

MAINE STATE LEGISLATURE

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L.D. 373

Date: 5/17/11

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 299, L.D. 373, Bill, "An Act To Provide for Equal Rights of Appeal for the State and Defendants Concerning Post-judgment DNA Analysis"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 15 MRSA §2138, sub-§6, as enacted by PL 2001, c. 469, §1, is amended to read:

6. Appeal from court decision to grant or deny motion to order DNA analysis. An aggrieved person may not appeal as a matter of right from the denial of a motion to order DNA analysis. The time, manner and specific conditions for taking that appeal to the Supreme Judicial Court, sitting as the Law Court, are as the Supreme Judicial Court provides by rule. The State may not appeal as a matter of right from a court order to grant a motion to order DNA analysis. The time, manner and specific conditions for taking that appeal to the Supreme Judicial Court, sitting as the Law Court, are as the Supreme Judicial Court provides by rule.

Sec. 2. 15 MRSA §2138, sub-§11, as enacted by PL 2001, c. 469, §1, is amended to read:

11. Appeal from a court decision to grant or deny a motion for new trial. ~~An aggrieved person may not appeal from the denial of a new trial as a matter of right. The time, manner and specific conditions for taking that appeal to the Supreme Judicial Court, sitting as the Law Court, are as the Supreme Judicial Court provides by rule.~~ The State or an aggrieved person may appeal as a matter of right from a court decision to grant or deny the person a new trial to the Supreme Judicial Court, sitting as the Law Court. The time, manner and specific conditions for taking that appeal to the Supreme Judicial Court, sitting as the Law Court, are as the Supreme Judicial Court provides by rule.'

SUMMARY

This amendment replaces the bill.

1 This amendment adds a new section to provide a discretionary appeal opportunity for
2 the State when the court grants a motion to order DNA analysis. Currently, the State has
3 no right to appeal that decision.

4 This amendment replaces the language in the bill to clarify that both the State and an
5 aggrieved person have an appeal as a matter of right from a court decision to grant or
6 deny a new trial based on the DNA analysis results.