



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2086

H.P. 1487

House of Representatives, January 28, 2020

Resolve, To Create a Criminal Records Review Committee

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TALBOT ROSS of Portland.
Cosponsored by Senator CLAXTON of Androscoggin and
Representatives: CARNEY of Cape Elizabeth, EVANGELOS of Friendship, Senators:
DESCHAMBAULT of York, President JACKSON of Aroostook.

1 **Sec. 1. Review committee established. Resolved:** That the Criminal Records
2 Review Committee, referred to in this resolve as "the review committee," is established.

3 **Sec. 2. Review committee membership. Resolved:** That, notwithstanding
4 Joint Rule 353, the review committee consists of 23 members appointed as follows:

5 1. Two members of the Senate appointed by the President of the Senate, including
6 one member from each of the 2 parties holding the largest number of seats in the
7 Legislature;

8 2. Two members of the House of Representatives appointed by the Speaker of the
9 House of Representatives, including one member from each of the 2 parties holding the
10 largest number of seats in the Legislature;

11 3. The Attorney General or the Attorney General's designee;

12 4. The Commissioner of Health and Human Services or the commissioner's designee;

13 5. The Commissioner of Public Safety or the commissioner's designee;

14 6. The Commissioner of Corrections or the commissioner's designee;

15 7. The President of the Maine Prosecutors Association or the president's designee;

16 8. The President of the Maine Association of Criminal Defense Lawyers or the
17 president's designee;

18 9. The President of the Maine Sheriffs' Association or the president's designee;

19 10. A representative of a civil rights organization whose primary mission includes
20 the advancement of racial justice, appointed by the President of the Senate;

21 11. A representative of an organization that provides legal assistance on
22 immigration, appointed by the President of the Senate;

23 12. A representative of an organization whose primary mission is to address issues
24 related to poverty, appointed by the President of the Senate;

25 13. A representative of a nonprofit organization whose mission includes advocating
26 for victims and survivors of domestic violence, appointed by the President of the Senate;

27 14. A representative of a substance use disorder treatment or recovery community,
28 appointed by the President of the Senate;

29 15. A representative of an adult and juvenile prisoners' rights organization, appointed
30 by the President of the Senate;

31 16. A representative of a nonprofit organization whose mission includes advocating
32 for victims and survivors of sexual assault, appointed by the Speaker of the House of
33 Representatives;

1 17. A representative of an organization that provides free civil legal assistance to
2 citizens of the State with low incomes, appointed by the Speaker of the House of
3 Representatives;

4 18. A representative of a mental health advocacy organization, appointed by the
5 Speaker of the House of Representatives;

6 19. A representative of a civil liberties organization whose primary mission is the
7 protection of civil liberties, appointed by the Speaker of the House of Representatives;
8 and

9 20. A representative of a nonprofit organization whose primary mission is to
10 advocate for victims and survivors of sexual exploitation and sex trafficking, appointed
11 by the Speaker of the House of Representatives.

12 The review committee shall invite the Chief Justice of the Supreme Judicial Court to
13 designate a member of the judicial branch to serve as a member of the committee.

14 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate
15 chair and the first-named House of Representatives member is the House chair of the
16 review committee.

17 **Sec. 4. Appointments; convening of review committee. Resolved:** That all
18 appointments must be made no later than 30 days following the effective date of this
19 resolve. The appointing authorities shall notify the Executive Director of the Legislative
20 Council once all appointments have been completed. After appointment of all members,
21 the chairs shall call and convene the first meeting of the review committee. If 30 days or
22 more after the effective date of this resolve a majority of but not all appointments have
23 been made, the chairs may request authority and the Legislative Council may grant
24 authority for the review committee to meet and conduct its business.

25 **Sec. 5. Duties. Resolved:** That the review committee shall:

26 1. Review activities in other states that address the expungement of, sealing of,
27 vacatur of and otherwise limiting public access to criminal records;

28 2. Consider whether the following convictions should be subject to different
29 treatment:

30 A. Convictions for conduct that has been decriminalized in this State over the last 10
31 years and conduct that is currently under consideration for decriminalization; and

32 B. Convictions for conduct that was committed by victims and survivors of sexual
33 exploitation and sex trafficking;

34 3. Consider whether there is a time limit after which some or all criminal records
35 should not be publicly available;

36 4. Invite comments and suggestions from interested parties, including but not limited
37 to victim advocates and prison and correctional reform organizations;

1 5. Review existing information about the harms and benefits of making criminal
2 records confidential, including the use and dissemination of those records;

3 6. Invite comments and suggestions concerning the procedures and processes to limit
4 public accessibility of criminal records;

5 7. Consider who, if anyone, should continue to have access to criminal records that
6 are not publicly available; and

7 8. Develop options to manage criminal records.

8 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
9 necessary staffing services to the review committee, except that Legislative Council staff
10 support is not authorized when the Legislature is in regular or special session.

11 **Sec. 7. Report. Resolved:** That, no later than November 4, 2020, the review
12 committee shall submit to the Joint Standing Committee on Judiciary a report that
13 includes its findings and recommendations, including suggested legislation, for
14 presentation to the First Regular Session of the 130th Legislature.

15 **Sec. 8. Outside funding. Resolved:** That the review committee shall seek
16 funding contributions to fully fund the costs of the study. All funding is subject to
17 approval by the Legislative Council in accordance with its policies. If sufficient
18 contributions to fund the study have not been received within 30 days after the effective
19 date of this resolve, no meetings are authorized and no expenses of any kind may be
20 incurred or reimbursed.

21 **Sec. 9. Appropriations and allocations. Resolved:** That the following
22 appropriations and allocations are made.

23 **LEGISLATURE**

24 **Study Commissions - Funding 0444**

25 Initiative: Allocates funds for the one-time costs to the Legislature of the Criminal
26 Records Review Committee.

27	OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
28	Personal Services	\$0	\$1,100
29	All Other	\$0	\$1,650
30			
31	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$2,750</u>

32 **SUMMARY**

33 This resolve establishes the Criminal Records Review Committee.