



**TESTIMONY OF GLBTQ LEGAL ADVOCATES & DEFENDERS
IN SUPPORT OF
LDs 1805, 1856, and 1871
Committee on Judiciary
May 15, 2025**

Dear Senator Carney, Representative Kuhn, and Distinguished Members of the Committee on Judiciary,

GLBTQ Legal Advocates & Defenders (GLAD Law) is a nonprofit legal organization that works in New England and nationally to create a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation. We appreciate the opportunity to submit this testimony in support of LDs 1805, 1856, and 1871.

Many Mainers who have been convicted of crimes still face discrimination and disadvantages based on their criminal records long after they have completed their sentences and paid their debt to society. These bills represent important steps forward in providing relief to some members of this population and would reduce barriers they face in getting jobs, housing, education, and generally reintegrating into free society.

LD 1871 would allow survivors of sex trafficking or sexual exploitation to file a motion to seal their criminal records if the person shows the commission of the crime for which the person was convicted was a substantial result of sex trafficking or sexual exploitation. This bill would also establish a civil system of penalties for business entities that share records that are sealed under Maine law.

LD 1805 would allow survivors of sex trafficking or sexual exploitation to file a post-judgment motion to reverse a criminal conviction if they demonstrate the conduct underlying the criminal conviction was a substantial result of sex trafficking or sexual exploitation.

The purpose of a motion to reverse is distinct from the purpose of a motion to seal records. While motions to seal records are intended to help people with sound convictions fully reintegrate into society, a motion to reverse is intended to cure problems with the original conviction (including but not limited to substantive errors, procedural errors, and wrongful convictions due to legal or actual innocence). In other words, while sealing helps people to move on from their past convictions, reversal recognizes that the past convictions were themselves unjust.

Motions to reverse are especially appropriate for people who have been victimized by sex trafficking. Victims of sex trafficking and sexual exploitation are among the most vulnerable

people in our society.¹ And it is well known that sex trafficking schemes operate through force, threats, and other forms of coercion.² Thus, at least 20 states have determined that a victim of human trafficking is not blameworthy and should not be held criminally responsible for conduct that results from or is incident to their experience as a victim of human trafficking.³

In addition to remedying the injustice to survivors of sex trafficking and sexual exploitation, allowing past convictions to be reversed for cause is an especially powerful form of relief because of its potential to erase immigration consequences attendant to those convictions.⁴ Other forms of conviction relief, including records sealing, often do not have this effect.⁵

LD 1856 would direct the Maine Commission on Public Defense Services to develop a procedure for assisting persons who file post-judgment motions to seal their criminal history record information under our existing records sealing system. Right now, people seeking to file motions to seal do not have a right to counsel, and many likely do not have access to counsel. That means the only people who can benefit from Maine's criminal records sealing laws are those with the resources to hire an expensive private attorney and those with the time and sophisticated legal knowledge necessary to navigate the court system. LD 1856 would help ensure that everyone has access to the benefits of this important legal process.

In sum, LDs 1805, 1856, and 1871 are criminal record reforms that would better allow people who have been convicted of crimes to move forward to build a better life for themselves, their family, and their community, without jeopardizing public safety. GLAD Law respectfully urges members of this committee to vote "ought to pass."

Sincerely,

Mary Bonauto, Senior Director of Civil Rights & Legal Strategies
Sarah Austin, Staff Attorney
Hannah Hussey, Staff Attorney
GLBTQ Legal Advocates & Defenders, Portland, Maine

¹ See generally Elizabeth Hopper & José Hidalgo, *Invisible Chains: Psychological Coercion of Human Trafficking Victims*, 1 Intercultural Human Rights L. Rev. 185 (2006).

² See generally *id.*

³ New York Criminal Procedure Law § 440.10(1)(i); Florida Statute § 943.0583; Wisconsin Stat. Ann. § 973.015; Vermont Stat. Ann. tit. 13 § 2658; New Hampshire Rev. Stat. § 633:7(VI)(b)–(c); Maryland Code Ann., Crim. Proc. § 8-302; Mississippi Rev. Code § 97-3-54.6; Wyoming Stat. Ann. § 6-2-708; Connecticut Gen. Stat. § 54-95c; 11 Delaware Code § 787(j); West Virginia Code § 61-14-9; Arizona Rev. Stat. Ann. § 13-909; California Penal Code § 236.14; 725 Illinois Comp. Stat. § 5/116-2.1; Montana Code Ann. § 46-18-608; Nevada Rev. Stat. § 179.247; North Dakota Cent. Code § 12.1-41-14; Rhode Island Gen. Laws Ann. § 11-67.1-17(a); 18 Pennsylvania Cons. Stat. § 3019; Washington Rev. Code Ann. § 9.96.060.

⁴ See Immigrant Legal Resource Center, Best Practices: Clean Slate and Immigrants 2, available at https://www.ilrc.org/sites/default/files/resources/2020.06_clean_slate_and_immigrants_06.29.pdf (discussing potential impact of vacatur and suggested language).

⁵ *Id.* at 1.