

**XXX.XXX Preservation of Biological Evidence.**

1. Upon the conviction of a defendant for homicide or for any **felony** sexual offense, any ~~biological~~ **physical** evidence ~~used in~~ **secured in connection with** the criminal case **that may contain biological evidence** shall be preserved for the period of time the person convicted remains incarcerated or until the sentence is carried out.

~~2. Upon the motion of a person convicted of homicide or of any sexual offense, the court may order the preservation of any other specifically identified biological evidence, not otherwise subject to preservation under subsection (1), for the period of time the person convicted remains incarcerated or until the sentence is carried out.~~

3. For purposes of this section, the term 'biological evidence' means semen, blood, saliva, hair, skin tissue, or other identified biological material removed from physical evidence.

43. The requirements of this section shall apply to any government agency that may be in possession of ~~biological~~ **physical** evidence.

54. Biological evidence subject to the requirements of this section may be consumed for testing upon notice to the person convicted.

5. Nothing in this section shall limit government agencies from adopting policies and procedures for the retention, preservation and disposal of physical evidence secured in connection with other criminal cases.