



Administrative Office of the Courts

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Judicial Branch testimony neither for nor against LD 848, An Act to Expunge Certain Nonviolent Drug Crimes, and LD 1550, An Act to Authorize the Expungement of Records of Nonviolent Crimes:

Senator Carney, Representative Moonen, members of the Joint Standing Committee on Judiciary, my name is Julie Finn and I represent the Judicial Branch. I would like to provide testimony and comments regarding these bills.

The current statute regarding the sealing of records of past crimes was passed in the 130th Legislature as Public Law 2021, chapter 647. This law permits the sealing of criminal records involving Class E crimes, with certain exceptions, for individuals who were 18-27 years of age when the crime was committed, and at least four years have passed since all aspects of the sentence have been completed. The requests are made on motion to the court and a hearing must be held.

The process of sealing or expunging records on motion to the court on a case-by-case basis is one that is already set up in our courts and one that has existed in different formats for several years.

Both LD 848 and LD 1550 make changes to the types of crimes for which sealing may be sought and make certain exceptions to sealing. These bills enact a new chapter in Title 15. The Judicial Branch respectfully suggests that it may be more efficient to amend the existing law in Chapter 310-A of Title 15, rather than create a new chapter. We take no position on the type, exceptions, class of crime, or age of the defendants affected but would advocate keeping the current system. It would be less expensive and less burdensome to make changes in this manner.

Thank you for your consideration.