

1	L.D. 1202
2	Date: 3/19/2018 Minority (Filing No. S-392)
3	CRIMINAL JUSTICE AND PUBLIC SAFETY
4	Reproduced and distributed under the direction of the Secretary of the Senate.
5	STATE OF MAINE
6	SENATE
7	128TH LEGISLATURE
8	SECOND REGULAR SESSION
9 10	COMMITTEE AMENDMENT " A " to S.P. 403, L.D. 1202, Bill, "An Act To Clear a Path to Employment"
11 12	Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:
13 14	'Sec. 1. 15 MRSA §2251, sub-§6, as enacted by PL 2015, c. 354, §1, is amended to read:
15 16 17	6. Eligible criminal conviction. "Eligible criminal conviction" means a conviction for a current or former <u>Class D or</u> Class E crime, except a conviction for a current or former <u>Class D or</u> Class E crime under Title 17-A, chapter 11.
18	Sec. 2. 15 MRSA §2252, sub-§2, as enacted by PL 2015, c. 354, §1, is repealed.
19 20	Sec. 3. 15 MRSA §2254, sub-§§1, 6 and 8, as enacted by PL 2015, c. 354, §1, are amended to read:
21 22 23 24 25 26	1. Filing motion. A motion filed pursuant to section 2253 must be filed in the underlying criminal proceeding. The person filing the motion must provide a copy of the motion to the prosecutorial office that represented the State in the underlying criminal proceeding and must certify in the motion that a copy of the motion has been provided to that prosecutorial office. After a motion has been filed, the clerk shall set the motion for hearing.
27 28 29 30 31 32 33 34 35 36	6. Notice to State Bureau of Identification. If the court determines pursuant to subsection 5 that a person has established by a preponderance of the evidence each of the statutory prerequisites specified in section 2252, a copy of the court's written order certifying its determination must be provided <u>electronically</u> to the Department of Public Safety, Bureau of State Police, State Bureau of Identification. The State Bureau of Identification upon receipt of the order shall promptly alter its records relating to the person's eligible criminal conviction to reflect that future dissemination of this criminal history record information must be pursuant to section 2255 rather than pursuant to Title 16, section 704. The State Bureau of Identification shall notify the person of compliance with that requirement.

Page 1 - 128LR0347(02)-1

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A $\,$ " to S.P. 403, L.D. 1202

1 2 3 4	8. Notice to State Bureau of Identification of new crime. If the court determines under subsection 7 that a person has been convicted of a new crime and as a consequence is no longer eligible for the special restrictions on dissemination and use of the criminal history record information relating to the criminal conviction as specified in section 2255,
5 6 7	a copy of the court's written order certifying its determination must be provided <u>electronically</u> to the Department of Public Safety, Bureau of State Police, State Bureau of Identification. The State Bureau of Identification upon receipt of the order shall alter its
8 9 10	records relating to the person's criminal conviction to reflect that dissemination of this criminal history record information is pursuant to Title 16, section 704 rather than pursuant to section 2255. It shall notify the person of compliance with that requirement.
11 12	Sec. 4. 15 MRSA §2255, sub-§§1 and 2, as enacted by PL 2015, c. 354, §1, are amended to read:
13 14	1. Subject of conviction. To the person who is the subject of the criminal conviction or that person's designee; and
15 16	2. Criminal justice agency. To a criminal justice agency for the purpose of the administration of criminal justice and criminal justice agency employment , and
17	Sec. 5. 15 MRSA §2255, sub-§3 is enacted to read:
18	3. For certain licensure or employment. To a public or private entity to which the
19	person who is the subject of the criminal conviction has applied for licensure or
20	employment when applicable federal or state law, rule or regulation requires that entity to
21 22	perform a fingerprint-based state or national criminal history record check of the person prior to licensing or employing the person.
23	Sec. 6. 15 MRSA §2256, as enacted by PL 2015, c. 354, §1, is amended to read:
24	§2256. Limited disclosure of eligible criminal conviction
25	A person who has a criminal conviction eligible for the special restrictions on
26	dissemination and use of criminal history record information under section 2255 may
27	respond to inquiries from other than criminal justice agencies or to inquiries relating to
28 29	<u>licensure or employment not described in section 2255, subsection 3</u> by not disclosing its existence the criminal conviction without being subject to any sanctions.
30	Sec. 7. 15 MRSA §2259, as enacted by PL 2015, c. 354, §1, is repealed.'
31	SUMMARY
32	This amendment, which is the minority report of the committee, replaces the bill and
33	amends the Maine Revised Statutes, Title 15, chapter 310, which provides a motion
34	process for the imposition of special restrictions on the dissemination and use of criminal
35 36	history record information for a single Class E criminal conviction committed by an individual 18 to 20 years of age. The amendment does the following.
37	1. It authorizes a court to impose special restrictions on the dissemination and use of
38	criminal history record information for a single Class D or Class E criminal conviction
39	committed by an individual of any age when at least 4 years have passed since the person

Page 2 - 128LR0347(02)-1

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT " A" to S.P. 403, L.D. 1202

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has fully satisfied each of the sentencing alternatives imposed for the eligible criminal conviction.

2. It allows dissemination of criminal history record information to a public or private entity to which a person who is the subject of a criminal conviction has applied for licensure or employment when applicable federal or state law, rule or regulation requires that entity to perform a fingerprint-based state or national criminal history record check of the person prior to licensing or employing the person.

3. It repeals the existing statutory repeal date of October 1, 2019 for the Maine Revised Statutes, Title 15, chapter 310.

FISCAL NOTE REQUIRED (See attached)

Page 3 - 128LR0347(02)-1

COMMITTEE AMENDMENT



128th MAINE LEGISLATURE

LD 1202

LR 347(02)

An Act To Clear a Path to Employment

Fiscal Note for Bill as Amended by Committee Amendment 'A'' (S-392) Committee: Criminal Justice and Public Safety Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund Minor cost increase - Highway Fund Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new motions likely to be filed in the court system can be absorbed within existing budgeted resources.

The collection of additional filing fees may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Department of Public Safety associated with this legislation can be absorbed within existing budgeted resources.