

(2) A person who, without authorization, willfully obtains individually identifiable DNA information from the statewide DNA data base system or repository is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 3 years or both.

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

Article 41 - Governor - Executive and Administrative Departments

SUBTITLE 3. DNA TECHNOLOGY FUND.

4-301.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "DNA" MEANS DEOXYRIBONUCLEIC ACID.

(3) "DNA TECHNOLOGY EQUIPMENT" MEANS ANY EQUIPMENT USED FOR DNA TESTING PURPOSES INCLUDING THOSE PURPOSES LISTED UNDER ARTICLE 88B, § 12A(G)(1) OF THE CODE.

(4) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

(5) "FUND" MEANS THE DNA TECHNOLOGY FUND ESTABLISHED UNDER THIS SECTION.

(6) "LOCAL LAW ENFORCEMENT AGENCY" MEANS THE AGENCY OF ANY COUNTY OR MUNICIPAL CORPORATION, INCLUDING BALTIMORE CITY, WITHIN THE STATE THAT PERFORMS POLICE PROTECTION FUNCTIONS.

(B) A DNA TECHNOLOGY FUND IS ESTABLISHED TO ASSIST THE DEPARTMENT OF STATE POLICE AND LOCAL LAW ENFORCEMENT AGENCIES IN ACQUIRING DNA TECHNOLOGY EQUIPMENT NEEDED TO TEST DNA SAMPLES.

(C) (1) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND IN ACCORDANCE WITH THIS SECTION AND OTHER APPLICABLE LAW.

(2) THE FUND SHALL CONSIST OF MONEY:

~~(I) APPROPRIATED IN THE STATE BUDGET, OR AND~~

(II) RECEIVED FROM ANY PRIVATE ENTITY OR FEDERAL AGENCY FOR THE PURPOSE OF COLLECTING AND TESTING DNA SAMPLES.

(3) PAYMENTS OUT OF THE FUND SHALL BE MADE TO THE DEPARTMENT OF STATE POLICE AND A LOCAL LAW ENFORCEMENT AGENCY BY THE STATE TREASURER AS AUTHORIZED BY THE EXECUTIVE DIRECTOR.

(4) (I) THE FUND IS A CONTINUING, NONLAPSING FUND WHICH IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.