

CLAC MEMORANDUM/TESTIMONY OPPOSED
LD 1823, An Act to Promote Transparency in the Criminal Justice System by Requiring the
Posting of Criminal Case Decisions

TO: Senator Carney
Representative Amy Kuhn
Joint Standing Committee on Judiciary

FR: Criminal Law Advisory Commission (CLAC)
c/o Laura Yustak, 6 SHS, Augusta, ME

RE: LD 1823, An Act to Promote Transparency in the Criminal Justice System by Requiring the
Posting of Criminal Case Decisions

DA: May 19, 2025

The Criminal Law Advisory Commission (CLAC)* respectfully submits the following testimony in opposition to LD 1823.

Generally speaking, the proposal calls for duplication of effort by different agencies. Maine's Judicial Branch currently makes information available to the public on its website and at courthouses. (See <https://www.courts.maine.gov/news/opinions.html>, which includes links to Announcements, Opinions, and Orders.) In addition, the Court is in the process of implementing an electronic case filing system that may make more documents remotely accessible. CLAC recommends waiting until after the Court's system has been implemented statewide so that policymakers can assess what information is available and whether there are gaps that should be addressed.

The bill also calls for the Office of Attorney General to post information to which that Office may not have access, unless it creates systems to channel dispositional information from District Attorneys' offices and the courts. Currently, dispositional records are maintained by and in some cases are available from the Judicial Branch, and criminal history record information is maintained and disseminated by the State Bureau of Identification pursuant to statutes that govern what criminal dispositions are public.

More specifically, the bill as proposed does not define "final decision" or "final disposition." Cases may be appealed or challenged multiple times and in some cases for years after sentencing. Such terms would have to be specifically defined in order for the affected agencies to understand what dispositions are required to be published.

*CLAC is an advisory body established by the Legislature. 17-A M.R.S. §§ 1351-1357. It consists of 9 members appointed by the Attorney General. Our current members include defense attorneys, prosecutors, Maine Bar Counsel, and a retired practitioner with experience as defense counsel, prosecutor and in court administration. In addition, three sitting judges and one retired practitioner, appointed by the Chief Justice of the Supreme Judicial Court, and, by statute, the Co-

Chairs of the Legislature's Committee on Criminal Justice and Public Safety, serve as consultants. The Supreme Judicial Court's Criminal Process Manager serves as liaison from the Court to CLAC. CLAC advises the Legislature on matters relating to crimes in the Criminal Code and in other Titles, the Bail and Juvenile Codes, and with respect to other statutes related to criminal justice processes.