

(1) at the correctional facility where the individual is confined, if the individual is confined in a correctional facility on or after October 1, [1999] 2003, or is sentenced to a term of imprisonment on or after October 1, [1999] 2003; or

(2) at a facility specified by the Director, if the individual is ON PROBATION OR IS not sentenced to a term of imprisonment.

(c) Each DNA sample shall be collected by:

(1) a correctional health nurse technician;

(2) a physician;

(3) a registered nurse;

(4) a licensed practical nurse;

(5) a laboratory technician; [or]

(6) a phlebotomist; OR

(7) AN INDIVIDUAL DESIGNATED BY THE SECRETARY WHO IS TRAINED IN THE DNA COLLECTION PROCEDURES ESTABLISHED BY THE DEPARTMENT. A DNA SAMPLE SHALL BE COLLECTED BY AN INDIVIDUAL WHO IS:

(1) APPOINTED BY THE DIRECTOR; AND

(2) TRAINED IN THE COLLECTION PROCEDURES THAT THE CRIME LABORATORY USES.

(d) A second DNA sample [shall] MAY 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) 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) To the extent fiscal resources are available, DNA samples shall be COLLECTED AND tested:

(1) to analyze and type the genetic markers contained in or derived from the DNA samples;

(2) as part of an official investigation into a crime;

(3) to help identify human remains;

(4) to help identify missing individuals; and

(5) for research and administrative purposes, including:

(i) development of a population data base after personal identifying information is removed;