EXHIBIT 1
DATE 3/18/09
SB 447

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Re: SB 447, Clarifying Preservation of Biological Evidence

Before the Montana House Judiciary Committee, March 18, 2009

Written Testimony of Jessie McQuillan,
Executive Director of Montana Innocence Project

Summary of Testimony

• Modern DNA technology has drastically increased the power of preserved evidence. However, tapping the potential of DNA evidence requires the proper collection, retention, storage & organization of criminal evidence.

• Properly preserved evidence helps to:

1) Exonerate innocent people who were mistakenly convicted of crimes they didn't commit, and confirm the guilt of those who falsely claim to be innocent. Since its introduction in the late '80s, DNA testing has proven the innocence of 232 people—including three in Montana. In 100 of the 232 DNA exonerations—43 percent of cases—DNA also helped to identify the real perpetrator.

2) Solve old "cold" cases where gathered evidence didn't result in an arrest or conviction but DNA testing of the same evidence years later can help identify the perpetrator & provide closure for the victim.

• Current Montana law only requires that DNA evidence be retained for 3 years following a final conviction—not long enough to ensure the evidence is available for testing when needed.

• Fortunately, the Montana State Crime Lab has adopted its own policy to permanently preserve samples of DNA evidence that is receives from law enforcement agencies. Thanks to this policy, the Crime Lab has retained valuable evidence that could otherwise have been legally destroyed.

• Codifying the crime lab's current policy will ensure that evidence is retained in coming years, regardless of changes in leadership or funding priorities.

• Sen. Moss & Montana Innocence Project worked with the Montana Dept. of Justice & State Crime Lab to craft language for SB 447 that will codify the lab's current practices, but **won't increase its burden or costs**.