

COklahoma Statutes Annotated **Currentness**Title 22. Criminal Procedure ([Refs & Annos](#))↖ [Chapter 25](#). Miscellaneous Provisions↖ [DNA Forensic Testing Act](#)→ **§ 1372. Biological evidence preservation--Definitions**

A. A criminal justice agency having possession or custody of biological evidence from a violent felony offense, as defined by [subsection F of Section 982 of Title 22 of the Oklahoma Statutes](#), shall retain and preserve that biological evidence for such period of time as any individual convicted of that crime remains incarcerated.

B. As used in this section:

1. “Biological evidence” means physical evidentiary material originating from the human body from which a nuclear DNA profile or mitochondrial DNA sequence can be obtained or representative or derivative samples of such physical evidentiary material collected by a forensic DNA laboratory; and

2. “DNA” means deoxyribonucleic acid.

C. The criminal justice agency in possession or custody of biological evidence may destroy or otherwise dispose of the biological evidence before the expiration of the period of time described in subsection A of this section only if:

1. The agency notifies any person who remains incarcerated in connection with the case, the Oklahoma Indigent Defense System DNA Forensic Testing Program if still applicable, and any counsel of record or public defender organization for the judicial district in which the judgment of conviction for such person was entered, of:

a. the intention of the agency to destroy the evidence, and

b. the provisions of the DNA Forensic Testing Act, if still applicable;

2. No person submits a written objection to the destruction of the biological evidence to the agency within ninety (90) days of receiving notice pursuant to paragraph 1 of this subsection; and

3. No other provision of law requires that such biological evidence be preserved.

CREDIT(S)

Current with emergency effective provisions through Chapter 170 of the Second Regular Session of the 52nd Legislature (2010).

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