

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
FIRST SPECIAL SESSION
107TH LEGISLATURE

COMMITTEE OF CONFERENCE AMENDMENT "A " to S.P. 773,
L. D. 2326, Bill, "AN ACT Repealing the Expungement Law and
Providing for the Control of Access to and Disclosure of
Criminal History Record Information."

Amend said Bill in section 3 by striking out all of
paragraph C of subsection 2 of that part designated "§602."
and inserting in place thereof the following:

'C. Records, retained at and by the District Court and
Superior Court, of public judicial proceedings, including,
but not limited to, docket entries and original court files;'

Further amend said Bill in section 3 by striking out all
of subsection 3 of that part designated "§602." and inserting
in place thereof the following:

'3. Permissible disclosure. Nothing in this subchapter
shall be construed to prevent a criminal justice agency from
disclosing to the public factual information concerning the status
of an investigation, the apprehension, arrest, release or
prosecution of an individual, the adjudication of charges or the
correctional status of an individual, which is reasonably contempor-
aneous with the event to which the information relates; nor is a
criminal justice agency prohibited from confirming prior criminal
history record information to members of the news media or any
other person, when in response to a specific inquiry as to whether
on a specified date a named person was arrested or had a complaint,
information or indictment returned against him or had disposition

on a charging document, provided that the information disclosed is based on data excluded by subsection 2, and further provided that such disclosing criminal justice agency shall disclose therewith any and all criminal history record information in its custody or control which indicates the final disposition of the arrest, detention, information, indictment or other charging document.'

Further amend said Bill in section 3 in that part designated "§603." by inserting at the end of subsection 1 before the underlined punctuation ";" the following: 'but excluding acquittals by reason of mental disease or defect'

Further amend said Bill in section 3 by striking out all of paragraph A of subsection 3 of that part designated "§603." and inserting in place thereof the following:

'A. Criminal justice agencies, for purposes of the administration of criminal justice, except that such dissemination is not authorized for both subsection 1 and subsection 2, where the Governor when granting a full and free pardon expressly provides that the criminal history record information relating to a crime for which that pardon has been granted shall not be made available to criminal justice agencies for purposes of administration of criminal justice;'

Further amend said Bill in section 3 by striking out all of paragraph F of subsection 1 of that part designated "§604." and inserting in place thereof the following:

'F. Agencies of State and Federal Government which are authorized by statute or executive order to conduct in-

vestigations determining employment suitability or eligibility for security clearances allowing access to classified information. Criminal justice agencies shall by rules or regulations approved by the Attorney General prescribe such reasonable procedures as are necessary to confirm the existence of such agency's statutory or executive order authorization and the identity and authority of the person requesting any criminal history record information in order to insure the security and confidentiality of such information; and'

Further amend said Bill in section 3 by inserting after subsection 2 of that part designated "§606." the following:

'3. Notification. When a criminal justice agency has amended or corrected a person's criminal history record information in response to written request as provided in subsection 2 or a court order, the agency shall within 30 days thereof advise all prior recipients of such information of the amendment or correction and shall notify the person of compliance with that requirement and the prior recipients notified.'

Further amend said Bill in section 3 by renumbering subsection 3 of that part designated "§606." to be subsection 4.

Further amend said Bill in section 3 by inserting after that part designated "§606." the following:

'§607. Application

The provisions of this subchapter shall apply to those

criminal records made before the effective date of this Act, including those which have been previously expunged under any other provision of state law.'

Statement of Fact

The purpose of this amendment is to limit the dissemination of criminal history record information in those situations where an individual has been acquitted or pardoned or where the complaint, indictment or information has been dismissed. The amendment also excludes from the limitation or dissemination of criminal history record information contained in section 603 those records relating directly to a crime for which a person has been acquitted by reason of mental disease or defect.

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