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Date: (Filing No. S- )

**JUDICIARY**

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**STATE OF MAINE  
SENATE  
132ND LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 752, L.D. 1911, “An Act to Automatically Seal Criminal History Record Information for Certain Crimes”

Amend the bill by striking out all of section 4 and inserting the following:

**'Sec. 4. 15 MRSA §2265, first ¶**, as enacted by PL 2021, c. 674, §1, is amended to read:

Notwithstanding Title 16, section 704, the criminal history record information relating to a criminal conviction sealed under section 2264, 2403 or 2404 is confidential, must be treated as confidential criminal history record information for the purposes of dissemination to the public under Title 16, section 705 and may not be disseminated by a criminal justice agency, whether directly or through any intermediary, except as provided in Title 16, section 705 and as set out in this section. In addition to the dissemination authorized by Title 16, section 705, a criminal justice agency may disseminate the sealed criminal history record information to:

**Sec. 5. 15 MRSA §2265, sub-§5**, as enacted by PL 2021, c. 674, §1, is amended to read:

**5. Financial services regulatory agencies.** The Department of Professional and Financial Regulation, Bureau of Insurance, Bureau of Consumer Credit Protection, Bureau of Financial Institutions and Office of Securities to ensure compliance with Titles 9-A, 9-B, 10, 24, 24-A and 32, as applicable, and any state or federal requirement to perform criminal background checks by those agencies. Except as provided in subsection 8, this subsection is otherwise effective notwithstanding any provision of law to the contrary;

**Sec. 6. 15 MRSA §2265, sub-§6**, as enacted by PL 2021, c. 674, §1, is repealed and the following enacted in its place:

**6. Occupational and professional licensing boards and agencies.** Occupational and professional licensing boards established in Title 5, section 12004-A; any regulatory functions within the Office of Professional and Occupational Regulation as described in Title 10, section 8001; any regulatory functions of a board affiliated with the Department

**COMMITTEE AMENDMENT**

1 of Professional and Financial Regulation pursuant to Title 10, section 8001-A; the State  
2 Harness Racing Commission as established in Title 5, section 12004-G, subsection 32; and  
3 the Maine Criminal Justice Academy under Title 25, chapter 341. Except as provided in  
4 subsection 8, this subsection is otherwise effective notwithstanding any provision of law to  
5 the contrary;

6 **Sec. 7. 15 MRSA §2265, sub-§8**, as enacted by PL 2021, c. 674, §1, is amended to  
7 read:

8 **8. Subject to fingerprinting.** An entity that is required by federal or state law to  
9 conduct a fingerprint-based criminal history record check pursuant to Title 25, section  
10 1542-A. To the extent that a board or agency authorized to receive sealed records under  
11 subsection 5 or 6 is required by federal or state law to conduct a fingerprint-based criminal  
12 history record check pursuant to Title 25, section 1542-A, the dissemination of criminal  
13 history record information sealed under section 2264, 2403 or 2404 to the board or agency  
14 is exclusively governed by this subsection.

15 Disseminations authorized in this subsection, subsection 5 and subsection 6 apply to all  
16 criminal history record information and any sealed record, including convictions and  
17 nonconvictions. An entity receiving such information under this subsection, subsection 5  
18 or subsection 6 may further disseminate such information to the Office of the Attorney  
19 General. An entity receiving such information may use the disseminated record and  
20 information contained in such record as may be reasonably necessary to conduct public  
21 administrative proceedings to allow an applicant or licensee to demonstrate rehabilitation  
22 under Title 5, chapter 341. An entity receiving such information may use the disseminated  
23 record and information contained in such record in any other adjudicatory proceeding, as  
24 long as the disseminated information remains confidential but subject to disclosure as  
25 provided in Title 5, section 9057, subsection 6, paragraph B. Title 16, section 708,  
26 subsections 4 and 5 apply to any administrative proceeding addressed in this subsection.

27 **Sec. 8. 15 MRSA c. 313** is enacted to read:

28 **CHAPTER 313**

29 **AUTOMATIC SEALING OF CERTAIN CRIMINAL HISTORY RECORD**  
30 **INFORMATION**

31 **§2401. Definitions**

32 As used in this chapter, unless the context otherwise indicates, the following terms  
33 have the following meanings.

34 **1. Bureau.** "Bureau" means the Department of Public Safety, Bureau of State Police,  
35 State Bureau of Identification.

36 **2. Criminal history record information.** "Criminal history record information" has  
37 the same meaning as in Title 16, section 703, subsection 3.

38 **3. Criminal justice agency.** "Criminal justice agency" has the same meaning as in  
39 Title 16, section 703, subsection 4.

1           **4. Dissemination.** "Dissemination" has the same meaning as in Title 16, section 703,  
2 subsection 6.

3           **5. Eligible criminal conviction.** "Eligible criminal conviction" means:

4           A. A conviction for a current or former Class E crime, except:

5                   (1) A conviction for a current or former Class E crime under Title 17-A, chapter  
6 11; or

7                   (2) A conviction for a current or former Class E crime of violation of a condition  
8 of release under section 1092 while the defendant was on preconviction or post-  
9 conviction bail; or

10          B. A conviction for a current or former Class D crime, except:

11                   (1) A conviction for a current or former Class D crime under Title 17-A, chapter  
12 11, 12 or 23;

13                   (2) A conviction for a current or former Class D crime under Title 17-A, section  
14 852, 853 or 855;

15                   (3) A conviction for assault under Title 17-A, section 207;

16                   (4) A conviction for stalking under Title 17-A, section 210-A or domestic violence  
17 stalking under Title 17-A, section 210-C;

18                   (5) A violation of a protective order, as specified in section 321, subsection 6; Title  
19 5, section 4659, subsection 1; Title 17-A, section 506-B; Title 19-A, former section  
20 4011, subsection 3; Title 19-A, former section 4012, subsection 5; or Title 19-A,  
21 section 4113, subsection 1;

22                   (6) A conviction for cruelty to animals under Title 17, section 1031;

23                   (7) A conviction for criminal OUI under Title 29-A, section 2411 or a conviction  
24 for operating a watercraft, snowmobile or ATV under the influence under Title 12,  
25 section 10701;

26                   (8) A conviction for terrorizing under Title 17-A, section 210 or domestic violence  
27 terrorizing under Title 17-A, section 210-B;

28                   (9) A conviction for criminal threatening under Title 17-A, section 209 or domestic  
29 violence criminal threatening under Title 17-A, section 209-A;

30                   (10) A conviction for criminal restraint under Title 17-A, section 302; or

31                   (11) A conviction for reckless conduct under Title 17-A, section 211 or domestic  
32 violence reckless conduct under Title 17-A, section 211-A.

33           **6. Eligible nonconviction.** "Eligible nonconviction" means a criminal charge that did  
34 not result in a conviction.

35           **7. Sealed record or sealed electronic record.** "Sealed record" or "sealed electronic  
36 record" means the criminal history record information relating to a specific eligible  
37 criminal conviction or eligible nonconviction that is sealed under section 2403 or section  
38 2404.

39           **§2402. Prerequisites for automatic sealing of criminal history record information**

1 **1. Eligible criminal conviction.** Except as provided in subsection 3, criminal history  
2 record information relating to one or more eligible criminal convictions may be sealed  
3 under this chapter only if:

4 A. The criminal conviction is an eligible criminal conviction that is a Class D or Class  
5 E crime and 5 years have passed since the date of conviction;

6 B. The person who is the subject of the criminal history record information has not  
7 been convicted of a crime in this State and has not had a criminal charge dismissed as  
8 a result of a deferred disposition pursuant to Title 17-A, former chapter 54-F or Title  
9 17-A, chapter 67, subchapter 4 since the time of the person's most recent eligible  
10 criminal conviction up until the time the sealing order is issued under section 2264,  
11 2403 or 2404;

12 C. The person who is the subject of the criminal history record information does not  
13 have any pending criminal charges in this State; and

14 D. The eligible criminal conviction does not contain a court order of restitution.

15 **2. Eligible nonconviction.** Except as provided in subsection 3, criminal history record  
16 information relating to one or more eligible nonconvictions may be sealed under this  
17 chapter only if the eligible nonconviction did not result in a conviction and the case has  
18 been closed for at least 6 months. Criminal history record information that may be sealed  
19 includes, but is not limited to, criminal history record information related to:

20 A. A charge that was dismissed by the court, a charge that was subject to a deferred  
21 disposition and was dismissed following successful completion of the deferral  
22 agreement or a charge that was subject to a filing agreement and was dismissed  
23 following successful completion of the filing agreement;

24 B. A charge that resulted in an acquittal; or

25 C. A charge that was not formally charged by the prosecuting authority or was declined  
26 for prosecution.

27 **3. Ineligibility based on other conviction in same court proceeding.** Criminal  
28 history record information relating to one or more eligible criminal convictions or to one  
29 or more eligible nonconvictions may not be sealed if the person was convicted, as part of  
30 the same criminal case, of an offense that is not eligible for sealing under this chapter.

31 **§2403. Automatic sealing of criminal history record information**

32 Criminal history record information for an eligible nonconviction or eligible criminal  
33 conviction must be sealed in accordance with this section if the requirements of section  
34 2402 have been met.

35 **1. Monthly examination of records.** Beginning January 1, 2028, the judicial branch  
36 shall examine electronic case records at least once per month and electronically compile a  
37 list of criminal history record information that meets the requirements of section 2402.  
38 Criminal history record information that meets the requirements of section 2402 must be  
39 included in the monthly list compiled by the judicial branch no later than 90 days after that  
40 criminal history record information first meets those requirements.

1           **2. Court records sealed.** The judicial branch shall seal all electronic case records  
2 containing eligible nonconvictions or eligible criminal convictions identified in subsection  
3 1, subject to court rules pertaining to electronic court records access.

4           **3. Notice to bureau.** Upon sealing of electronic case records under subsection 2, the  
5 court shall issue a sealing order and shall electronically transmit notice of the order to the  
6 bureau and the Maine State Archives. Within 14 days of receipt, the bureau shall update  
7 its records to reflect that the criminal history record information related to the eligible  
8 criminal conviction or eligible nonconviction is sealed and that its dissemination is  
9 governed by section 2265.

10          **4. Cooperation.** The Department of Public Safety, Bureau of State Police; the  
11 Department of Corrections; the Maine State Archives; and criminal justice agencies that  
12 collect, maintain or disseminate criminal history record information shall cooperate with  
13 the judicial branch and assist it with carrying out the purposes and duties of this section.

14          **5. Electronic methods.** When practicable, the judicial branch; the Department of  
15 Public Safety, Bureau of State Police; the Department of Corrections; criminal justice  
16 agencies that collect, maintain or disseminate criminal history record information; and the  
17 courts shall use automated and computerized processes to effectuate the purposes of this  
18 section.

19          **§2404. Phased sealing of historic criminal history record information**

20           **1. Records for cases closed on or after January 1, 2020 but before January 1,**  
21 **2028.** The judicial branch shall review and process criminal history record information of  
22 cases closed on or after January 1, 2020 and before January 1, 2028 in accordance with the  
23 eligibility requirements of section 2402 and the sealing procedure in section 2403. Once a  
24 list of eligible records has been determined, the judicial branch or the bureau shall act as  
25 follows.

26           A. The judicial branch shall seal electronic case records containing eligible  
27 nonconvictions or eligible criminal convictions, subject to court rules of electronic  
28 court records access.

29           B. Upon sealing electronic case records under paragraph A, the court shall issue a  
30 sealing order and shall electronically transmit notice of the order to the bureau and the  
31 Maine State Archives.

32           C. The judicial branch and the bureau shall, by July 31, 2029, update their records by  
33 removing public access to eligible criminal history record information stored in  
34 electronic databases used for background checks. Updated records must reflect that the  
35 criminal history record information is sealed and that its dissemination is governed by  
36 section 2265.

37           Corresponding physical records must be handled on a case-by-case basis, with  
38 verification that each record corresponds to a sealed electronic record before any  
39 information is released.

40           **2. Records for cases closed on or after January 1, 2010 but before January 1,**  
41 **2020.** The judicial branch shall review and process criminal history record information of  
42 cases closed on or after January 1, 2010 and before January 1, 2020 in accordance with the  
43 eligibility requirements of section 2402 and the sealing procedure in section 2403. Once a

1 list of eligible records has been determined, the judicial branch or the bureau shall act as  
2 follows.

3 A. The judicial branch shall seal electronic case records containing eligible  
4 nonconvictions or eligible criminal convictions, subject to court rules of electronic  
5 court records access.

6 B. Upon sealing electronic case records under paragraph A, the court shall issue a  
7 sealing order and shall electronically transmit notice of the order to the bureau and the  
8 Maine State Archives.

9 C. The judicial branch and the bureau shall, by July 31, 2030, update their records by  
10 removing public access to eligible criminal history record information stored in  
11 electronic databases used for background checks. Updated records must reflect that the  
12 criminal history record information is sealed and that its dissemination is governed by  
13 section 2265.

14 Corresponding physical records must be handled on a case-by-case basis, with  
15 verification that each record corresponds to a sealed electronic record before any  
16 information is released.

17 **3. Records for cases closed on or after January 1, 2005 but before January 1,**  
18 **2010.** The judicial branch shall review and process criminal history record information of  
19 cases closed on or after January 1, 2005 and before January 1, 2010 in accordance with the  
20 eligibility requirements of section 2402 and the sealing procedure in section 2403. Once a  
21 list of eligible records has been determined, the judicial branch or the bureau shall act as  
22 follows.

23 A. The judicial branch shall seal electronic case records containing eligible  
24 nonconvictions or eligible criminal convictions, subject to court rules of electronic  
25 court records access.

26 B. Upon sealing electronic case records under paragraph A, the court shall issue a  
27 sealing order and shall electronically transmit notice of the order to the bureau and the  
28 Maine State Archives.

29 C. The judicial branch and the bureau shall, by July 31, 2031, update their records by  
30 removing public access to eligible criminal history record information stored in  
31 electronic databases used for background checks. Updated records must reflect that the  
32 criminal history record information is sealed and that its dissemination is governed by  
33 section 2265.

34 Corresponding physical records must be handled on a case-by-case basis, with  
35 verification that each record corresponds to a sealed electronic record before any  
36 information is released.

37 The Department of Public Safety, Bureau of State Police, the Department of  
38 Corrections and all criminal justice agencies that collect, maintain or disseminate criminal  
39 history record information shall cooperate with the judicial branch and assist it in carrying  
40 out the purposes and duties of this section.

41 **§2405. Limited disclosure of sealed eligible criminal convictions and eligible**  
42 **nonconvictions**

1 1. No duty to disclose; exception. A person whose criminal history record  
 2 information is the subject of a sealing order under section 2403 or section 2404 may  
 3 respond to inquiries from persons other than criminal justice agencies and other entities  
 4 that are authorized to obtain the sealed record information under section 2265 by not  
 5 disclosing the existence of the sealed record without being subject to any sanctions under  
 6 the laws of this State. Other than when responding to criminal justice agencies or other  
 7 entities that are authorized to obtain the sealed record information under section 2265 or  
 8 when under oath while being prosecuted for a subsequent crime, a person whose criminal  
 9 history record information is the subject of a sealing order does not violate Title 17-A,  
 10 section 451, 452 or 453 by failing to disclose the sealed record.

11 2. Disclosure required. Notwithstanding any provision of law to the contrary, a  
 12 person must disclose all criminal history record information that is the subject of a sealing  
 13 order, regardless of the existence of a sealing order under section 2403 or 2404, when such  
 14 disclosure is requested as part of an application to any entity identified in section 2265,  
 15 subsection 5 or 6 or when disclosure to any such entity is otherwise required by law. A  
 16 person's failure to make such required disclosure may result in any such entity withholding,  
 17 denying or revoking the license or other benefit for which the person applied or received  
 18 or in such other administrative action as may be authorized by law.

19 **§2406. Motion to seal criminal history record information**

20 This chapter may not be construed to prevent a person from filing a written motion  
 21 seeking a court order to seal the person's criminal history record information relating to a  
 22 specific criminal conviction in accordance with section 2263.

23 **Sec. 9. Appropriations and allocations.** The following appropriations and  
 24 allocations are made.

25 **JUDICIAL DEPARTMENT**

26 **Courts - Supreme, Superior and District 0063**

27 Initiative: Establishes 3 Data Quality Specialist positions, 2 Assistant Clerk positions, one  
 28 District Court Judge position and one Superior Court Judge position and provides funding  
 29 for related All Other costs.

30 <b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
31 POSITIONS - LEGISLATIVE COUNT	0.000	7.000
32 Personal Services	\$0	\$560,426
33 All Other	\$0	\$55,830
34		
35 GENERAL FUND TOTAL	\$0	\$616,256

37 **JUDICIAL DEPARTMENT**

38 <b>DEPARTMENT TOTALS</b>	<b>2025-26</b>	<b>2026-27</b>
39		
40 <b>GENERAL FUND</b>	<b>\$0</b>	<b>\$616,256</b>
41		
42 <b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$616,256</b>

43 **PUBLIC SAFETY, DEPARTMENT OF**

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**State Police 0291**

Initiative: Provides one-time funding for computer programming to be able to administer and process automatic sealing of criminal history record information for certain crimes.

<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
All Other	\$0	\$32,500
<b>GENERAL FUND TOTAL</b>	\$0	\$32,500
<b>HIGHWAY FUND</b>	<b>2025-26</b>	<b>2026-27</b>
All Other	\$0	\$17,500
<b>HIGHWAY FUND TOTAL</b>	\$0	\$17,500
<b>PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2025-26</b>	<b>2026-27</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$32,500</b>
<b>HIGHWAY FUND</b>	<b>\$0</b>	<b>\$17,500</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$50,000</b>
<b>SECTION TOTALS</b>	<b>2025-26</b>	<b>2026-27</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$648,756</b>
<b>HIGHWAY FUND</b>	<b>\$0</b>	<b>\$17,500</b>
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$666,256</b>

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment replaces the bill. It adds various crimes to the list of crimes that are ineligible for sealing under this legislation. The amendment adds a process for sealing eligible nonconviction record information. The amendment creates a delayed implementation for sealing of historical criminal history record information. The amendment authorizes occupational and professional licensing agencies to obtain sealed criminal history record information.

The amendment provides funding to the Judicial Department to establish 3 Data Quality Specialist positions, 2 Assistant Clerk positions, one District Court Judge position and one Superior Court Judge position. The amendment also provides one-time funding to

COMMITTEE AMENDMENT “ ” to S.P. 752, L.D. 1911

1 the Department of Public Safety for computer programming to administer and process the  
2 automatic sealing of criminal history record information.

3

**FISCAL NOTE REQUIRED**

4

**(See attached)**