

Article - Criminal Procedure

8-201.

(i) (1) The State shall preserve scientific identification evidence that:(i) the State has reason to know contains DNA material; and(ii) is secured in connection with an offense described in subsection (b) of this section.(2) The State shall preserve scientific identification evidence described in paragraph (1) of this subsection for [:] ~~THE PERIOD OF THE ORIGINAL SENTENCE FOR THE OFFENSE FOR WHICH THE SCIENTIFIC IDENTIFICATION EVIDENCE WAS SECURED THE TIME OF THE SENTENCE, INCLUDING ANY CONSECUTIVE SENTENCE IMPOSED IN CONNECTION WITH THE OFFENSE.~~(i) a period of 3 years after the imposition of sentence; or(ii) a period beyond 3 years that is required pursuant to an order issued within 3 years after the imposition of sentence by the Court of Appeals or Court of Special Appeals that is specific to a single offense and specific scientific identification evidence relating to that offense.](3) The State shall make the scientific identification evidence available to parties in the case under terms that are mutually agreed on between them.(4) If an agreement cannot be reached, the party requesting the testing may file an application in the circuit court that entered the judgment for an order setting the terms under which the evidence will be made available for testing.SECTION 2. AND BE IT FURTHER ENACTED, That Article 88B, § 12A of the Code, as enacted by Section 1 of this Act, shall be construed to apply retroactively and shall be applied to and interpreted to affect any person convicted of a felony or a violation of § 6-205 or § 6-206 of the Criminal Law Article before the effective date of this Act and incarcerated for a felony or a violation of § 6-205 or § 6-206 of the Criminal Law Article on or after the effective date of this Act.~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2002.~~SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Article 1, § 23 of the Annotated Code of Maryland, the provisions of this Act are not severable, and if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, no other provision or application of this Act may be given effect.~~SECTION 4. AND BE IT FURTHER ENACTED, That this Act is contingent on the receipt by the Department of State Police of a binding written award of a grant from any private entity or federal agency by September 1, 2002, of at least \$4,500,000 to be used to implement the provisions of this Act during the period between October 1, 2002 and September 30, 2005. If the Department of State Police does not receive a binding written award by September 1, 2002, as provided in this Section, this Act,~~