



The New England Innocence Project

DNA ACCESS LAWS FOR THE UNITED STATES AND THE DISTRICT OF COLUMBIA

All but two states, Massachusetts and Oklahoma, have adopted DNA access laws.

State	Year Effective	Description of Law	Citation
Alabama	DNA Access Law: 2009	An individual convicted of a capital offense may request DNA testing if testing was not performed during the original trial and the results of the test could prove the defendant's factual innocence. The convicted party has one year from the date of conviction to file a request for testing.	Ala.Code 1975 § 15-18-200
Alaska	DNA Access Law: 2010	An individual convicted of a felony and who has not been unconditionally discharged may request testing of DNA evidence. The request must be filed in the court where the conviction occurred within three years after the conviction. If the court finds good cause for filing after three years have passed, it may waive this requirement. The law specifically states that pleading nolo contendere should not be considered an admission of guilt and those who have pled may apply for DNA testing.	Alaska Stat. § 12.73 .010
Arizona	DNA Access Law: 2000	An individual convicted of a felony offense may apply for DNA testing at any time.	A.R.S. § 13-4240

Arkansas	DNA Access Law: 2001 (Amended: 2005)	Unless there is the option of direct appeal, a person convicted of a crime may request post-conviction DNA testing. The motion must be filed within 36 months, but after that time has elapsed, motions can still be filed if the court finds good cause to consider the request for testing.	Ark. Stat. Ann. §§ 16-112-20 1 through 208
California	DNA Access Law: 2000 (Amended most recently: 2004)	Any person convicted of a felony and serving time in prison may make a written request to the court that rendered the conviction for post-conviction DNA testing.	West's Ann.Cal.Penal Code § 1405
Colorado	DNA Access Law: 2003	A convicted person currently serving jail time may petition through the court where the judgment was entered for post-conviction DNA testing.	Colo. Rev. Stat. §§ 18-1-4 11 through 417
Connecticut	DNA Access Law: 2003	A person convicted of a crime and presently incarcerated may file a petition with the court that entered the conviction requesting DNA testing at any time during their incarceration.	C.G.S.A. § 54-102kk
Delaware	DNA Access Law: 2003	When direct appeal is not available, a person convicted of a crime may file a motion in the court that entered the conviction requesting DNA testing. The request must be submitted within three years after the conviction becomes final.	11 Del.C. § 4504
District of Columbia	DNA Access Law: 2002	Any person convicted of a violent crime and currently serving his or her sentence may at any time request the testing of DNA evidence. The person must also include an affidavit claiming actual innocence.	D.C. Code Ann. 22-4133 & 22-4135
Florida	DNA Access Law: 2001 (Amended most recently: 2006)	An individual tried and found guilty of a felony may petition the court for post-conviction DNA testing at any point after sentencing. A person who pled guilty or nolo contendere to a felony before July 1, 2006 may also petition for testing. For people who have pled guilty or nolo contendere after July 1, 2006 there are	F.S.A. § 925.11-12

		special circumstances regarding whether or not they can petition for DNA testing.	
Georgia	DNA Access Law: 2003	An individual who has been convicted of a “serious violent felony” may petition in writing to the court, where the verdict was handed down, for DNA testing.	Ga. Code Ann. § 5-5-41
Hawaii	DNA Access Law: 2005 (Amended: 2006)	Any person convicted and sentenced, and people acquitted based on mental or physical disease, disorder, or defect excluding culpability, may file a motion at any time for DNA testing.	Hawaii Rev. Stat. §844D-121
Idaho	DNA Access Law: 2001 (Amended: 2010)	A petitioner may apply to the trial court at any time for post-conviction DNA testing that differs from the testing that was performed at trial due to scientific advances.	Idaho Code §§19-4901, 02
Illinois	DNA Access Law: 2003 (Amended 2007)	Individuals may apply for DNA testing with the trial court where the conviction took place.	Ill. Rev. Stat . Ch. 725, §5/116-3
Indiana	DNA Access Law: 2001	A person convicted of murder or a Class A, B, or C felony and sentenced may, at any time, petition in writing to the sentencing court for DNA testing.	Ind. Code §35 - 38-7-1
Iowa	DNA Access Law: 2005	Any defendant convicted of a felony who has not been required to submit DNA samples for DNA profiling may require that DNA analysis be performed on existing evidence in the case.	I.C.A. § 81.10
Kansas	DNA Access Law: 2001	Persons in state custody serving time for murder or rape may petition the trial court for post-conviction DNA testing.	Kan. Stat. Ann . §2 1-25 12

Kentucky	DNA Access Law: 2001 (Updated 2007)	A person who has been sentenced to death may request analysis of DNA evidence at any time.	Ky. Rev. Stat. §§422.285, 287
Louisiana	DNA Access Law: 2006 (Amended in 2008)	Prior to August 31, 2014 a defendant convicted of a felony may file a motion requesting post-conviction DNA testing. On or after August 31, 2014 a person convicted of a felony may apply for DNA testing within two years of the final conviction. Persons sentenced to death before August 15, 2001 may file for DNA testing at any time.	La. Code Crim. Pro. §926.1
Maine	DNA Access Law: 2001 (Additional laws added in 2005)	A person found guilty and serving a prison sentence with the potential to be longer than one year can apply for post-conviction DNA testing. A motion to the court where the conviction occurred must be filed within two years after the date of conviction or within two years of applicable new methods of DNA testing becoming available.	Me. Rev. Stat. Ann. 15 2136-2138
Maryland	DNA Access Law: 2001 (Amended most recently: 2008)	An individual found guilty of murder, manslaughter, or rape and sexual offense may request post-conviction DNA analysis.	MD Code, Criminal Procedure, § 8-20
Massachusetts	DNA Access Law: NONE	n/a	n/a
Michigan	DNA Access Law: 2001 (Amended 2009)	Anyone convicted of a felony before January 8, 2001 and serving prison time may request DNA testing on evidence that contributed to their conviction with the possibility for a new trial based on the results. This petition must be filed no later than January 1, 2012. For persons convicted of felonies after January 8, 2001, if they show that DNA testing was done in the case, that the results were inconclusive, and that testing with newer DNA technology has a higher probability of yielding conclusive results, they may	Mich. Comp Laws §770 .16

		petition for testing and possibly a re-trial.	
Minnesota	DNA Access Law: 2001	A convicted person claiming innocence may file a petition for post-conviction DNA testing within two years of conviction with some exceptions for longer time frames.	Minn. Stat. §§590.01 through .06
Mississippi	DNA Access Law: 2009 (Amended: 2011)	Anyone sentenced in the state of Mississippi including the currently incarcerated, civilly committed, on parole or probation, or subject to sex offender registration may request testing of DNA evidence. The petition must be filed within three years from the date of conviction with some exceptions. People who pled guilty or nolo contendere may also apply for testing.	Miss. Code Ann . §99-39-5
Missouri	DNA Access Law: 2006	An individual claiming innocence may file a post-conviction motion for DNA testing to the sentencing court.	Mo. Rev. Stat. §§547.035 , 650.056
Montana	DNA Access Law: 2003	A defendant convicted of a felony and claiming innocence may request DNA testing from the sentencing court.	Mont. Code. Ann. §§46-2 1-110, Any felony Prima facie evidence material to Mont. Code. Ann . §46-2 1-111 (2009) 53-1-214
Nebraska	DNA Access Law: 2001	An incarcerated person may at any time file a motion to request DNA testing with the sentencing court.	Neb. Rev. Stat. §29-21 01,4117 through 4125
Nevada	DNA Access Law: 2003 (Amended most recently:2009)	Persons convicted of category A or B felonies may file post-conviction motions to test DNA evidence.	Nev. Rev. Stat. §176.09 18

New Hampshire	DNA Access Law: 2004 (Amended: 2010)	Persons in custody may apply for post-conviction DNA testing with the court that issued the conviction at any time.	NH ST s 65-D:1
New Jersey	DNA Access Law: 2002	Any person convicted of a crime and currently serving a sentence may petition the sentencing court for the testing of DNA evidence.	N.J.S.A. 2A:84A-32a
New Mexico	DNA Access Law: 2003 (Amended: 2005)	An individual convicted of a felony and claiming that the testing of DNA will prove his or her innocence may request DNA analysis from the sentencing court.	N.M. Stat. Ann. §3 1-1A-2
New York	DNA Access Law: 2010 (Amended 2011)	After a conviction has been rendered, any defendant may petition for post-conviction DNA testing.	NY CRIM PRO § 440.10
North Carolina	DNA Access Law: 2003 (Amended most recently: 2009)	Defendants may petition the court that entered the judgment for DNA testing if the evidence was either not previously tested or scientific advances could yield much more conclusive results.	NC ST § 15A-266.1
North Dakota	DNA Access Law: 2005	Persons convicted of crimes can petition for DNA testing to demonstrate their innocence.	N.D. Cent. Code §29 -32.1-15
Ohio	DNA Access Laws: 2003 (Amended most recently: 2010)	An eligible inmate may petition for DNA testing to the court of common pleas. An eligible inmate is someone who was convicted of a felony, sentenced to prison or death, and who has at least one year remaining in his or her prison sentence. Inmates who pled guilty or no contest may also apply for DNA testing.	OH ST § 2953.71-2953.83
Oklahoma	DNA Access Law: NONE	n/a	n/a
Oregon	DNA Access Law: 2005	Persons convicted of aggravated murder, murder, sex crimes, or person felonies may petition for post-conviction DNA testing.	Or. Rev. Stat. § 138.759

Pennsylvania	DNA Access Law: 2002	A person convicted and serving a sentence or awaiting execution under the death penalty may apply in writing for post-conviction DNA testing provided that the request is made in a timely manner.	42 Pa.C.S.A. § 9543.1
Rhode Island	DNA Access Law: 2002 (Amended 2009)	Any person convicted and currently serving a sentence may at any time petition the superior court to test DNA evidence.	RI ST § 10-9.1-11 through 10-9.1-12
South Carolina	DNA Access Law: 2009	An individual who has been convicted of a specific crime (see complete list at §17-28-30) and is currently serving a sentence, but who has maintained his or her innocence, may petition for post-conviction DNA testing at any time. A person who pled either guilty or nolo contendere, but maintains his or her innocence, may apply for DNA testing for up to seven years after being convicted.	SC ST § 17-28-10 et. al.
South Dakota	DNA Access Law: 2009	Any person convicted of a felony may petition in writing to the sentencing court for DNA testing after exhausting the appeal process. Furthermore, the petitioner must claim actual innocence.	HB 1166
Tennessee	DNA Access Law: 2001	Any person convicted of a crime may petition for post-conviction DNA analysis at any time.	Tenn. Code Ann. 40-30-301 to 40-30-313
Texas	DNA Access Law: 2001 (Amended most recently: 2007)	A convicted individual or the individual's guardian may request DNA testing through the sentencing court.	Tex. Crim. Proc. Ann Art. 64.01 to 64.05 - 2005
Utah	DNA Access Law: 2005 (Amended in 2008)	Individuals convicted of felonies who maintain their innocence may petition for DNA testing at any time with the trial court that entered the judgment.	Utah Code Ann. 78-35-a-301 through 304
Vermont	DNA Access Law: 2007	A person convicted of a "qualifying crime" (see §5561) who maintains his or her innocence may file a petition for post-conviction DNA testing at any time.	VT ST T. 13 § 5561-5577

		Persons convicted of other felonies not on the qualifying list may apply for testing within thirty months after the conviction becomes final.	
Virginia	DNA Access Law: 2001 (Amended in 2005)	An individual convicted of a felony may request DNA analysis of evidence as long as the individual files the motion in a timely manner.	VA ST § 19.2-327.1
Washington	DNA Access Law: 2005	Individuals convicted of felonies and currently serving their sentences may submit a written motion for post-conviction DNA testing to the sentencing court.	West' s RCWA 10. 73. 170
West Virginia	DNA Access Law: 2005	A person convicted of a felony and currently incarcerated may make a written motion through the trial court that entered the judgment for post-conviction DNA testing.	WV ST § 15-2B-14
Wisconsin	DNA Access Law: 2004	A person convicted of a crime, an adjudicated delinquent, or someone found not guilty by reason of mental disease or defect may file a motion for DNA testing with the trial court at any time.	Wis.Stat.§§974.02,.06,.07
Wyoming	DNA Access Law: 2008	Any person convicted of a felony may petition for DNA testing with the district court where the judgment was entered. Persons who entered a guilty or nolo contendere plea after January 1, 2000 and did not originally request DNA testing must show ineffective assistance of counsel in order to petition for DNA testing at a later date. This stipulation does not apply to prisoners convicted before January 1 st , 2000.	W.S. 7-12-302