

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1550

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S.P. 613

In Senate, April 6, 2023

### **An Act to Authorize the Expungement of Records of Nonviolent Crimes**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.  
Cosponsored by Speaker TALBOT ROSS of Portland and  
Senator: HICKMAN of Kennebec, Representatives: BOYER of Poland, CLUCHEY of  
Bowdoinham, COLLINGS of Portland, LEE of Auburn.

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:

14 (1) Under Title 17-A, chapter 11, 12, 25 or 35;

15 (2) That involved violence or domestic violence; or

16 (3) That had as an element of the offense a victim who was 17 years of age or  
17 younger or a victim who was 65 years of age or older.

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

24 **SUMMARY**

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