



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 764

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H.P. 569

House of Representatives, February 12, 2019

### **An Act To Limit the Dissemination of Certain Criminal Records**

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative TALBOT ROSS of Portland.  
Cosponsored by Representatives: CARDONE of Bangor, DAUGHTRY of Brunswick,  
MOONEN of Portland, O'NEIL of Saco, PLUECKER of Warren, TIPPING of Orono.

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

2 **Sec. 1. 16 MRSA §703, sub-§2, ¶K**, as enacted by PL 2013, c. 267, Pt. A, §2, is  
3 amended to read:

4 K. Information disclosing that a criminal proceeding has been terminated because the  
5 court lacked jurisdiction over the defendant; ~~and~~

6 **Sec. 2. 16 MRSA §703, sub-§2, ¶L**, as amended by PL 2017, c. 432, Pt. B, §1, is  
7 further amended to read:

8 L. Information disclosing that a person has petitioned for and been granted a full and  
9 free pardon;

10 **Sec. 3. 16 MRSA §703, sub-§2, ¶¶M to P** are enacted to read:

11 M. All adjudications and related records under Title 15, Part 6, after 3 years from the  
12 date of disposition;

13 N. Except for Class E and Class D crimes under Title 17-A, chapter 11 and chapter  
14 12 and that involve domestic violence, all convictions and related records for Class E  
15 and Class D crimes after 3 years from the date of imposition of sentence;

16 O. All convictions and related records for Class E and Class D crimes under Title  
17 17-A, chapter 11 and chapter 12 and that involve domestic violence after 7 years  
18 from the date of imposition of sentence; and

19 P. All convictions and related records for Class C, Class B and Class A crimes that  
20 are based solely on the defendant's convictions for prior Class E and Class D crimes.

21 **Sec. 4. 16 MRSA §704, sub-§1**, as enacted by PL 2013, c. 267, Pt. A, §2, is  
22 amended to read:

23 **1. Generally.** Public criminal history record information is public for purposes of  
24 Title 1, chapter 13. Public criminal history record information may be disseminated by a  
25 Maine criminal justice agency to any person or public or private entity for any purpose.  
26 Public criminal history record information is public whether it relates to a crime for  
27 which a person is currently within the jurisdiction of the criminal justice system or it  
28 relates to a crime for which a person is no longer within that jurisdiction. ~~There~~ Except  
29 as provided in section 703, subsection 2, paragraphs M, N, O and P, there is no time  
30 limitation on dissemination of public criminal history record information.

31 **Sec. 5. 16 MRSA §705, sub-§1**, as enacted by PL 2013, c. 267, Pt. A, §2, is  
32 amended to read:

33 **1. Generally.** A Maine criminal justice agency, whether directly or through any  
34 intermediary, may disseminate confidential criminal history record information only to:

35 A. Other criminal justice agencies for the purpose of the administration of criminal  
36 justice and criminal justice agency employment; and

- 1 B. Any person for any purpose when expressly authorized by a statute, executive  
2 order, court rule, court decision or court order containing language specifically  
3 referring to confidential criminal history record information or one or more of the  
4 types of confidential criminal history record information;
- 5 ~~C. Any person with a specific agreement with a criminal justice agency to provide  
6 services required for the administration of criminal justice or to conduct  
7 investigations determining the employment suitability of prospective law  
8 enforcement officers. The agreement must specifically authorize access to data, limit  
9 the use of the data to purposes for which given, ensure security and confidentiality of  
10 the data consistent with this chapter and provide sanctions for any violations;~~
- 11 ~~D. Any person for the express purpose of research, evaluation or statistical purposes  
12 or under an agreement with the criminal justice agency. The agreement must  
13 specifically authorize access to confidential criminal history record information, limit  
14 the use of the information to research, evaluation or statistical purposes, ensure the  
15 confidentiality and security of the information consistent with this chapter and  
16 provide sanctions for any violations;~~
- 17 ~~E. Any person who makes a specific inquiry to the criminal justice agency as to  
18 whether a named individual was summonsed, arrested or detained or had formal  
19 criminal charges initiated on a specific date;~~
- 20 ~~F. The public for the purpose of announcing the fact of a specific disposition that is  
21 confidential criminal history record information, other than that described in section  
22 703, subsection 2, paragraph A, within 30 days of the date of occurrence of that  
23 disposition or at any point in time if the person to whom the disposition relates  
24 specifically authorizes that it be made public; and~~
- 25 ~~G. A public entity for purposes of international travel, such as issuing visas and  
26 granting of citizenship.~~

27 **SUMMARY**

28 This bill amends the Criminal History Record Information Act in the following ways:

- 29 1. Makes confidential all juvenile adjudications and related records after 3 years  
30 from the date of disposition;
- 31 2. Except for crimes involving sexual assault, sexual exploitation of minors and  
32 domestic violence, makes confidential all convictions and related records for Class E and  
33 Class D crimes after 3 years from the date of imposition of sentence;
- 34 3. Makes confidential all convictions and related records for Class E and Class D  
35 crimes involving sexual assault, sexual exploitation of minors and domestic violence after  
36 7 years from the date of imposition of sentence;
- 37 4. Makes confidential all convictions and related records for Class C, Class B and  
38 Class A crimes that are based solely on the defendant's convictions for prior Class E and  
39 Class D crimes; and

1           5. Limits the dissemination of confidential criminal history record information to  
2 criminal justice agencies for the purpose of the administration of criminal justice and  
3 criminal justice agency employment and pursuant to court order.