

(v) any state, university, county, or municipal police unit or police force; and

(vi) any hospital, medical facility, or private entity that is conducting forensic examinations and securing biological evidence related to criminal investigations.

[(4) "Biological evidence" includes, but is not limited to, any blood, hair, saliva, semen, epithelial cells, buccal cells, or other bodily substances from which genetic marker groupings may be obtained.]

(5) "Scientific identification evidence" means evidence that:

(i) is related to an investigation or prosecution that resulted in a judgment of conviction;

(ii) is in the actual or constructive possession of a law enforcement agency or agent of a law enforcement agency; and

(iii) contains biological evidence from which DNA may be recovered that may produce exculpatory or mitigating evidence relevant to a claim of a convicted person of wrongful conviction or sentencing if subject to DNA testing.

(b) Notwithstanding any other law governing postconviction relief, a person who is convicted of a violation of § 2-201, § 2-204, § 2-207, or §§ 3-303 through [3-307] 3-306 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.

DRAFTER'S NOTE:

Error: Stylistic error in § 8-201(a); erroneous cross-reference in § 8-201(b) of the Criminal Procedure Article.

Occurred: Ch. 240, Acts of 2003; Ch. 213, Acts of 2002.

11-603.

(a) A court may enter a judgment of restitution that orders a defendant or child respondent to make restitution in addition to any other penalty for the commission of a crime or delinquent act, if:

(6) the Department of Health and Mental Hygiene or other governmental unit paid expenses incurred under Subtitle [2,] 1, Part II of this title.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 11-603(a)(6) of the Criminal Procedure Article.

Occurred: Ch. 10, Acts of 2001.