

(5) If a person objects to the disposition of the scientific identification evidence, the State shall have the burden of proving by a preponderance of the evidence that the evidence should be disposed] SHALL HOLD A HEARING ON THE PROPOSED DISPOSITION OF THE EVIDENCE AND AT THE CONCLUSION OF THE HEARING, IF THE COURT DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT:

(I) THE EVIDENCE HAS NO SIGNIFICANT VALUE FOR FORENSIC SCIENCE ANALYSIS, THE COURT MAY ORDER THE RETURN OF THE EVIDENCE TO ITS RIGHTFUL OWNER, THE DESTRUCTION OF THE EVIDENCE, OR OTHER DISPOSITION AS PROVIDED BY LAW; OR

(II) THE EVIDENCE IS OF SUCH SIZE, BULK, OR PHYSICAL CHARACTER THAT IT CANNOT PRACTICABLY BE RETAINED BY A LAW ENFORCEMENT AGENCY, ~~THE COURT MAY DIRECT THE RELEASE OR DESTRUCTION OF THE EVIDENCE AFTER AFFORDING THE ADVERSE PARTY A REASONABLE OPPORTUNITY TO OBTAIN REPRESENTATIVE SAMPLES OF ANY BIOLOGICAL EVIDENCE THAT CAN BE OBTAINED FROM THE ITEM BY MEANS OF TAKING CUTTINGS OR SWABS, OR OTHER MEANS OF OBTAINING REPRESENTATIVE SAMPLES~~ ON A SHOWING OF NEED, THE COURT SHALL ORDER THAT THE EVIDENCE BE MADE AVAILABLE TO THE PARTY OBJECTING TO THE DISPOSITION OF THE EVIDENCE FOR THE PURPOSE OF OBTAINING REPRESENTATIVE SAMPLES FROM THE EVIDENCE IN THE FORM OF CUTTINGS, SWABS, OR OTHER MEANS, PRIOR TO THE RELEASE OR DESTRUCTION OF THE EVIDENCE;

(5) IF THE COURT ORDERS THAT REPRESENTATIVE SAMPLES BE MADE AVAILABLE UNDER PARAGRAPH (4)(II) OF THIS SUBSECTION, THE COURT SHALL FURTHER ORDER THAT THE SAMPLES BE OBTAINED BY A QUALIFIED CRIME SCENE TECHNICIAN ACTING ON BEHALF OF THE PARTY SEEKING TO OBTAIN THE SAMPLES OR BY THE LAW ENFORCEMENT AGENCY IN POSSESSION OF THE EVIDENCE, WHICH ALSO SHALL PRESERVE AND STORE THE REPRESENTATIVE SAMPLES UNTIL THE REPRESENTATIVE SAMPLES ARE RELEASED TO THE CUSTODY OF A DNA TESTING FACILITY.

~~(5)~~ (6) AN APPEAL TO THE COURT OF APPEALS MAY BE TAKEN FROM AN ORDER ENTERED UNDER SUBSECTION (C), (H)(2), OR (J)(4) OF THIS SECTION.

Article - Public Safety

2-501.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "CODIS" means the Federal Bureau of Investigation's "Combined DNA Index System" that allows the storage and exchange of DNA records submitted by FEDERAL, [state] STATE, and local forensic DNA laboratories.

(2) "CODIS" INCLUDES THE NATIONAL DNA IDENTIFICATION INDEX ADMINISTERED AND OPERATED BY THE FEDERAL BUREAU OF INVESTIGATION.

(c) "Crime Laboratory" means the Crime Laboratory Division of the Department.