

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

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No. 563

H.P. 408

House of Representatives, February 24, 2021

Resolve, To Create the Criminal Records Review Committee

Received by the Clerk of the House on February 22, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative TALBOT ROSS of Portland.

1 **Sec. 1. Review committee established; Resolved:** That the Criminal Records
2 Review Committee, referred to in this resolve as "the review committee," is established.

3 **Sec. 2. Review committee membership. Resolved:** That, notwithstanding Joint
4 Rule 353, the review committee consists of the members appointed as follows:

5 1. Two members of the Senate appointed by the President of the Senate, including one
6 member from each of the 2 parties holding the largest number of seats in the Legislature;

7 2. Two members of the House of Representatives appointed by the Speaker of the
8 House of Representatives, including one member from each of the 2 parties holding the
9 largest number of seats in the Legislature;

10 3. The Attorney General or the Attorney General's designee;

11 4. The Commissioner of Health and Human Services or the commissioner's designee;

12 5. The Commissioner of Public Safety or the commissioner's designee;

13 6. The Commissioner of Corrections or the commissioner's designee;

14 7. The President of the Maine Prosecutors Association or the president's designee;

15 8. The President of the Maine Association of Criminal Defense Lawyers or the
16 president's designee;

17 9. The President of the Maine Sheriffs' Association or the president's designee;

18 10. The President of the Maine Chiefs of Police Association, or the president's
19 designee;

20 11. A representative of a civil rights organization whose primary mission includes the
21 advancement of racial justice, appointed by the President of the Senate;

22 12. A representative of an organization that provides legal assistance on immigration,
23 appointed by the President of the Senate;

24 13. A representative of an organization whose primary mission is to address issues
25 related to poverty, appointed by the President of the Senate;

26 14. A representative of a statewide nonprofit organization whose mission includes
27 advocating for victims and survivors of domestic violence, appointed by the President of
28 the Senate;

29 15. A representative of a substance use disorder treatment or recovery community,
30 appointed by the President of the Senate;

31 16. A representative of an adult and juvenile prisoners' rights organization, appointed
32 by the President of the Senate;

33 17. A representative of a statewide nonprofit organization whose mission includes
34 advocating for victims and survivors of sexual assault, appointed by the Speaker of the
35 House of Representatives;

36 18. A representative of an organization that provides free civil legal assistance to
37 citizens of the State with low incomes, appointed by the Speaker of the House of
38 Representatives;

1 19. A representative of a mental health advocacy organization, appointed by the
2 Speaker of the House of Representatives;

3 20. A representative of a civil liberties organization whose primary mission is the
4 protection of civil liberties, appointed by the Speaker of the House of Representatives;

5 21. A representative of a nonprofit organization whose primary mission is to advocate
6 for victims and survivors of sexual exploitation and sex trafficking, appointed by the
7 Speaker of the House of Representatives; and

8 22. A representative of an organization involved in advocating for juvenile justice
9 reform, appointed by the Speaker of the House of Representatives.

10 The review committee shall invite the Chief Justice of the Supreme Judicial Court to
11 designate a member of the judicial branch to serve as a member of the committee.

12 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
13 and the first-named House of Representatives member is the House chair of the review
14 committee.

15 **Sec. 4. Appointments; convening of review committee. Resolved:** That all
16 appointments must be made no later than 30 days following the effective date of this
17 resolve. The appointing authorities shall notify the Executive Director of the Legislative
18 Council once all appointments have been completed. After appointment of all members,
19 the chairs shall call and convene the first meeting of the review committee. If 30 days or
20 more after the effective date of this resolve a majority of but not all appointments have
21 been made, the chairs may request authority and the Legislative Council may grant
22 authority for the review committee to meet and conduct its business.

23 **Sec. 5. Duties. Resolved:** That the review committee shall:

24 1. Review activities in other states that address the expungement, sealing, vacating of
25 and otherwise limiting public access to criminal records;

26 2. Consider "clean slate" legislation options;

27 3. Consider whether the following convictions should be subject to different treatment:

28 A. Convictions for conduct that has been decriminalized in this State over the last 10
29 years and conduct that is currently under consideration for decriminalization; and

30 B. Convictions for conduct that was committed by victims and survivors of sexual
31 exploitation and sex trafficking;

32 4. Consider whether there is a time limit after which some or all criminal records
33 should not be publicly available;

34 5. Invite comments and suggestions from interested parties, including but not limited
35 to victim advocates and prison and correctional reform organizations;

36 6. Review existing information about the harms and benefits of making criminal
37 records confidential, including the use and dissemination of those records;

38 7. Invite comments and suggestions concerning the procedures to limit public
39 accessibility of criminal records;

40 8. Consider who, if anyone, should continue to have access to criminal records that are
41 not publicly available; and

