

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 573

H.P. 397

House of Representatives, February 26, 2015

**An Act To Provide for Annulment of Certain Arrest Records and
Expungement of Certain Confidential Criminal History Record
Information**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DeCHANT of Bath.

Cosponsored by Representatives: BECK of Waterville, FOWLE of Vassalboro, McCREIGHT of Harpswell.

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

2 **Sec. 1. 16 MRSA §711** is enacted to read:

3 **§711. Annulment of arrest record; expungement of confidential criminal history**
4 **record information**

5 The Department of Public Safety, State Bureau of Identification shall establish a
6 process for the annulment of the arrest record and expungement of confidential criminal
7 history record information, referred to in this section as "information," pertaining to the
8 arrest of a person whose information is described as confidential under section 703,
9 subsection 2, paragraphs A to H. The process must provide for annulment of the arrest
10 record and expungement of the information upon application by or on behalf of a person
11 to whom the information pertains. The process must provide notice to all persons who
12 are included in the information as victims and to all law enforcement agencies that are
13 included in the information. The process must provide for a decision in favor of
14 annulment of the arrest record and expungement of the information by the commanding
15 officer of the State Bureau of Identification upon a finding that annulment of the arrest
16 record and expungement of the information is in the best interests of the person to whom
17 the information pertains and is not detrimental to the public interest or to the protection of
18 society. The State Bureau of Identification shall adopt rules to implement this section.
19 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
20 chapter 375, subchapter 2-A.

21 **SUMMARY**

22 This bill directs the Department of Public Safety, State Bureau of Identification to
23 establish a process for the annulment of a person's arrest record and expungement of the
24 person's confidential criminal history record information. The process must apply to
25 certain arrests and information that is described as confidential under the Maine Revised
26 Statutes, Title 16, section 703, subsection 2, paragraphs A to H. The bill requires the
27 process to include notice to all persons who are included in the information as victims
28 and to all law enforcement agencies that are included in the information. The bill
29 requires the process to include a decision in favor of annulment of the arrest record and
30 expungement of the information by the commanding officer of the State Bureau of
31 Identification upon a finding that annulment of the arrest record and expungement of the
32 information is in the best interests of the person to whom the information pertains and is
33 not detrimental to the public interest or to the protection of society. The bill directs the
34 State Bureau of Identification to adopt routine technical rules to implement the law.