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Baldwin's Kentucky Revised Statutes Annotated [Currentness](#)

Title XXXVIII. Witnesses, Evidence, Notaries, Commissioners of Foreign Deeds, and Legal Notices

▢ [Chapter 422](#). Evidence and Lost Records ([Refs & Annos](#))

→ **422.287 Motion for DNA testing of evidence; court order; results; maintaining results**

(1) When a person is being tried for a capital offense and there is evidence in the case which may be subjected to deoxyribonucleic acid (DNA) testing and analysis, the Commonwealth or the defendant may move to have any item of evidence not previously subjected to DNA testing and analysis tested and analyzed.

(2) If the court is satisfied that the item of evidence has not been tested and analyzed, that DNA testing and analysis would yield evidence of probative value, and that the item of evidence has not previously been the subject of DNA testing and analysis or that new DNA testing and analysis would yield a more accurate result, the court shall order DNA testing and analysis of the evidence.

(3) The testing and analysis of the evidence shall be done by the Department of Kentucky State Police laboratory or at another laboratory selected by the Department of Kentucky State Police laboratory.

(4) DNA testing and analysis results shall be made available to both the Commonwealth and the defendant, and either the Commonwealth or the defendant may move that they be admitted at trial.

(5) If the defendant is convicted of any offense for which DNA test and analysis results are required to be maintained by law, the DNA test and analysis results obtained pursuant to this section shall be utilized for that purpose, whether or not the test and analysis results were introduced in the case.

CREDIT(S)

HISTORY: [2007 c 85, § 308, eff. 6-26-07](#); [2002 c 154, § 2, eff. 7-15-02](#)

Current through end of 2009 legislation

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