



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 425

H.P. 279

House of Representatives, February 4, 2025

**An Act to Establish a Conviction Integrity Unit in the Attorney
General's Office**

Reference to the Committee on Judiciary suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative MILLIKEN of Blue Hill.
Cosponsored by Representatives: BOYER of Poland, SINCLAIR of Bath, Senators:
BENNETT of Oxford, CARNEY of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §200-O** is enacted to read:

3 **§200-O. Conviction Integrity Unit**

4 **1. Establishment.** The Attorney General shall create the Conviction Integrity Unit
5 within the Office of the Attorney General. The Conviction Integrity Unit must be separate
6 from the Office of the Attorney General's Criminal Division, and the director of the
7 Conviction Integrity Unit shall report directly to the Attorney General.

8 **2. Purpose.** The purpose of the Conviction Integrity Unit is to review convictions
9 obtained by the Office of the Attorney General or a district attorney to determine whether
10 there is clear and convincing evidence of actual innocence.

11 **3. Review.** The Conviction Integrity Unit may, in its discretion and either upon its
12 own initiative or upon application from any person, review a conviction that contains:

13 **A.** Facts that suggest a plausible claim of actual innocence;

14 **B.** Evidence of a constitutional violation or prosecutorial misconduct; or

15 **C.** Facts or circumstances requiring a review in the interests of fairness or justice.

16 **4. Investigation.** In reviewing a conviction, the Conviction Integrity Unit may
17 conduct such investigation as it determines appropriate, including but not limited to a
18 review of all files, evidence, work product, notes, laboratory records, personnel records and
19 other information possessed or obtained by the State in the course of or relevant to the
20 underlying conviction, any evidence proffered by the defendant or others, and such further
21 facts and evidence that may be relevant, regardless of whether such facts and evidence were
22 available or proffered by the defense at the time of trial. An investigation may include
23 interviews of defense counsel, the defendant, witnesses and others.

24 **5. Evidence of prosecutorial misconduct.** If, in the course of reviewing a conviction,
25 the Conviction Integrity Unit determines that there is credible evidence of prosecutorial
26 misconduct, the Conviction Integrity Unit shall submit such evidence to the Board of
27 Overseers of the Bar.

28 **6. Report of findings and post-conviction review.** Upon completion of a review of
29 a conviction, the Conviction Integrity Unit shall report its findings to the Attorney General.
30 If the Attorney General determines it appropriate to do so, the Attorney General may, with
31 the consent of the convicted individual, file a petition for post-conviction review pursuant
32 to Title 15, chapter 305-A.

33 **7. Annual report.** By March 1st of each year, the Attorney General shall prepare and
34 transmit to the joint standing committee of the Legislature having jurisdiction over
35 judiciary matters a report describing the activities of the Conviction Integrity Unit during
36 the preceding calendar year. The report must include:

37 **A.** The number of applications for review received pursuant to subsection 3 and the
38 sources of the applications; and

39 **B.** For each conviction reviewed:

40 **(1)** The identity of the prosecuting authority;

41 **(2)** The crime or crimes for which the individual was convicted;

