

[(c)] (D) (1) Subject to [subsection (d)] SUBSECTION (E) of this section, a court shall order DNA testing if the court finds that:

[(1)] (I) a reasonable probability exists that the DNA testing has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing; and

[(2)] (II) the requested DNA test employs a method of testing generally accepted within the relevant scientific community.

(2) A COURT SHALL ORDER A DATA BASE SEARCH BY A LAW ENFORCEMENT AGENCY IF THE COURT FINDS THAT A REASONABLE PROBABILITY EXISTS THAT THE DATA BASE SEARCH WILL PRODUCE EXCULPATORY OR MITIGATING EVIDENCE RELEVANT TO A CLAIM OF WRONGFUL CONVICTION OR SENTENCING.

[(d)] (E) (1) A petitioner shall notify the State in writing of the filing of a petition under this section.

(2) The State may file a response to the petition within 15 days after notice of the filing or within the time that the court orders.

[(e)] (F) If the court orders DNA testing under [subsection (c)] SUBSECTION (D) of this section, the court in its order may issue orders the court considers appropriate, including designation of any of the following:

- (1) the specific evidence to be tested;
- (2) the method of testing to be used;
- (3) the preservation of some of the sample for replicate testing and analysis;
- (4) the laboratory where the testing is to be performed, provided that if the parties cannot agree on a laboratory, the court may approve testing at any laboratory accredited by the American Society of Crime Laboratory Directors (ASCLAD), the Laboratory Accreditation Board (LAB), or the National Forensic Science Technology Center; and
- (5) release of biological evidence by a third party.

[(f)] (G) (1) Except as provided in paragraph (2) of this subsection, DNA testing ordered under [subsection (c)] SUBSECTION (D) of this section shall be conducted as soon as practicable.