
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)