

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1698

H.P. 1250

House of Representatives, March 20, 2001

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### An Act to Amend the Laws Governing DNA Testing.

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Reference to the Committee on Criminal Justice suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SKOGLUND of St. George.  
Cosponsored by Senator DAGGETT of Kennebec and  
Representatives: ANNIS of Dover-Foxcroft, HALL of Bristol, HONEY of Boothbay,  
PARADIS of Frenchville, POVICH of Ellsworth, SMITH of Van Buren, TOBIN of Dexter,  
Senator: DOUGLASS of Androscoggin.

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

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

6 **2. Conviction prior to effective date.** A person convicted  
and incarcerated prior to January 1, 1996, as a result of a  
8 conviction for a crime listed in this section, shall have a DNA  
sample drawn at least before release from the corrections system  
10 but may request a DNA sample be drawn at any time during  
incarceration.

12 **Sec. 2. 25 MRSA §1574-A** is enacted to read:

14 **§1574-A. Optional blood sample for DNA analysis**

16 A person charged with a criminal offense or a person  
18 convicted of a crime, regardless of when that person was  
sentenced, who is not required to submit to having a DNA sample  
20 drawn pursuant to section 1574 may request that a DNA sample be  
drawn and the Chief of the State Police shall have the sample  
22 drawn as described in section 1575, subsection 2.

24 **Sec. 3. 25 MRSA §1577, sub-§2, ¶D**, as enacted by PL 1995, c.  
457, §1, is amended to read:

26 D. A person who has been identified and charged with a  
28 criminal offense as a result of a search of DNA records  
stored in the state DNA data base or a person who opts to  
30 have a sample drawn pursuant to section 1574-A. A person  
who has been identified and charged with a criminal offense  
32 or a person who opts to have a sample drawn pursuant to  
section 1574-A has access only to that person's records and  
34 any other records that person is entitled to under the Maine  
Rules of Evidence.

36 **Sec. 4. 25 MRSA §1577, sub-§5** is enacted to read:

38 **5. Use of records by prosecutors.** In a case involving a  
40 person whose DNA sample has been drawn, the prosecuting attorney  
shall use all of the DNA records for that person, regardless of  
42 what the records indicate. If a person has been sentenced and  
after sentencing has a DNA test that indicates that the person  
44 did not commit the offense, the prosecutor must reopen the case.

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## SUMMARY

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6 The bill permits persons who are convicted of crimes but are  
not required to submit to having a DNA sample drawn or persons  
8 charged with criminal offenses but not yet tried to request that  
a DNA sample be drawn. The bill allows persons who are  
10 incarcerated to request that a DNA sample be drawn at any time  
during incarceration. The bill permits those persons requesting  
DNA samples to be given access to their records relating to the  
12 samples. The bill also requires prosecutors to use all DNA  
evidence available in a case, regardless of what the evidence  
14 indicates. Finally, the bill specifies that if a person has been  
sentenced and after sentencing has a DNA test that indicates that  
16 the person did not commit the offense, the prosecutor must reopen  
the case.

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