



House of Representatives

General Assembly

File No. 531

February Session, 2026

House Bill No. 5308

House of Representatives, April 9, 2026

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

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 Section 54-102kk of the general statutes is repealed and the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, 2026*):

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

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

17 (1) A reasonable probability exists that the petitioner would not have
18 been prosecuted or convicted if exculpatory results had been obtained
19 through DNA testing;

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

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

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

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

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

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

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

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

44 (d) The costs of DNA testing ordered pursuant to this section shall be
45 borne by the state or the petitioner, as the court may order in the
46 interests of justice, except that DNA testing shall not be denied because
47 of the inability of the petitioner to pay the costs of such testing.

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

52 (f) An order of the court denying the petitioner's request for DNA
53 testing of any evidence that is in the possession or control of the Division
54 of Criminal Justice, any law enforcement agency, any laboratory or the
55 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:		
Section 1	October 1, 2026	54-102kk

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 27 \$	FY 28 \$
Criminal Justice, Div.	GF - Potential Cost	73,456	96,775
State Comptroller - Fringe Benefits ¹	GF - Potential Cost	28,749	37,972

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill may result in additional petitions for DNA testing² which may result in a potential cost to the Division of Criminal Justice (DCJ) and the Office of the State Comptroller (OSC) for fringe benefits.

To the extent that this change results in an increase in petitions and associated hearings great enough to necessitate an additional Deputy Assistant State's Attorney position in DCJ, the agency will incur a cost of \$73,456 in FY 27 and \$96,775 in FY 28,³ and there will be a cost of \$28,749 in FY 27 and \$37,972 in FY 28 for associated fringe benefits.

The Out Years

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.82% of payroll in FY 27.

² Under current law, these types of petitions are only available for those that are currently incarcerated. This bill will extend eligibility to those who are otherwise subjected to the jurisdiction of probation, parole, or correction.

³ FY 27's estimate is adjusted for partial year salary costs and for a one-time equipment purchase of about \$2,000. The annual salary for a Deputy Assistant State's Attorney is \$93,275. FY 28 includes an annual cost for other expenses of \$1,500.

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the actual increase in petitions.

OLR Bill Analysis**HB 5308*****AN ACT CONCERNING POST-CONVICTION DNA TESTING.*****SUMMARY**

Existing law allows anyone convicted of a crime and sentenced to prison to file a petition with the sentencing court requesting DNA testing of evidence. This bill eliminates the requirement that these petitions be filed only while the person is incarcerated, by also allowing them while the person is on probation or parole or otherwise under correctional jurisdiction or supervision after the prison term has ended.

It also codifies existing practice by specifying that the denial of this kind of petition is a final judgment that can be appealed.

EFFECTIVE DATE: October 1, 2026

BACKGROUND***Post-Conviction DNA Testing***

By law, a sentenced defendant can file a petition requesting DNA testing of evidence that is in the possession or control of the Division of Criminal Justice, a law enforcement agency, a laboratory, or the Superior Court. The petitioner must state under penalties of perjury that the testing is related to the underlying investigation or prosecution and that the evidence they want tested contains biological evidence.

The court must notify the prosecutor and hold a hearing. If it finds, among other things, that the evidence still exists and can be tested, the court:

1. must order testing if a reasonable probability exists that the petitioner would not have been prosecuted or convicted if exculpatory results (evidence raising doubt about the

defendant’s guilt) had been obtained through DNA testing and

2. may order testing if a reasonable probability exists that the testing will produce DNA results that would have altered the verdict or reduced the petitioner’s sentence.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (03/23/2026)