

# Lawfully Owed DNA Maine

*Last Updated: April 2023*

## Arrest

Question	Answer
Does the law require a DNA sample to be collected from an individual when they are arrested for a crime?	No.
What crimes require collection of a DNA sample at arrest?	N/A
Does the law mandate when the DNA sample must be collected after arrest?	N/A
What agency collects the arrest DNA sample?	N/A
What agency manages the analysis and preservation in the DNA database?	N/A
Can the arrest DNA sample be expunged?	N/A
Statutes	N/A

## Conviction

Question	Answer
Does the law require a DNA sample to be collected from the defendant when they are convicted of a crime?	Yes.
What convictions require collection of a DNA sample?	<p><b>Enumerated Offenses For Adults:</b> Murder; a Class A, B or C crime; sexual abuse of a minor; unlawful sexual contact; visual sexual aggression against a child; sexual contact with a child under 14 years of age; solicitation of a child by a computer to commit a prohibited act; solicitation of a child to commit a prohibited act on or after October 1, 2012; or any lesser included offense of one of the above if the greater offense is initially charged.</p> <p><b>Enumerated Offenses For Minors:</b> juvenile crimes that, if committed by an adult, would constitute the following: murder; felony murder; manslaughter; aggravated assault; elevated aggravated assault;</p>

	gross sexual assault; unlawful sexual contact; kidnapping; criminal restraint; burglary; robbery; arson; aggravated criminal mischief; or causing a catastrophe.
Does the law require DNA collection when a defendant is found not guilty by reason of insanity/mental defect/illness?	Not specifically required.
Does the law mandate when the DNA sample must be collected after conviction?	May be taken at any time during the period of incarceration; or if no incarceration, may be taken at any time during period of probation. Court may include submitting to having a DNA sample taken as a condition of probation.  If incarcerated prior to January 1, 1996, before release from the corrections system.
What agency collects the DNA sample after conviction?	For blood samples, must be collected by a person certified by the Department of Health and Human Services or with a license permitting them to collect such sample; for biological sample, must be collected a person authorized to collect a blood sample (noted above) or any of the following: "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"
What agency manages the analysis and preservation in the DNA database?	Chief of the State Police
Can the conviction DNA sample be expunged?	Petition the Superior Court for expungement due to reversal or dismissal of conviction or adjudication justifying the collection of the DNA; Chief of the State Police must purge the record upon receipt of an expungement order and certified copy of the order reversing or dismissing conviction or adjudication.
Statutes	25 M.R. S. § 1573. Responsibility for DNA Identification Record System; Procedural Compatibility with the FBI  25 M.R. S. § 1574. Biological Sample Required for DNA Analysis upon Conviction or Adjudication  25 M.R.S. § 1575. Procedure for collection of a biological sample for DNA analysis  25 M.R.S. § 1577. DNA records  Case Law:  <i>State v. Hutchinson</i> , 969 A.2d 923 (Me. 2009) (holding statute requiring persons convicted of serious crimes to provide DNA samples for DNA database does not constitute unreasonable search and

|seizure).