

~~(4) The State shall make the scientific identification evidence available to parties in the case under terms that are mutually agreed on between them.~~

~~(5) If an agreement cannot be reached, the party requesting the testing may file an application in the circuit court that entered the judgment for an order setting the terms under which the evidence will be made available for testing.~~

~~(k) (1) The State may dispose of scientific identification evidence before the expiration of the time period described in subsection (j) of this section if the State notifies the following persons:~~

~~(i) the person who is incarcerated in connection with the case;~~

~~(ii) any attorney of record for the person incarcerated; and~~

~~(iii) the Office of Public Defender for the judicial district in which the judgment of conviction was entered.~~

~~(2) The notification required in paragraph (1) of this subsection shall include:~~

~~(i) a description of the scientific identification evidence;~~

~~(ii) a statement that the State intends to dispose of the evidence;~~

~~(iii) a statement that the State will dispose of the evidence unless a party files an objection in writing within 120 days from the date of service in the circuit court that entered the judgment; and~~

~~(iv) the name and mailing address of the circuit court where an objection may be filed.~~

~~(3) Unless another law or court order requires the preservation of the scientific identification evidence, if no objection to the disposition of the evidence is filed within 120 days of the notice required under this subsection, the State may dispose of the evidence.~~

~~(4) If a person files written objections to the State's notice that it intends to dispose of scientific identification evidence, the court shall hold a hearing on the proposed disposition of the evidence and at the conclusion of the hearing, if the court determines by a preponderance of the evidence that:~~