LAW WITHOUT GOVERNOR'S SIGNATURE

JULY 19, 2023

CHAPTER

103

RESOLVES

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 1047 - L.D. 1622

Resolve, to Reestablish the Criminal Records Review Committee

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

Sec. 2. Review committee membership. Resolved: That, notwithstanding Joint Rule 353, the review committee consists of the following members:

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

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

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

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

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

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

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

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

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

10. The President of the Maine Chiefs of Police Association or the president's designee;

11. The chair of the Right To Know Advisory Committee or the chair's designee;

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

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

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

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

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

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

18. A representative of newspaper and other press interests, appointed by the President of the Senate;

19. A representative of broadcasting interests, appointed by the Speaker of the House of Representatives;

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

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

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

23. A representative of a civil liberties organization whose primary mission is the protection of civil liberties, appointed by the Speaker of the House of Representatives;

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

25. A representative of an organization involved in advocating for juvenile justice reform, appointed by the Speaker of the House of Representatives; and

26. A representative of a public records access advocacy organization, appointed by the Speaker of the House of Representatives.

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

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

Sec. 4. Appointments; convening of review committee. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the review committee. If 30 days or more after the effective date of this resolve a majority of but not all appointments have

been made, the chairs may request authority and the Legislative Council may grant authority for the review committee to meet and conduct its business.

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

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

2. Consider so-called clean slate legislation options;

3. Consider whether the following convictions should be subject to different treatment:

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

B. Convictions for conduct that is nonviolent or involves the use of marijuana; and

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

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

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

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

7. Invite comments and suggestions concerning the procedures to limit public accessibility of criminal records;

8. Consider who, if anyone, should continue to have access to criminal records that are not publicly available;

9. Develop options to manage criminal records; and

10. Review and consider criminal records expungement legislation referred to the Joint Standing Committee on Judiciary during the 131st Legislature, including, but not limited to, legislative documents 848, 1550, 1646 and 1789.

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

Sec. 7. Interim report. Resolved: That, no later than December 6, 2023, the review committee shall submit to the Joint Standing Committee on Judiciary an interim report that includes, but is not limited to, its findings and recommendations, including suggested legislation, regarding the expungement, sealing, vacating of and otherwise limiting public access to criminal records related to convictions for conduct that is nonviolent or involves the use of marijuana. The joint standing committee may report out legislation related to the report to the Second Regular Session of the 131st Legislature.

Sec. 8. Final report. Resolved: That, no later than November 6, 2024, the review committee shall submit to the joint standing committee of the Legislature having jurisdiction over judiciary matters a final report that includes its findings and recommendations not included in the interim report, including suggested legislation. The

joint standing committee may report out legislation related to the report to the 132nd Legislature in 2025.