

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2252

H.P. 1444

House of Representatives, March 5, 2024

An Act to Establish the Criminal Records Review Commission

Reported by Representative MOONEN of Portland for the Joint Standing Committee on Judiciary pursuant to Resolve 2023, chapter 103, section 7.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

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

ROBERT B. HUNT
Clerk

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§52-D** is enacted to read:

3 **52-D.**

4 <u>Judiciary:</u>	<u>Criminal Records Review Commission</u>	<u>Legislative Per</u>	<u>16 MRSA</u>
5 <u>Criminal</u>		<u>Diem and</u>	<u>§901</u>
6 <u>Records</u>		<u>Expenses for</u>	
7		<u>Legislators</u>	

8 **Sec. 2. 16 MRSA c. 11** is enacted to read:

9 **CHAPTER 11**

10 **CRIMINAL RECORDS REVIEW COMMISSION**

11 **§901. Establishment**

12 The Criminal Records Review Commission, established by Title 5, section 12004-I,
13 subsection 52-D and referred to in this chapter as "the commission," is established for the
14 purpose of conducting a continuing review of laws, rules and procedures related to criminal
15 history record information and reporting to the Legislature its findings and
16 recommendations on an annual basis.

17 **§902. Membership; terms; chair; vacancies; quorum**

18 **1. Membership.** The commission consists of the following members:

19 A. Two members of the Senate, appointed by the President of the Senate, including
20 one member from each of the 2 parties holding the largest number of seats in the
21 Legislature;

22 B. Two members of the House of Representatives, appointed by the Speaker of the
23 House of Representatives, including one member from each of the 2 parties holding
24 the largest number of seats in the Legislature;

25 C. The Attorney General or the Attorney General's designee;

26 D. The Commissioner of Health and Human Services or the commissioner's designee;

27 E. The Commissioner of Public Safety or the commissioner's designee;

28 F. The Commissioner of Corrections or the commissioner's designee;

29 G. The chair of the Right To Know Advisory Committee, established in Title 1, section
30 411, or the chair's designee;

31 H. The president of an organization representing the interests of prosecutors in the
32 State, or the president's designee, appointed by the President of the Senate;

33 I. The president of an organization representing criminal defense lawyers in the State,
34 or the president's designee, appointed by the President of the Senate;

35 J. A representative of a civil rights organization whose primary mission includes the
36 advancement of racial justice, appointed by the President of the Senate;

- 1 K. A representative of an organization that provides legal assistance on immigration,
2 appointed by the President of the Senate;
- 3 L. A representative of an organization whose primary mission is to address issues
4 related to poverty, appointed by the President of the Senate;
- 5 M. A representative of a statewide nonprofit organization whose mission includes
6 advocating for victims and survivors of domestic violence, appointed by the President
7 of the Senate;
- 8 N. A representative of a substance use disorder treatment or recovery community,
9 appointed by the President of the Senate;
- 10 O. A representative of an adult and juvenile prisoners' rights organization, appointed
11 by the President of the Senate;
- 12 P. A representative of newspaper and other press interests, appointed by the President
13 of the Senate;
- 14 Q. The president of an organization representing county sheriffs, or the president's
15 designee, appointed by the Speaker of the House of Representatives;
- 16 R. The president of an organization representing municipal police chiefs, or the
17 president's designee, appointed by the Speaker of the House of Representatives;
- 18 S. A representative of broadcasting interests, appointed by the Speaker of the House
19 of Representatives;
- 20 T. A representative of a statewide nonprofit organization whose mission includes
21 advocating for victims and survivors of sexual assault, appointed by the Speaker of the
22 House of Representatives;
- 23 U. A representative of an organization that provides free civil legal assistance to
24 citizens of the State with low incomes, appointed by the Speaker of the House of
25 Representatives;
- 26 V. A representative of a mental health advocacy organization, appointed by the
27 Speaker of the House of Representatives;
- 28 W. A representative of a civil liberties organization whose primary mission is the
29 protection of civil liberties, appointed by the Speaker of the House of Representatives;
- 30 X. A representative of a nonprofit organization whose primary mission is to advocate
31 for victims and survivors of sexual exploitation and sex trafficking, appointed by the
32 Speaker of the House of Representatives;
- 33 Y. A representative of an organization involved in advocating for juvenile justice
34 reform, appointed by the Speaker of the House of Representatives; and
- 35 Z. A representative of a public records access advocacy organization, appointed by the
36 Speaker of the House of Representatives.

37 The commission shall invite the Chief Justice of the Supreme Judicial Court to designate a
38 member of the judicial branch to serve as a member of the commission.

39 **2. Terms.** Members of the commission who are Legislators serve during the term of
40 office for which they were elected. Other members of the commission serve for a term of

1 2 years and may be reappointed. Members may serve beyond their designated terms until
2 their successors are appointed.

3 **3. Chair.** The first-named Senate member is the Senate chair and the first-named House
4 member is the House chair of the commission.

5 **4. Vacancies.** In the event of a vacancy on the commission, the member's unexpired
6 term must be filled through appointment by the appointing authority for the vacant seat.

7 **5. Quorum.** A quorum of the commission consists of 15 members.

8 **§903. Duties and powers**

9 **1. Review of laws, rules and procedures.** The commission shall review laws, rules
10 and procedures pertaining to criminal history record information in this State, including but
11 not limited to:

12 A. Procedures within the Department of Public Safety regarding the collection,
13 maintenance and dissemination of criminal history record information;

14 B. The criteria and eligibility for sealing criminal history record information;

15 C. Public access to criminal history record information; and

16 D. The expungement, sealing and vacating of criminal history record information.

17 **2. Recommendations; legislation.** The commission may submit to the Legislature, at
18 the start of each regular session, changes in the laws related to criminal history record
19 information that the commission determines appropriate. The commission may also make
20 recommendations to the Department of Public Safety, the Chief Justice of the Supreme
21 Judicial Court, the judicial branch's advisory committee on the Maine Rules of Unified
22 Criminal Procedure and any other organization or committee whose affairs pertain to the
23 use, maintenance or dissemination of criminal history record information.

24 **§904. Consultation; outside funding**

25 **1. Consultation.** At the commission's discretion, the commission may seek the advice
26 of consultants or experts, including representatives of the executive and judicial branches
27 of State Government and representatives of public interest organizations, in fields related
28 to its duties.

29 **2. Outside funding.** The commission may seek funding contributions to partially or
30 fully fund the costs of the commission. All funding is subject to approval by the Legislative
31 Council in accordance with its policies.

32 **SUMMARY**

33 This bill implements a recommendation of the Criminal Records Review Committee
34 established pursuant to Resolve 2023, chapter 103. The bill establishes the Criminal
35 Records Review Commission. The commission members include Legislators, Executive
36 Department commissioners or their designees and leaders and representatives from various
37 organizations. The commission's duties include reviewing laws, rules and procedures
38 pertaining to criminal history record information in this State. The commission may submit
39 legislation to the Legislature at the start of each regular session and may also make
40 recommendations to the Department of Public Safety, the Chief Justice of the Supreme
41 Judicial Court, the judicial branch's advisory committee on the Maine Rules of Unified

1 Criminal Procedure and any other organization or committee whose affairs pertain to the
2 use, maintenance or dissemination of criminal history record information. The commission
3 may consult with outside experts in fields related to its duties and may seek funding to
4 partially or fully fund its costs. Members, other than legislative members, are not entitled
5 to receive a legislative per diem or reimbursement of expenses.