

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1172

S.P. 400

In Senate, March 8, 2005

### An Act To Expunge Criminal Records upon Pardon

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DAMON of Hancock.  
Cosponsored by Representative BLANCHETTE of Bangor and  
Representatives: GERZOFSKY of Brunswick, PINGREE of North Haven.

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

4 **Sec. 1. 15 MRSA §2167**, as enacted by PL 1993, c. 665, §1, is  
5 amended to read:

6 **§2167. Expungement of records**

7  
8 In any criminal case in which the Governor grants a  
9 convicted person a full and free pardon, ~~that person, after the~~  
10 ~~expiration of 10 years from the date the person is finally~~  
11 ~~discharged from any sentence imposed as a result of the~~  
12 ~~conviction, may make written application to the Department of~~  
13 ~~Public Safety, State Bureau of Identification to have and any~~  
14 ~~other state agency shall expunge~~ all references to the pardoned  
15 crime ~~deleted from the Federal Bureau of Investigation's~~  
16 ~~identification record~~ all state records. ~~Following receipt of an~~  
17 ~~application, the~~ The State Bureau of Investigation Identification  
18 shall make the necessary arrangements with the identification  
19 division of the Federal Bureau of Investigation to have all  
20 references to the pardoned crime deleted from the Federal Bureau  
21 of Investigation's identification record and any state materials  
22 returned to the contributing agency ~~if the application is timely~~  
23 ~~and the person has not been convicted of a crime in this State or~~  
24 ~~any other jurisdiction since the full and free pardon was granted~~  
25 ~~and has no formal charging instrument for a crime pending in this~~  
26 ~~State or any other jurisdiction.~~

27  
28 **SUMMARY**

29  
30 This bill requires the Department of Public Safety, State  
31 Bureau of Identification and all other state agencies to expunge  
32 all records of a crime of a person who has received a full and  
33 free pardon by the Governor. This bill also requires the State  
34 Bureau of Identification to make the necessary arrangements with  
35 the identification division of the Federal Bureau of  
36 Investigation to have all references to the pardoned crime  
37 deleted from the Federal Bureau of Investigation's identification  
38 record and any state materials returned to the contributing  
39 agency.  
40