

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

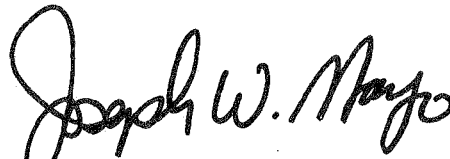
No. 634

H.P. 463

House of Representatives, January 30, 1997

An Act Concerning the Disclosure of a Criminal Suspect's Identity.

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative ETNIER of Harpswell.

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

4 Sec. 1. 30-A MRSA §290 is enacted to read:

6 §290. Disclosure of a criminal suspect's identity

8 1. Disclosure of suspect's identity limited. A law
10 enforcement agency or a law enforcement officer as defined in
12 Title 17-A, section 2, subsection 17 may not disclose the
14 identity of any person who is a suspect in a criminal
16 investigation except when:

18 A. The disclosure is necessary or useful to law enforcement
20 activities; or

22 B. The suspect has been arrested, a warrant has been issued
24 for the suspect's arrest or an indictment or information has
26 been issued charging the suspect with a crime.

28 2. Information confidential. Information prohibited from
30 disclosure under this section is confidential and is not a public
32 record for the purposes of Title 1, chapter 13.

34 **SUMMARY**

36 This bill protects a person who becomes a suspect of a
38 criminal investigation from premature disclosure of the suspect's
40 identity to the media. In the course of a criminal
investigation, a law enforcement agency may investigate dozens of
criminal suspects who are actually innocent of the crime. This
bill protects those persons from the potentially harmful release
of their identities before they are actually arrested or charged
with the crime. Under the bill, a law enforcement agency may
disclose a criminal suspect's identity before the suspect's
arrest or indictment only when the disclosure is necessary or
useful to the law enforcement agency's investigation. For
example, the bill does not prevent an officer from interviewing
potential witnesses about the suspect or from releasing the
suspect's name to the press if the suspect has fled and the
police are requesting assistance in locating the suspect.