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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1197, L.D. 1670, Bill, “An Act To Limit the Dissemination of Juvenile Records”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 15 MRSA §3308, sub-§8, as enacted by PL 1989, c. 744, §5, is amended to read:

8. Juvenile records sealed. This subsection governs the sealing of records of a person adjudicated to have committed a juvenile crime.

A. A person adjudicated to have committed a juvenile crime that, if the juvenile were an adult, would constitute murder, aggravated attempted murder, attempted murder, Class A manslaughter other than the reckless or criminally negligent operation of a motor vehicle, elevated aggravated assault on a pregnant person, elevated aggravated assault, arson that recklessly endangers any person, causing a catastrophe, Class A robbery, any Class A or Class B violation of Title 17-A, chapter 11 or 12 or OUI as described in Title 29-A, section 2411 may petition the court to seal from public inspection all records pertaining to the juvenile crime and its disposition, and to any prior juvenile records and their dispositions, if: at least 3 years have passed since the person's discharge from the disposition ordered for that juvenile crime.

~~(1) At least 3 years have passed since the person's discharge from the disposition ordered for that juvenile crime;~~

~~(2) Since the date of disposition, the person has not been adjudicated to have committed a juvenile crime and has not been convicted of committing a crime; and~~

~~(3) There are no current adjudicatory proceedings pending for a juvenile or other crime.~~

B. The court may grant the petition filed under paragraph A if it finds that the requirements of paragraph A are satisfied, unless it finds that the general public's

COMMITTEE AMENDMENT

1 right to information substantially outweighs the juvenile's interest in privacy. The
2 juvenile has a right to appeal the court's denial of the juvenile's petition to seal as
3 provided in chapter 509.

4 B-1. At the time that a person adjudicated to have committed a juvenile crime other
5 than a crime listed in paragraph A is finally discharged from the disposition ordered
6 for that juvenile crime, the court, upon receipt of appropriate notice of the discharge,
7 shall immediately enter an order sealing from public inspection all records pertaining
8 to the juvenile crime and its disposition. Appropriate notice that the juvenile is
9 discharged from the disposition:

10 (1) Must be provided by the Department of Corrections if the juvenile's
11 disposition involved either commitment to the Department of Corrections
12 juvenile correctional facility or a supervised disposition and period of probation;

13 (2) Must be provided by the office of the district attorney who prosecuted the
14 case if the disposition included restitution or community service; or

15 (3) May be provided by the juvenile or the juvenile's attorney. If the notice is
16 provided by the juvenile or the juvenile's attorney, the juvenile or the juvenile's
17 attorney shall serve a copy of the notice on the office of the district attorney who
18 prosecuted the case before the court may enter the order to seal the record.

19 C. Notwithstanding subsections 3, 3-A, 4 and 5, the court order sealing the records
20 permits only the following persons to have access to the sealed records:

21 (1) The courts and criminal justice agencies as provided by this section; and

22 (2) The person whose juvenile records are sealed or that person's designee.

23 C-1. A copy of the court's written order certifying its granting of the juvenile's
24 petition, pursuant to paragraph A or B, or its order of immediate sealing pursuant to
25 paragraph B-1 must be provided to the Department of Public Safety, Bureau of State
26 Police, State Bureau of Identification if the adjudication is for a juvenile crime the
27 criminal history records of which are maintained by the State Bureau of Identification
28 pursuant to Title 25, section 1541, or provided to the Department of Inland Fisheries
29 and Wildlife, the Department of Marine Resources or the Department of the Secretary
30 of State, Bureau of Motor Vehicles, as appropriate. The State Bureau of
31 Identification or the appropriate agency upon receipt of the order shall promptly
32 update its records relating to each of the person's eligible juvenile adjudications
33 included in the order. The State Bureau of Identification or the appropriate agency
34 shall notify the person of compliance with the court's order.

35 D. If the petition is granted, the A person whose juvenile records have been sealed
36 under this subsection may respond to inquiries from other than the courts and
37 criminal justice agencies about that person's juvenile crimes, the records of which
38 have been sealed, as if the juvenile crimes had never occurred, without being subject
39 to any sanctions. If an adjudication disqualifies a person from possessing a firearm
40 pursuant to section 393, the sealing of the juvenile records associated with that
41 adjudication does not affect that prohibition.'

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
2 section number to read consecutively.

3 **SUMMARY**

4 The bill provides for the automatic sealing of all records of juvenile crimes once the
5 juvenile is finally discharged from the disposition ordered for the crime.

6 This amendment restores the 3-year waiting period after discharge and the petition
7 process for sealing records of juvenile crimes and provides that the petition process
8 applies to crimes that, if the juvenile were an adult, would constitute murder, aggravated
9 attempted murder, attempted murder, Class A manslaughter other than the reckless or
10 criminally negligent operation of a motor vehicle, elevated aggravated assault on a
11 pregnant person, elevated aggravated assault, arson that recklessly endangers any person,
12 causing a catastrophe, Class A robbery, any Class A or Class B sex crimes or operating
13 under the influence.

14 This amendment clarifies that the court is required to seal the record for other
15 juvenile crimes when it receives appropriate notice that the juvenile has been finally
16 discharged from the disposition ordered. That notice must come from the Department of
17 Corrections, the district attorney or the juvenile or the juvenile's attorney. If the juvenile
18 or the juvenile's attorney is providing the notice, the notice must first be served on the
19 office of the district attorney who prosecuted the juvenile crime.

20 This amendment provides that the court must send the order sealing the record to the
21 Department of Public Safety, Bureau of State Police, State Bureau of Identification, the
22 Department of Inland Fisheries and Wildlife, the Department of Marine Resources or the
23 Department of the Secretary of State, Bureau of Motor Vehicles, as appropriate.

24 This amendment provides that if the juvenile crime for which the person was
25 adjudicated disqualifies the person from possessing a firearm as provided in the Maine
26 Revised Statutes, Title 15, section 393, the sealing of the record does not affect the
27 prohibition on possession of a firearm by that person.

28 **FISCAL NOTE REQUIRED**

29 **(See attached)**