

(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] THE TIME OF THE SENTENCE, INCLUDING ANY CONSECUTIVE SENTENCE IMPOSED IN CONNECTION WITH THE 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. ~~3.~~ 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 4. AND BE IT FURTHER ENACTED, That:

(a) Section 1 of this Act:

(1) may not be funded during the period October 1, 2002 through September 30, 2003 with State general funds; and

(2) is contingent on the receipt by the Department of State Police of at least \$1,500,000 or a binding written award of a grant from any private entity or federal agency of at least \$1,500,000 to be used to implement the provisions of Section 1 of this Act during the period beginning October 1, 2002 through September 30, 2003.

(b) If the Department of State Police does not receive \$1,500,000 or a binding written award on or before September 30, 2003, as provided in this Section, Section 1 of this Act shall take effect October 1, 2003. If the Department of State Police receives funding or a binding written award on or before September 30, 2003, Section 1 of this Act shall take effect on the date the Department receives funding or a binding written award. The Department shall forward notice of the receipt of the funds or a copy of the written award within 5 days of receipt to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

SECTION 5. AND BE IT FURTHER ENACTED, That for fiscal year 2004, no more than \$200,000 from State general funds may be appropriated to the DNA Technology Fund.

SECTION 6. AND BE IT FURTHER ENACTED, That for fiscal years 2004 and 2005, the Department of State Police is not required to obtain or test DNA samples from all convicted felons and persons convicted of a violation of § 6-205 or § 6-206 of the Criminal Law Article unless the Department receives funding in fiscal