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JUDICIARY

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STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 741, L.D. 1871, “An Act to Permit Sealing Criminal History Record Information of Victims of Sex Trafficking or Sexual Exploitation”

Amend the bill by striking out all of sections 2 and 3 and inserting the following:

'Sec. 2. 15 MRSA §2261, sub-§6, ¶A, as enacted by PL 2023, c. 639, §1, is amended to read:

A. 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; ~~and~~

Sec. 3. 15 MRSA §2261, sub-§6, ¶B, as enacted by PL 2023, c. 639, §1, is amended by amending subparagraph (5) to read:

(5) Unlawful possession of a scheduled drug under Title 17-A, former section 1107 when that drug was marijuana and the underlying crime was a Class D crime; ~~and~~
and

Sec. 4. 15 MRSA §2261, sub-§6, ¶C is enacted to read:

C. For a motion under section 2262-B, a criminal conviction for any current or former crime.'

Amend the bill by striking out all of section 6 and inserting the following:

'Sec. 6. 15 MRSA §2262, first ¶, as amended by PL 2023, c. 409, §1, is further amended to read:

Except as provided in ~~section~~ sections 2262-A and 2262-B, criminal history record information relating to a specific criminal conviction may be sealed under this chapter only if:

Amend the bill by striking out all of section 7 and inserting the following:

'Sec. 7. 15 MRSA §2262-A, sub-§1, as enacted by PL 2023, c. 409, §2, is repealed.

Sec. 8. 15 MRSA §2262-A, sub-§2, as enacted by PL 2023, c. 409, §2, is amended to read:

2. Time since sentence fully satisfied. At least one year has passed since the person has fully satisfied each of the sentencing alternatives imposed under Title 17-A, section 1502, subsection 2 for the eligible a criminal conviction; and'

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

SUMMARY

This amendment removes from the bill changes made to the definition of "eligible criminal conviction" and modifies the definition that currently exists in statute to provide that, for the purposes of a motion to seal criminal history record information of victims of sex trafficking or sexual exploitation, an eligible criminal conviction means a criminal conviction for any current or former crime. The amendment also eliminates the requirement that sealing criminal history record information related to engaging in prostitution be only for an eligible conviction.

FISCAL NOTE REQUIRED

(See attached)