CHAPTER 194

DNA DATA BASE AND DATA BANK ACT

§1571. Short title

This chapter may be known and cited as the "DNA Data Base and Data Bank Act." [PL 1995, c. 457, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 457, §1 (NEW).

§1572. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1995, c. 457, §1 (NEW).]

1. CODIS. "CODIS" means the Federal Bureau of Investigation's national DNA identification index system that allows for storage and exchange of DNA records submitted by state and local forensic DNA laboratories and is derived from the Combined DNA Index System.
[PL 1995, c. 457, §1 (NEW).]

2. Crime lab. "Crime lab" means the Maine State Police Crime Laboratory located in Augusta.
[PL 1995, c. 457, §1 (NEW).]

3. DNA. "DNA" means deoxyribonucleic acid.
[PL 1995, c. 457, §1 (NEW).]

4. DNA analysis. "DNA analysis" means DNA typing tests that derive identification information specific to a person from that person's DNA.
[PL 1995, c. 457, §1 (NEW).]

5. DNA record. "DNA record" means DNA identification information obtained from DNA analysis and stored in the state DNA data base or CODIS.
[PL 1995, c. 457, §1 (NEW).]

6. DNA sample. "DNA sample" means a biological sample provided by a person convicted or a juvenile adjudicated of one of the offenses listed in this chapter or submitted to the crime lab for analysis pursuant to a criminal investigation.
[PL 2003, c. 393, §1 (AMD).]

7. FBI. "FBI" means the Federal Bureau of Investigation of the United States Department of Justice.
[PL 1995, c. 457, §1 (NEW).]

7-A. Juvenile. "Juvenile" means any person who has not attained 18 years of age.
[PL 2003, c. 393, §2 (NEW).]

8. State DNA data base. "State DNA data base" means the DNA identification record system administered by the Chief of the State Police.
[PL 1995, c. 457, §1 (NEW).]

9. State DNA data bank. "State DNA data bank" means the repository of DNA samples maintained by the Chief of the State Police at the crime lab collected pursuant to this chapter.
[PL 1995, c. 457, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 457, §1 (NEW). PL 2003, c. 393, §§1,2 (AMD).

§1573. Responsibility for DNA identification record system; procedural compatibility with the FBI

1. Responsibility for system. The Chief of the State Police is responsible for DNA analysis and establishing, managing and administering the state DNA data base and the state DNA data bank to support law enforcement and for liaison with the FBI regarding the State's participation in CODIS. The state DNA data base must be physically located at the crime lab or at State Police Headquarters in Augusta. The state DNA data bank must be physically located at the crime lab.
[PL 1997, c. 608, §1 (AMD).]

2. Procedural compatibility. The state DNA data base established by the Chief of the State Police must be compatible with procedures specified by the FBI, including use of comparable test procedures, laboratory equipment, supplies and computer software.
[PL 1995, c. 457, §1 (NEW).]

3. DNA analysis. Notwithstanding subsection 1, the Chief of the State Police is not required to collect or analyze DNA samples collected pursuant to section 1574 unless adequate funding is available.
[PL 1995, c. 457, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 457, §1 (NEW). PL 1997, c. 608, §1 (AMD).

§1574. Biological sample required for DNA analysis upon conviction or adjudication

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 taken and at the time of sentencing the court shall enter an order directing that the DNA sample be taken. If the convicted person's sentence includes a straight term of imprisonment or a split term of imprisonment, the DNA sample may be taken 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 taken 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 taken as a condition of probation.
[PL 2003, c. 393, §3 (AMD).]

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 subsection 4, must have a DNA sample taken before release from the corrections system.
[PL 2003, c. 393, §3 (AMD).]

3. Juvenile offenders.

[PL 2001, c. 325, §3 (RP).]

3-A. Juveniles. A juvenile adjudicated on or after October 1, 2003 of a juvenile crime that, if committed by an adult, would constitute an offense listed in subsection 6 is subject to the requirements of this section.
[PL 2003, c. 393, §3 (NEW).]

4. Applicable offenses for persons convicted 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; [PL 1997, c. 608, §3 (AMD).]

B. Felony murder; [PL 1995, c. 457, §1 (NEW).]

C. Manslaughter; [PL 1995, c. 457, §1 (NEW).]

D. Aggravated assault; [PL 1995, c. 457, §1 (NEW).]

D-1. Elevated aggravated assault; [PL 1997, c. 608, §3 (NEW).]

E. Gross sexual assault, including that formerly denominated as gross sexual misconduct; [PL 1997, c. 608, §3 (AMD).]

E-1. Rape; [PL 1997, c. 608, §3 (NEW).]

F. Sexual abuse of a minor; [PL 1995, c. 457, §1 (NEW).]

G. Unlawful sexual contact; [PL 1995, c. 457, §1 (NEW).]

G-1. Visual sexual aggression against a child; [PL 1997, c. 608, §3 (NEW).]

G-2. Sexual misconduct with a child under 14 years of age; [PL 1997, c. 608, §3 (NEW).]

H. Kidnapping; [PL 1995, c. 457, §1 (NEW).]

I. Criminal restraint; [PL 1995, c. 457, §1 (NEW).]

J. Burglary; [PL 1995, c. 457, §1 (NEW).]

K. Robbery; [PL 1995, c. 457, §1 (NEW).]

L. Arson; [PL 1995, c. 457, §1 (NEW).]

M. Aggravated criminal mischief; or [PL 1995, c. 457, §1 (NEW).]

N. Any lesser included offense of any crime identified in paragraphs A to M if the greater offense is initially charged. "Lesser included offense" has the same meaning as in Title 17-A, section 13-A. [PL 1995, c. 457, §1 (NEW).]

[RR 2003, c. 1, §23 (COR).]

5. Applicable offenses for persons convicted on or after October 1, 2001. Except as provided in paragraph G-1, this section applies to a person convicted on or after October 1, 2001 of one or more of the following offenses or an attempt of one or more of the following offenses:

A. Murder; [PL 2001, c. 325, §5 (NEW).]

B. A Class A, B or C crime; [PL 2001, c. 325, §5 (NEW).]

C. Sexual abuse of a minor; [PL 2001, c. 325, §5 (NEW).]

D. Unlawful sexual contact; [PL 2001, c. 325, §5 (NEW).]

E. Visual sexual aggression against a child; [PL 2001, c. 325, §5 (NEW).]

F. Sexual contact with a child under 14 years of age; [PL 2001, c. 325, §5 (NEW).]

G. Solicitation of a child by a computer to commit a prohibited act; [PL 2011, c. 597, §5 (AMD).]

G-1. Solicitation of a child to commit a prohibited act on or after October 1, 2012; or [PL 2011, c. 597, §5 (NEW).]

H. Any lesser included offense of any crime identified in paragraphs A to G if the greater offense is initially charged. "Lesser included offense" has the same meaning as in Title 17-A, section 13-A. [PL 2001, c. 325, §5 (NEW).]

[PL 2011, c. 597, §5 (AMD).]

6. Applicable offenses for juveniles adjudicated on or after October 1, 2003. This section applies to a juvenile adjudicated on or after October 1, 2003 of committing a juvenile crime that, if

committed by an adult, would constitute one or more of the following offenses or an attempt of one or more of the following offenses:

A. Murder; [PL 2003, c. 393, §3 (NEW).]

B. Felony murder; [PL 2003, c. 393, §3 (NEW).]

C. Manslaughter; [PL 2003, c. 393, §3 (NEW).]

D. Aggravated assault; [PL 2003, c. 393, §3 (NEW).]

E. Elevated aggravated assault; [PL 2003, c. 393, §3 (NEW).]

F. Gross sexual assault; [PL 2003, c. 393, §3 (NEW).]

G. Unlawful sexual contact; [PL 2003, c. 393, §3 (NEW).]

H. Kidnapping; [PL 2003, c. 393, §3 (NEW).]

I. Criminal restraint; [PL 2003, c. 393, §3 (NEW).]

J. Burglary; [PL 2003, c. 393, §3 (NEW).]

K. Robbery; [PL 2003, c. 393, §3 (NEW).]

L. Arson; [PL 2003, c. 393, §3 (NEW).]

M. Aggravated criminal mischief; or [PL 2003, c. 393, §3 (NEW).]

N. Causing a catastrophe. [PL 2003, c. 393, §3 (NEW).]

[RR 2003, c. 1, §24 (COR).]

SECTION HISTORY

PL 1995, c. 457, §1 (NEW). PL 1997, c. 608, §§2,3 (AMD). PL 2001, c. 325, §§1-5 (AMD). RR 2003, c. 1, §§23,24 (COR). PL 2003, c. 393, §3 (AMD). PL 2011, c. 597, §5 (AMD).

§1574-A. Collection from person convicted prior to January 1, 1996 who reoffends

(REPEALED)

SECTION HISTORY

PL 2007, c. 294, §1 (NEW). PL 2011, c. 221, §1 (RP).

§1575. Procedure for collection of biological sample for DNA analysis

1. Collection equipment. The crime lab shall provide collection equipment or a kit for the collection of a biological sample required by section 1574 to persons authorized to collect samples. [PL 2003, c. 393, §4 (AMD).]

2. Person to draw blood sample. Only a duly licensed physician, physician associate, registered nurse, licensed practical nurse, person certified by the Department of Health and Human Services or person whose occupational license or training allows that person to draw blood samples may draw a blood sample for DNA analysis.
[PL 2003, c. 393, §4 (AMD); PL 2003, c. 689, Pt. B, §6 (REV); PL 2025, c. 316, §3 (REV).]

2-A. Person to collect biological sample. A person described in subsection 2, a corrections officer or other staff member of a county jail who is designated by the sheriff or jail administrator of that county jail or a corrections officer, probation officer, juvenile community corrections officer or other staff member of the Department of Corrections who is designated by the Commissioner of Corrections and is trained to collect biological samples may collect a biological sample that is not a blood sample. [PL 2019, c. 369, §1 (AMD).]

3. Liability. A person authorized under this section to draw blood or collect other biological samples is not liable for damages or liable for the act of drawing blood or collecting another biological

sample for DNA analysis when that person exercises due care in drawing blood or collecting the biological sample.
[PL 2003, c. 393, §4 (AMD).]

4. Crime lab. All biological samples collected pursuant to this Act must be forwarded to the crime lab for DNA analysis.
[PL 2003, c. 393, §4 (AMD).]

SECTION HISTORY

PL 1995, c. 457, §1 (NEW). PL 1997, c. 608, §4 (AMD). PL 2003, c. 393, §4 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 329, §5 (AMD). PL 2019, c. 369, §1 (AMD). PL 2025, c. 316, §3 (REV).

§1576. Procedure for collection; conducting DNA analysis

The Chief of the State Police may adopt rules governing the procedures to be used in the collection, submission, identification, analysis and storage of DNA samples and the results of the typing of biological samples submitted pursuant to this Act. The biological sample must be securely stored in the state DNA data bank. The results of the typing of the biological samples must be securely stored in the state DNA data base. [PL 2003, c. 393, §5 (AMD).]

SECTION HISTORY

PL 1995, c. 457, §1 (NEW). PL 2003, c. 393, §5 (AMD).

§1577. DNA records

1. Confidentiality. All DNA records are confidential and may not be disclosed to any person or agency unless disclosure is authorized by this section.
[PL 1995, c. 457, §1 (NEW).]

2. Permissible disclosure. DNA records may be disclosed to the following persons or agencies:

A. Local, county, state and federal criminal justice and law enforcement agencies, including forensic laboratories serving the agencies, for identification purposes that further official criminal investigations; [PL 1995, c. 457, §1 (NEW).]

B. The FBI for storage and maintenance of CODIS; [PL 1995, c. 457, §1 (NEW).]

C. Medical examiners and coroners for the purpose of identifying remains; and [PL 1995, c. 457, §1 (NEW).]

D. A person who has been identified and charged with a criminal offense or a juvenile crime as a result of a search of DNA records stored in the state DNA data base. Disclosure to a person who has been identified and charged with a criminal offense or a juvenile crime is limited to that person's records and any other records that person is entitled to under the Maine Rules of Unified Criminal Procedure. [PL 2025, c. 659, §1 (AMD).]
[PL 2025, c. 659, §1 (AMD).]

3. Statistical interpretation. Notwithstanding subsections 1 and 2, DNA records may be released to advance DNA analysis methods and support statistical interpretation of DNA analysis, including development of population data bases, if personal identifying information is removed from DNA records prior to the release of those records.
[PL 1995, c. 457, §1 (NEW).]

4. Expungement. A person whose DNA record has been stored in the state DNA data base may petition the Superior Court for expungement on the ground that the conviction or adjudication justifying the inclusion of the DNA record in the state DNA data base has been reversed or dismissed. Upon receipt of an expungement order and a certified copy of the order reversing and dismissing the

conviction or adjudication, the Chief of the State Police shall purge from the state DNA data base the DNA record and all identifiable information resulting exclusively from the reversed conviction or adjudication.
[PL 2003, c. 393, §7 (AMD).]

SECTION HISTORY

PL 1995, c. 457, §1 (NEW). PL 2003, c. 393, §§6,7 (AMD). PL 2025, c. 659, §1 (AMD).

§1578. Unlawful dissemination

1. Offense. A person is guilty of unlawful dissemination of a DNA record if the person knowingly disseminates a DNA record in violation of this Act.
[PL 1995, c. 457, §1 (NEW).]

2. Penalty. Unlawful dissemination of a DNA record is a Class E crime.
[PL 1995, c. 457, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 457, §1 (NEW).

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