



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1897

S.P. 649

In Senate, December 24, 2019

An Act To Authorize the Expungement of Records of Nonviolent Crimes

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 20, 2019. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 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 DILL of Penobscot.

Cosponsored by Representative NADEAU of Winslow and

Senators: BELLOWS of Kennebec, CARPENTER of Aroostook, President JACKSON of Aroostook, MIRAMANT of Knox, SANBORN, H. of Cumberland.

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

2 **Sec. 1. 15 MRSA c. 313** is enacted to read:

3 **CHAPTER 313**

4 **EXPUNGEMENT OF RECORDS**

5 **§2321. Expungement of records of nonviolent crimes**

6 **1. Class E, D and C crimes.** A person convicted of a Class E, Class D or Class C
7 crime may petition the court in which the conviction was recorded to expunge the record
8 of the conviction after a period of 5 years from the completion of the sentence. The court
9 shall order all records of the conviction expunged if:

10 A. The defendant has not been convicted of a crime in this State or any other
11 jurisdiction since the conviction subject to the petition and has no formal charging
12 instrument for a crime pending in this State or any other jurisdiction; and

13 B. The crime is not a crime:

14 (1) Under Title 17-A, chapter 11, 12, 25 or 35;

15 (2) That involved violence or domestic violence; or

16 (3) That had as an element of the offense a victim who was 17 years of age or
17 younger or a victim who was 65 years of age or older.

18 **2. State Bureau of Identification.** Following receipt of a court order for
19 expungement under subsection 1, the Department of Public Safety, Bureau of State
20 Police, State Bureau of Identification shall make the necessary arrangements with the
21 identification division of the Federal Bureau of Investigation to have all references to the
22 expunged crime deleted from the Federal Bureau of Investigation's identification record
23 and any state materials returned to the contributing agency.

24 **SUMMARY**

25 This bill allows a person convicted of a Class E, Class D or Class C crime to petition
26 the court where the person was convicted to expunge all records of the crime 5 years after
27 the completion of the person's sentence. Expungement is not available for persons who
28 have subsequent convictions or pending criminal charges; for crimes involving bribery,
29 corruption, violence or sex offenses; or for crimes that had as an element of the offense
30 victims who were minors or were 65 years of age or older.