On forensic science activity in the Republic of Kazakhstan

Unofficial translation

The Law of the Republic of Kazakhstan dated 10 February 2017 № 44-VI LRK.

Unofficial translation

This Law regulates social relations for carrying out forensic science activity in the Republic of Kazakhstan.

Chapter 1. GENERAL PROVISIONS

Article 1.Basic definitions

The following basic definitions are used in this Law:

1) special scientific knowledge is the area of special knowledge, the content of which includes a scientific knowledge, realized in methods of forensic science research;

2) expert's opinion is a document drawn up in accordance with the requirements of the laws of the Republic of Kazakhstan and reflecting the progress and findings of forensic science research;

3) forensic science activity is an activity of forensic examination and forensic experts on the organization and conduct of a forensic examination;

4) a license for carrying out forensic science activity is a permit issued to an individual by the Ministry of Justice of the Republic of Kazakhstan or authorized body in the field of health care of the Republic of Kazakhstan for carrying out forensic science activity;

5) methodology for forensic science research is the system of methods, used in the study of objects of a forensic examination in order to establish the circumstances, relating to the subject of a certain kind, the type of a forensic examination;

6) a method of forensic science research is a system of logical and (or) the instrumental operations (means, techniques) used in the study of the objects of the forensic examination in order to establish the circumstances relating to the subject of the forensic examination;

7) a forensic examination is a study of materials of criminal and civil cases or case on administrative offence conducted on the basis of special scientific knowledge in order to establish the circumstances relevant to its resolution;

8) a subject of a forensic examination – is the circumstances, relevant to the resolution of criminal, civil cases or case on administrative offence established on the basis of conducting the forensic examination;

9) objects of a forensic examination are physical evidences, documents, authority and condition of the human psyche, corpses, animals, samples, and information related to the

subject of the forensic examination contained in the materials of the case over which the forensic examination is being conducted;

10) forensic examination authorities – are state legal entities carrying out forensic science activity according to the procedure provided by the laws of the Republic of Kazakhstan;

11) a head of a forensic examination authority is a person carrying out management of forensic science activity of the forensic examination authority (the first head of the forensic examination authority, the head of the territorial division of the forensic examination authority);

12) a forensic expert is the person, who meets the requirements of this Law, who was entrusted to conduct a forensic examination by the authority (person) conducting criminal proceeding, the court or body (official) authorized to consider cases on administrative offences, prosecutor, notary according to the procedure provided by the laws of the Republic of Kazakhstan;

13) specialty of a forensic expert is a scientific competence of the forensic expert in the field of conduct of a certain kind of forensic examination established by the legislation of the Republic of Kazakhstan;

14) samples are the objects of the material world displaying the characteristics of a living person, corpse, animal, substance, subject, necessary for conducting forensic science research and giving an expert's opinion.

Article 2. Legislation of the Republic of Kazakhstan on forensic science activity

1. The legislation of the Republic of Kazakhstan on forensic science activity is based on the Constitution of the Republic of Kazakhstan, is composed of the Criminal Procedure and Civil Procedure Codes of the Republic of Kazakhstan, the Code of the Republic of Kazakhstan on Administrative Offences, this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If an international treaty ratified by the Republic of Kazakhstan establishes rules other than those contained in this Law, the rules of the international treaty shall be applied.

Article 3: Objective of forensic science

The objective of forensic science shall be to ensure that administrative proceedings and criminal, civil and administrative offence proceedings are conducted in line with the results of the forensic examination.

Footnote. Article 3 as reworded in obedience to Law of the RK № 351-VI of 29.06.2020 (shall come into force on 01.07.2021).

Article 4. The content of forensic science activity

The content of forensic science activity includes:

1) forensic examinations in criminal, civil and administrative cases, as well as in administrative proceedings;

2) scientific research in the field of a forensic examination;

3) scientific-methodological and information support of a forensic examination;

4) recruitment, professional training and improvement of qualification of forensic experts.

5) international cooperation in forensic examination.

Footnote. Article 4 as amended by Law of the RK № 351-VI of 29.06.2020 (shall be enacted on 01.07.2021).

Article 5. Principles of forensic science activity

Forensic science activity is based on the following principles:

1) legality;

2) respect for the rights, freedoms and legitimate interests of a human and a citizen, and the rights and legitimate interests of a legal entity;

3) independence of a forensic expert;

4) admissibility of the use of scientific and technological means and methods when conducting forensic science research;

5) comprehensiveness, completeness and objectivity of forensic science research;

6) compliance with professional ethics of a forensic expert.

Article 6.Legality when carrying out forensic science activity

Forensic science activity shall be carried out under the condition of accurate fulfillment of the requirements of the Constitution of the Republic of Kazakhstan and other regulatory legal acts that form a legal basis of this activity.

Article 7. Respect for the rights, freedoms and legitimate interests of a human and a citizen, and rights and legal interests of a legal entity when carrying out forensic science activity

1. Forensic science activity shall be carried out while respecting the rights, freedoms and legitimate interests of a human and a citizen, and the rights and legitimate interests of a legal entity in accordance with the Constitution, laws of the Republic of Kazakhstan and generally recognized principles and norms of international law.

2. Forensic science research, requiring a temporary restriction of the rights and freedoms of a person shall be carried out only on the grounds and according to the procedure provided by the law.

3. The person, who believes that the actions (inaction) of a forensic examination authority or a forensic expert have resulted in the restriction of the rights, freedoms and legitimate interests of a human and a citizen or the rights and legitimate interests of a legal entity shall have the right to appeal against such actions (inaction) according to the procedure provided by the law.

Article 8. The independence of a forensic expert

1. When conducting a forensic examination, a forensic expert is procedurally self-sufficient, independent from the authority (person) that appointed the forensic examination, from a head of the forensic examination authority and other persons.

2. A forensic expert shall give an opinion based on the findings of the research conducted. In addition, he/she shall be independent in the choice of means and methods of the research, the admissibility of which shall be determined by the laws of the Republic of Kazakhstan.

3. A forensic expert independently chooses scientific means, methods and the research methodic allowability of which is determined by law.

4. Unlawful influence on forensic expert and impeding his/her lawful activities shall be unacceptable and punishable under the law.

Article 9. Comprehensiveness, completeness and objectivity of forensic science research

1. During a forensic examination a forensic expert shall be obliged to take all measures for the comprehensive, complete and objective research of objects based on his/her special scientific knowledge.

2. The opinion of a forensic expert shall be based on the provisions that make it possible to check the reasonableness and accuracy of the conclusions reached on the basis of generally accepted scientific and practical data.

Article 10. Admissibility of the use of means and methods of conducting forensic science research

During the conduct of forensic science research the usage of scientific-technical means and methods shall be allowed, if they are:

1)expressly provided by the laws of the Republic of Kazakhstan or not contrary to its norms and principles;

2) scientific wealthy;

3) ensure the efficiency of the proceedings in the case;

4) safe.

By conducting forensic science research a forensic expert exercises the methodics enlisted in the state register of forensic scientific methodics of Kazakhstan Republic. Implementation of them is satisfied in case if they meet the requirements of paragraph 1. In addition, scientific explanation of their usage must be given at the end of the experiment.

Article 11. Compliance with professional ethics of a forensic expert

During the conduct of forensic science research the norms of professional ethics of a forensic expert shall be observed.

Chapter 2. GOVERNMENTAL REGULATION IN A FORENSIC SCIENCE ACTIVITY

Article 12. Competence of Justice Ministry in the Republic of Kazakhstan

Competence of Justice Ministry in the Republic of Kazakhstan includes:

1) implementation of governmental policy in the field of forensic science activity;

2) implementation of governmental control in the field of forensic science activity;

3) development and approval of the list of forensic examination kinds conducted by forensic authorities and expert specialties, the qualification of which is assigned by the Ministry of Justice in the Republic of Kazakhstan;

4) development and approval of rules for the organization and production of forensic examinations and research in forensic authorities;

5) development and approval of rules for handling forensic objects;

6) development and approval of rules for determining the categories of complexity of forensic examinations, the procedure for calculating the time for the production of forensic examinations, depending on the category of their complexity, as well as the grounds and procedure for suspending and extending the period for the production of forensic examinations;

7) development and approval of load standards for forensic experts of forensic authorities;

8) development and approval of rules for determining the cost of the production of forensic expertise in forensic authorities;

9) development and approval of rules for the validation of methods and techniques for forensic research;

10) development and approval of rules for the development, testing and implementation of forensic research methods;

11) development and approval of rules for the formation, maintenance and use of the Governmental Register of Forensic Expert Studies methods in the Republic of Kazakhstan;

12) maintaining the Governmental Register of Forensic Expert Studies in the Republic of Kazakhstan;

13) development and approval of standards and requirements for specially equipped premises for the production of forensic expertise;

14) development and approval of rules for the qualification of forensic experts;

15) development and approval of rules for the qualification of a forensic expert;

16) as excluded by the Law of the Republic of Kazakhstan dated 17.12.2025 № 241-VIII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

17) qualification of a forensic expert;

18) development and approval of rules for attesting forensic experts;

19) as excluded by the Law of the Republic of Kazakhstan dated 17.12.2025 № 241-VIII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

20) attestation of forensic experts;

21) development and approval of rules for the skill development of forensic experts;

22) development and approval of rules for the formation, maintenance and use of the Governmental Register of Judicial Experts in the Republic of Kazakhstan;

23) maintenance of the Governmental Register of Judicial Experts in the Republic of Kazakhstan;

24) development and approval of regulations on the commission for licensing forensic expert activity and its members;

25) implementation of licensing in the field of forensic science activity;

26) development and approval of the Ethics Code of the forensic expert;

26-1) development and approval of an occupational standard in forensic activities;

27) other authorities provided for by this Law, other laws of the Republic of Kazakhstan, President's acts and the Government of the Republic of Kazakhstan.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 04.07.2023 № 15-VIII (shall be enforced sixty calendar days after the date of its first official publication); dated 17.12.2025 № 241-VIII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 13. The procedure and conditions for the issuance, refusal to issue a license for carrying out forensic science activity, and control over the activities of persons engaged in forensic science activity on the basis of a license

1. A license for carrying out forensic science activity is issued to individuals.

2. The procedure and conditions for issuing, re-issuing and refusing to issue a licence to engage in forensic activities shall be established by the Law of the Republic of Kazakhstan " On Permits and Notifications".

3. Forensic activities shall not constitute entrepreneurial activity.

4. Control over the activities of persons engaged in forensic activities under licence shall be exercised in pursuance of the Entrepreneurial Code of the Republic of Kazakhstan.

Footnote. Article 13 as amended by Law of the RK № 352-VI dated 29.06.2020 (shall come into force ten calendar days after the date of its first official publication).

Article 14. Suspension, termination and renewal of a license for carrying out forensic science activity

1. Apart from the general grounds provided by the code of the Republic of Kazakhstan on administrative crime and the law of Republic of Kazakhstan "On permits and notifications", a license for carrying out forensic science activity of an individual shall be suspended for the period of:

1) being on the public service;

2) the exercise by him of the powers of the deputy of the Kurultai of the Republic of Kazakhstan, the deputy of the maslikhat, carrying out his activities on an exempted basis, paid at the expense of budgetary funds;

3) work as an expert in forensic examination authorities;

4) doing compulsory military service.

5) stipulated by paragraph 2 of Article 22 of this Law.

In case of elimination of the reasons that served as the basis for suspension of the license, its operation shall be renewed within the terms established by the Law of the Republic of Kazakhstan "On Permits and Notifications".

2. Apart from the general grounds provided by the law of the Republic of Kazakhstan "On permits and notifications", the termination of a license for carrying out forensic science activity shall be carried out in cases of:

1) death of the person;

2) recognition of the person by a judgment of a court that has entered into legal force as incapable or partially capable, dead or missing;

3) the person's loss of the citizenship of the Republic of Kazakhstan;

4) the entry into force of a judgment of conviction against the person.

5) exemption of the person from criminal liability on non-rehabilitating grounds for committing an intentional crime on the basis of paragraphs 3), 4), 9), 10) and 12) of the first chapter from articles 35 and 36 of Criminal Procedure code of the republic of Kazakhstan for committing serious or especially serious crimes;

6)entry into legal force of a court decision on the application of compulsory medical measures to a person.

3. Apart from the general grounds provided by the legislation of the Republic of Kazakhstan on licensing, the termination of a license for carrying out forensic science activity of an individual shall be carried out through the court at the suit of the Ministry of Justice of the Republic of Kazakhstan or the authorized body in the field of health care in cases of:

1) a gross or two or more violations of the law of the Republic of Kazakhstan in the performance of forensic activities within one calendar year by a person;

2) inability of the person to perform the duties of the forensic expert due to insufficient level of professional training confirmed by the results of his/her attestation;

3) evasion of the person from being attested.

4. A license shall be suspended, renewed and terminated by the order of the head of the licensing authority on the basis of materials submitted by the commission on licensing of forensic science activity at the Ministry of Justice of the Republic of Kazakhstan or the authorized body in the field of health care, except for the cases specified in paragraph 4 of this Article.

The individual whose license is suspended, renewed or terminated shall be notified about the decision within three days, and relevant information shall be entered, within five days, in the Governmental Register of forensic experts of the Republic of Kazakhstan.

5. Termination and revocation of a license to engage in forensic activity entail termination of the qualification certificate for the right to conduct a certain type of forensic examination.

Footnote. Article 14 as amended by Law of the RK № 352-VI dated 29.06.2020 (shall go into effect ten calendar days after the date of its first official publication); dated 17.12.2025 № 241-VIII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 11.06.2026 № 306-VIII (shall enter into force from 01.07.2026).

Article 15. Governmental register of forensic experts of the Republic of Kazakhstan

1. Information about the forensic experts who are employees of forensic examination authorities, as well as about individuals who have a license for carrying out forensic science activity shall be entered into the State register of forensic experts of the Republic of Kazakhstan, objectives and procedure for the formation and use of which shall be established by the Government of the Republic of Kazakhstan.

2. The authority conducting the criminal proceedings, the court, the authority (official), where the case on administrative offence is pending, shall entrust its conduct to the expert, whose details were entered in the governmental register of forensic experts of the Republic of Kazakhstan, except in cases provided for in paragraph 3 of Article 19 of this Law.

Chapter 3. HEAD OF THE FORENSIC EXAMINATION AUTHORITY. A FORENSIC EXPERT

Article 16. Head of the forensic examination authority

The head of the forensic examination authority is the person in charge of the forensic expert activity of the forensic authority (the first head of the forensic authority, the head of the territorial branch of the forensic authority).

Article 17. The rights of a head of a forensic examination authority

1. A head of a forensic examination authority shall have the right:

1) to return a resolution, ruling on appointment of a forensic examination without execution to the authority (person) that appointed the forensic examination and return the objects provided for the research specifying appropriate reasons in accordance with paragraph 1 Article 43 of this Law;

2) to file a motion to the authority (person) that appointed a forensic examination regarding inclusion of persons in the committee of forensic experts, who are not employees of the relevant forensic examination authority, if their special scientific knowledge is necessary to give an opinion;

3) to file a motion to the authority (person)that appointed a forensic examination regarding engagement of a forensic expert of a foreign country;

4) to file a substantiated motion regarding deadline extension for conducting a forensic examination to the authority (person) that appointed the forensic examination.

The head of the forensic examination authority shall also have other rights provided by the law.

2. A head of a forensic examination authority shall not have the right:

1) to self-reclaim the objects necessary for conducting a forensic examination;

2) without the consent of the authority (person)that appointed a forensic examination to engage persons for its conduct, who are not employees of the relevant forensic examination authority;

3) to give instructions to a forensic expert that predetermine the content of the conclusions of the definite forensic examination.

Article 18. The obligations of a head of a forensic examination authority

A head of a forensic examination authority shall be obliged to:

1) assign the conduct to a specific forensic expert or commission of forensic experts of the forensic examination authority in accordance with the requirements of the law;

2) without violating the principle of the independence of a forensic expert, to ensure the control over compliance with the period of conduct of a forensic examination, over comprehensiveness, completeness and objectivity of the conducted research, over preservation of objects of the forensic examination;

3) upon completion of the studies, send the expert's conclusion, research objects and other materials submitted for the study, to the authority (person) who appointed the forensic examination;

4) not to disclose information that become known to him in connection with the organization of conduct of a forensic examination;

5) provide the conditions necessary for conducting research.

Article 19. Forensic expert

1. The production of forensic expertise may be entrusted to:

1) employees of forensic authorities;

2) to individuals engaged in forensic expert activity on the basis of a license;

3) to other persons in a single order in the cases provided for in paragraph 3 of this article.

2. The persons indicated in paragraphs 1) and 2) of paragraph 1 of this article must be citizenship of the Republic of Kazakhstan.

3. The production of a forensic examination in a single order may be entrusted in the following cases:

1) the appointment of a forensic examination not provided for in the list of types of forensic examinations established by the Ministry of Justice of the Republic of Kazakhstan;

2) satisfaction of a reasoned challenge to judicial experts of the relevant specialty who are employees of forensic authorities, as well as to persons engaged in forensic expert activity on the basis of a license, or a reasoned exclusion from the forensic examination of the forensic authority as a whole;

3) the involvement of a judicial expert of a foreign state in accordance with Article 62 of this Law.

4. The forensic expert must meet the qualification and other requirements established by law.

5. The forensic expert may not be a person:

1) recognized by the court as incapacitated or partially capable;

2) having a previous conviction that has not been canceled or withdrawn in accordance with the procedure established by law;

3) convicted or released from criminal liability for committing a crime on the basis of points 3), 4), 9), 10) and 12) of the first part of Article 35 or Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan for committing grave or especially serious crimes.

6. Within three years from the moment of occurrence of the relevant legal fact, the forensic expert may not be a person:

1) the conviction of which is repaid or withdrawn in accordance with the procedure established by law;

2) who has been exempted from criminal liability for a criminal offence or offences of minor or medium gravity under paragraphs 3), 4), 9), 10) and 12) of part one of Article 35, or Article 36 of the Criminal Procedure Code;

3) dismissed from the civil service, law enforcement agencies, special state authorities, courts, military service, from forensic authorities for committing a disciplinary offense;

4) deprived of a license to engage in forensic expert activity;

5) is excluded by the Law of the Republic of Kazakhstan dated 18.04.2017 № 58-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Footnote. Article 19 as amended by the Law of the Republic of Kazakhstan dated 18.04.2017 № 58-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); № 352-VI of 29.06.2020 (shall come into force ten calendar days after the date of its first official publication).

Article 20. Qualification requirements imposed on a forensic expert

The persons indicated in subparagraphs 1) and 2) of paragraph 1 of Article 19 of this Law shall meet the following qualification requirements:

1) have higher education

2) have the qualifications of a forensic expert, confirmed by a qualification certificate for the right to practice a certain type of forensic examination;

3) be attested in the cases and in the manner provided for in this Law.

Article 21. Qualification of a forensic expert

1. The qualification of a forensic expert shall be carried out by comprehensive computer testing for knowledge of the legislation of the Republic of Kazakhstan and checking the proper level of practical skills with the issuance of a qualification certificate of a forensic expert for the right to conduct a certain type of forensic examination.

2. The procedure and conditions for assigning the qualification of a forensic expert to individuals who shall be first employed as a forensic expert in a forensic examination body and individuals applying for a license to engage in forensic activity (hereinafter referred to as applicants) shall be determined by the Ministry of Justice of the Republic of Kazakhstan.

3. The admission to the qualification of a forensic expert shall be refused if the applicant does not meet the requirements established by this Law.

4. The refusal to allow the qualification of a forensic expert or the issuance of a qualification certificate of a forensic expert for the right to conduct a certain type of forensic examination may be appealed in the manner prescribed by the Laws of the Republic of Kazakhstan.

5. The qualification of a forensic expert shall be carried out at least once a month.

6. An applicant who shall have not passed testing shall be allowed to retest no earlier than three months from the date of its passing.

Footnote. Article 21 - as amended by the Law of the Republic of Kazakhstan dated 17.12.2025 № 241-VIII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 22. Forensics Certification

1. Forensic experts who shall be employees of forensic examination bodies, as well as individuals engaged in forensic activities on the basis of a license, shall be certified every five years, with the exception of individuals who have been carrying out forensic activities for more than twenty years.

2. When determining the facts of non-compliance of the forensic expert with the qualification requirements and (or) violation of the requirements of this Law when engaging in forensic activities indicating insufficient qualification of the forensic expert, his extraordinary certification shall be carried out.

3. The procedure and conditions for certification of a forensic expert shall be determined by the Ministry of Justice of the Republic of Kazakhstan.

4. The refusal of admission to certification and the decision on non-certification may be appealed in the procedure prescribed by the Laws of the Republic of Kazakhstan.

5. Certification of a forensic expert shall be carried out at least once a month.

6. A judicial expert who has not passed certification shall be re-certified no more than once no earlier than one month and no later than three months from the date of certification.

7. A judicial expert who has not been certified again shall not be certified and shall be deprived of a qualification certificate for the right to conduct a certain type of forensic examination in court.

Footnote. Article 22 – in the wording of the Law of the Republic of Kazakhstan dated 17.12.2025 № 241-VIII shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 23. Rights of a forensic expert

1. A forensic expert shall have the right to:

1) become familiar with the materials of the case relating to the subject of a forensic examination;

2) file a motion on provision to him/her with additional materials required to give an opinion;

3) participate in the performance of the procedural actions and in court session with the permission of the authority conducting the criminal proceedings, the court, the authority (official), where the case on administrative offence is pending, and ask the participants concerned about the questions related to the subject of the forensic examination;

4) become familiar with the transcript of the procedural act, in which he/she took part, as well as in the corresponding part with the transcript of a court session and make observations to be included in it regarding the completeness and correctness of fixation of his/her actions and statements;

5) as agreed with the authority that appointed the examination, give an opinion within his/her competence on the circumstances identified during the forensic examination that are relevant to the case and beyond the scope of the issues contained in the resolution, ruling on the appointment of the forensic examination;

6) provide an opinion and testify in native language or the language he/she speaks; use free assistance of an interpreter, challenge him/her;

7) file complaints to the actions of the authority conducting the criminal proceeding, the court, the authority (official), where the case on administrative offence is pending, and other persons involved in the proceedings that infringe his/her rights when conducting a forensic examination;

8) receive reimbursement of the expenses incurred when conducting a forensic examination and remuneration for the work performed, if the conduct of the forensic examination is not a part of his/her official duties.

2. A forensic expert shall not have the right to:

1) negotiate with participants to the proceedings on issues related to the conduct of a forensic examination, without the knowledge of the authority conducting the criminal proceedings, the court, the authority (official), where the case on administrative offence is pending;

2) self-assemble materials for the research;

3) conduct research that could lead to the total or partial destruction of objects or change of their appearance or basic qualities, if there was no special permit of the authority (person) that appointed the forensic examination;

Article 24. Obligations of a forensic expert

A forensic expert shall be obliged:

1) to appear when summoned by the authority conducting criminal proceedings, the court, the authority (official), where the case on administrative offence is pending;

2) to conduct a comprehensive, complete and objective research of the objects provided to him/her, to give reasonable written opinion on questions posed to him/her;

3) in cases provided by the law, to refuse to give an opinion, to make a substantiated written statement on impossibility of giving the opinion and send it to the authority (person) that appointed the forensic examination;

4) to testify on issues related to the conducted research and made opinion;

5) to ensure the safety of the objects submitted for the research;

6) not to disclose information about the circumstances of the case and any other information became known to him in connection with the conduct of a forensic examination, including information that constitutes state, commercial or other secret protected by the law;

7) to submit cost estimates and report on expenditure incurred when conducting a forensic examination to the authority (person) that appointed the forensic examination.

Chapter 4. CHAMBER OF FORENSIC EXPERTS OF REPUBLIC OF KAZAKHSTAN

Article 25. Chamber of forensic experts of the Republic of Kazakhstan

1. Chamber of Forensic Experts of the Republic of Kazakhstan (hereinafter - the Chamber) is a non-profit professional self-financing organization created to protect the rights and legitimate interests of members of the Chamber, coordinate their activities, and also comply with the legislation of the Republic of Kazakhstan on forensic activity.

2. The Chamber is a legal entity and is subject to registration in accordance with the procedure established by law.

3. Members of the Chamber are persons engaged in forensic expert activity on the basis of a license.

4. Membership in the Chamber is mandatory.

5. A person engaged in forensic expert activity on the basis of a license may not be denied Chamber membership, except for cases of non-compliance with the requirements of Article 19 of this Law. Collection of admission fees by the Chamber is not allowed.

6. The Chamber’s activities are financed from compulsory contributions and other sources not prohibited by law. The procedure, sizes and terms of payment of contributions are determined by the Charter of the Chamber.

7. On the territory of the capital, each region and city of republican significance, one territorial chamber of judicial experts (hereinafter referred to as the territorial chamber) formed, which shall be a branch of the Chamber.

Footnote. Article 25 as amended by the Law of the Republic of Kazakhstan dated 11.06.2026 № 306-VIII (shall enter into force from 01.07.2026).

Article 26. The governing authorities of the Chamber

1. The supreme governing authority of the Chamber is the general meeting of its members .

2. The leadership of the Chamber is exercised by the chairman and the board elected by the general meeting of its members.

3. The competence of the general meeting of the members, the chairman and the board of the Chamber is regulated by its charter.

4. The exclusive competence of the general meeting of the members of the Chamber includes:

1) adoption of the Charter of the Chamber, making changes and additions to it;

2) election of the chairman, members of the board and the Audit Commission of the Chamber;

3) early withdrawal of the Chairman, members of the Management Board and the Audit Commission of the Chamber;

4) determination of the main lines of activity of the Chamber;

5) approval of the budget of the Chamber.

The Charter of the Chamber may provide for other issues, the adoption of decisions on which is attributed to the exclusive competence of the general meeting.

5. The procedure and terms for convening a general meeting of the members of the Chamber are determined by its charter.

6. The chairman of the Chamber shall be a person who has at least 10 years of experience in forensic work.

7. The President of the Chamber shall be elected by secret ballot for a term of three years, while the same person may not hold the office of President of the Chamber for more than two consecutive terms.

8. Members of the Board of the Chamber are elected by secret ballot for a period of three years.

Article 27. Rules of the chamber

1. The rules of the Chamber should provide for:

1) name, location, purpose and main activities;

2) powers of the Chamber;

3) the conditions and procedure for the acquisition, suspension and loss of membership;

4) the rights, duties and responsibilities of members;

5) organizational structure, legal status of territorial chambers;

6) the procedure for the formation, functions and terms of office of the governing authorities;

7) sources of the formation of cash and other property, the order of property management;

8) the procedure for making changes and additions to it;

9) the procedure for the reorganization and liquidation of the Chamber, the place of property in the event of its liquidation.

2. The Charter of the Chamber may contain other conditions that do not contradict the legislation of the Republic of Kazakhstan.

Article 28. Powers of the Chamber

1. The activity of the Chamber is determined by this Law, its charter.

2. The Chamber:

1) coordinates the activities of its members, as well as territorial chambers;

2) represents and protects the rights and legitimate interests of its members, as well as territorial chambers, in the exercise of their forensic expert activity in their relations with state authorities and other legal entities;

3) provide methodological assistance in training individuals applying for a license to engage in forensic activities;

4) organizes training and professional development of its members;

5) develops scientific and methodological materials on forensic activity;

6) submits to the Ministry of Justice of the Republic of Kazakhstan an idea of suspension, termination and withdrawal of a license to engage in forensic expert activity;

7) considers appeals of individuals and legal entities to violate the duties of a forensic expert and the ethics of a forensic expert by its members;

8) participates in the norm-setting activities of the Ministry of Justice of the Republic of Kazakhstan, other state authorities of the Republic of Kazakhstan on judicial and expert activities;

9) carries out inspections of the activities of the territorial chambers;

10) participates in the implementation of international cooperation in the field of forensic expert activity;

11) as excluded by the Law of the Republic of Kazakhstan dated 17.12.2025 № 241-VIII (shall enter into force upon expiry of ten calendar days after the day of its first official publication);

12) provide the Ministry of Justice of the Republic of Kazakhstan with statistical information on its activities according to the form approved by it;

13) carries out other activities that do not contradict the legislation of the Republic of Kazakhstan.

3. The Chamber, while considering the lawfulness of the commission of actions (inaction) by a person engaged in forensic expert activity on the basis of a license, has the right to demand from him the submission of information on forensic research conducted, and, if necessary, personal explanations, including on questions non-observance of the ethics of the forensic expert.

Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan dated 17.12.2025 № 241-VIII (effective ten calendar days after the date of its first official publication).

Article 29. Powers of the territorial chamber

1. The activities of the territorial chamber are regulated by this Law, the rules of the Chamber and the regulations on its branches.

2. The Territorial Chamber exercises powers arising from the powers vested in the Chamber.

3. The Territorial Chamber shall provide the Chamber with statistical information on its activities in the form approved by the Ministry of Justice of the Republic of Kazakhstan.

Chapter 5. CONDUCT OF A FORENSIC EXAMINATION

Article 30. Grounds for conducting a forensic examination

1. The grounds for forensic expertise shall be established by the Criminal Procedure Code of the Republic of Kazakhstan, the Civil Procedure Code of the Republic of Kazakhstan, the Administrative Procedure Code of the Republic of Kazakhstan, the Code of the Republic of Kazakhstan on Administrative Offences, as well as the Law of the Republic of Kazakhstan " On Notaries".

2. The authority (person) that appointed a forensic examination shall provide the objects of research and case materials necessary for the conduct of forensic science research and giving an opinion of a forensic expert to the head of forensic authority or the person conducting forensic science activity in accordance with the subparagraphs 1) and 2) of Article 19 of this law.

3. Specifics of appointment of a forensic examination of living persons are defined in Chapter 6 of this Law.

Footnote. Article 30 as amended by Law of the RK № 351-VI of 29.06.2020 (shall be enforced on 01.07.2021).

Article 31. Restrictions when organizing and conducting a forensic examination

1. Conduct of a forensic examination cannot be entrusted to a forensic examination authority, and initiated conduct of the forensic examination shall be immediately terminated in the presence of the grounds provided by the law.

2. A forensic expert shall be disqualified from participation in conduct of a forensic examination, and if it was entrusted to him/her, he/she shall immediately terminate its conduct in the presence of the grounds provided by the laws of the Republic of Kazakhstan.

Article 32. Objects of a forensic examination

1. Reliability and admissibility of the objects of expert research is guaranteed by the authority (person) who appointed forensic expertise.

2. Objects of forensic examination, if their dimensions and properties permit, are transmitted to the forensic expert in a packed and sealed form. In other cases, the authority (person) who conducted the forensic examination must ensure the delivery of the forensic expert to the location of the research facilities, unimpeded access to them and the conditions necessary for conducting the study.

3. When carrying out the research, material evidence and documents with the permission of the authority (person) who appointed the forensic examination may be damaged or used only to the extent necessary for conducting research and giving conclusions. The said permission must be contained in the resolution, the determination of the appointment of a forensic examination or motivated decision, the determination of the satisfaction of the petition of the forensic expert or a partial refusal to satisfy it.

4. Damage or destruction of the objects of research, carried out with the permission of the authority (person) who conducted the forensic examination, does not entail compensation for damage to their owner by the forensic authority or a forensic expert.

Article 33. Samples

1. The procedure for obtaining samples is established by the Criminal Procedure Code of the Republic of Kazakhstan, the Civil Procedure Code of the Republic of Kazakhstan, the Code of Administrative Offenses of the Republic of Kazakhstan and this Law.

2. In cases where the receipt of samples is part of an expert examination, it can be produced by a forensic expert.

3. During the investigation, the forensic expert can make experimental samples, as reported in the conclusion. The person who appointed the forensic examination is entitled to be present at the conduct of such samples, which is reflected in the protocol he compiles.

After the study, the forensic expert appends the samples to his conclusion in a packed and sealed form.

Article 34.Time limits for conducting a forensic examination

1. A time limit for conducting a forensic examination shall be calculated from the date of accepting a resolution, ruling on appointment of the forensic examination and its objects for performance by a forensic examination authority, the individual, who carries out forensic science activity under the license in accordance with the subparagraphs 2) and 3) of the article 19 in this Law.

2. A time limit for conducting a forensic examination shall not exceed thirty days, apart from exceptional cases provided by the Ministry of Justice of the Republic of Kazakhstan.

3. Extension of the time limit for conducting the forensic examination shall be carried out by the authority (person) that appointed the forensic examination upon a substantiated motion of the head of the forensic examination authority or the forensic expert (forensic experts) who carries out forensic science activity in accordance with the subparagraphs 2) and3) of the article 19 of this Law. The procedure for the extension of the time limit for the stay of persons exposed to medical examination on a voluntary basis, and persons placed in a medical organization in order to conduct the forensic examination shall be established in paragraphs 2 and 3 of Article 47 of this Law.

4. When in the course of the conduct of a forensic examination the necessity to submit additional materials arises, without study of which it is impossible to give an opinion, a substantiated motion shall be sent by the head of forensic examination authority or forensic expert in accordance with the subparagraphs 2) and 3) of the article 19 of this law. While conducting of forensic examination stops no more for ten days.

If the circumstances having given rise to the suspension of the conduct of the forensic examination are not eliminated within the specified time limit, a resolution, ruling on appointment of the forensic examination and materials submitted for its conduct shall be sent without execution to the address of the authority (person) that appointed the forensic examination.

5. After carrying out the research and drawing up the expert’s conclusion or reporting the impossibility to give an opinion within three days, the end of the forensic examination or the expert’s report (the report on the impossibility of giving an opinion) shall be reported, the research objects and other materials shall be issued (sent) to the authority (person) who conducted the forensic examination.

Article 35. The presence of the participants during a forensic examination

1. The presence of participants in the proceedings during the forensic expertise shall be regulated by the Criminal Procedure Code of the Republic of Kazakhstan, the Civil Procedure

Code of the Republic of Kazakhstan, the Administrative Procedure Code of the Republic of Kazakhstan and the Code of the Republic of Kazakhstan on Administrative Offences.

2. Participants to the proceedings attending a forensic examination shall not have a right to interfere in the course of the research, but may provide explanations regarding the subject of the forensic examination.

3. In case a participant to the proceedings attending a forensic examination interferes with the activities of a forensic expert, the latter has the right to suspend the research and file a motion on cancellation of the permission to be present during the forensic examination granted to the specified participant before the authority conducting the criminal proceedings, the court, the authority (official), where the case on administrative offence is pending.

4. When drawing up an opinion by a forensic expert, as well on the stage of discussions by forensic experts and framing the conclusions, if the forensic examination is conducted by a commission of forensic experts, the presence of participants to the proceedings shall not be allowed.

5. Specifics of the presence of participants to the proceedings during a forensic examination of living persons shall be defined in Article 51 of this Law.

Footnote. Article 35 as amended by Law of the RK № 351-VI dated 29.06.2020 (shall be put into effect on 01.07.2021).

Article 36. Individual and a panel forensic examination

1. The production of forensic expertise is carried out by a forensic expert alone or by a commission of forensic experts.

2. A panel examination shall be appointed in cases of necessity to conduct complex forensic science research and shall be conducted by at least two experts in one specialty. In order to conduct a forensic-psychiatric examination on the issue of person's capacity at least three forensic experts shall be appointed.

3. A resolution, ruling of the authority (person) that appointed a panel forensic examination shall be mandatory for a head of a forensic examination authority. The head of the forensic examination authority shall also be entitled to decide independently regarding the conduct of the panel examination based on materials submitted in accordance with the resolution, ruling on appointment of the forensic examination and to organize its conduct.

4. To coordinate the activities of the forensic experts, who are the members of the panel, a head of a forensic examination authority or the authority (person) that appointed a forensic examination shall appoint a leading expert. The leading expert shall develop a general plan of forensic science research, determine the dates of conduct of certain research within the total period of conduct of the forensic examination and control their compliance, communicate with the authority (person) that appointed the forensic examination, lead the meeting of the forensic experts.

5. When conducting a panel forensic examination, each of forensic experts shall carry out research independently, unaidedly and in full.

6. The members of the panel of experts shall jointly analyze the findings, and when coming to a consensus shall sign an opinion or a statement on impossibility to give the opinion. In the event of disagreement between the experts, each of them or some of experts shall give a separate opinion or the expert, whose opinion is at odds with the findings of the other members of the panel, shall formulate it separately in the opinion.

Article 37. A complex examination

1. A complex examination shall be appointed when in order to establish the circumstances relevant to the case, research is required on the basis of the different branches of knowledge, and shall be conducted by forensic experts of different specialties within their competence.

A complex examination shall be hold by one forensic expert in case if he or she has a right to conduct research on different expert specialties.

2. An opinion of the complex forensic examination shall specify what research each of the forensic expert had conducted, its scope and to what conclusions he/she came. Each forensic expert shall sign the opinion in part that reflects his/her research.

3. On the basis of the findings of the research carried out by each of forensic experts, they formulate a general conclusion (conclusions) regarding the circumstance for which substantiation a forensic examination was appointed. The general conclusion (conclusions) shall be formulated and signed only by experts competent in the assessment of the findings. If the ground for a final panel's conclusion or its part thereof are the facts established by one of the forensic experts (separate forensic experts), then this should be stated in the opinion.

4. In the event of disagreement between forensic experts, the research findings shall be finalized in accordance with paragraph 6 of Article 36 of this Law.

5. Organization of conduct of a complex examination entrusted to a forensic examination authority shall rest on its head. The head of the forensic examination authority shall also have a right to decide independently regarding the conduct of a complex examination based on materials submitted in accordance with the resolution, ruling on appointment of the forensic examination and to organize its conduct.

Article 38. Expert's opinion

Based on the results of the analysis, a forensic expert (forensic experts) draws up a conclusion on his behalf drafts an opinion and certifies it with his signature and personal seal. In case the judicial examination is conducted by a forensic examination authority, the signature of the forensic expert (forensic experts) shall be certified with the seal of the said authority.

Article 39. Content of the expert's opinion

1. An expert's opinion shall include: the date of its issuance, date and place of conducting of a forensic examination; grounds of conducting the forensic examination; information about the authority (person) that appointed the forensic examination; information about the forensic examination authority and (or) the forensic expert (forensic experts) entrusted with the conducting of the forensic examination (surname, first name, patronymic (if any), education,

expert specialty, professional experience, academic degree and academic title, position held); note about the fact that he had been warned about criminal responsibility for knowingly giving false opinion certified by the signature of the forensic expert(s); the questions posed for the settlement by the forensic expert (s); information about the parties who attended the forensic examination, and their explanations; the objects of analysis, their condition, packaging, seal, certification by signatures of attesting witnesses in their participation; the content and results of studies showing the methodologies used; evaluation of research results, formulation of conclusions put before the judicial expert (forensic experts) issues

2. An expert's opinion shall contain substantiation of impossibility to answer all or some of the questions, if the circumstances referred to in article 40 of this Law detected in the course of the analysis.

3. If a forensic expert gives an opinion on one of the questions specified in the resolution, ruling on appointment of forensic examination, whereas on others there are grounds for drawing up the message on impossibility to give the opinion, he/she compiles a single document - expert's opinion

Article 40. The statement on impossibility to give an expert's opinion

1. If a forensic expert (forensic experts) prior to conducting the analysis is assured that the questions put to him are beyond his special knowledge or the materials are unsuitable or insufficient to give an opinion and cannot be filled, or the state of science and expert practice do not allow to answer these questions, a reasoned message on impossibility to give an opinion shall be drawned and certified with signature and personal seal. In case the judicial examination is conducted by judicial examination authority, the signature of the forensic expert (forensic experts) shall be certified with seal of the said authority.

2. The message on impossibility to give the opinion shall specify: date of its issuance, date and place of conduct of the forensic examination; grounds for conducting the forensic examination; information about the authority (person) that appointed the forensic examination ; information about the forensic examination authority and (or) forensic expert (forensic experts) entrusted to conduct the forensic examination (surname, first name, patronymic (if any), education, expert specialty, professional experience, academic degree and academic title , position held); note about the fact that he/she had been warned about criminal responsibility for knowingly giving false opinion certified by the signature of the forensic expert(s); the questions posed for the settlement by the forensic expert (s); research objects; reasons for impossibility to answer the questions posed to the forensic expert (experts).

Article 41. Questioning of a forensic expert

1. A forensic examiner is questioned in order to:

1) addressing essential issues pertaining to the expert opinion and that do not require additional research;

2) clarify applied forensic methods and used terms;

3) obtain information on other facts and circumstances that are not an integral part of an expert opinion, but associated with participation in the process;

4) identify the qualification of a forensic expert.

2. Questioning of a forensic expert prior to submission of his opinion is not allowed.

3. A forensic expert cannot be questioned about circumstances that are not related to his conclusion, which has become known to him in connection with the forensic-psychiatric, as well as forensic medical examination of living persons.

Article 42. Conduct of supplementary and repeated forensic examinations

1. A supplementary forensic examination shall be appointed in case of lack of clarity or completeness in a forensic expert' opinion, as well as of the need to settle additional issues related to the previous research. Conduct of the supplementary forensic examination may be entrusted to the same or different forensic expert.

When entrusting the conduct of the supplementary examination, a forensic expert shall be provided with the opinion of the previous forensic examination.

2. A repeated forensic examination shall be appointed in order to examine the same objects and settlement of the same questions in cases where the previous opinion of the forensic expert is not sufficiently substantiated or his/her conclusions raise doubts or procedural rules on appointment and conduct of a forensic examination have been substantially violated.

The resolution, ruling on appointment of the repeated forensic examination shall give reasons for disagreeing with the findings of the previous forensic examination.

Conduct of the repeated forensic examination shall be entrusted to a panel of forensic experts. The forensic experts, who conducted the previous forensic examination, may be present during the repeated forensic examination and give explanations to the panel, but they shall not be involved in the expert research and in drawing up the opinion.

When entrusting the conduct of the repeated forensic examination, a forensic expert shall be provided with the opinion of the previous forensic examinations.

3. In case of disagreements between forensic experts in the process of the production of a second forensic examination, the results of the research shall be drawn up in accordance with paragraph 6 of Article 36 of this Law.

4. If the second or subsequent forensic examination is appointed based on several grounds , some of which refer to a supplementary forensic examination, and the others - to a repeated one, such forensic examination shall be conducted by the rules of the repeated examination.

Article 43. Return of materials without execution

1. Return of materials without performance is made on the following grounds:

1) there is no forensic expert in this forensic expert authority who has the necessary special scientific knowledge;

2) the material and technical base and conditions of this forensic authority do not allow to solve specific expert tasks;

3) the questions posed to the forensic expert are beyond the scope of his competence;

4) materials for the production of forensic expertise are presented in violation of the requirements of the law;

5) the circumstances that were grounds for suspension of the proceedings of the forensic examination, within the period established by this Law, have not been eliminated.

2. Return of materials without conducting research on grounds not provided for in paragraph 1 of this article shall not be permitted.

Chapter 6. SPECIFICS OF CONDUCTING A FORENSIC EXAMINATION OF LIVING PERSONS

Article 44. A place of conduct of a forensic examination of living persons

1. A forensic examination of living persons can be done in a medical organization or elsewhere, where there are conditions necessary for carrying out forensic science research and ensuring the legitimate rights and interests of these persons.

2. Should the need arise for hospital stay check up of the person during a forensic examination, he/she may be placed in a medical organization according to the procedure provided for by Article 46 of this Law.

3. Transportation of the persons, in respect of whom the court appointed a forensic examination to the place of conduct and after conduct of forensic science research, shall be ensured by the authority (person) that appointed the forensic examination.

Article 45. Voluntariness and involuntariness during a forensic examination of living persons

1.The scope of persons in respect of whom a forensic examination can be made shall be established by the law.

2. A forensic examination of living persons can be done voluntarily or involuntarily.

3. If a forensic examination is conducted on a voluntary basis, a written consent of the person to be subjected to forensic science research shall be submitted to a forensic examination authority.

4. If the person in respect of whom a forensic examination was appointed has not reached the age of majority or was declared incapable by a court, a written consent for conducting the forensic examination in respect of that person shall be given by his/her legal representative or the guardianship and wardship authority.

5. Conduct of a forensic examination of living persons on involuntarily basis can be allowed only in the cases expressly provided for by the law.

Article 46. The grounds and procedure for placement of a person in a medical organization for conducting a forensic examination

1. If conduct of a forensic examination in respect of a person involves carrying out a forensic science research in hospital environment, he/she shall be placed in the appropriate medical organization on the basis of the resolution, ruling on appointment of the forensic examination.

2. Involuntary placement of the person, not kept in custody, in a medical organization for conducting a forensic-psychiatric examination shall be permitted only by court decision.

3. In the cases, provided for in paragraph 2 of this Article, within twenty-four hours, the authority (person) that appointed a forensic examination shall notify about the location of the person who is involuntarily placed in a medical organization for conducting the forensic examination someone of the members of his/her family of majority age, other relatives or close persons, or in the absence of such persons - the authority of internal affairs at the place of residence of the said person.

Article 47. Period of stay of a person in a medical organization during a forensic examination

1. A person may be placed in a medical organization for conducting a forensic-medical or forensic-psychiatric examination for the period up to thirty days, aside from exceptional cases provided by the laws of the Republic of Kazakhstan.

2. Extension of the said period for the person going through a forensic examination on a voluntary basis shall be carried out with his/her consent by the authority (person) that appointed the forensic examination upon a substantiated motion of a head of the forensic examination authority or a forensic expert (forensic experts), who is not an employee of the forensic examination authority.

3. Extension of the period of stay in a medical organization for those involuntarily placed in it for conducting a forensic examination shall be carried out according to the procedure provided by the laws of the Republic of Kazakhstan.

4. Violation of the period of stay in a medical organization of the person involuntarily placed in it for conducting a forensic examination, as well as the procedure for extension of this period may be appealed by the said person, his/her defense counsel, legal representative or other representatives admitted to participation in the case according to the procedure provided by the laws of the Republic of Kazakhstan.

Article 48. Guarantees of rights and legitimate interests of the persons in respect of whom a forensic examination is conducted

1. During a forensic examination of living persons the following shall be prohibited:

1) deprivation or oppression of their rights guaranteed by the law (including by fraud, violence, threats or other illegal means) in order to obtain information on the case;

2) the use of said persons as subjects of clinical trials of medical technologies, pharmaceutical and medicinal products;

3) the application of research means involving surgery.

2. A person, in respect of whom a forensic examination is conducted, shall be informed in an accessible for him/her form about the methods in use of forensic science research, including alternative, about possible pain or side effects by the authority (person) that appointed the forensic examination. The above information shall be also provided to the legal representative, who filed a corresponding motion, of the person in respect of whom the forensic examination is conducted.

3. Medical assistance to a person in respect of whom a forensic examination is conducted may be granted only on the grounds and according to the procedure provided by the law.

4. The person placed into a medical organization shall have the possibility for filling complaints and motions. The complaints and motions filed according to the procedure provided by the law, within twenty-four hours, shall be sent to addressee and are not subject to censorship.

5. A forensic examination, conducted in respect of a person on a voluntary basis may be terminated at any stage on the initiative of the said person.

Article 49. Conditions of conducting a forensic examination in psychiatric hospitals in respect of the persons not kept in custody

1. A forensic-psychiatric examination in respect of the persons not kept in custody shall be conducted in psychiatric hospitals.

2. During a forensic-psychiatric examination of the persons not kept in custody in psychiatric hospitals, they are subject to the rules of the Criminal Procedure and Civil Procedure Codes of the Republic of Kazakhstan.

3. The said persons shall enjoy the rights of patients of psychiatric hospitals established by the legislation of the Republic of Kazakhstan on health care.

Article 50.Conditions of conducting a forensic examination in psychiatric hospitals in respect of the persons kept in custody

1. A forensic-psychiatric examination in respect of the persons kept in custody shall be conducted in psychiatric hospitals specifically designed to place the said persons in it.

2. During a forensic-psychiatric examination of the persons kept in custody in psychiatric hospitals, they are subject to the rules of the Criminal Procedure Code of the Republic of Kazakhstan.

3. The said persons shall enjoy the rights of patients of psychiatric hospitals with prescribed for them features established by the legislation of the Republic of Kazakhstan on health care.

Article 51. The presence of participants to the proceedings during a forensic examination of living persons

1. The presence of participants to the proceedings during a forensic examination of living persons shall be determined by the Criminal Procedure and Civil Procedure Codes of the Republic of Kazakhstan, as well as Article 35 of this Law, except as provided for by paragraph 4 of this Article.

2. Conduct of a forensic-psychiatric and a forensic psychological-psychiatric examination shall be carried out under conditions of confidentiality.

3. During forensic science research of a person accompanied by his/her nudity, there can be only persons of the same sex. This restriction does not apply to doctors and other health professionals involved in carrying out the said research.

Chapter 7. SUPPORT OF FORENSIC SCIENCE ACTIVITY

Article 52. Funding of forensic science activity

1. Funding of forensic science activity of forensic examination authorities, shall be carried out using budget funds, established by the legislation of the republic of Kazakhstan.

2. The amount and procedure for reimbursement of expenses related to the production of forensic expertise shall be determined in accordance with the legislation of the Republic of Kazakhstan.

Article 53. Standards and requirements of material-technical support of conducting a forensic examination

A forensic expert may conduct his/her activities provided there are specially equipped facilities that meet the standards and requirements established by the Government of the Republic of Kazakhstan.

Article 54. Scientific-methodological and educational support of forensic science activity.

1. Persons who are not employees of the forensic authorities who apply for a license to engage in forensic expert activity shall undergo special vocational training, retraining and further training in the relevant expertise in forensic, educational and other organizations.

2. Scientific-methodological support of forensic science activity, as well as professional training and qualification upgrading of forensic experts shall lie upon the forensic examination authorities of the Ministry of Justice of the Republic of Kazakhstan or the authorized authority in the field of health care.

Article 55. State register of methods of forensic science research of the Republic of Kazakhstan

1. The objectives of the formation of the State Register of Methods of Forensic Expert Studies of the Republic of Kazakhstan are to systematize and take into account the methods of forensic research to provide the authorities leading the criminal process, the investigative judge, the courts, the authorities (officials), in whose cases there are cases of administrative violations, other participants process, as well as forensic experts, with information on methods.

2. Information about the methods of forensic science research that meet the requirements of this Law shall be entered in the State Register of methods of forensic science research of the Republic of Kazakhstan, goals, procedure for formation and use of which shall be established by the Government of the Republic of Kazakhstan.

Article 56. Validation

1. Methods and methods of forensic research should undergo validatation in accordance with the rules for the validation of forensic studies methods and techniques.

2. Non-standard and newly developed or improved methods are subject to validation.

3. The rules for the validation of forensic expert methods and techniques determine the total scope of validation studies for each type of methods and procedures, the overall

organization, the validation procedures, the statistical processing of the results obtained and the general requirements for the validation report, the criteria for accepting a positive or negative conclusion about the validation of quantitative, qualitative, identification and diagnostic forensic methods.

4. Validation shall be carried out using one of the following methods: the use of control, standard samples; comparison with the results obtained with the help of other methods; interlaboratory comparison (interlaboratory professional testing); systematic evaluation of the factors influencing the result.

Article 57. Information support of activities of forensic examination authorities

A head of a forensic examination authority shall have the right to file a motion to the authority conducting the criminal proceedings, the court, the authority (official), where the case on administrative offence is pending, for the receipt, upon the completion of the proceedings, of subjects that were material evidence in order to use in a practical, scientific and educational-methodological activities.

Article 58. Staffing of forensic expert activity

1. The provision of forensic expertise by qualified specialists may be carried out from among persons enrolled in the personnel reserve of the forensic authority.

2. To ensure the proper professional level, forensic experts who are employees of forensic authorities and persons engaged in forensic expert activity on the basis of a license shall undergo training every five years.

Article 59. Remuneration of labor and other provision of forensic experts who are employees of forensic agencies.

Remuneration of labor, the leave provision of forensic experts who are employees of forensic authority, shall be carried out in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Chapter 8. INTERNATIONAL COOPERATION IN THE FIELD OF FORENSIC SCIENCE ACTIVITY

Article 60. International cooperation in the field of forensic science activity

Forensic examination authorities shall have the right, in accordance with the law, to establish international ties with authorities and services of foreign states engaged in forensic science activity, in order to conduct joint scientific research, exchange scientific and methodological information, professional training and qualification upgrading of forensic experts.

Article 61. Forensic expertise commissioned by a competent authority of a foreign State

Forensic expertise may be carried out under the instructions of a competent authority of a foreign state with which the Republic of Kazakhstan has concluded an international treaty. In these cases, the Criminal Procedure Code of the Republic of Kazakhstan, the Civil Procedure Code of the Republic of Kazakhstan, the Administrative Procedure Code of the Republic of

Kazakhstan, and the Code of the Republic of Kazakhstan on Administrative Violations shall be applied, unless otherwise stipulated by an international treaty.

Footnote. Article 61 as reworded by Law of the RK № 351-VI of 29.06.2020 (shall go into effect on 01.07.2021).

Article 62. Conduct of a forensic examination with the involvement of forensic experts of a foreign state

1. The authority (person) that appointed a forensic examination shall have the right to file a motion for the involvement of experts of foreign states in the field of a forensic examination according to the procedure provided by the law, on its own initiative or at the request of a head of a forensic examination authority.

2. The forensic examination with the participation of forensic experts of foreign countries is carried out in accordance with the procedure established by the procedural legislation of the country of the forensic expert, and this Law.

Chapter 9. FINAL PROVISIONS

Article 63. Responsibility for violation of the legislation of the Republic of Kazakhstan on forensic science activity

Violation of the legislation of the Republic of Kazakhstan on forensic science activity shall entail responsibility established by the law.

Article 64. Order of entering of this Law into force

1. This Law enters into force upon expiry of ten calendar days after the date of its first official publication.

2. The Law of the Republic of Kazakhstan dated 20 January, 2010 "On forensic science activity in the Republic of Kazakhstan" shall be declared to be no longer in force (Bulletin of the Parliament of the Republic of Kazakhstan, 2010, № 1-2, art. 3; 2013, № 13, art. 64; 2014, № 10, art. 52; № 14, art. 84; № 16, art. 90; № 19-I, 19-II, art. 96; № 23, art. 143).

The President
of the Republic of Kazakhstan N. NAZARBAYEV

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