

§2137. Postjudgment of conviction motion for DNA analysis; new trial based on analysis results

1. Motion. A person who has been convicted of and sentenced for a crime under the laws of this State that carries the potential punishment of imprisonment of at least one year and for which the person is in actual execution of either a pre-Maine Criminal Code sentence of imprisonment, including parole, or a sentencing alternative pursuant to Title 17-A, section 1502, subsection 2 that includes a term of imprisonment or is subject to a sentence of imprisonment that is to be served in the future because another sentence must be served first may file a written postjudgment of conviction motion in the underlying criminal proceeding moving the court to order DNA analysis of evidence in the control or possession of the State that is related to the underlying investigation or prosecution that led to the person's conviction and a new trial based on the results of that analysis as authorized by this chapter. For criminal proceedings in which DNA testing was conducted before September 1, 2006, the person may file a written postjudgment of conviction motion in the underlying criminal proceeding moving the court for a new trial based on the results of the DNA testing already conducted using the standard set forth in this chapter if the DNA test results show that the person is not the source of the evidence. [PL 2019, c. 113, Pt. C, §41 (AMD).]

2. Time for filing. A motion under this section must be filed by the later of:

A. September 1, 2008, including a motion pertaining to criminal proceedings in which DNA testing was conducted before September 1, 2006; [PL 2005, c. 659, §1 (NEW); PL 2005, c. 659, §6 (AFF).]

B. Two years after the date of conviction; and [PL 2005, c. 659, §1 (NEW); PL 2005, c. 659, §6 (AFF).]

C. In cases in which the request for analysis is based on the existence of new technology with respect to DNA analysis that is capable of providing new material information, within 2 years from the time that the technology became commonly known and available. [PL 2005, c. 659, §1 (NEW); PL 2005, c. 659, §6 (AFF).]

[PL 2005, c. 659, §1 (NEW); PL 2005, c. 659, §6 (AFF).]

SECTION HISTORY

PL 2001, c. 469, §1 (NEW). PL 2005, c. 659, §1 (RPR). PL 2005, c. 659, §6 (AFF). PL 2019, c. 113, Pt. C, §41 (AMD).

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