131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document	No. 2161
H.P. 1381	House of Representatives, January 9, 2024

An Act to Make Technical Corrections to the Maine Juvenile Code, the Maine Criminal Code and the Intelligence and Investigative Record Information Act

Reported by Representative SALISBURY of Westbrook for the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed pursuant to Joint Rule 218.

ROBERT B. HUNT
Clerk

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

2   **Sec. 1. 15 MRSA §3010, sub-§3,** as enacted by PL 2021, c. 365, §9 and affected
3   by §37, is amended to read:

4   **3. Juvenile history record information pertaining to adjudications.**
5   Notwithstanding subsection 2, if a juvenile has been adjudicated as having committed a
6   juvenile crime that would constitute murder or a Class A, B or C crime if the juvenile
7   adjudicated were an adult, then that adjudication and any resulting disposition imposed, but
8   no other related juvenile history record information, may be disclosed publicly. Any
9   adjudication and related disposition sealed pursuant to section 3308-C, subsection 10 is not
10   subject to public disclosure pursuant to this subsection.

11   **Sec. 2. 15 MRSA §3308-C, sub-§10, ¶E,** as amended by PL 2021, c. 701, §1, is
12   further amended to read:

13   E. Notice of the court's order certifying its granting of the juvenile's petition to seal
14   juvenile case records pursuant to paragraph B or notice of the court's order of automatic
15   sealing pursuant to paragraph C must be provided to the Department of Public Safety,
16   Bureau of State Police, State Bureau of Identification if the adjudication is for a
17   juvenile crime the ~~criminal records~~ juvenile history record information of which ~~are~~ is
18   maintained by the State Bureau of Identification pursuant to Title 25, section 1541.
19   Notice of the order may be sent by electronic transmission. The State Bureau of
20   Identification or the appropriate agency upon receipt of the notice shall promptly
21   update its records relating to each of the juvenile adjudications included in the notice.
22   For purposes of this paragraph, "juvenile history record information" has the same
23   meaning as in section 3010, subsection 1, paragraph E.

24   **Sec. 3. 16 MRSA §805-A, sub-§2,** as enacted by PL 2023, c. 235, §3, is repealed.

25   **Sec. 4. 17-A MRSA §1604, sub-§5, ¶B,** as amended by PL 2023, c. 316, §12 and
26   c. 455, §3, is further amended to read:

27   B. If the State pleads and proves that, at the time any crime under chapter 9, 11, 12,
28   13, 27 or 35; section 402-A, subsection 1, paragraph A; or section 752-A, 752-C or
29   752-F was committed, or an attempt of any such crime was committed, the individual
30   had 2 or more prior convictions under chapter 9, 11, 12, 13, 27 or 35, excluding former
31   section 853-A; section 402-A, subsection 1, paragraph A; or section 752-A, 752-C or
32   752-F, or for an attempt of any such crime, or for engaging in substantially similar
33   conduct in another jurisdiction, the sentencing class for the crime is one class higher
34   than it would otherwise be.

35   (1) In the case of a Class A crime, the sentencing class is not elevated, but the prior
36   record must be assigned special weight by the court when imposing a sentence.

37   (2) Section 9-A governs the use of prior convictions when determining a sentence,
38   except that, for the purposes of this paragraph, for violations under chapter 11, the
39   dates of prior convictions may have occurred at any time.

40   This paragraph does not apply to section 210-A if the prior convictions have already
41   served to elevate the sentencing class under section 210-A, subsection 1, paragraph C
42   or E or any other offense in which prior convictions have already served to elevate the
43   sentencing class.

1   This paragraph does not apply to murder under section 201 or to <u>former</u> section 853-A.

SUMMARY

3   This bill clarifies provisions in the Maine Juvenile Code regarding the sealing of
4 juvenile records by adding a cross-reference and correcting a reference to juvenile history
5 record information.

6   The bill repeals a provision of law in the Intelligence and Investigative Record
7 Information Act that contains incorrect terminology and an unnecessary requirement that a
8 request for a copy of a complaint by a person who made the complaint be made pursuant
9 to the Freedom of Access Act.

10   The bill also corrects a reference to a repealed statute in a provision in the Maine
11 Criminal Code regarding sentences of imprisonment by adding the term "former" to the
12 statutory citation.