

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-1208)
107TH LEGISLATURE
FIRST SPECIAL SESSION

HOUSE 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
of subsection 2
paragraph C/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 contemporaneous 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 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 criminal justice agency employment;'

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 investigations 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 at the end 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.

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

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

§607. Accounting for disclosures

All criminal justice agencies shall establish a system of accounting for all disclosures of criminal history record information made either orally or in writing. Accounting records maintained pursuant to this section shall permit the agency to advise individuals, promptly upon request, of the persons or agencies to which records concerning them have been disclosed, and shall, at a minimum, include the identification of the particular information disseminated, the name and address of the recipient person or agency, the record information and the purpose of such dissemination.

At the time that a criminal justice agency has amended or corrected a person's criminal history record information in response to a written request, a person or his \longleftrightarrow attorney may request of a criminal justice agency an accounting of the dissemination of criminal history record information concerning him. Upon such request, and after satisfactory verification of identity by fingerprint \longleftrightarrow comparison or other means, the agency shall make available to the requesting person such accounting records.

Notwithstanding the provisions of this section, no accounting shall be required for disclosures pursuant to section 603, subsection 3, paragraphs B and C and section 604, subsection 1, paragraphs D and E.

§608. 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.

Filed by Mr. Spender of Standish.

Reproduced and distributed under the direction of the Clerk of the House.

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