

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 541,
L.D. 1512, Bill, "An Act to Reform the Juvenile Criminal Justice
System"

Amend the amendment by striking out all of the 4th and 5th
paragraphs after the title (page 1, lines 25 to 33 in the
amendment) and inserting in their place the following:

'Further amend the bill by striking out all of section 12
and inserting in its place the following:

'Sec. 12. 15 MRSA §3308, sub-§8 is enacted to read:

8. Juvenile records sealed. This subsection governs the
sealing of records of a person adjudicated to have committed a
juvenile crime.

A. A person adjudicated to have committed a juvenile crime
may petition the court to seal from public inspection all
records pertaining to the juvenile crime and its
disposition, and to any prior juvenile records and their
dispositions if:

(1) At least 3 years have passed since the person's
discharge from the disposition ordered for that
juvenile crime;

(2) Since the date of disposition, the person has not
been adjudicated to have committed a juvenile crime and
has not been convicted of committing a crime; and

(3) There are no current adjudicatory proceedings
pending for a juvenile or other crime.

B. The court may grant the petition if it finds that the
requirements of paragraph A are satisfied, unless it finds
that the general public's right to information substantially
outweighs the juvenile's interest in privacy.

2 C. Notwithstanding subsections 3, 3-A, 4 and 5, the court
4 order sealing the records permits only the following persons
 to have access to the sealed records:

6 (1) The courts and criminal justice agencies as
 provided by this section; and

8 (2) The person whose juvenile records are sealed or
10 that person's designee.

12 D. If the petition is granted, the person may respond to
14 inquiries from other than the courts and criminal justice
16 agencies about that person's juvenile crimes, the records of
 which have been sealed, as if the juvenile crimes had never
 occurred, without being subject to any sanctions.' '

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STATEMENT OF FACT

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 This amendment clarifies the procedure for sealing juvenile
22 records. A person adjudicated to have committed a juvenile crime
may petition the court to seal the records of the juvenile crime,
24 and any previous juvenile crimes, if the person has had no other
adjudications or convictions for the three years since the
26 adjudication and there are not adjudicatory proceedings pending
for any juvenile or other crime. If the court finds that these
28 requirements are met, the court balances the juvenile's interests
in sealing the records against the interests society in general
30 has in making sure records of crimes are available to the
public. The juvenile's interests center around the opportunity
32 for a person to leave behind the offenses committed as a juvenile
and not be punished in adult life for mistakes made before the
34 age of 18.

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Filed by Rep. Paradis of Augusta
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3/8/90 (Filing No. H-893)