

~~(4) If a new trial is granted, the court may order the release of the petitioner on bond or on conditions that the court finds will reasonably assure the presence of the petitioner at trial.~~

~~(i) (1) The State shall preserve scientific identification evidence that:~~

~~(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 post conviction 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.~~

~~(iii) 1. A court ordering a postconviction hearing under subparagraph (ii) of this paragraph shall open the postconviction hearing under § 7-102 of this article, if no postconviction hearing has been previously initiated by the petitioner under § 7-102 of this article.~~

~~2. A court ordering a postconviction hearing under subparagraph (ii) of this paragraph shall reopen the postconviction hearing under § 7-104 of this article, if no postconviction hearing has been previously initiated by the petitioner under § 7-102 of this article.~~