

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1913

S.P. 773

In Senate, May 9, 2023

An Act to Support Emerging Adults Involved in the Criminal Justice System

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 BAILEY of York.

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

2 **Sec. 1. 15 MRSA §2261, sub-§6-A** is enacted to read:

3 **6-A. Emerging adult.** "Emerging adult" means a person who, at the time of the
4 commission of the crime underlying an eligible criminal conviction, was 18 years of age
5 or older and under 22 years of age.

6 **Sec. 2. 15 MRSA §2262**, as enacted by PL 2021, c. 674, §1, is amended by
7 amending the section headnote to read:

8 **§2262. Statutory prerequisites for sealing criminal history record information of**
9 **persons 22 years of age or older and under 28 years of age**

10 **Sec. 3. 15 MRSA §2262, first ¶**, as enacted by PL 2021, c. 674, §1, is amended to
11 read:

12 Criminal history record information relating to a specific criminal conviction for a
13 crime committed by a person 22 years of age or older and under 28 years of age may be
14 sealed under this chapter only if:

15 **Sec. 4. 15 MRSA §2262, sub-§6**, as enacted by PL 2021, c. 674, §1, is amended to
16 read:

17 **6. Age of person at time of commission.** At the time of the commission of the crime
18 underlying the eligible criminal conviction, the person ~~had~~ was in fact ~~attained 18~~ 22 years
19 of age ~~but had not attained~~ or older and under 28 years of age.

20 **Sec. 5. 15 MRSA §2262-A** is enacted to read:

21 **§2262-A. Statutory prerequisites for automatic sealing of criminal history record**
22 **information for emerging adults**

23 Criminal history record information relating to a specific criminal conviction for a
24 crime committed by an emerging adult may be sealed under this chapter only if:

25 **1. Age of person at the time of commission.** The person was an emerging adult at
26 the time of the commission of the crime;

27 **2. Eligible criminal conviction.** The criminal conviction is an eligible criminal
28 conviction; and

29 **3. Sentence fully satisfied.** The person has fully satisfied each of the sentencing
30 alternatives imposed under Title 17-A, section 1502, subsection 2 for the eligible criminal
31 conviction.

32 When an emerging adult satisfies the requirements in subsections 1, 2 and 3, the court,
33 upon receipt of appropriate notice of completion of the sentence, shall, within 5 business
34 days, enter an order sealing from public inspection all records pertaining to the conviction
35 and the associated sentence.

36 **Sec. 6. 15 MRSA §2265, first ¶**, as enacted by PL 2021, c. 674, §1, is amended to
37 read:

38 Notwithstanding Title 16, section 704, the criminal history record information relating
39 to a criminal conviction sealed under section 2262-A or 2264 is confidential, must be
40 treated as confidential criminal history record information for the purposes of

1 dissemination to the public under Title 16, section 705 and may not be disseminated by a
2 criminal justice agency, whether directly or through any intermediary, except as provided
3 in Title 16, section 705 and as set out in this section. In addition to the dissemination
4 authorized by Title 16, section 705, a criminal justice agency may disseminate the sealed
5 criminal history record information to:

6 **Sec. 7. 15 MRSA §2266**, as enacted by PL 2021, c. 674, §1, is amended to read:

7 **§2266. Limited disclosure of eligible criminal conviction**

8 A person whose eligible criminal conviction is the subject of a sealing order under
9 section 2262-A or 2264 may respond to inquiries from persons other than criminal justice
10 agencies and other than entities that are authorized to obtain the sealed criminal history
11 record information under section 2265 by not disclosing the existence of the eligible
12 criminal conviction without being subject to any sanctions under the laws of this State.
13 Other than when responding to criminal justice agencies or when under oath while being
14 prosecuted for a subsequent crime, a person whose criminal conviction is sealed does not
15 violate Title 17-A, section 451, 452 or 453 by not disclosing the sealed criminal conviction.

16 **Sec. 8. 17-A MRSA §207, sub-§3**, as amended by PL 2019, c. 113, Pt. B, §10, is
17 further amended to read:

18 **3.** For a violation under subsection 1, the court shall impose a sentencing alternative
19 that involves a fine of not less than \$300, which may not be suspended except as provided
20 in subsection 4 or 5.

21 **Sec. 9. 17-A MRSA §207, sub-§5** is enacted to read:

22 **5.** There exists a rebuttable presumption that the mandatory minimum fine imposed
23 by subsection 3 is suspended for an individual who had not attained 22 years of age at the
24 time the offense was committed. The State has the burden to rebut that presumption by a
25 preponderance of the evidence.

26 **Sec. 10. 17-A MRSA §207-A, sub-§3** is enacted to read:

27 **3.** For the purposes of this section, a prior conviction does not include a conviction
28 entered for an offense that was committed when the person was 18 years of age or older
29 and under 22 years of age.

30 **Sec. 11. 17-A MRSA §209-A, sub-§3** is enacted to read:

31 **3.** For the purposes of this section, a prior conviction does not include a conviction
32 entered for an offense that was committed when the person was 18 years of age or older
33 and under 22 years of age.

34 **Sec. 12. 17-A MRSA §210-B, sub-§3** is enacted to read:

35 **3.** For the purposes of this section, a prior conviction does not include a conviction
36 entered for an offense that was committed when the person was 18 years of age or older
37 and under 22 years of age.

38 **Sec. 13. 17-A MRSA §211-A, sub-§3** is enacted to read:

39 **3.** For the purposes of this section, a prior conviction does not include a conviction
40 entered for an offense that was committed when the person was 18 years of age or older
41 and under 22 years of age.

1 **Sec. 14. 17-A MRSA §353, sub-§3** is enacted to read:

2 3. As used in this section, a prior conviction does not include a conviction entered for
3 an offense that was committed when the person was 18 years of age or older and under 22
4 years of age.

5 **Sec. 15. 17-A MRSA §354, sub-§4** is enacted to read:

6 4. For the purposes of this section, a prior conviction does not include a conviction
7 entered for an offense that was committed when the person was 18 years of age or older
8 and under 22 years of age.

9 **Sec. 16. 17-A MRSA §354-A, sub-§4** is enacted to read:

10 4. For the purposes of this section, a prior conviction does not include a conviction
11 entered for an offense that was committed when the person was 18 years of age or older
12 and under 22 years of age.

13 **Sec. 17. 17-A MRSA §356-A, sub-§2** is enacted to read:

14 2. For the purposes of this section, a prior conviction does not include a conviction
15 entered for an offense that was committed when the person was 18 years of age or older
16 and under 22 years of age.

17 **Sec. 18. 17-A MRSA §357, sub-§6** is enacted to read:

18 6. For the purposes of this section, a prior conviction does not include a conviction
19 entered for an offense that was committed when the person was 18 years of age or older
20 and under 22 years of age.

21 **Sec. 19. 17-A MRSA §358, sub-§5** is enacted to read:

22 5. For the purposes of this section, a prior conviction does not include a conviction
23 entered for an offense that was committed when the person was 18 years of age or older
24 and under 22 years of age.

25 **Sec. 20. 17-A MRSA §359, sub-§3** is enacted to read:

26 3. For the purposes of this section, a prior conviction does not include a conviction
27 entered for an offense that was committed when the person was 18 years of age or older
28 and under 22 years of age.

29 **Sec. 21. 17-A MRSA §360, sub-§5** is enacted to read:

30 5. As used in this section, a prior conviction does not include a conviction entered for
31 an offense that was committed when the person was 18 years of age or older and under 22
32 years of age.

33 **Sec. 22. 17-A MRSA §401, sub-§4** is enacted to read:

34 4. For the purposes of this section, a prior conviction does not include a conviction
35 entered for an offense that was committed when the person was 18 years of age or older
36 and under 22 years of age.

37 **Sec. 23. 17-A MRSA §402-A, sub-§3** is enacted to read:

1 **3.** For the purposes of this section, a prior conviction does not include a conviction
2 entered for an offense that was committed when the person was 18 years of age or older
3 and under 22 years of age.

4 **Sec. 24. 17-A MRSA §506-A, sub-§4** is enacted to read:

5 **4.** For the purposes of this section, a prior conviction does not include a conviction
6 entered for an offense that was committed when the person was 18 years of age or older
7 and under 22 years of age.

8 **Sec. 25. 17-A MRSA §554-B, sub-§6** is enacted to read:

9 **6.** For the purposes of this section, a prior conviction does not include a conviction
10 entered for an offense that was committed when the person was 18 years of age or older
11 and under 22 years of age.

12 **Sec. 26. 17-A MRSA §1126, sub-§2**, as amended by PL 2021, c. 434, §9, is further
13 amended to read:

14 **2. Mandatory minimum fine barring court finding exceptional circumstances.** In
15 addition to any other authorized sentencing alternative specified in section 1502, subsection
16 2 for individuals or section 1502, subsection 7 for organizations, the court shall impose a
17 minimum fine of \$400, none of which may be suspended, except as provided in subsection
18 3 or 4, for an individual convicted of a crime under section 1103; 1104; 1105-A; 1105-B;
19 1105-C; 1105-D; 1106; 1107-A; 1108; 1109; 1111-A, subsection 4-A; 1116; 1117; or 1118.

20 **Sec. 27. 17-A MRSA §1126, sub-§4** is enacted to read:

21 **4. Rebuttable presumption that mandatory minimum fine is suspended for**
22 **emerging adults.** There exists a rebuttable presumption that the mandatory minimum fine
23 imposed by subsection 2 is suspended for an individual who had not attained 22 years of
24 age at the time the offense was committed. The State has the burden to rebut that
25 presumption by a preponderance of the evidence.

26 **Sec. 28. 29-A MRSA §2412-A, sub-§3**, as amended by PL 2019, c. 113, Pt. B,
27 §18, is further amended to read:

28 **3. Minimum mandatory sentences for certain suspension.** If the suspension was
29 for OUI or an OUI offense, the court shall impose a minimum fine of \$600, a term of
30 imprisonment of 7 consecutive days and a suspension of license of not less than one year
31 nor more than 3 years consecutive to the original suspension. The penalties may not be
32 suspended except as provided in subsection 3-A or 9.

33 A. If the person has a prior conviction for violating this section within a 10-year period
34 and was subject to the minimum mandatory sentences, then the following minimum
35 penalties, which may not be suspended by the court, apply in the event the suspension
36 was for OUI:

37 (1) A minimum fine of \$1,000, a term of imprisonment of 30 consecutive days
38 and a suspension of license for not less than one year nor more than 3 years
39 consecutive to the original suspension in the event of one prior conviction;

40 (2) A minimum fine of \$2,000, a term of imprisonment of 60 consecutive days
41 and a suspension of license for not less than one year nor more than 3 years
42 consecutive to the original suspension in the event of 2 prior convictions; or

1 (3) A minimum fine of \$3,000, a term of imprisonment of 6 months and a
2 suspension of license for not less than one year nor more than 3 years consecutive
3 to the original suspension in the event of 3 or more prior convictions. The
4 sentencing class for this offense is Class C.

5 B. For all other suspensions, the minimum fine for a first offense is \$250, which may
6 not be suspended by the court. The minimum fine for 2nd and subsequent offenses is
7 \$500, which may not be suspended by the court.

8 A separate reading of the allegation and a separate trial are not required under this
9 subsection.

10 **Sec. 29. 29-A MRSA §2412-A, sub-§9** is enacted to read:

11 **9. Rebuttable presumption that mandatory minimum fine is suspended for**
12 **emerging adults.** There exists a rebuttable presumption that the mandatory minimum fine
13 imposed by subsection 3 is suspended for an individual who had not attained 22 years of
14 age at the time the offense was committed. The State has the burden to rebut that
15 presumption by a preponderance of the evidence.

16 SUMMARY

17 This bill makes the following changes to the laws that govern criminal and collateral
18 consequences for persons 18 years of age or older and under 22 years of age who are
19 involved in the criminal justice system.

20 1. It amends the Maine Revised Statutes, Title 15, chapter 310-A to allow for automatic
21 sealing of eligible criminal convictions for persons who were 18 years of age or older and
22 under 22 years of age when the offense underlying the conviction to be sealed was
23 committed.

24 2. It creates a rebuttable presumption against assessing mandatory minimum fines for
25 certain offenses committed by an individual who was under 22 years of age at the time the
26 offense was committed.

27 3. It provides that in certain statutes a prior conviction does not include an offense that
28 was committed when the charged individual was 18 years of age or older and under 22
29 years of age.