

CRIMINAL RECORDS REVIEW COMMITTEE

Meeting Agenda

Wednesday, November 29, 2023

9:00a.m. – 12:00p.m.

Maine State House, Room 228 (AFA) and via Zoom

Streaming: <https://legislature.maine.gov/Audio/#228>

1. Welcome and Introductions
 - Senator Donna Bailey, Senate Chair
 - Speaker Rachel Talbot Ross, House Chair
2. Overview of Interim Report Process
 - Office of Policy and Legal Analysis, Staff
3. Responses to Information Requests from Previous Meeting
 - Amanda Doherty, Maine Judicial Branch
 - Numbers of motions to seal records
 - Form: Motion to Seal Criminal History
 - Amy McCollett, State Bureau of Investigation
 - Public outreach regarding availability of sealing of criminal records
 - Form: Criminal History Record Review Request
 - Schedule Z Drugs
 - Office of Policy and Legal Analysis, Staff
 - Overview of “Clean Slate” Laws in Other Jurisdictions
 - Office of Policy and Legal Analysis, Staff
4. Overview of Post Judgement Motion to Seal Criminal History Record Process
 - Office of Policy and Legal Analysis, Staff
5. Comparison of Criminal History Record Information for Juveniles and Adults
 - Jill Ward, Director of the Center for Youth Policy and Law
 - Laura Yustak, AAG
6. Discussion and Planning for Next Meeting
7. Adjourn

Future Meetings

- Monday, December 11, 9:00a.m. – 12:00p.m. (Hybrid: State House Room 228 and Zoom)

MAINE JUDICIAL BRANCH

STATE OF MAINE

V.

"X" the court for filing:

Superior Court District Court

Unified Criminal Docket

County: _____

Location (Town): _____

Docket No.: _____

_____ Defendant

Defendant's DOB (mm/dd/yyyy): _____

MOTION TO SEAL CRIMINAL HISTORY
(CRIME COMMITTED BETWEEN AGES 18-27)
15 M.R.S. §§ 2263-2264

Now comes the defendant and moves, pursuant to 15 M.R.S. § 2263, to seal Defendant's criminal history. In support of this motion, Defendant states:

1. Defendant was convicted of the Class E crime of (name of crime) _____ on (mm/dd/yyyy) _____. This crime is eligible for sealing under 15 M.R.S. § 2261(6).
2. Defendant's date of birth is (mm/dd/yyyy) _____ and Defendant's age at time of commission of crime was 18-27 years old.
3. It has been at least 4 years since Defendant fully completed the sentence imposed, including any incarceration, probation, administrative release, license suspension, fine payments, restitution and/or community service.
4. Defendant has no other adult criminal convictions in Maine and has not had a case dismissed as the result of a deferred disposition since completing their sentence for this offence.
5. Defendant has no other criminal convictions in another state or jurisdiction since completing their sentence for this offense.
6. Defendant has no pending criminal charges in Maine or in another jurisdiction.

Defendant moves this Court to order special restrictions on dissemination and use of Defendant's criminal history record information relating to Defendant's prior criminal conviction in this matter.

Date (mm/dd/yyyy): _____



_____ Defendant's Signature

_____ Defendant's Attorney and Maine Bar No.

_____ Defendant's Mailing Address

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation, contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.

Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.



STATE OF MAINE
 Department of Public Safety
 Maine State Police
 State Bureau of Identification
 42 State House Station
 Augusta, Maine
 04333-0042

Janet T. Mills
 GOVERNOR

RECORD REVIEW REQUEST
 (16 M.R.S. §620(2))

The Maine State Bureau of Identification (SBI) is a repository for information received from law enforcement agencies, prosecutors, courts, and correctional facilities concerning an individual's criminal history. When a criminal history or juvenile crime information record check is processed by SBI using a name and date of birth, it is possible that the record supplied belongs to another person with the same or essentially similar name and date of birth, or that the name being searched has been used as an alias.

Assurance that the person being inquired about is the subject of the record returned requires that fingerprints were submitted with the original criminal history to SBI and that the person requesting the review submit fingerprints for comparison.

In order to determine if a record supplied is accurate and complete, SBI needs the following information to compare material held by law enforcement agencies, prosecutors, courts, correctional facilities, and SBI.

Please mail this completed questionnaire, a copy of the record being challenged, and a set of your fingerprints to the address provided on the letterhead. SBI will begin the review once the request is complete.

*****Please provide this information to the best of your ability and attach additional documentation if needed*****

Full Name:

Last _____ First _____

Middle _____ Suffix _____ Title _____

Names previously associated with you such as a birth name, former married name, nicknames, aliases, etc.:

Date of Birth: Month _____ Day _____ Year _____

Where were you born? (City, State, & Country): _____

Current Address: _____

Previous Addresses (list as many as you can, including those from out of state):

Social Security Number: _____

The following statement is made pursuant to the Privacy Act of 1974, §7(b): Disclosure of your social security number is voluntary. Your social security number will be compared to social security numbers, if any, collected by the agencies involved in the disputed records.

Current Phone number: (land) ----- (cell) _____

E-Mail: _____ **Driver's License Number:** _____

Licensing State: _____

Previous License Number(s) & State: _____

Physical marks (scars & tattoos): _____

Parents' names: _____

Current Occupation(s): _____

Work Address(es): _____

Previous Occupation(s): _____

Previous Work Address(es): _____

What particular record(s) or conviction is being challenged?

What are you requesting as a correction?

Please provide justification for why the record/conviction should not be provided on a record request. (Note: SBI cannot issue pardons. Only the Governor can pardon a Maine conviction). Please contact the Dept. of Corrections (207) 287-4340 if you wish to request information about petitioning for a pardon.)

Date:

Signature

I understand that making a false statement that I do not believe to be true in this document or knowingly creating or attempting to create a false impression by omitting information necessary to prevent this request from being misleading constitutes a criminal offense, and may be prosecuted as, among other offenses, unsworn falsification pursuant to 17-A M.R.S.A. § 453 (Class D).

Page 3 of 3

OFFICES LOCATED AT: 45 COMMERCE DRIVE, SUITE I

(207) 624-7240 (Voice)

(207) 624-4478 (TDD)

(207) 287-3421 (Fax)

7 APPLICANT

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TYPE ON PRINT ALL INFORMATION IN BLACK

FBI

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1. LAST NAME FIRST NAME MIDDLE NAME

2. ALIAS/ AKA

3. CITIZENSHIP (TZ)

4. SEX

5. HAIR

6. HGT

7. WGT

8. EYES

9. MARKS

10. DATE OF BIRTH (MM/DD/YY)

11. DOB (MM/DD/YY)

12. PLACE OF BIRTH (POB)

13. SIGNATURE OF OFFICIAL (WORKING OFFICER)

14. TOUR NO. (OCA)

LEAVE BLANK

15. NUMBER AND ADDRESS

16. FEDERAL CONTROL NO. (UCN)

17. ARMED CROSS NO. (MNU)

CLASS

18. PASSPORT NUMBER

19. SOCIAL SECURITY NO. (SOC)

REF

20. MISCELLANEOUS NO. (MNU)

1. LAST NAME	2. FIRST NAME	3. MIDDLE NAME	4. SEX	5. HAIR	6. HGT	7. WGT	8. EYES	9. MARKS
10. DATE OF BIRTH	11. DOB	12. PLACE OF BIRTH	13. SIGNATURE	14. TOUR NO.	15. NUMBER AND ADDRESS	16. FEDERAL CONTROL NO.	17. ARMED CROSS NO.	18. PASSPORT NUMBER
19. SOCIAL SECURITY NO.	20. MISCELLANEOUS NO.	21. CLASS	22. REF	LEAVE BLANK				

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
CJIS DIVISION/CLARKSBURG, WV 26306

APPLICANT

THIS CARD FOR USE BY:

- 1. FBI OFFICE EVENT - APPLICANT TO PARTICIPATE IN A FEDERAL BUREAU OF INVESTIGATION (FBI) EVENT
- 2. FBI OFFICE OR OTHER FBI OFFICE TO PARTICIPATE IN A FEDERAL BUREAU OF INVESTIGATION (FBI) EVENT
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- 10. FBI OFFICE OR OTHER FBI OFFICE TO PARTICIPATE IN A FEDERAL BUREAU OF INVESTIGATION (FBI) EVENT

APPLICANT'S NAME AND TITLE MUST BE PRINTED IN THE DESIGNATED AREA. THE APPLICANT'S SIGNATURE MUST BE PRINTED IN THE DESIGNATED AREA.

APPLICANT'S PHOTO MUST BE PRINTED IN THE DESIGNATED AREA. THE PHOTO MUST BE A RECENT PHOTO AND MUST BE CLEARLY VISIBLE.

APPLICANT'S SOCIAL SECURITY NUMBER MUST BE PRINTED IN THE DESIGNATED AREA. THE SOCIAL SECURITY NUMBER MUST BE CLEARLY VISIBLE.

APPLICANT'S DATE OF BIRTH MUST BE PRINTED IN THE DESIGNATED AREA. THE DATE OF BIRTH MUST BE CLEARLY VISIBLE.

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APPLICANT'S EMPLOYER MUST BE PRINTED IN THE DESIGNATED AREA. THE EMPLOYER MUST BE CLEARLY VISIBLE.

APPLICANT'S OCCUPATION MUST BE PRINTED IN THE DESIGNATED AREA. THE OCCUPATION MUST BE CLEARLY VISIBLE.

APPLICANT'S EDUCATION MUST BE PRINTED IN THE DESIGNATED AREA. THE EDUCATION MUST BE CLEARLY VISIBLE.

APPLICANT'S MARITAL STATUS MUST BE PRINTED IN THE DESIGNATED AREA. THE MARITAL STATUS MUST BE CLEARLY VISIBLE.

APPLICANT'S RELIGION MUST BE PRINTED IN THE DESIGNATED AREA. THE RELIGION MUST BE CLEARLY VISIBLE.

APPLICANT'S RACE MUST BE PRINTED IN THE DESIGNATED AREA. THE RACE MUST BE CLEARLY VISIBLE.

APPLICANT'S ETHNICITY MUST BE PRINTED IN THE DESIGNATED AREA. THE ETHNICITY MUST BE CLEARLY VISIBLE.

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APPLICANT'S HAIR COLOR MUST BE PRINTED IN THE DESIGNATED AREA. THE HAIR COLOR MUST BE CLEARLY VISIBLE.

APPLICANT'S EYE COLOR MUST BE PRINTED IN THE DESIGNATED AREA. THE EYE COLOR MUST BE CLEARLY VISIBLE.

APPLICANT'S SKIN TONE MUST BE PRINTED IN THE DESIGNATED AREA. THE SKIN TONE MUST BE CLEARLY VISIBLE.

APPLICANT'S BUILD MUST BE PRINTED IN THE DESIGNATED AREA. THE BUILD MUST BE CLEARLY VISIBLE.

APPLICANT'S COMPLEXION MUST BE PRINTED IN THE DESIGNATED AREA. THE COMPLEXION MUST BE CLEARLY VISIBLE.

APPLICANT'S FEATURES MUST BE PRINTED IN THE DESIGNATED AREA. THE FEATURES MUST BE CLEARLY VISIBLE.

APPLICANT'S DENTURES MUST BE PRINTED IN THE DESIGNATED AREA. THE DENTURES MUST BE CLEARLY VISIBLE.

APPLICANT'S SCARS MUST BE PRINTED IN THE DESIGNATED AREA. THE SCARS MUST BE CLEARLY VISIBLE.

APPLICANT'S TATTOOS MUST BE PRINTED IN THE DESIGNATED AREA. THE TATTOOS MUST BE CLEARLY VISIBLE.

APPLICANT'S WOUNDS MUST BE PRINTED IN THE DESIGNATED AREA. THE WOUNDS MUST BE CLEARLY VISIBLE.

APPLICANT'S BLEMISHES MUST BE PRINTED IN THE DESIGNATED AREA. THE BLEMISHES MUST BE CLEARLY VISIBLE.

APPLICANT'S DISABILITIES MUST BE PRINTED IN THE DESIGNATED AREA. THE DISABILITIES MUST BE CLEARLY VISIBLE.

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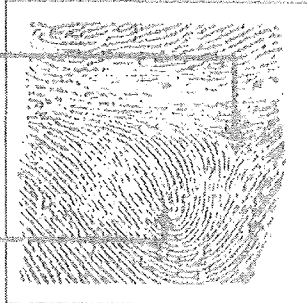
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APPLICANT'S PRINTED BUILD MUST BE PRINTED IN THE DESIGNATED AREA. THE PRINTED BUILD MUST BE CLEARLY VISIBLE.

1. LOOP

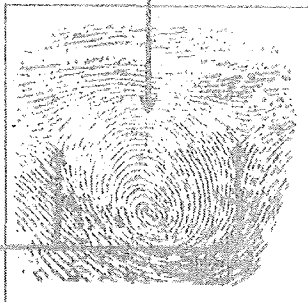
CENTER OF LOOP



THE LINES BETWEEN CENTER OF LOOP AND DELTA MUST SHOW

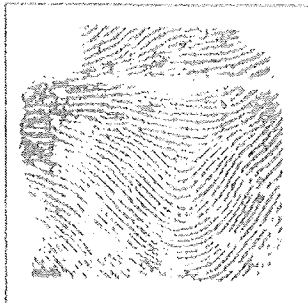
2. WHORL

DELTA



THESE LINES RUNNING BETWEEN DELTAS MUST BE CLEAR

3. ARCH



ARCHES HAVE NO DELTAS

U.S. GOVERNMENT PRINTING OFFICE: 1971 O 350-000

FORM 1110-0046 (Rev. 11-70)

INSTRUCTIONS:

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Schedule Z Drugs (17-A M.R.S.A. § 1102(4))

A. All prescription drugs other than those included in schedules W, X or Y;

B. Marijuana;

C. All nonprescription drugs other than those included in schedules W, X or Y as the Maine Board of Pharmacy shall duly designate;

D. Butyl nitrite or isobutyl nitrite;

E. A methamphetamine precursor drug; and

F. [REPEALED]

G. Synthetic cannabinoids, including:

(1) Tetrahydrocannabinols that are naturally contained in a plant of the genus Cannabis or a cannabis plant, excluding tetrahydrocannabinols contained in hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D, as well as synthetic equivalents of the substances contained in the cannabis plant or in the resinous extracts of cannabis or synthetic substances, derivatives and their isomers with similar chemical structure and pharmacological activity, including the following:

- (a) Delta-1 cis or trans tetrahydrocannabinol and their optical isomers;
- (b) Delta-6 cis or trans tetrahydrocannabinol and their optical isomers; or
- (c) Delta-3,4 cis or trans tetrahydrocannabinol and their optical isomers;

(2) Naphthoylindoles, including any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including the following:

- (a) 1-Pentyl-3-(1-naphthoyl)indole or JWH-018 or AM-678;
- (b) 1-Butyl-3-(1-naphthoyl)indole or JWH-073;
- (c) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole or JWH-081;
- (d) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole or JWH-200;
- (e) 1-Propyl-2-methyl-3-(1-naphthoyl)indole or JWH-015;
- (f) 1-Hexyl-3-(1-naphthoyl)indole or JWH-019;
- (g) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole or JWH-122;
- (h) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole or JWH-210;
- (i) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole or JWH-398; or
- (j) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole or AM-2201;

(3) Naphthylmethylindoles, including any compound containing a H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including the following:

- (a) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane or JWH-175; or
- (b) 1-Pentyl-1H-3-yl-(4-methyl-1-naphthyl)methane or JWH-184;

(4) Naphthoylpyrroles, including any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone or JWH-307;

(5) Naphthylideneindenes or naphthylmethylindenes, including any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent, including E-1-[1-(1-Naphthalenylmethylene)-1H-inden-3-yl]pentane or JWH-176;

(6) Phenylacetylindoles, including any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent, including the following:

- (a) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole or RCS-8;
- (b) 1-Pentyl-3-(2-methoxyphenylacetyl)indole or JWH-250;
- (c) 1-Pentyl-3-(2-methylphenylacetyl)indole or JWH-251; or
- (d) 1-Pentyl-3-(2-chlorophenylacetyl)indole, or JWH-203;

(7) Cyclohexylphenols, including any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent, and their isomers with similar chemical structure and pharmacological activity, including the following:

- (a) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or CP 47,497;
- (b) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or Cannabicyclohexanol or CP 47,497-C8 homologue; or
- (c) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol or CP 55,490;

(8) Benzoylindoles, including any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent, including the following:

- (a) 1-Pentyl-3-(4-methoxybenzoyl)indole or RCS-4;
- (b) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole or AM-694; or
- (c) (4-Methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone or WIN-48,098 or Pravadoline; and

(9) The following other unclassified synthetic cannabinoids:

- (a) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo or HU-210;
- (b) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo or Dexanabinol or HU-211;
- (c) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl-1-naphthal or WIN 55,212-2; or
- (d) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone or XLR-11.

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
California	<ul style="list-style-type: none"> Beginning July 1, 2022, the DOJ will be required to review the records in the statewide criminal justice databases on a monthly basis to identify persons with arrest records that are eligible for relief, and “shall grant relief” if such information is present in the records. On a monthly basis, the DOJ must submit to the superior court a notice of all cases in that jurisdiction for which relief was granted. The DOJ must annually publish statistics for each county regarding the total number of arrests granted relief and the percentage of arrests for which the state summary criminal history information does not include a disposition 	October 2019 (<u>AB1076</u>); amended in 2022 (<u>SB 721</u> and <u>SB1260</u>) to expand the clean slate law to apply to more persons and situations	Automatic relief provisions began in July 2022; amended provisions began in July of 2023 (The law is subject to an appropriation in the Annual Budget Act)	<p>Authorizes automatic record relief in the form sealing of convictions and arrests (originally it covered convictions and arrests occurring on or after January 1, 2021; <u>AB 145 (2021)</u> extended eligibility to convictions and arrests on or after January 1, 1973)</p> <p>Arrests:</p> <ul style="list-style-type: none"> A person arrested on or after January 1, 1973 will be eligible for automatic relief if any of the following is true: The arrest was for a misdemeanor and either the charge was dismissed, the person was acquitted of any charges, or at least 1 	Serious violent felonies, sex offenses, or offenses requiring registering as a sex offender	<ul style="list-style-type: none"> Following relief, all state summary criminal history information in all statewide criminal databases “shall include” next to or below the entry “relief granted” and the date A person granted relief “shall be released from all penalties and disabilities resulting from the offense of which the person has been convicted,” except that the relief does not affect: <ul style="list-style-type: none"> the obligation to disclose a criminal conviction in response to a direct question contained in a questionnaire or application for employment as a peace officer, public office, or for contracting with the California

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
	<ul style="list-style-type: none"> • Even if a person is eligible, the prosecutor or probation department may file a petition to prohibit automatic relief “based on a showing that granting such relief would pose a substantial threat to the public safety.” The petition must be filed by 90 days before eligibility, and the court must give notice to the defendant and conduct a hearing within 45 days. (A person denied automatic relief can still petition for relief under existing law.) • Department of Justice (DOJ) to review the master criminal justice database monthly to identify those individuals eligible for automatic relief • DOJ to provide electronic notice to 			<ul style="list-style-type: none"> year has elapsed since the arrest and there is no indication that criminal proceedings have been initiated; • The arrest was for a felony punishable by imprisonment in county jail, and either the person was acquitted of any charges, or at least 3 years have elapsed since the arrest and there is no indication that criminal proceedings have been initiated; or • The person successfully completed one of various specified 		<ul style="list-style-type: none"> State Lottery Commission; ○ the ability of a criminal justice agency to access and use records; ○ the jurisdiction of the court over a subsequently filed motion to amend the record, petition or motion for postconviction relief, or collaterally attack a conviction; ○ a person’s authorization to own or possess any firearm; ○ a prohibition from holding public office; ○ the authority to receive, or take adverse action based on, criminal history

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
	<p>the superior court having jurisdiction over the matter informing the court relief was granted and prohibiting the court from disclosing any information concerning the covered arrest or conviction, with certain exceptions</p>			<p>diversion programs</p> <p>Convictions: A person convicted on or after January 1, 1973 will be eligible for automatic relief if either of the following is true (prior to the enactment of a <u>2021 bill</u>, only convictions on or after January 1, 2021 would have been eligible):</p> <ul style="list-style-type: none"> • The defendant was sentenced to probation and, based upon the disposition date and the term of probation specified in the department's records, appears to have completed their term of probation without revocation • The defendant was convicted of an infraction or misdemeanor, was not granted probation, and, based upon the 		<p>information or certified court records under various sections of the Health and Safety Code, or other provisions that incorporate those criteria;</p> <ul style="list-style-type: none"> ○ eligibility to provide, or receive payment for providing, in-home supportive services; or ○ pleading and proof of the prior conviction in any subsequent prosecution of the defendant. <ul style="list-style-type: none"> • Courts may not disclose information concerning the conviction to any person or entity, except to the person granted relief or a criminal justice agency

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
				<p>disposition date and the term specified in the department's records, the defendant appears to have completed their sentence, and at least one calendar year has elapsed since the date of judgment</p> <ul style="list-style-type: none"> • The defendant was convicted of a felony and has finished serving their sentence and any required supervision and at least four years have passed and the person has not reoffended • The person is not required to register under the Sex Offender Registration Act • The person does not have an active record for local, state, or federal supervision • Based on information in the 		<ul style="list-style-type: none"> • The state records repository system is prohibited from disclosing conviction records that have been dismissed or set aside, whether automatically or by petition, in response to certain requests for background information to be used for employment, licensing or certification

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
				DOJ record, it does not appear that the person is currently serving a sentence for any offense and there is no indication of pending criminal charges		
Colorado	<ul style="list-style-type: none"> • Expands automatic sealing (previously applicable only to certain drug offenses) to all offenses currently eligible for petition-based sealing • Allows for the immediate automatic sealing of eligible non-conviction records. • Allows district attorney 45 days to object to the sealing of a non-drug related eligible 	2022 (SB99)	Beginning in July 2024, the state court administrator must compile lists of eligible records except eligible felonies, and on a quarterly basis thereafter. Automatic clearance of eligible felonies begins in July 2025	<ul style="list-style-type: none"> • Waiting periods are 4 years for civil infractions, 7 years for petty misdemeanors, and 10 years for eligible felonies • Payment of outstanding fees or fines is not a condition for automatic sealing 	<ul style="list-style-type: none"> • Violent crimes 	<ul style="list-style-type: none"> • Employers, landlords, and state and local government agencies are generally prohibited from requiring applicants to disclose any information contained in sealed records • Upon the entry of an order to seal the conviction records, the defendant and all criminal justice agencies may properly reply, upon an inquiry in the matter, that public conviction records do not exist with respect to the defendant • An order sealing conviction records does not deny access to courts and law enforcement agencies, or any “party or agency required by law to conduct a criminal history record check on an individual • Sealing does not vacate the conviction, and it may be

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
	<p>felony conviction based on “reasonable belief” that “public interest and public safety” requires continued public access to record, and defendant will be subsequently informed of their right to a hearing on this objection. Beginning in July 2024, the state court administrator must compile lists of eligible records except eligible felonies, and on a quarterly basis thereafter. Automatic clearance of eligible felonies begins in July 2025. The state court</p>					<p>used in subsequent prosecutions</p> <ul style="list-style-type: none"> • Some organizations, including the bar committee, the Department of Education, and criminal justice agencies, may still have access to some information in records sealed • Requires consumer reporting agencies to exclude sealed or expunged records from their report.

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
	administrator must report annually to the House Judiciary Committee on statistics of sealed/objected records					
Connecticut	Establishes a process to automatically erase records of most misdemeanor convictions and certain felony convictions entered after January 1, 2000, after a specified period following the person's most recent conviction for any crime	June 10, 2021 (Public Act 21-42)	January 1, 2023	<ul style="list-style-type: none"> A person convicted after January 1, 2020, of a Class D or E felony or an unclassified felony with prison time of five or fewer years can be erased after 10 years A person convicted after January 1, 2020, of a Class C felony or unclassified felonies with prison terms greater than five years, but no more than 10 years, are eligible after 15 years Misdemeanor convictions after January 1, 2020 become eligible for 	<ul style="list-style-type: none"> Class A, B or C felonies, certain unclassified felonies, domestic violence crimes or crimes requiring sex offender registration For offenses before January 1, 2000, the records are erased when the person files a petition on a form prescribed by the Office of the Chief Court Administrator Does not require the state Department of Motor Vehicles to erase criminal history records 	<ul style="list-style-type: none"> If a case contained multiple charges and only some are entitled to erasure, electronic records released to the public must be erased to the extent they reference charges entitled to erasure Requires all purchasers of court records, including background screening providers, to update their records on a regular basis. It extends these provisions to records of other agencies (State Police, DMV, Department of Correction). Prohibits various forms of discrimination based on someone's erased criminal history record information, such as in employment, public accommodations, the sale or rental of housing, the granting of credit, and several other areas

State Clean Slate Records Law

Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
				erasure after seven years		
Delaware	<ul style="list-style-type: none"> Following the completion of an individual's case or sentence. Delaware will automatically expunge cases terminated in one's favor, all violation convictions, certain misdemeanor convictions, and certain felony cases with a single conviction after a set period The Bureau is required to promptly notify all courts and law-enforcement agencies where records pertaining to the case are located or maintained, and any court where the case was terminated, disposed of, or concluded A court or law-enforcement agency which receives a notice of expungement from 	After August 1, 2024, every record eligible for mandatory expungement is also eligible for Clean Slate. (See SB 111 , enacting Del. Code tit. 11, §4373)	After August 1, 2024	<ul style="list-style-type: none"> The person was arrested or charged with the commission of 1 or more crimes and the case is terminated in favor of the accused The person was convicted of 1 or more violations relating to the same case, 3 years have passed since the date of conviction, and the person has no prior or subsequent convictions The person was convicted of 1 or more misdemeanors, or a combination of 1 or more misdemeanors and 1 or more violations, relating to the same case, 5 years have passed since the date of conviction, and the person has no prior 	Misdemeanors involving domestic violence, offenses where the victim is a child, offenses where the victim is a "vulnerable adult, Sexual harassment, and other various crimes against persons	<ul style="list-style-type: none"> Expungement means that "all law-enforcement agency records and court records relating to a case in which an expungement is granted, including any electronic records, are destroyed, segregated, or placed in the custody of the State Bureau of Identification, and are not released in conjunction with any inquiry beyond those specifically authorized under law These exceptions essentially involve law enforcement and the courts In addition, "a person is not required to disclose, nor should the person be asked to disclose, to anyone for any purpose that the person was arrested for, charged with, or convicted of an offense for which records have been expunged All criminal records related to the case must be removed from the court's files within 60 days of the order and placed in the control of the Supervisor of the State

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
	<p>the Bureau shall provide the Bureau with written confirmation of the completion of the expungement</p> <ul style="list-style-type: none"> Where an expungement of a conviction is granted, all arrest records associated with any charge in that case must also be expunge 			or subsequent convictions		<p>Bureau of Identification “or otherwise segregated and kept in a manner that ensures that they are not open to public inspection or disclosure.”</p> <ul style="list-style-type: none"> The Bureau retains control over all expunged records and shall ensure that the records or information contained in the records are not released for any reason With the exception of the authorized law enforcement uses, it is unlawful (Class B misdemeanor) for any person having or acquiring access to an expunged court or police record to open or review it or to disclose to another person any information from it without an order from the court that ordered the record expunged State records repositories must respond to non-law enforcement requests for records “that there is no record”
Michigan	Creates a new process that will automatically seal certain non-violent conviction records if a person has remained	October 12, 2020 (HB 4980)	Automatic expungement began in April of 2023	<ul style="list-style-type: none"> An unlimited number of minor misdemeanors would be expunged automatically seven 	The following will not be eligible for automatic expungement: assaultive crimes, serious misdemeanors, “crimes	<ul style="list-style-type: none"> The department of state police retains a nonpublic record of the order setting aside a conviction, or other notification regarding a

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
	conviction-free for a period of time (seven years for misdemeanors; 10 years for felonies)			<p>years after imposition of sentence; and, up to four more serious misdemeanors and up to two less serious felonies would be automatically expunged 7 or 10 years after imposition of sentence or release from imprisonment, respectively</p> <ul style="list-style-type: none"> • There can be no pending charges in the state database • Restitution and other court debt need not be paid for a conviction to be expunged, but a court may reinstate a conviction if a person “has not made a good-faith effort to pay” restitutive. 	of dishonesty” (such as forgery and counterfeiting), offenses punishable by 10 or more years in prison and crimes that involve a minor, a vulnerable adult, human trafficking, injury or serious impairment or death	<p>conviction that was automatically set aside and of the record of the arrest, fingerprints, conviction, and sentence of the person in the case to which the order or other notification applies</p> <ul style="list-style-type: none"> • This nonpublic record can be made available only to a court of competent jurisdiction, an agency of the judicial branch of state government, the department of corrections, a law enforcement agency, a prosecuting attorney, the attorney general, or the governor upon request and only for the specific purposes
Minnesota	<ul style="list-style-type: none"> • Authorizes automatic expungement of non-conviction records, 	In 2023 (SF 2909)	<ul style="list-style-type: none"> • January 1, 2025. See 	<ul style="list-style-type: none"> • Non-conviction records, most misdemeanors, and 	<ul style="list-style-type: none"> • Drug convictions, as well as felonies reduced to gross 	<ul style="list-style-type: none"> • Law enforcement agencies must not disclose records relating to an arrest,

State Clean Slate Records Law

Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
	<p>most misdemeanors, and many non-violent felonies already eligible for petition-based expungement</p> <ul style="list-style-type: none"> The courts are responsible for informing defendants in cases before them of their eligibility for automatic expungement, and the Bureau of Criminal Adjudication is responsible for identifying eligible cases and expunging its records, and informing the courts and law enforcement agencies so that they may expunge/seal their records 		<u>Minn. Stat. § 609A.015</u>	<p>many non-violent felonies already eligible for petition-based expungement</p> <ul style="list-style-type: none"> Pardoned convictions Cases of mistaken identity 	<p>misdemeanors, and gross misdemeanors reduced to misdemeanors, are not eligible for automatic expungement</p> <ul style="list-style-type: none"> Expungement by petition remains available in those cases 	<p>indictment or information, trial, verdict, or dismissal and discharge for any case in which expungement relief was granted and must maintain the data</p> <ul style="list-style-type: none"> In any subsequent prosecution of a person granted expungement relief, the expunged criminal record may be pleaded and has the same effect as if the relief had not been granted
New Jersey	<ul style="list-style-type: none"> A task force was established to implement the automated features of the new law. Pending that implementation, and as an interim measure, the law provides that 	December 18, 2019 (<u>P. L. 2019, c. 269</u> as amended by P.L 2021, c. 19)	<ul style="list-style-type: none"> June 15, 2020 for the development of an automatic expungement of conviction records 	<ul style="list-style-type: none"> Convictions of one or more crimes, one or more disorderly persons or petty disorderly persons offenses, or a combination of one or more crimes and offenses 	<ul style="list-style-type: none"> Any criminal homicide (murder), kidnapping and related offenses, sexual offenses, robbery, arson and related offenses, and endangering the welfare of children 	<ul style="list-style-type: none"> A person's convictions and other information contained in the person's criminal history record information files is restored if the person is subsequently convicted of a crime, for which the conviction is not subject to expungement

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
	<p>individuals eligible for relief under the “clean slate” provision may petition the court for relief beginning in June 2020. If the person is determined by the court to be eligible, expungement* is mandatory</p> <ul style="list-style-type: none"> • After the automated expungement system is in place, NJ clean slate expungements will be handled by the courts, eliminating the need to petition the court <p>*Expungement means the extraction, sealing, impounding, or isolation of all records on file within any court, detention or correctional facility, law enforcement or criminal justice agency concerning a person’s detection, apprehension, arrest, detention, trial or disposition of an offense</p>		<ul style="list-style-type: none"> • February 22, 2021 for expungement of arrest and non-conviction records • July 1, 2021 for expungement of marijuana offenses <p>While the petition-based “clean slate” expungement law went into effect in June 2020, there is no deadline for implementation of the automated system authorized by the law, but an e-filing system for expungement petitions has been implemented in the interim</p>	<ul style="list-style-type: none"> • Upon the expiration of a period of ten years from the date of the person’s most recent conviction, payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later. • As of July 1, 2021, any prior conviction or adjudication of delinquency solely for one or more crimes or offenses involving manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish will be expunged by operation of law, 		

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
	within the criminal justice system			<p>and any remaining sentence, ongoing supervision, or unpaid court-ordered financial will be vacated by operation of law</p> <ul style="list-style-type: none"> • Arrest records for a crime, disorderly persons offense, petty disorderly persons offense, or municipal ordinance offense where proceedings against the person were dismissed, the person was acquitted, or the person was discharged without a conviction or finding of guilt, the Superior Court will at the time of dismissal, acquittal, or discharge order the expungement of all records and information relating to the arrest 		
New York	<ul style="list-style-type: none"> • Automates the sealing of most criminal conviction 	In June 2023, the New York legislature	<ul style="list-style-type: none"> • The law is effective in 	<ul style="list-style-type: none"> • For a misdemeanor conviction, at least three years have 	Registrable sex offenses and Class A felonies	<ul style="list-style-type: none"> • After sealing, records will remain available for a variety of specified purposes,

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
	<p>records after a waiting period that is without further convictions. <u>N.Y. Crim. Proc. Law § 160.57.</u></p> <ul style="list-style-type: none"> The department of corrections and community supervision, in coordination with the division of criminal justice services, and the chief administrative officer of each local correctional facility, must provide the office of court administration with the data necessary to determine appropriate records to be sealed including but not limited to (i) the date or dates of release from state incarceration of individuals who have a sentence of incarceration for a felony conviction, and (ii) the date or 	<p>passed <u>A1029C</u>, the New York Clean Slate Act, which was signed into law by the Governor in November of 2023.</p>	<p>November of 2024.</p> <ul style="list-style-type: none"> The law provides the New York State Office of Court Administration up to three years to implement the processes necessary to identify and seal all eligible records. 	<p>passed from the defendant's release from incarceration or the imposition of sentence if there was no sentence of incarceration. If the defendant is subsequently convicted of a crime before a prior conviction is sealed, the calculation of time for such prior conviction shall start upon the same date as the time calculation starts for the subsequent criminal</p> <ul style="list-style-type: none"> For a felony conviction, at least eight years have passed from the date the defendant was last released from incarceration for the sentence of the conviction eligible for sealing or from the imposition of sentence if there was no sentence of 	<p>subject to a life sentence are ineligible</p>	<p>including for determining suitability for “licensing, employment and similar activities where federal or state law requires a criminal background check be performed prior to granting licenses to or employing individuals in certain jobs, such as employment with children, elderly populations, or other vulnerable populations, as well as where federal or state law authorizes a criminal background check to be performed prior to the same type of employment or similar activity.”</p> <ul style="list-style-type: none"> A conviction which is sealed pursuant to this section is included within the definition of a conviction for the purposes of any criminal proceeding in which the fact of a prior conviction would enhance a penalty or is an element of the offense charged

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
	<p>dates of initial parole or post-release supervision and corresponding date or dates of discharge, as applicable</p> <ul style="list-style-type: none"> • Upon the sealing of a conviction pursuant to the law, the office of court administration is required to immediately notify the division of criminal justice services, the court of conviction, county clerks and the heads of all appropriate police and sheriff departments, prosecutors' offices and law enforcement agencies that the conviction is sealed. Upon receipt of such notification, records of or relating to such conviction must be immediately sealed, including photographs, fingerprints, retina scans and every 			<p>incarceration. A defendant's detention for an alleged violation of parole or post-release supervision shall not interfere with the time calculation prescribed herein unless and until supervision is revoked resulting in the defendant's reincarceration.</p> <ul style="list-style-type: none"> • No new convictions may have been entered during the waiting period and no charges may be pending, and the person may not be under supervision for parole or probation 		

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
	official record and paper and duplicates and copies					
Oklahoma	<ul style="list-style-type: none"> Includes a process for identifying eligible convictions, a 45-day period for the prosecutor to object (including based on failure to pay restitution), and expungement by the court without requiring an individual petition No provision is made in the law for notifying individuals whose records have been expunged, though the court is also authorized to make rules for the process which may address the notice issue 	On May 2, 2022, (<u>HB 3316</u> , enacting 22 Okla. Stat. Ann. § 18(C))	The law is effective November 1, 2022, and the expungement of “clean slate eligible” cases will begin three years after that date, in 2025	<ul style="list-style-type: none"> Non-conviction records and misdemeanors already eligible under existing law through the petition process 	<ul style="list-style-type: none"> Eligible felonies available for relief through the petition process, including pardoned felonies Deferred dispositions 	<ul style="list-style-type: none"> Records expunged are sealed to the public but not to law enforcement agencies for law enforcement purposes Records expunged are admissible in any subsequent criminal prosecution to prove the existence of a prior conviction or prior deferred judgment without the necessity of a court order requesting the unsealing of the records
Pennsylvania	Criminal history record information pertaining to eligible criminal and summary offense records, and non-conviction records will be automatically sealed from public view when	June 2018 (Act 56, which was amended by Act 83 of 2020, to eliminate the barrier of unpaid fines and costs, but not restitution,	Automatic sealing of eligible records began in June 2019	<ul style="list-style-type: none"> All non-convictions are eligible for automatic sealing with no waiting period Third- and second-degree misdemeanors, 	<ul style="list-style-type: none"> Crimes involving danger to persons Crimes against families Crimes involving sexual misconduct Firearm offenses Felonies 	<ul style="list-style-type: none"> Except if requested or required by a criminal justice agency, or if disclosure to noncriminal justice agencies is authorized or required by law, an individual may not be required or requested to disclose information about

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
	<p>individuals have been free from conviction of offenses punishable by a year or more in prison and have completed all court-ordered obligations for 10 years</p>	<p>from preventing sealing of criminal cases) <u>Title 18 §9122.2</u></p>		<p>first-degree misdemeanors that carry a sentence of two years or less in prison, and summary convictions are eligible for automatic sealing with record access limited to judicial officers and law enforcement</p> <ul style="list-style-type: none"> • Payment of court-ordered restitution is required • Eligible individuals must be free of conviction charges that carry a sentence of one or more years in prison and have fulfilled all court-ordered obligations for at least 10 years prior to record sealing. 	<ul style="list-style-type: none"> • Two or more offenses punishable by more than two years in prison • Four or more offenses punishable by one or more years in prison • Indecent exposure, sexual intercourse with animals, failure to register upon conviction of certain sexual offenses, weapons or implements for escape, abuse of a corpse and unlawful paramilitary training 	<p>the individual's criminal history record that has been expunged or provided limited access</p> <ul style="list-style-type: none"> • Does not apply if Federal law, including rules and regulations promulgated by a self-regulatory organization that has been created under Federal law, requires the consideration of an applicant's criminal history for purposes of employment • May not be considered a conviction that would prohibit the employment of a person under any law of this Commonwealth or under Federal laws that prohibit employment based on State convictions to the extent permitted by Federal law • A record subject to limited access remains part of a person's criminal history record information and maybe disclosed to a court for any relevant purpose in accordance with law, including sentencing. • The Pennsylvania Commission on Sentencing may maintain a list of the names and other criminal

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
						history record information of persons whose records are required by law, court rule or court order to be expunged or subject to limited access under this chapter. The information can be used solely for the purposes of conducting research and collecting and reporting statistical data
Utah	<ul style="list-style-type: none"> Automates the criminal record expungement* process, meaning that an individual with a qualifying record will no longer have to petition the court for relief The Utah Administrative Office of the Courts and the Utah Department of Public Safety work together to identify eligible records and expunge them automatically Prosecuting agencies will receive on a monthly basis notice of any case prosecuted by that 	2019 (HB 431); In 2022, S 35 made a number of amendments to Utah's expungement laws	<ul style="list-style-type: none"> The automated expungement system came online in February 2022 An online portal will be available to individuals to determine their eligibility, which will serve as notice of expungement pending records check to ensure that the record has in fact been cleared 	<ul style="list-style-type: none"> Automated relief applies both to cases adjudicated on or after May 1, 2020, and to cases adjudicated before that date. Applies to non-conviction records, most class B and class C misdemeanor offenses and class A drug possession offenses Records will be automatically expunged after a waiting period of 3-7 years, depending on the severity level of the offense 	<ul style="list-style-type: none"> Any cases ineligible for expungement under the petition-based process All felonies All Class A misdemeanor offenses other than drug possession Certain person on person crimes (due to victim notification requirements) Sex offenses requiring registration Weapons offenses Driving Under the Influence (DUI) Reckless driving offenses Domestic violence cases 	<ul style="list-style-type: none"> Prior to enactment of the 2022 law, an expunged conviction could be used for various law enforcement-related purposes, such as in subsequent sentencing, or eligibility for expungement of a future conviction, but now "a prosecuting attorney may not use an expunged record for the purpose of a sentencing enhancement or as a basis for charging an individual with an offense that requires a prior conviction," except with leave of court An expunged conviction may not be accessed by the Department of Professional Licensing for licensing purposes.

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
	<p>agency that appears to be a clean slate eligible case.</p> <ul style="list-style-type: none"> • Within 35 days, the prosecuting agency must provide written notice if the agency objects to automatic expungement because the case is not clean slate eligible, including because the individual has not paid court-ordered restitution, or because the agency has “a reasonable belief, grounded in supporting facts,” that the individual “is continuing to engage in criminal activity within or outside of the state • *Expungement means to seal or otherwise restrict the access to the petitioner’s record of arrest, investigation, 			<ul style="list-style-type: none"> • A person must be crime-free for five years for a class C misdemeanor, six years for a class B misdemeanor, seven years for drug possession and three years for an infraction or traffic related offense • Waiting periods begin from the date of adjudication • For non-conviction cases adjudicated on or after May 1, 2020, the goal is to expunge a case that resulted in an acquittal on all charges 60 days after the acquittal, and to expunge a case that resulted in a dismissal with prejudice (other than a case dismissed with prejudice as a result of successful completion of a plea in abeyance agreement) 180 	<ul style="list-style-type: none"> • Anyone who owes fines, fees or restitution 	<ul style="list-style-type: none"> • Requires the Bureau of Criminal Identification to notify all criminal justice agencies of an expunged criminal record

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
	detention, or conviction held by an agency			<p>days after either the day on which the entire case against the individual is dismissed with prejudice if no appeal was filed, or the date of a final non-appealable order</p> <ul style="list-style-type: none"> • For “clean slate eligible cases” adjudicated on or after May 1, 2020, the goal is to delete a traffic clean slate eligible case upon identification, and to expunge a non-traffic clean slate eligible case within 30 days of the court determining that the requirements for expungement have been satisfied • For cases adjudicated prior to May 1, 2020, the goal is to expunge or delete a case within one year of the day on which the case is identified 		

State Clean Slate Records Law

Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
				as eligible for automatic expungement or deletion		
Virginia	<ul style="list-style-type: none"> Establishes automatic sealing for non-conviction records as well as nine misdemeanor offenses, including marijuana possession, after seven years without a subsequent conviction On at least a monthly basis, the Department of State Police is required to determine which offenses in the Central Criminal Records Exchange meet the criteria for automatic sealing After reviewing the offenses under, the Department of State Police is required to provide an electronic list of all offenses that meet the criteria for automatic sealing to the Executive Secretary of the 	2021 (<u>S.B. 1339</u> and <u>H.B. 2113</u>)	<p>July 1, 2025; Automatic sealing will begin October 1, 2025</p> <p>The General Assembly delayed the effective date of the new law to give courts and the Virginia State Police time to upgrade their computer systems</p>	<ul style="list-style-type: none"> Convictions for the following misdemeanors: underage possession of alcohol, petit larceny, concealment, trespass after having been forbidden, instigating others to trespass, trespass on posted property, possession with the intent to distribute marijuana, possession of marijuana, and disorderly conduct Misdemeanor non-convictions (excluding traffic infractions) unless the Commonwealth's attorney objects on one of five specific grounds. There are some exceptions for non-convictions, such as when the 	<ul style="list-style-type: none"> Class 1, 2, 3 or 4 Felonies Vehicular Involuntary Manslaughter and Maiming Watercraft Involuntary Manslaughter and Maiming Assault & Battery of a Family Member (Domestic Assault) Driving While Intoxicated or Driving Under the Influence 	<ul style="list-style-type: none"> Upon entry of an order for sealing, the person who was arrested, charged, or convicted of the offense that was ordered to be sealed may deny or not disclose to any state or local government agency or to any private employer in the Commonwealth that such an arrest, charge, or conviction occurred. A person who is the subject of the order of may not deny or fail to disclose information to any employer or prospective employer about an offense that has been ordered to be sealed if: <ul style="list-style-type: none"> 1. The person is applying for full-time employment or part-time employment with, or to be a volunteer with, the State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof;

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
	<p>Supreme Court and to any circuit court clerk who maintains a case management system that interfaces with the Department of State Police.</p> <ul style="list-style-type: none"> • Upon receipt of the electronic list from the Department of State Police, on at least a monthly basis the Executive Secretary of the Supreme Court shall provide an electronic list of all offenses that meet the criteria for automatic to the clerk of each circuit court in the jurisdiction where the case was finalized, if such circuit court clerk participates in the case management system maintained by the Executive Secretary • Upon receipt of the electronic list, on at least a monthly basis the clerk of each circuit court must 			<p>charge is dropped as part of a plea agreement. Non-convictions that do not qualify for automatic sealing can still go through the petition-based process</p> <ul style="list-style-type: none"> • To qualify for automatic sealing, seven years must have passed since the conviction or deferred dismissal, the person must not have any new convictions during that time, and on the date of disposition, the person must not have been convicted of another offense that is ineligible for automatic sealing 		<ul style="list-style-type: none"> • 2. Virginia law requires the employer to make such an inquiry; • 3. Federal law requires the employer to make such an inquiry; • 4. The position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any contract with, or statute or regulation of, the United States or any Executive Order of the President; or • 5. Virginia rules and regulations allow the employer to access such sealed records

State Clean Slate Records Law Automatic Clearing of Adult Criminal Records Provisions

State	Summary of the Law	Year Enacted	Effective Date	Records Included	Records Excluded	Effect of the Record Clearing
	prepare an order and the chief judge of that circuit court must enter such order directing that the offenses that meet the criteria for automatic sealing					

Note: South Dakota has a process for automatic clearing of certain minor misdemeanors only; Eight states (Alaska, Indiana, Kentucky, Maryland, Nebraska, New Hampshire, North Carolina) have automatic clearing of a range of non-convictions; Vermont has authorized automatic relief for non-convictions and certain motor vehicle-related violations; four states (GA, FL, ME, MT) have expungement, or confidentiality for non-conviction records held by state criminal justice agencies, but not the corresponding court records



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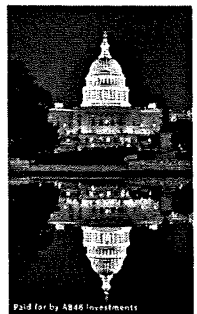
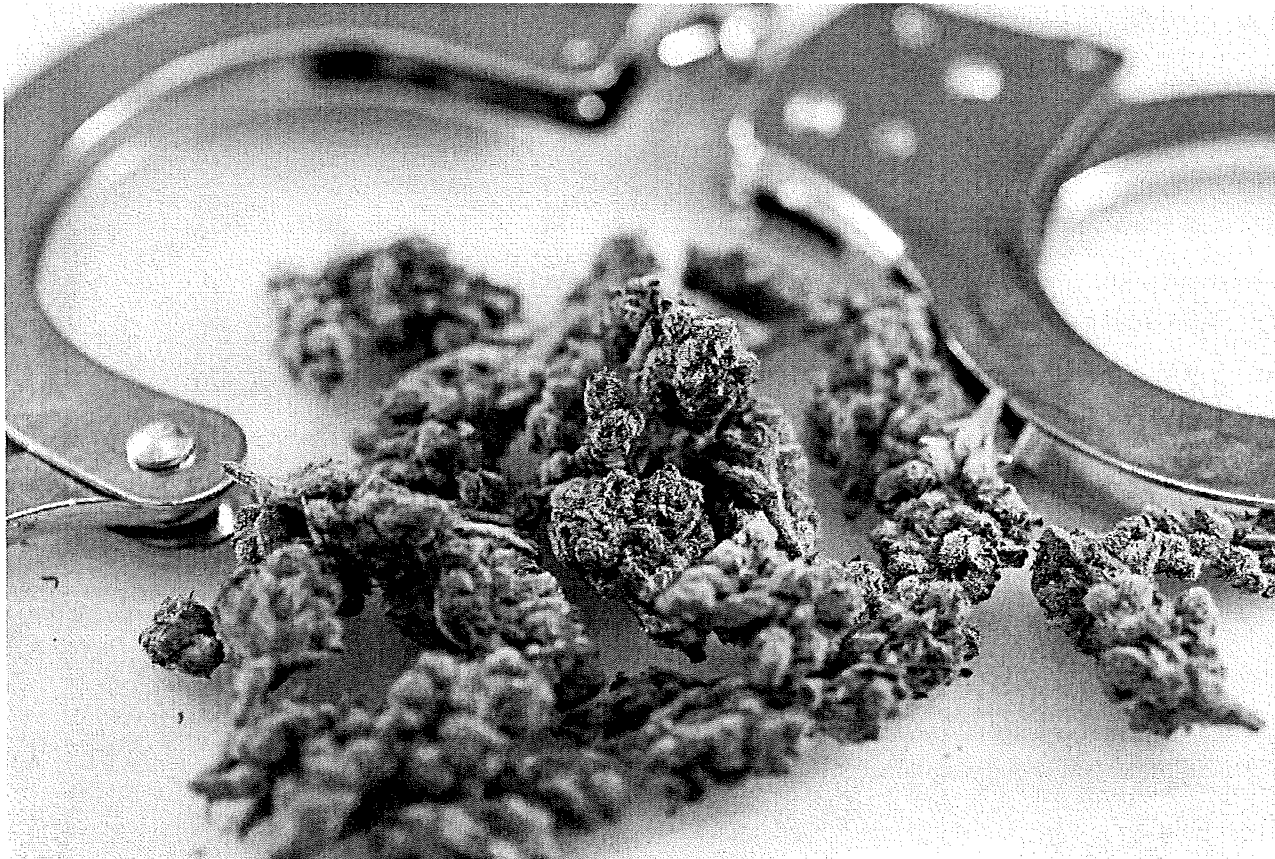
POLITICS

Wisconsin Governor Grants Dozens Of Marijuana Pardons As Advocates Pressure GOP Leaders To Advance Legalization



Published 3 days ago on November 24, 2023

By Kyle Jaeger 




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As Democratic lawmakers in the state continue to push for legalization amid opposition by GOP legislative leaders, Gov. Tony Evers (D) announced on Tuesday that he's exercised his constitutional authority to provide relief to 82 more people, raising the total number of pardons under his administration to 1,111.

About one-third of the latest pardons were granted to people who had marijuana possession, cultivation or sales convictions on their records, with the majority of the cannabis cases related to simple possession. Another third of the overall grants of clemency went to people with other drug convictions.

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In a news release, the governor's office listed the names of people who received clemency, the crime they were charged with and a brief description of their life today, for example:

- Joshua Haus was in his late teens when marijuana was found in his residence. Now residing out of state, Haus has obtained a master's degree in interdisciplinary studies, became an ordained pastor, and is an active volunteer in his community.
- Anthony Cervantes was in his early 20s when he was found in possession of marijuana. Over a decade later, Cervantes has maintained steady employment as a taxi and limo driver since 2005.
- Raul Garcia Jr. was in his late teens when he was found in possession of marijuana. Almost a decade later, Garcia has maintained steady employment and is a dedicated father and husband.
- Christopher Henry was in his mid-30s when he was found in possession of marijuana. Now over two decades later, Henry has completed coursework toward a degree in forestry and volunteers with a local softball league.
- Scott Vanden Heuvel was in his late 20s when he was found in possession of marijuana. Now, over two decades later, Vanden Heuvel has worked as a project manager for a real estate developer for 13 years and has become a grandfather.
- Charles Hermann was in his early 20s when he was found in possession of marijuana. Now, Hermann has started a family and maintained steady employment with UPS for over two decades.

Evers, who had already set a clemency record in December 2021 for most pardons from a Wisconsin governor, said that it “continues to be a privilege to hear about individuals’ lives, work, and what they have done to overcome their past mistakes and build positive, rewarding lives for themselves and their families.”

Receiving a pardon doesn’t mean that a person’s record is expunged under Wisconsin law. Rather, it’s an official act of forgiveness that restores rights like being able to serve on a jury, hold public office or receive certain professional licenses. People can apply for clemency, and they’re eligible for pardons if it’s been at least five years since they completed their sentence, with no other pending criminal charges.

Senate Minority Leader Melissa Agard (D) cheered Evers’s latest acts of cannabis clemency, writing in a social media post on Friday that “the most dangerous thing about cannabis in Wisconsin is that it’s illegal.”

Senator Melissa Agard 
@SenatorAgard · Follow



The most dangerous thing about cannabis in Wisconsin is that it's illegal.

Kudos to @GovEvers

Tom Angell   @tomangell




Wisconsin Gov. Tony Evers issued pardons to dozens of people with marijuana convictions.

The grants of clemency come as Republican legislative leaders refuse to take up cannabis legalization bills.

marijuanamoment.net/wisconsin-gove...

11:39 AM · Nov 24, 2023



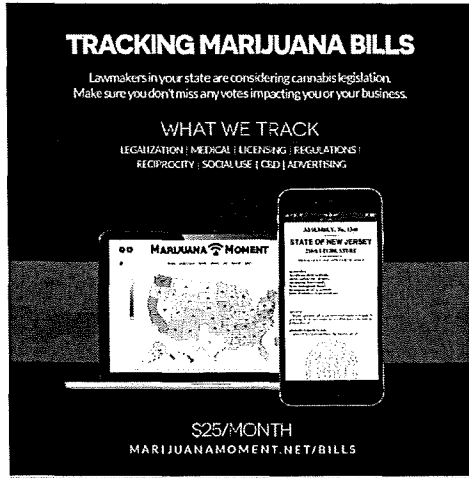
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The governor has leveraged the pardon process throughout his tenure, often providing the limited relief as he continues to advocate for broader marijuana legalization that could prevent people from facing a cannabis conviction in the first place.

legislative measures such as a legalization bill from Agard.

Marijuana Moment is tracking more than 1,000 cannabis, psychedelics and drug policy bills in state legislatures and Congress this year. Patreon supporters pledging at least \$25/month get access to our interactive maps, charts and hearing calendar so they don't miss any developments.



Learn more about our [marijuana bill tracker](#) and become a [supporter on Patreon](#) to get access.

Just this week, Agard started circulating an online petition for people to sign to [pressure their state representatives to hold a hearing on the cannabis legislation](#).

The petition also directs to a constituent services page with materials on Agard's legalization bill, [her informational illustrated "zine" on marijuana reform](#) and other resources for people to get familiarized with the proposal, which she unveiled at a hemp farm in September.

But arguments about the potential benefits of legalization have not yet translated into meaningful legislative action in the Badger State. Republican leaders have said [they're working](#)

Another GOP lawmaker in the state, Sen. Mary Felzkowski (R), said recently that Democrats like Agard who are advocating for comprehensive legalization are detracting from efforts to advance incremental reform. But as the minority leader has pointed out, Republicans wield control of both chambers and could theoretically move whatever version of the reform they'd like at any point.

Meanwhile, the state Department of Revenue released a fiscal estimate of its economic impact earlier this month, projecting that the reform would generate nearly \$170 million annually in tax revenue.

Separately, bipartisan and bicameral Wisconsin lawmakers recently came together to introduce a bill that would create a psilocybin research pilot program in the state.

People With Anxiety Report Better Sleep On Days They Use Marijuana Compared To Alcohol Or Nothing At All, Study Finds



People with anxiety experience better quality sleep on days when they use marijuana compared to days when they use alcohol or nothing at all, a new federally funded study has found. For the study, published in the journal *Drug and Alcohol Review*, researchers at the University of Colorado, Colorado State University and University of Haifa ...

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Kyle Jaeger

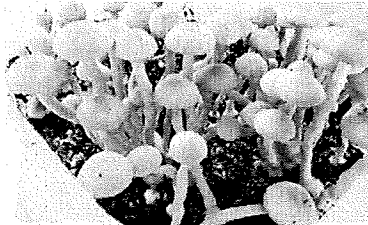


Kyle Jaeger is Marijuana Moment's Sacramento-based managing editor. His work has also appeared in High Times, VICE and attn.

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Juvenile Case Records

15 M.R.S. § 3308

All records contained within an individual Juvenile Court case file, maintained by the Maine Judicial Branch. Such records may also contain Juvenile Intelligence & Investigative Record Information (JIIRI) and Juvenile History Record Information (JHRI).

Accessibility of Juvenile Case Records

Records are either “open for public inspection” or “confidential.” Determination of whether Juvenile Case Records are “open for public inspection” or “confidential” will depend on the most serious juvenile crime petitioned.

Juvenile Case Records (regardless of classification) **may never be disseminated by the court electronically or in paper form** except as authorized by statute or court order.

See 15 M.R.S. §§ 3308-C(1) and (2).

Policy Rationale:

This statute is designed to balance juvenile and victim privacy and the rehabilitative purposes of the Juvenile Code with public safety concerns and the public’s right to know.

Classification of Juvenile Case Records

Charge Petitioned	Juveniles age 13 or older (at date of juvenile crime)	Juveniles under age 13 (at date of juvenile crime)
Murder Felony Murder Manslaughter	Always OPEN to the public	Presumptively CONFIDENTIAL – may be OPEN to the public by court order
Class A crimes	Presumptively OPEN – may be CONFIDENTIAL by court order	Presumptively CONFIDENTIAL – may be OPEN to the public by court order
Class B and C crimes	Presumptively CONFIDENTIAL – may be OPEN to the public by court order	Presumptively CONFIDENTIAL - may be OPEN to the public by court order
Class D and E crimes	Always CONFIDENTIAL	Always CONFIDENTIAL
Civil Violations	Always CONFIDENTIAL	Always CONFIDENTIAL
Competence determination pending (regardless of charge)	Always CONFIDENTIAL	Always CONFIDENTIAL
Bind-over hearings	Always OPEN to the public	Always OPEN to the public

“Public” Juvenile Case Records

Juvenile petitions that are deemed “open to public inspection” may be **inspected** by any member of the public at the courthouse.

See 15 M.R.S. § 3308-C (1)

The public may also attend any Juvenile Court hearing on a petition that is open to public inspection unless Juvenile Court proceedings have been suspended pending a competency determination (see slides 6-10).

See 15 M.R.S. § 3308-D (2)

If the court is required to make a determination on the accessibility of juvenile case records, the Juvenile Court shall:

- Enter an order specifying which juvenile case records may be inspected, disclosed, or disseminated; and
- Identify the individual or agency granted access to those juvenile case records.

See 15 M.R.S. § 3308-C (7)

Requests to Open or Close Juvenile Case Records

Whenever a written request is made to prohibit or allow the public to inspect a juvenile petition, **the court must determine whether “the general public’s right to information substantially outweighs the juvenile’s interest in privacy or the alleged victim’s interests in privacy.”**

See 15 M.R.S. § 3308-C (2)(B)

In order to make this determination, the Court must hold a hearing and must consider the following factors:

- The purposes of the Maine Juvenile Code;
- The juvenile’s interest in privacy;
- The alleged victim’s interest in privacy;
- The nature of the juvenile crime alleged, as outlined in the bind-over statute 15 M.R.S. § 3101 (4)(D);
- Characteristics of the juvenile, as outlined in the bind-over statute 15 M.R.S. § 3101 (4)(D); and
- Public safety concerns, as outlined in the bind-over statute 15 M.R.S. § 3101 (4)(D).

See 15 M.R.S. § 3308-C (3)

Sealing of Juvenile Case Records

15 M.R.S. § 3308-C (10)

Juveniles adjudicated of a juvenile crime that would constitute murder or a Class A, B, or C crime if the juvenile adjudicated were an adult or operating under the influence can petition the Juvenile Court that handled the case to seal the juvenile's record if they meet certain conditions.

The Court must automatically seal records of all other crimes once the juvenile is discharged from disposition.

Petition for Juvenile Case Record Sealing Requirements

A person adjudicated as having committed a juvenile crime that, if the juvenile were an adult, would constitute murder or a Class A, B or C crime or operating under the influence as defined in 29-A M.R.S. § 2411, may petition the Juvenile Court to seal from public inspection all juvenile case records pertaining to the crime and its disposition and any prior juvenile case records and their dispositions if:

1. At least three years have passed since the person's discharge from the disposition ordered for the juvenile crime;
2. Since the date of the disposition, the person has not been adjudicated as having committed a juvenile crime and has not been convicted of committing a crime; and
3. There are no current adjudicatory proceedings pending for a juvenile or other crime.

See 15 M.R.S. § 3308-C (10)(A)

If the requirements are satisfied, the Juvenile Court **may** grant the petition *unless* the court finds that the general public's right to information substantially outweighs the juvenile's interest in privacy.

The juvenile has a right to appeal the Court's denial of the juvenile's petition to seal as provided in chapter 509. 15 M.R.S. §§ 3401-3405.

See 15 M.R.S. § 3308-C (10)(B)

Automatic Sealing of Juvenile Case Records*

At the time a person adjudicated as having committed a juvenile crime (other than a crime that, were a juvenile were an adult, would constitute murder or a Class A, B or C crime or operating under the influence) is finally discharged from the disposition imposed for that juvenile crime, the court, upon receipt of appropriate **notice of the discharge** shall, within five business days, enter an order sealing from public inspection all records pertaining to the juvenile crime and its disposition.

See 15 M.R.S. § 3308-C (10)(C)

**This section takes effect on January 1, 2022.*

Notice For Automatic Sealing of Juvenile Case Records

To automatically seal a juvenile case record, appropriate notice that the juvenile is discharged from the disposition **must** be provided to the Court:

- By the Department of Corrections if the juvenile's disposition involved either commitment to custody of the Department of Corrections or a juvenile correction facility for less than 30 days or any suspended disposition with a period of probation.
- By the Office of the prosecuting attorney if disposition included restitution, community service, or a restorative justice event and the Court ordered that proof of completion of the obligation be so provided.

Appropriate notice **may** be provided to the Court by the juvenile or the juvenile's attorney, who shall serve a copy of the notice on the office of the prosecuting attorney before the court may enter the order sealing the juvenile case record.

In juvenile cases adjudicated after January 1, 2000, but before January 1, 2022, the Juvenile Court may grant the request of the juvenile or the juvenile's attorney for automatic sealing of all juvenile case records pertaining to the juvenile crime and its disposition when notice is provided to the court and the prosecuting attorney pursuant to this subparagraph.

See 15 M.R.S. § 3308-C (10)(C)

Access to Sealed Juvenile Case Records

If the court orders the sealing of juvenile case records, only the following persons have access to the sealed records:

- The courts and criminal justice agencies; and
- The person whose juvenile case records are sealed or that person's designee.

See 15 M.R.S. § 3308-C (10)(D)

Notice of the court's order certifying its granting of the juvenile's petition to seal juvenile case records must be provided to:

- The Department of Public Safety; and
- The State Bureau of Identification.

The State Bureau of Identification or the appropriate agency upon receipt of the order shall promptly update its records relating to each of the juvenile adjudications included in the order.

See 15 M.R.S. § 3308-C (10)(E)

Response to Inquiries after a Juvenile Case Record is Sealed

With the exception of inquiries from the Courts and criminal justice agencies, a person whose juvenile case records are sealed may respond to inquiries regarding their juvenile crimes as if the juvenile crimes had never occurred, without being subject to any sanctions.

See M.R.S. § 3308-C (10)(F)

Information and Resources on Juvenile Records

- **Juvenile Record Information Brochure**
 - Updated in January 2022
- **2021-2022 Changes to the Maine Juvenile Code**
 - [Plenary Presentation](#) (October 2021)
 - [Slide Deck](#) (December 2021)
 - Download at:
<https://mainelaw.maine.edu/academics/clinics-and-centers/maine-center-juvenile-policy-law/>
- **Youth Justice Clinic Templates**
 - [Petition to Seal Juvenile Records](#)
 - [Order to Seal Juvenile Records](#)
 - Download at:
<https://mainelaw.maine.edu/academics/clinics-and-centers/clac/juvenile-justice/>



Download “Know the Facts: What does it mean to have a Juvenile Record in Maine?” at:
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