



General Assembly

February Session, 2026

Raised Bill No. 5308

LCO No. 1872



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 Section 54-102kk of the general statutes is repealed and the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

APP *Joint Favorable*