

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 932 - L.D. 1436

**An Act to Provide Remedies for Survivors of Commercial Sexual
Exploitation**

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

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

~~Criminal~~ Except as provided in section 2262-A, criminal history record information relating to a specific criminal conviction may be sealed under this chapter only if:

Sec. 2. 15 MRSA §2262-A is enacted to read:

§2262-A. Special statutory prerequisites for sealing criminal history record information related to engaging in prostitution

Criminal history record information relating to a criminal conviction for engaging in prostitution under Title 17-A, former section 853-A must be sealed under this chapter if:

1. Eligible criminal conviction. The criminal conviction is an eligible criminal conviction;

2. Time since sentence fully satisfied. At least one year has passed since the person has fully satisfied each of the sentencing alternatives imposed under Title 17-A, section 1502, subsection 2 for the eligible criminal conviction; and

3. Other convictions. The person has not been convicted of a violation of Title 17-A, section 852, 853, 853-B or 855 or for engaging in substantially similar conduct in another jurisdiction.

Sec. 3. 15 MRSA §2263, as enacted by PL 2021, c. 674, §1, is amended to read:

§2263. Motion; persons who may file

A person may file a written motion seeking a court order sealing the person's criminal history record information relating to a specific criminal conviction in the underlying criminal proceeding based on a court determination that the person satisfies the statutory prerequisites specified in section 2262 or 2262-A. The written motion must briefly address each of the statutory prerequisites.

Sec. 4. 15 MRSA §2264, sub-§5, as enacted by PL 2021, c. 674, §1, is amended to read:

5. Hearing; order; written findings. The court shall hold a hearing on a motion filed under this section. At the conclusion of the hearing, if the court determines that the person who filed the motion has established by a preponderance of the evidence each of the statutory prerequisites specified in section 2262 or 2262-A, the court shall grant the motion and shall issue a written order sealing the criminal history record information of the eligible criminal conviction that was the subject of the motion. If, at the conclusion of the hearing, the court determines that the person has not established one or more of the statutory prerequisites specified in section 2262 or 2262-A, the court shall issue a written order denying the motion. The order must contain written findings of fact supporting the court's determination. A copy of the court's written order must be provided to the person and the prosecutorial office that represented the State pursuant to subsection 3.