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Judicial Branch testimony neither for nor against LD 1916, An Act to Automatically Seal Criminal History Record Information for Class D and Class E Crimes Relating to Marijuana Possession and Cultivation:

Senator Beebe-Center, Representative Hasenfus, members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Julie Finn and I represent the Judicial Branch. I would like to provide some brief testimony neither for nor against LD 1916.

LD 1916 pertains to marijuana crimes of possession and cultivation committed between January 1, 2001 and January 30, 2017. Specifically, LD 1916 outlines procedures that create many issues for the Judicial Branch, a chronology of which are listed below:

1. The criminal history record information from the State Bureau of Identification ("SBI") must meet requirements of new § 2332. However, once received, the Judicial Branch would have to check our current case management system, MEJIS, for subsequent and recent charges. Because many drug crimes are titled using the "schedule" of the drug, rather than the specific drug, paper files containing the original criminal complaint will have to be examined to see if marijuana was involved in any relevant drug charge reference a Schedule Z drug (which is the schedule under which marijuana falls).

2. The proposed process has SBI send its criminal history record information that meets § 2332 requirements to the Administrative Office of the Court ("AOC"). The AOC is an administrative office and does not use MEJIS or maintain court files. If cases were to come to a central Judicial Branch location, we would need a new position created and funded to do this work.

3. After the AOC receives this information, under the proposed process, the courts of jurisdiction have to be identified, and the regional lists of cases sent to each court.

4. When the individual court receives the list of cases, the paper files would need to be pulled. These files might be in various locations, such as an onsite file room, an offsite storage facility, state archives.

5. Once the files are located and transferred to the court of jurisdiction, a court clerk or law clerk would have to review the file to see if the requirements of new § 2402 are met.
6. After clerk review, a judge would have to review the file and issue an order sealing, or not sealing, the records.
7. After an order is issued, the clerk would docket the order and send a copy to the former defendant at their last known address; put one in the file; and, if sealing is ordered, so label the file.
8. While the bill requires the Judicial Branch to send the court's order to SBI *whether or not the order is granted,* we do not have a data transfer set up to electronically transmit orders that do not seal records. That would require additional programming.
9. This process would have to be repeated for thousands of cases.

Fiscal impact. It is difficult to assess the fiscal impact of the bill as drafted due to the issues described above. It is clear that extensive sealing of records cannot be done without significant additional resources in order to avoid transferring court clerks from their existing duties processing existing pending cases. The Judicial Branch is already short staffed with respect to court clerks.

If a workable process is at some point created, accurately assessing the fiscal impact of LD 1916 would involve forming a committee within the Judicial Branch and with representatives of SBI. Court operations and information technology staff would have to be involved.

In addition, if the Committee votes to pass this bill, we would ask for an extended effective date of April 1, 2027.

To be clear, the work outlined in this bill can be done, but it cannot be done inexpensively, quickly, easily or automatically.

Thank you for your time. I would be happy to answer any questions.