

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 764

H.P. 569

House of Representatives, February 12, 2019

An Act To Limit the Dissemination of Certain Criminal Records

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 TALBOT ROSS of Portland.
Cosponsored by Representatives: CARDONE of Bangor, DAUGHTRY of Brunswick,
MOONEN of Portland, O'NEIL of Saco, PLUECKER of Warren, TIPPING of Orono.

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

2 **Sec. 1. 16 MRSA §703, sub-§2, ¶K**, as enacted by PL 2013, c. 267, Pt. A, §2, is
3 amended to read:

4 K. Information disclosing that a criminal proceeding has been terminated because the
5 court lacked jurisdiction over the defendant; ~~and~~

6 **Sec. 2. 16 MRSA §703, sub-§2, ¶L**, as amended by PL 2017, c. 432, Pt. B, §1, is
7 further amended to read:

8 L. Information disclosing that a person has petitioned for and been granted a full and
9 free pardon;

10 **Sec. 3. 16 MRSA §703, sub-§2, ¶¶M to P** are enacted to read:

11 M. All adjudications and related records under Title 15, Part 6, after 3 years from the
12 date of disposition;

13 N. Except for Class E and Class D crimes under Title 17-A, chapter 11 and chapter
14 12 and that involve domestic violence, all convictions and related records for Class E
15 and Class D crimes after 3 years from the date of imposition of sentence;

16 O. All convictions and related records for Class E and Class D crimes under Title
17 17-A, chapter 11 and chapter 12 and that involve domestic violence after 7 years
18 from the date of imposition of sentence; and

19 P. All convictions and related records for Class C, Class B and Class A crimes that
20 are based solely on the defendant's convictions for prior Class E and Class D crimes.

21 **Sec. 4. 16 MRSA §704, sub-§1**, as enacted by PL 2013, c. 267, Pt. A, §2, is
22 amended to read:

23 **1. Generally.** Public criminal history record information is public for purposes of
24 Title 1, chapter 13. Public criminal history record information may be disseminated by a
25 Maine criminal justice agency to any person or public or private entity for any purpose.
26 Public criminal history record information is public whether it relates to a crime for
27 which a person is currently within the jurisdiction of the criminal justice system or it
28 relates to a crime for which a person is no longer within that jurisdiction. ~~There~~ Except
29 as provided in section 703, subsection 2, paragraphs M, N, O and P, there is no time
30 limitation on dissemination of public criminal history record information.

31 **Sec. 5. 16 MRSA §705, sub-§1**, as enacted by PL 2013, c. 267, Pt. A, §2, is
32 amended to read:

33 **1. Generally.** A Maine criminal justice agency, whether directly or through any
34 intermediary, may disseminate confidential criminal history record information only to:

35 A. Other criminal justice agencies for the purpose of the administration of criminal
36 justice and criminal justice agency employment; and

1 5. Limits the dissemination of confidential criminal history record information to
2 criminal justice agencies for the purpose of the administration of criminal justice and
3 criminal justice agency employment and pursuant to court order.