

An Act To Provide for Annulment of Certain Arrest Records and Expungement of Certain Confidential Criminal History Record Information

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

Sec. 1. 16 MRSA §711 is enacted to read:

§ 711. Annulment of arrest record; expungement of confidential criminal history record information

The Department of Public Safety, State Bureau of Identification shall establish a process for the annulment of the arrest record and expungement of confidential criminal history record information, referred to in this section as "information," pertaining to the arrest of a person whose information is described as confidential under section 703, subsection 2, paragraphs A to H. The process must provide for annulment of the arrest record and expungement of the information upon application by or on behalf of a person to whom the information pertains. The process must provide notice to all persons who are included in the information as victims and to all law enforcement agencies that are included in the information. The process must provide for a decision in favor of annulment of the arrest record and expungement of the information by the commanding officer of the State Bureau of Identification upon a finding that annulment of the arrest record and expungement of the information is in the best interests of the person to whom the information pertains and is not detrimental to the public interest or to the protection of society. The State Bureau of Identification shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill directs the Department of Public Safety, State Bureau of Identification to establish a process for the annulment of a person's arrest record and expungement of the person's confidential criminal history record information. The process must apply to certain arrests and information that is described as confidential under the Maine Revised Statutes, Title 16, section 703, subsection 2, paragraphs A to H. The bill requires the process to include notice to all persons who are included in the information as victims and to all law enforcement agencies that are included in the information. The bill

requires the process to include a decision in favor of annulment of the arrest record and expungement of the information by the commanding officer of the State Bureau of Identification upon a finding that annulment of the arrest record and expungement of the information is in the best interests of the person to whom the information pertains and is not detrimental to the public interest or to the protection of society. The bill directs the State Bureau of Identification to adopt routine technical rules to implement the law.