

§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).

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