

132nd Legislature
***Senate
of Maine***
Senate District 31

Senator Donna Bailey
3 State House Station
Augusta, ME 04333-0003
Office: (207) 287-1515

Testimony of Senator Donna Bailey in support of
**LD 1805, An Act to Establish a Post-conviction Review Process for Crimes
Committed by Victims of Sex Trafficking and Sexual Exploitation, and LD
1871, An Act to Permit Sealing Criminal History Record Information of
Victims of Sex Trafficking or Sexual Exploitation**
Before the Joint Standing Committee on Judiciary
Monday, May 12, 2025

Senator Carney, Representative Kuhn, and Distinguished Colleagues on the Judiciary Committee, my name is Donna Bailey, and I proudly represent Senate District 31, which includes Buxton, Old Orchard Beach, and Saco. I write to offer my support for both LD 1805, “**An Act to Establish a Post-conviction Review Process for Crimes Committed by Victims of Sex Trafficking and Sexual Exploitation**,” and LD 1871, “**An Act to Permit Sealing Criminal History Record Information of Victims of Sex Trafficking or Sexual Exploitation**.”

I have been honored to serve as the Senate Chair of the Criminal Records Review Committee for several years. The directive from the Maine Legislature to review and make recommendations on criminal record relief for victims of sex trafficking and sexual exploitation has been on the task list for the CRRC since 2019. As I discussed with this Committee earlier this session, while presenting to the Committee the latest report of the CRRC, the topics referred to the CRRC are complex, and the membership of the CRRC represents a broad variety of perspectives, interests and priorities. These two bills represent recommendations that had overwhelming support by the CRRC, recommendations that were not opposed by any member. Despite the breadth of perspectives of the membership, the CRRC broadly recognized the merit and need for these processes.

The Criminal Records Review Committee has done good work on this issue, and I encourage my colleagues to support these proposals. These bills do not represent radical public policy. Maine is one of only three states that does not have some level of criminal record relief specific to trafficking survivors. Maine is one of only three states to not recognize in our laws that the data unequivocally shows that the vast majority of sex trafficking survivors who have criminal records have them as a result of the pattern and nature of the crime committed against them. These convictions are unjust convictions.

LD 1805 builds on the solid foundation that Maine's existing petition-based criminal record sealing statute provides to allow sex trafficking survivors, without a waiting period, to petition to have any conviction that was substantially a result of their having been trafficked to be sealed from all but a narrow category of persons. LD 1871 sets out a post-conviction review process to allow a sex trafficking survivor to petition to have the court reverse their record convictions that they only have because of the fact that they were trafficked. We already recognize in several places in our existing laws that unjust convictions shouldn't stand, even when the person has, in fact, committed the act that serves as the basis for the conviction. For example: if the person had ineffective assistance of counsel, their conviction was unfairly obtained, even if they are, in fact, guilty. We also allow convictions to be collaterally attacked where later-learned information demonstrates an injustice. For example: newly discovered evidence. These proposals simply ask policymakers to embrace the reality that much of the crime committed by trafficking victims is committed while under a form of duress, and that the circumstances of their victimization will often mean that their safety and stability at the time of arrest and prosecution would have been compromised by trying to assert a duress defense. When safety and stability have been achieved, survivors of sex trafficking need to be able to similarly go back and address the injustice of their conviction.

The CRRC heard that criminal records interfere with the ability of sex trafficking survivors to be stably housed, be employed in fields that align with subsequent education, volunteer in their communities and local schools many years after they have achieved safety and stability. These criminal records perpetuate their victimization over and over for decades. Both of these bills will provide essential relief needed for survivors of sex trafficking and exploitation to fully heal and, in doing so, bring Maine in alignment with the vast majority of the rest of the country.

Thank you.



Donna Bailey
State Senator, Senate District 31
Buxton, Old Orchard Beach, and Saco