

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 514

S.P. 175

In Senate, February 9, 2017

An Act To Authorize the Expungement of Records of Nonviolent Crimes

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Representative WARREN of Hallowell and
Senators: BELLOWS of Kennebec, JACKSON of Aroostook, KATZ of Kennebec, MASON of Androscoggin, VOLK of Cumberland, Representatives: MONAGHAN of Cape Elizabeth, SIROCKI of Scarborough, TIMBERLAKE of Turner.

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

2 **Sec. 1. 15 MRSA c. 313** is enacted to read:

3 **CHAPTER 313**

4 **EXPUNGEMENT OF RECORDS**

5 **§2321. Expungement of records of nonviolent crimes**

6 **1. Class E, D and C crimes.** A person convicted of a Class E, Class D or Class C
7 crime may petition the court in which the conviction was recorded to expunge the record
8 of the conviction after a period of 5 years from the completion of the sentence. The court
9 shall order all records of the conviction expunged if:

10 A. The defendant has not been convicted of a crime in this State or any other
11 jurisdiction since the conviction subject to the petition and has no formal charging
12 instrument for a crime pending in this State or any other jurisdiction; and

13 B. The crime is not a crime under Title 17-A, chapter 11, 12, 25 or 35 or the crime
14 involved violence, domestic violence or had as an element of the offense a victim
15 who was 17 years of age or younger or a victim who was 65 years of age or older.

16 **2. State Bureau of Identification.** Following receipt of a court order for
17 expungement under subsection 1, the Department of Public Safety, State Bureau of
18 Identification shall make the necessary arrangements with the identification division of
19 the Federal Bureau of Investigation to have all references to the expunged crime deleted
20 from the Federal Bureau of Investigation's identification record and any state materials
21 returned to the contributing agency.

22 **SUMMARY**

23 This bill allows a person convicted of a Class E, Class D or Class C crime to petition
24 the court where the person was convicted to expunge all records of the crime 5 years after
25 the completion of the person's sentence. Expungement is not available for persons who
26 have subsequent convictions or pending criminal charges; for crimes involving violence
27 or sex offenses; or crimes that had as an element of the offense victims who were minors
28 or are 65 years of age or older.