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JUDICIARY

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**STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 79, L.D. 210, Bill, “An Act To Provide for Special Restrictions on Dissemination and Use of Criminal History Record Information for Class E Crimes Committed by an Adult under 21 Years of Age”

Amend the bill in section 1 in §2251 by striking out all of subsection 6 (page 1, lines 21 to 22 in L.D.) and inserting the following:

'6. Eligible criminal conviction. "Eligible criminal conviction" means a conviction for a current or former Class E crime, except a conviction for a current or former Class E crime under Title 17-A, chapter 11.'

Amend the bill in section 1 in §2254 by striking out all of subsection 6 (page 3, lines 1 to 12 in L.D.) and inserting the following:

'6. Notice to State Bureau of Identification. If the court determines pursuant to subsection 5 that a person has established by a preponderance of the evidence each of the statutory prerequisites specified in section 2252, a copy of the court's written order certifying its determination must be provided to the Department of Public Safety, Bureau of State Police, State Bureau of Identification. The State Bureau of Identification upon receipt of the order shall promptly alter its records relating to the person's eligible criminal conviction to reflect that future dissemination of this criminal history record information must be pursuant to section 2255 rather than pursuant to Title 16, section 704. The State Bureau of Identification shall notify the person of compliance with that requirement.'

Amend the bill in section 1 in §2254 by striking out all of subsection 8 (page 3, lines 39 to 46 and page 4, lines 1 to 5 in L.D.) and inserting the following:

'8. Notice to State Bureau of Identification of new crime. If the court determines under subsection 7 that a person has been convicted of a new crime and as a consequence is no longer eligible for the special restrictions on dissemination and use of the criminal history record information relating to the criminal conviction as specified in section 2255, a copy of the court's written order certifying its determination must be provided to the Department of Public Safety, Bureau of State Police, State Bureau of Identification. The

COMMITTEE AMENDMENT

1 State Bureau of Identification upon receipt of the order shall alter its records relating to
2 the person's criminal conviction to reflect that dissemination of this criminal history
3 record information is pursuant to Title 16, section 704 rather than pursuant to section
4 2255. It shall notify the person of compliance with that requirement.'

5 Amend the bill by inserting after section 2 the following:

6 **'Sec. 3. Appropriations and allocations.** The following appropriations and
7 allocations are made.

8 **JUDICIAL DEPARTMENT**

9 **Courts - Supreme, Superior and District 0063**

10 Initiative: Provides funds for an anticipated increase in the number of motions filed,
11 including funds for judge and clerk services and one-time computer programming costs.

12	GENERAL FUND	2015-16	2016-17
13	Personal Services	\$7,290	\$7,290
14	All Other	\$14,706	\$3,706
15			
16	GENERAL FUND TOTAL	<u>\$21,996</u>	<u>\$10,996</u>
17			

18 **SUMMARY**

19 This amendment changes the bill in 2 ways. First, it expands the crimes for which
20 convictions are eligible for special treatment to cover all current and former Class E
21 crimes, except any convictions for current or former Class E crimes contained in chapter
22 11 of the Maine Criminal Code defining sexual assaults. Second, this amendment
23 eliminates the requirement that the Department of Public Safety, Bureau of State Police,
24 State Bureau of Identification notify those persons who have received from the bureau
25 within the last year criminal history record information pertaining to a person whose
26 Class E crime conviction is subject to restricted dissemination. The amendment also adds
27 an appropriations and allocations section.

28 **FISCAL NOTE REQUIRED**

29 **(See attached)**