



General Assembly

January Session, 2025

Raised Bill No. 6983

LCO No. 4832



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING POST-CONVICTION DNA TESTING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-102kk of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2025*):

3 (a) Notwithstanding any other provision of law governing
4 postconviction relief, any person who was convicted of a crime and
5 sentenced to incarceration may [, at any time during the term of such
6 incarceration,] file a petition with the sentencing court requesting the
7 DNA testing of any evidence that is in the possession or control of the
8 Division of Criminal Justice, any law enforcement agency, any
9 laboratory or the Superior Court. The petitioner shall state under
10 penalties of perjury that the requested testing is related to the
11 investigation or prosecution that resulted in the petitioner's conviction
12 and that the evidence sought to be tested contains biological evidence.

13 (b) After notice to the prosecutorial official and a hearing, the court
14 shall order DNA testing if it finds that:

15 (1) A reasonable probability exists that the petitioner would not have

16 been prosecuted or convicted if exculpatory results had been obtained
17 through DNA testing;

18 (2) The evidence is still in existence and is capable of being subjected
19 to DNA testing;

20 (3) The evidence, or a specific portion of the evidence identified by
21 the petitioner, was never previously subjected to DNA testing, or the
22 testing requested by the petitioner may resolve an issue that was never
23 previously resolved by previous testing; and

24 (4) The petition before the Superior Court was filed in order to
25 demonstrate the petitioner's innocence and not to delay the
26 administration of justice.

27 (c) After notice to the prosecutorial official and a hearing, the court
28 may order DNA testing if it finds that:

29 (1) A reasonable probability exists that the requested testing will
30 produce DNA results which would have altered the verdict or reduced
31 the petitioner's sentence if the results had been available at the prior
32 proceedings leading to the judgment of conviction;

33 (2) The evidence is still in existence and is capable of being subjected
34 to DNA testing;

35 (3) The evidence, or a specific portion of the evidence identified by
36 the petitioner, was never previously subjected to DNA testing, or the
37 testing requested by the petitioner may resolve an issue that was never
38 previously resolved by previous testing; and

39 (4) The petition before the Superior Court was filed in order to
40 demonstrate the petitioner's innocence and not to delay the
41 administration of justice.

42 (d) The costs of DNA testing ordered pursuant to this section shall be
43 borne by the state or the petitioner, as the court may order in the
44 interests of justice, except that DNA testing shall not be denied because

45 of the inability of the petitioner to pay the costs of such testing.

46 (e) In a proceeding under this section, the petitioner shall have the
47 right to be represented by counsel and, if the petitioner is indigent, the
48 court shall appoint counsel for the petitioner in accordance with section
49 51-296.

50 (f) An order of the court denying the petitioner's request for DNA
51 testing of any evidence that is in the possession or control of the Division
52 of Criminal Justice, any law enforcement agency, any laboratory or the
53 Superior Court shall be a final judgment for purposes of an appeal.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2025</i>	54-102kk
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JUD *Joint Favorable*