

(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 time of the sentence, including any consecutive sentence imposed in connection with the offense.

(3) (I) IF THE STATE IS UNABLE TO PRODUCE SCIENTIFIC IDENTIFICATION EVIDENCE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER THE FAILURE TO PRODUCE EVIDENCE WAS THE RESULT OF INTENTIONAL AND WILLFUL DESTRUCTION.

~~(II) THE COURT SHALL ORDER A POSTCONVICTION HEARING TO BE CONDUCTED IN ACCORDANCE WITH SUBPARAGRAPH (III) OF THIS PARAGRAPH IF:~~

~~1. THE COURT DETERMINES AT A HEARING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT THE FAILURE TO PRODUCE EVIDENCE WAS THE RESULT OF INTENTIONAL AND WILLFUL DESTRUCTION; AND~~

~~2. THE COURT MAKES A FINDING THAT:~~

~~A. THERE IS AN INFERENCE THAT THE RESULTS OF THE POSTCONVICTION DNA TESTING WOULD HAVE BEEN FAVORABLE TO THE PETITIONER; AND~~

~~B. A SUBSTANTIAL POSSIBILITY EXISTS THAT THE PETITIONER WOULD NOT HAVE BEEN CONVICTED IF THE DNA TESTING HAD BEEN KNOWN OR INTRODUCED AT TRIAL.~~

(II) IF THE COURT DETERMINES AT A HEARING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT THE FAILURE TO PRODUCE EVIDENCE WAS THE RESULT OF INTENTIONAL AND WILLFUL DESTRUCTION, THE COURT SHALL:

1. ORDER A POSTCONVICTION HEARING TO BE CONDUCTED IN ACCORDANCE WITH SUBPARAGRAPH (III) OF THIS PARAGRAPH; AND