

[(g)](I) Pursuant to regulations adopted by the Secretary, after consultation with the Director:

(1) Each DNA sample required to be collected under this section from persons who are incarcerated as of October 1, [1994] 1999, or are sentenced to a term of incarceration after that date shall be collected at the place of incarceration; and

(2) DNA samples from persons who are not sentenced to a term of confinement shall be collected at a [prison or detention] facility specified by the [sentencing court] DIRECTOR.

[(h)](J) DNA samples to be submitted for analysis shall be collected by a:

- (1) Correctional health nurse technician;
- (2) Physician;
- (3) Registered nurse;
- (4) Licensed practical nurse;
- (5) Laboratory technician; or
- (6) Phlebotomist.

[(i)](K) (1) The Secretary, after consultation with the Director, shall adopt regulations governing the procedures to be used for:

(i) Collection, submission, identification, analysis, storage, and disposal of DNA samples; and

(ii) Access to and dissemination of typing results and personal identification information of samples that are submitted under this section.

(2) (i) DNA samples shall be securely stored in the statewide DNA repository.

(ii) Typing results shall be securely stored in the statewide DNA data base system.

(3) (i) Any procedure adopted by the Director shall include quality assurance guidelines to ensure that DNA identification records meet standards and audit requirements for laboratories that submit DNA records for inclusion in the statewide DNA data base system and CODIS.

(ii) The Crime Laboratory and each analyst performing DNA analyses at the Crime Laboratory shall undergo, at regular intervals not exceeding 180 days, external proficiency testing, including at least one external blind test, by a DNA proficiency testing program that meets the standards issued:

1. Under § 1003 of the federal DNA Identification Act of 1994; or