

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FOUR

H.P. 1381 - L.D. 2161

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

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

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

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

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

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

Sec. 3. 16 MRSA §805-A, sub-§2, as enacted by PL 2023, c. 235, §3, is repealed.

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

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

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

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

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

This paragraph does not apply to murder under section 201 or to former section 853-A.