

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1565

H.P. 1165

House of Representatives, March 13, 2001

An Act to Expand the Collection of DNA Samples from Convicted Offenders.

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative CARR of Lincoln.
Cosponsored by Senator McALEVEY of York and
Representatives: TOBIN of Dexter, WHEELER of Bridgewater, Senator: O'GARA of
Cumberland.

Be it enacted by the People of the State of Maine as follows:

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Sec. 1. 25 MRSA §1574, sub-§1, as repealed and replaced by PL 1997, c. 608, §2, is amended to read:

1. Conviction subsequent to effective date. A person convicted, on or after January 1, 1996 and before October 1, 2001, of a crime listed in subsection 4 or a person convicted on or after October 1, 2001, of a crime listed in subsection 5 shall submit to having a DNA sample drawn and at the time of sentencing the court shall enter an order directing that the DNA sample be drawn. If the convicted person's sentence includes a straight term of imprisonment or a split term of imprisonment, the DNA sample may be drawn at any time following the commencement of the straight term or initial unsuspended portion of the term of imprisonment. If the convicted person's sentence includes a period of probation but no immediate imprisonment, the DNA sample may be drawn at any time following commencement of the probation period as directed by the probation officer. If the convicted person's sentence includes a period of probation, the court may attach the duty to submit to having a DNA sample drawn as a condition of probation.

Sec. 2. 25 MRSA §1574, sub-§2, as enacted by PL 1995, c. 457, §1, is amended to read:

2. Conviction prior to effective date. A person convicted and incarcerated prior to January 1, 1996, as a result of a conviction for a crime listed in ~~this section~~ subsection 4, shall must have a DNA sample drawn before release from the corrections system.

Sec. 3. 25 MRSA §1574, sub-§4, as amended by PL 1997, c. 608, §3, is further amended to read:

4. Applicable offenses after January 1, 1996 and before October 1, 2001. This section applies to a person convicted after January 1, 1996 and before October 1, 2001 of one or more of the following offenses or an attempt of one or more of the following offenses:

- A. Murder or criminal homicide in the first or 2nd degree;
- B. Felony murder;
- C. Manslaughter;
- D. Aggravated assault;
- D-1. Elevated aggravated assault;

- 2 E. Gross sexual assault, including that formerly
denominated as gross sexual misconduct;
- 4 E-1. Rape;
- 6 F. Sexual abuse of a minor;
- 8 G. Unlawful sexual contact;
- 10 G-1. Visual sexual aggression against a child;
- 12 G-2. Sexual misconduct with a child under 14 years of age;
- 14 H. Kidnapping;
- 16 I. Criminal restraint;
- 18 J. Burglary;
- 20 K. Robbery;
- 22 L. Arson;
- 24 M. Aggravated criminal mischief; or
- 26 N. Any lesser included offense of any crime identified in
28 paragraphs A to M if the greater offense is initially
30 charged. "Lesser included offense" has the same meaning as
in Title 17-A, section 13-A.

32 **Sec. 4. 25 MRSA §1574, sub-§5** is enacted to read:

34 **5. Applicable offenses effective October 1, 2001. This**
36 **section applies to a person convicted after October 1, 2001 of**
one or more of the following offenses or an attempt of one or
38 **more of the following offenses:**

- 40 A. Murder;
- 42 B. A Class A, B or C crime;
- 44 C. Sexual abuse of a minor;
- 46 D. Unlawful sexual contact;
- 48 E. Visual sexual aggression against a child;
- 50 F. Sexual contact with a child under 14 years of age; or

2 G. Any lesser included offense of any crime identified in
3 paragraphs A to G if the greater offense is initially
4 charged. "Lesser included offense" has the same meaning as
5 in Title 17-A, section 13-A.

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SUMMARY

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10 This bill expands the list of offenses that require DNA
11 sample collection from a convicted offender for inclusion in the
12 DNA database at the Maine State Police Crime Laboratory to
 include all Class A, B and C crimes beginning October 1, 2001.