

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Provide for Equal Rights of Appeal for the State and Defendants Concerning Post-judgment DNA Analysis

Be it enacted by the People of the State of Maine as follows:

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.~~

Effective 90 days following adjournment of the 125th
Legislature, First Regular Session, unless otherwise indicated.