An Act to Expand the List of Crimes Eligible for a Post-judgment Motion to Seal Criminal History Record Information to Include Convictions for Possession and Cultivation of Marijuana

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

Sec. 1. 15 MRSA §2261, sub-$6, as enacted by PL 2021, c. 674, §1, is repealed and the following enacted in its place:

6. Eligible criminal conviction. "Eligible criminal conviction" means:

A. A conviction for a current or former Class E crime, except a conviction for a current or former Class E crime under Title 17-A, chapter 11; and

B. A conviction for a crime when the crime was committed prior to January 30, 2017 for:

   (1) Aggravated trafficking, furnishing or cultivation of scheduled drugs under Title 17-A, former section 1105 when the person was convicted of cultivating scheduled drugs, the scheduled drug was marijuana and the crime committed was a Class D crime;

   (2) Aggravated cultivating of marijuana under Title 17-A, section 1105-D, subsection 1, paragraph A, subparagraph (4);

   (3) Aggravated cultivating of marijuana under Title 17-A, section 1105-D, subsection 1, paragraph B-1, subparagraph (4);

   (4) Aggravated cultivating of marijuana under Title 17-A, section 1105-D, subsection 1, paragraph C, subparagraph (4);

   (5) Aggravated cultivating of marijuana under Title 17-A, section 1105-D, subsection 1, paragraph D, subparagraph (4);

   (6) Unlawful possession of a scheduled drug under Title 17-A, former section 1107 when that drug was marijuana and the underlying crime was a Class D crime;

   (7) Unlawful possession of a scheduled drug under Title 17-A, section 1107-A, subsection 1, paragraph F, subparagraph (2); and

   (8) Cultivating marijuana under Title 17-A, section 1117, subsection 1, paragraph B, subparagraph (3).

SUMMARY

This bill implements a recommendation of the Criminal Records Review Committee. The bill adds to the definition of “eligible criminal conviction” for the Maine Revised Statutes, Title 15, chapter 310-A, which identifies what is considered an eligible underlying crime for a person to file a post-judgment motion to seal criminal history record information related to the conviction for that crime, any Class D crime related to unlawfully possessing or cultivating marijuana when that crime was committed prior to January 30, 2017, the effective date of Maine’s first adult use cannabis laws.