

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

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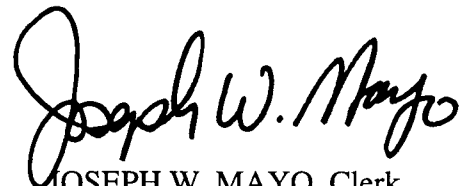
H.P. 362

House of Representatives, February 9, 1995

**An Act to Ensure that a Juvenile Conviction for a Serious Crime Is Made  
a Permanent Part of the Juvenile's Record.**

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Received by the Clerk of the House on February 7, 1995. Referred to the Committee on  
Judiciary and ordered printed pursuant to Joint Rule 14.

  
JOSEPH W. MAYO, Clerk

Presented by Representative NICKERSON of Turner.  
Cosponsored by Representatives: CLUKEY of Houlton, CROSS of Dover-Foxcroft.

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

4 **Sec. 1. 15 MRSA §3308, sub-§7, ¶A**, as enacted by PL 1985, c.  
426, is amended to read:

6 A. For purposes of this subsection the following terms have  
8 the following meanings.

10 (1) "Administration of criminal justice" has the same  
12 meaning as found in Title 16, section 611, subsection 1.

14 (2) "Administration of juvenile criminal justice"  
16 means detection, apprehension, detention, conditional  
18 or unconditional release, informal adjustment, initial  
20 appearance, bind over, adjudication or disposition of  
22 accused juveniles or juvenile criminal offenders. It  
24 includes juvenile crime identification activities and  
the collection, storage and dissemination of juvenile  
crime information.

26 (2-A) "Criminal history record information" has the  
28 same meaning as found in Title 16, section 611,  
30 subsection 3.

32 (3) "Criminal justice agency" has the same meaning as  
34 found in Title 16, section 611, subsection 4.

36 (4) "Dissemination" has the same meaning as found in  
38 Title 16, section 611, subsection 6.

40 **Sec. 2. 15 MRSA §3308, sub-§7, ¶B**, as amended by PL 1993, c.  
42 354, §6, is further amended to read:

44 B. Nothing in this section precludes dissemination of any  
46 information contained in the records of juvenile proceedings  
48 or other records described in subsection 5 by one criminal  
50 justice agency to another criminal justice agency for the  
purpose of the administration of criminal justice, the  
administration of juvenile criminal justice, the compiling  
of permanent criminal history record information required by  
Title 16, section 612-B and for criminal justice agency  
employment, as long as:

(1) The person concerning whom the records are sought  
has been convicted of a crime as an adult;

(2) The person concerning whom the records are sought  
has been adjudicated as having committed a juvenile  
crime that, if committed by an adult, would be defined  
as a Class A, B or C crime by Title 17-A, the Maine

2 Criminal Code, or by any other criminal statute outside  
that code;

4 (3) The person concerning whom the records are sought  
6 has been adjudicated as having committed a juvenile  
crime with the use of a dangerous weapon, as defined in  
8 Title 17-A, section 2, subsection 9;

10 (4) The person concerning whom the records are sought  
has been adjudicated as having committed 2 or more  
12 juvenile crimes that, if committed by an adult, would  
be defined as Class D or Class E crimes by Title 17-A,  
14 the Maine Criminal Code, or by any other criminal  
statute outside that code; or

16 (5) The person seeking the records is the prosecuting  
attorney in any proceeding and the person concerning  
18 whom the records are sought is a defendant in that  
proceeding.

20 **Sec. 3. 15 MRSA §3308, sub-§8,** as enacted by PL 1989, c. 744,  
22 §5, is amended to read:

24 **8. Juvenile records sealed.** This Except as required by  
Title 16, section 612-B, this subsection governs the sealing of  
26 records of a person adjudicated to have committed a juvenile  
crime.

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

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

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

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

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

50

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

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

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

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

16 **Sec. 4. 16 MRSA §612-B** is enacted to read:

18 **§612-B. Records of juveniles**

20 An abstract, certified by the court, of court proceedings  
22 and other records of a person adjudicated to have committed a  
24 crime as described under Title 15, section 3308, subsection 7,  
26 paragraph B, subparagraphs (1) to (4), must be submitted to and  
permanently maintained by the Department of Public Safety for use  
by the Maine Criminal Justice Information System in the  
dissemination of criminal history record information.

28  
30 **STATEMENT OF FACT**

32 Currently, a court may grant a petition to seal from public  
inspection all records pertaining to a juvenile crime. This bill  
34 requires that the records of those persons adjudicated to have  
committed certain juvenile crimes be permanently maintained by  
36 the Maine Criminal Justice Information System for use in the  
dissemination of criminal history record information.