

(D) (1) A DNA SAMPLE COLLECTED FROM AN INDIVIDUAL CHARGED WITH A CRIME UNDER SUBSECTION (A)(3) OF THIS SECTION MAY NOT BE TESTED OR PLACED IN THE STATEWIDE DNA DATA BASE SYSTEM PRIOR TO THE FIRST SCHEDULED ARRAIGNMENT DATE UNLESS REQUESTED OR CONSENTED TO BY THE INDIVIDUAL AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION.

(2) IF A CRIMINAL CHARGE IS ALL QUALIFYING CRIMINAL CHARGES ARE DETERMINED TO BE UNSUPPORTED BY PROBABLE CAUSE:

(I) THE DNA SAMPLE SHALL BE IMMEDIATELY DESTROYED; AND

(II) NOTICE SHALL BE SENT TO THE DEFENDANT AND COUNSEL OF RECORD FOR THE DEFENDANT THAT THE SAMPLE WAS DESTROYED.

(3) AN INDIVIDUAL MAY REQUEST OR CONSENT TO HAVE THE INDIVIDUAL'S DNA SAMPLE PROCESSED PRIOR TO ARRAIGNMENT FOR THE SOLE PURPOSE OF HAVING THE SAMPLE CHECKED AGAINST A SAMPLE THAT:

(I) HAS BEEN PROCESSED FROM THE CRIME SCENE OR THE HOSPITAL; AND

(II) IS RELATED TO THE CHARGES AGAINST THE INDIVIDUAL.

~~(d)~~ (E) A second DNA sample shall be taken if needed to obtain sufficient DNA for the statewide DNA data base SYSTEM or if ordered by the court for good cause shown.

~~(e)~~ (F) Failure of an individual who is not sentenced to a term of imprisonment to provide a DNA sample within 90 days after notice by the Director is a violation of probation.

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(a) Each DNA record of identification characteristics that results from DNA testing UNDER THIS SUBTITLE shall be stored and maintained ONLY by the Crime Laboratory in the statewide DNA data base system, EXCEPT AS NECESSARY TO PARTICIPATE IN CODIS.