

3-307 of the Criminal Law Article may file a petition for DNA testing of scientific identification evidence that the State possesses as provided in subsection (i) of this section and that is related to the judgment of conviction.

(c) Subject to subsection (d) of this section, a court shall order DNA testing if the court finds that:

(1) [(i) the scientific identification evidence was not previously subjected to the DNA testing that is requested for reasons beyond the control of the petitioner; or

(ii) the type of DNA test being requested is different from tests previously conducted and would have a reasonable likelihood of providing a more probative result than tests previously conducted;

(2) the scientific identification evidence was secured as provided in subsection (i) of this section, in relation to the crime for which the petitioner was convicted;

(3) the scientific identification evidence to be tested has been subject to a chain of custody as provided under subsection (i) of this section that is sufficient to establish that it has not been substituted, tampered with, replaced, or altered in any material aspect;

(4) identity was an issue in the trial that resulted in the petitioner's conviction;

(5) a reasonable probability exists that the DNA testing has the scientific potential to produce [results materially relevant to the petitioner's assertion of innocence] EXCULPATORY OR MITIGATING EVIDENCE RELEVANT TO A CLAIM OF WRONGFUL CONVICTION OR SENTENCING; and

[(6)] (2) the requested DNA test employs a method of testing generally accepted within the relevant scientific community.

(d) (1) A petitioner shall notify the State in writing of the filing of a petition under this section.

(2) The State may file a response to the petition within 15 days after notice of the filing or within the time that the court orders.

(e) If the court orders DNA testing under subsection (c) of this section, the court in its order [shall:

(1) identify the specific scientific identification evidence to be tested;

(2) identify the method of testing to be used; and

(3) select the laboratory where the testing is to be performed from a listing of accredited laboratories to be maintained by the Office of the Attorney General.] MAY ISSUE ORDERS THE COURT CONSIDERS APPROPRIATE, INCLUDING DESIGNATION OF ANY OF THE FOLLOWING: