



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1918

H.P. 1279

House of Representatives, May 6, 2025

**An Act to Clarify the Criminal History Record Information Act
with Respect to Criminal Charges Dismissed as the Result of a Plea
Agreement**

Reported by Representative KUHN of Falmouth for the Joint Standing Committee on
Judiciary pursuant to Resolve 2023, chapter 103, section 8.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint
Rule 218.

Robert B. Hunt

ROBERT B. HUNT
Clerk

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

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

G. Information disclosing that a criminal charge has been dismissed by a court with prejudice or dismissed with finality by a prosecutor other than as part of a plea agreement in which the defendant pleads guilty to and is convicted of another criminal charge. If a defendant admits to and is adjudicated as having committed a civil violation or a traffic infraction as part of a plea agreement, but does not also plead guilty to and is not also convicted of a criminal charge as part of that agreement, information disclosing that a criminal charge has been dismissed by a court with prejudice or dismissed with finality by a prosecutor as part of that agreement is confidential criminal history record information;

Sec. 2. 16 MRSA §705, sub-§5 is enacted to read:

5. Charges dismissed as result of deferred disposition. Notwithstanding any provision of this chapter to the contrary and subject to the Maine Rules of Evidence, including rules regarding relevancy, a party may introduce in any civil or criminal proceeding evidence that a defendant pled guilty to a crime as part of a deferred disposition for purposes of establishing that the defendant admitted to committing that crime, even if, after the defendant complied with the court-imposed deferment requirements, the defendant's guilty plea was later withdrawn and the underlying criminal charge was dismissed by the court with prejudice.

SUMMARY

This bill is reported out by the Joint Standing Committee on Judiciary to implement statutory changes recommended by the Criminal Records Review Committee, which was established pursuant to Resolve 2023, chapter 103. The joint standing committee has not taken a position on the substance of this bill. By reporting this bill out, the joint standing committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of this bill; instead, the joint standing committee is reporting the bill out for the sole purpose of having a bill printed that can be referred to the joint standing committee for an appropriate public hearing and subsequent processing in the normal course. The joint standing committee is taking this action to ensure clarity and transparency in the legislative review of the proposals contained in the bill.

The bill clarifies that information disclosing that a criminal charge has been dismissed as part of a plea agreement is not confidential criminal history record information if the defendant pleads guilty to and is convicted of another criminal charge as part of the plea agreement. By contrast, if, as a result of a plea agreement, a defendant admits to and is adjudicated as having committed a civil violation or a traffic infraction but does not also plead guilty to and become convicted of a criminal charge, information disclosing that a criminal charge has been dismissed as part of the plea agreement is confidential criminal history record information.

The bill also codifies the rule set forth in *Gordon v. Cheskin*, 2013 ME 113, that "the dismissal of [a criminal] charge after completion of [a] deferred disposition does not cast a blanket of confidentiality over the course of the proceedings up to that point." Instead, "a

1 court in a later proceeding is not precluded from considering the defendant's admission of
2 guilt in open court. An admission to specific behavior may be considered in a later
3 proceeding, if that behavior is relevant to the matter before the court."