



General Assembly

**Amendment**

February Session, 2026

LCO No. 5106



Offered by:  
REP. STAFSTROM, 129<sup>th</sup> Dist.

To: House Bill No. 5563

File No. 527

Cal. No. 347

**"AN ACT CONCERNING VARIOUS CRIMINAL LAW PROPOSALS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 54-102kk of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2026*):

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

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

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

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

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

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

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

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

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

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

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

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

50 (e) In a proceeding under this section, the petitioner shall have the  
51 right to be represented by counsel and, if the petitioner is indigent, the  
52 court shall appoint counsel for the petitioner in accordance with section  
53 51-296.

54 (f) An order of the court denying the petitioner's request for DNA  
55 testing of any evidence that is in the possession or control of the Division  
56 of Criminal Justice, any law enforcement agency, any laboratory or the  
57 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:		
Sec. 501	October 1, 2026	54-102kk