

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - Public Safety**

2-504.

(a) (1) In accordance with regulations adopted under this subtitle, and if adequate funds for the collection of DNA samples are appropriated in the State budget, an individual who is convicted of a felony or a violation of § 6-205 or § 6-206 of the Criminal Law Article shall:

(i) have a DNA sample collected EITHER AT THE TIME OF SENTENCE OR on intake to a correctional facility, if the individual is sentenced to a term of imprisonment; or

(ii) provide a DNA sample as a condition of sentence or probation, if the individual is not sentenced to a term of imprisonment.

(2) If adequate funds for the collection of DNA samples are appropriated in the State budget, an individual who was convicted of a felony or a violation of § 6-205 or § 6-206 of the Criminal Law Article on or before October 1, 2003 and who remains confined in a correctional facility on or after October 1, 1999, shall submit a DNA sample to the Department.

(b) In accordance with regulations adopted under this subtitle, each DNA sample required to be collected under this section shall be collected:

(1) at the correctional facility where the individual is confined, if the individual is confined in a correctional facility on or after October 1, 2003, or is sentenced to a term of imprisonment on or after October 1, 2003; [or]

(2) at a facility specified by the Director, if the individual is on probation or is not sentenced to a term of imprisonment; OR

(3) AT A SUITABLE LOCATION IN A ~~COURTHOUSE~~ CIRCUIT COURT FOLLOWING THE IMPOSITION OF SENTENCE.

(c) A DNA sample shall be collected by an individual who is:

(1) [appointed] DESIGNATED by the Director; and

(2) trained in the collection procedures that the Crime Laboratory uses.

(d) A second DNA sample shall be taken if needed to obtain sufficient DNA for the statewide DNA data base or if ordered by the court for good cause shown.

(e) Failure of an individual who is not sentenced to a term of imprisonment to provide a DNA sample within 90 days after notice by the Director is a violation of probation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.