

**C****Effective: April 25, 2012**Connecticut General Statutes Annotated [Currentness](#)

Title 54. Criminal Procedure

<sup>⌵</sup> [Chapter 961](#). Trial and Proceedings After Conviction        <sup>⌵</sup> [Part IIC](#). Post-Conviction Remedies            →→ **§ 54-102jj. Preservation of biological evidence**(a) For the purposes of this section and [section 54-102kk](#):

(1) “DNA testing” means forensic deoxyribonucleic acid testing; and

(2) “Agent” means a person, firm or corporation to whom the state police or a local police department entrusts or delivers evidence to undergo DNA testing.

(b) Upon the conviction of a person of a capital felony under the provisions of [section 53a-54b](#) in effect prior to April 25, 2012 or murder with special circumstances under the provisions of [section 53a-54b](#) in effect on or after April 25, 2012 or the conviction of a person of a crime after trial, or upon order of the court for good cause shown, the state police, all local police departments, any agent of the state police or a local police department and any other person to whom biological evidence has been transferred shall preserve all biological evidence acquired during the course of the investigation of such crime for the term of such person's incarceration.

(c) The state police, a local police department, an agent or any person to whom biological evidence has been transferred may be relieved of the obligation to preserve biological evidence as provided in subsection (b) of this section by applying to the court in which the defendant's case was prosecuted for permission to destroy such biological evidence. Upon receipt of the application, the court shall give notice to all defendants charged in connection with the prosecution and shall hold a hearing. After such hearing, the court shall grant the application if it finds that the Connecticut Supreme Court has decided the defendant's appeal and the defendant does not seek further preservation of the biological evidence, or for good cause shown.

CREDIT(S)

(2003, P.A. 03-242, § 6; 2012, P.A. 12-5, § 31, eff. April 25, 2012.)

Current with enactments through Public Act 14-1 of the 2014 February Regular Session of the Connecticut General Assembly.

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