holding that states may not be constitutionally required to provide access to such testing, spotlighted the fact that virtually every state in the nation does offer some form of post-conviction forensic testing. In fact, as of earlier this year, Massachusetts is now the only state other than Oklahoma that does not.

"It is time for the Commonwealth to step into the 21<sup>st</sup> century on this issue," said Senator Creem. "Not only would this law protect persons wrongfully convicted, but it is equally important to remember that for each wrongfully-convicted person behind bars, there is a real criminal out on the loose." A panel of the Boston Bar Association released a report on wrongful convictions last December, in which they supported Senator Creem's approach. The group – consisting of academics and defense attorneys, as well as prosecutors, former judges, and law-enforcement officials -- also made recommendations for improving the bill, which were incorporated into the version that the Judiciary Committee advanced.

Senator Creem's bill sets up a judicial mechanism to ensure that only worthy claims are considered. Applicants would need to explain why the evidence wasn't available at the time of trial – for example, because the science didn't yet exist to fully test the evidence at hand, or because the defendant didn't even know about the existence of such evidence.

According to The Innocence Project, there have been 254 exonerations nationwide on the basis of post-conviction testing of DNA evidence, including 9 in Massachusetts.

The bill is now awaiting further action in the State Senate.

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