

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

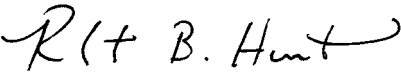
No. 848

H.P. 537

House of Representatives, February 21, 2023

An Act to Expunge Certain Nonviolent Drug Crimes

Reference to the Committee on Judiciary suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative FAULKINGHAM of Winter Harbor.
Cosponsored by President JACKSON of Aroostook and
Representatives: ANDREWS of Paris, CLOUTIER of Lewiston, Speaker TALBOT ROSS of
Portland, TERRY of Gorham, Senator: VITELLI of Sagadahoc.

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. Drug possession crimes.** A person convicted of violating Title 17-A, section
7 1107-A 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 the defendant has not been convicted
10 of a crime in this State or any other jurisdiction since the conviction subject to the petition
11 and has no formal charging instrument for a crime pending in this State or any other
12 jurisdiction.

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

19 **SUMMARY**

20 This bill allows a person convicted of violating the Maine Revised Statutes, Title 17-A,
21 section 1107-A to petition the court where the person was convicted to expunge all records
22 of the crime 5 years after the completion of the person's sentence. Expungement is not
23 available for persons who have subsequent convictions or pending criminal charges.