



Revised Statutes Annotated of the State of New Hampshire [Currentness](#)

Title LXII. Criminal Code (Ch. 625 to 651-F) ([Refs & Annos](#))

▢ [Chapter 651-D](#). Post-Conviction DNA Testing

→ **651-D:3 Preservation of Biological Material for DNA Testing.**

I. The investigating agency shall preserve any biological material obtained in connection with a criminal or delinquency investigation or prosecution for 5 years from the date of conviction or adjudication, or as long as any person connected with that case or investigation remains in custody, whichever is longer.

II. The investigating agency may, however, petition the court to destroy or otherwise dispose of biological material after 5 years even if a person connected with the case is still in custody. If the investigating agency petitions the court to destroy evidence before the person is released from custody, the investigating agency must serve a copy of the petition to destroy biological evidence on the person who remains in custody, any counsel of record, and the prosecuting agency. The investigating agency may destroy biological material 90 days after filing a petition, unless the investigating agency receives:

(a) A court order preventing the destruction of biological evidence; or

(b) A motion to preserve biological evidence on the grounds that the person in custody intends to file a petition for post-conviction DNA testing pursuant to [RSA 651-D:2](#) within 180 days of the motion to preserve.

Updated with laws currently effective July 1, 2010 through Chapter 247 of the 2010 Reg. Sess., not including changes and corrections made by the State of New Hampshire, Office of Legislative Services

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