

DNA FORENSIC TESTING PROGRAM

On June 1, 2000, Governor Frank Keating signed S.B. No. 1381, known as the DNA Forensic Testing Act, providing for the creation of a DNA Forensic Testing Program within the Oklahoma Indigent Defense System effective July 1, 2000. The Program will investigate, screen, and present to the appropriate prosecutorial agency claims that scientific evidence will demonstrate indigent persons convicted of, and presently incarcerated on, any felony offense committed in Oklahoma upon which the testing is sought are factually innocent. Factual innocence requires the defendant to establish by clear and convincing evidence that no reasonable jury would have found the defendant guilty beyond a reasonable doubt in light of the new evidence.

Eligibility for the Program requires present incarceration on a felony conviction arising out of Oklahoma, the presence of samples of sufficient quantity to allow testing by both the prosecution and the defense, and the submission of an affidavit demonstrating indigency as determined by OIDS based on rules for determining indigency promulgated by the Court of Criminal Appeals pursuant to the Indigent Defense Act.

The Program will give priority to claims based on certain factors, including but not limited to:

1. The opportunity for conclusive or near conclusive proof that the person is factually innocent by reason of scientific evidence; and
2. A lengthy sentence of imprisonment or a death sentence.

If you know of an indigent person convicted of, and presently incarcerated on, a felony conviction who may be entitled to forensic testing capable of demonstrating factual innocence, or have any other questions concerning the DNA Forensic Testing Program, please contact:

**DNA FORENSIC TESTING PROGRAM
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