

MAINE STATE LEGISLATURE

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L.D. 966

Date: 3/30/18

(Filing No. H-700)

HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 679, L.D. 966, Bill, "An Act To Create Mental Health Liaison Positions in Each County Jail"

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Persons with Mental Illness and Substance Use Disorders in Jails and Correctional Facilities'

Amend the bill by inserting after the title and before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 5 MRSA §12004-I, sub-§74-J is enacted to read:

74-J.

Public Safety

Statewide Criminal
Justice Coordinating
Council

Expenses Only

25 MRSA §2917

Sec. 2. 25 MRSA §2917 is enacted to read:

§2917. Statewide Criminal Justice Coordinating Council

1. Statewide Criminal Justice Coordinating Council. The Statewide Criminal Justice Coordinating Council, established by Title 5, section 12004-I, subsection 74-J and referred to in this section as "the council," is established to accept and review data on encounters between law enforcement agencies and members of the public, including

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persons with mental illness and persons with substance use disorders, and data gathered through the use of nationally validated screening and assessment tools when persons are admitted to jail and correctional facilities.

A. The council consists of:

(1) The House and Senate chairs of the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters;

(2) The Commissioner of Public Safety or the commissioner's designee;

(3) The Commissioner of Health and Human Services or the commissioner's designee;

(4) The president of a statewide association of county sheriffs;

(5) A representative of the Consumer Council System of Maine established in Title 34-B, section 3611, designated by that organization;

(6) A representative of the agency designated by the Governor pursuant to Title 5, section 19502 to serve as the protection and advocacy agency for persons with disabilities, designated by that agency;

(7) A representative of a statewide organization that provides support, education and advocacy with regard to mental illness, designated by that organization; and

(8) A representative of a statewide organization that provides support, education and advocacy with regard to substance use disorders, designated by that organization.

B. The council shall collect and review data submitted by law enforcement agencies, sheriffs, regional jail administrators and intensive case managers pursuant to subsection 2 and Title 34-B, section 1226, shall review and summarize the data and, beginning January 15, 2021, shall provide an annual report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters. The report must contain any recommendations that the council has developed for legislative action. A legislative committee that receives a report under this section from the council may report out legislation based on the report to the Legislature.

C. The first-named member of the Senate serves as the Senate chair of the council. The first-named member of the House serves as the House chair of the council.

D. Members of the council under paragraph A, subparagraphs (5), (6) and (7) serve for terms of 3 years and may serve until their successors are appointed. Members who are Legislators serve for the duration of their legislative terms.

E. Members of the council serve without compensation except that those members who are Legislators are entitled to reimbursement for actual expenses.

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1 F. Staffing and administrative support for the council may be provided by the
2 Department of Public Safety or may be provided through a contract with a person
3 with relevant experience.

4 **2. Submission of data regarding the use of screening and assessment tools.** A
5 law enforcement agency in the State and an intensive case manager assigned by the
6 Department of Health and Human Services to a jail or regional jail shall submit to the
7 Department of Public Safety on a quarterly basis, beginning January 15, 2020, data that
8 identifies law enforcement calls for service and encounters between law enforcement
9 officers and members of the public, including for each encounter between a law
10 enforcement officer and a person who self-identifies or is identified by the law
11 enforcement officer as having a mental illness or a substance use disorder;

12 A. The identified mental illness or substance use disorder;

13 B. The disposition of the encounter, including whether the person was charged with
14 a crime and, if so, whether the person was released or detained;

15 C. Whether the person was referred to a hospital emergency room or to a provider of
16 mental health or substance use disorder treatment or services; and

17 D. Whether any injuries were sustained by the person or the law enforcement officer
18 during or as a result of the encounter.

19 The Department of Public Safety shall forward the information reported under this
20 subsection to the council.

21 **Sec. 3. 34-B MRSA §1226 is enacted to read:**

22 **§1226. Screening required for mental health conditions and substance use disorders**

23 **1. Screening and assessment.** When a person is admitted to a jail or regional jail or
24 correctional facility, the person must be assessed for mental illness and substance use
25 disorders through the use of a nationally validated screening and assessment tool.

26 **2. Data collection by intensive case manager.** An intensive case manager assigned
27 by the department to a jail, regional jail or correctional facility shall submit in summary
28 form to the department information gathered from the screening and assessment under
29 subsection 1 and from any encounter with a person in the jail, regional jail or correctional
30 facility, including, but not limited to:

31 A. The person's needs relating to the person's mental health condition or substance
32 use disorder;

33 B. Whether the person has entered a jail, regional jail or correctional facility
34 previously;

35 C. Whether the person was transferred to another facility upon release and to which
36 facility; or

37 D. Any other disposition upon the person's release from the jail, regional jail or
38 correctional facility.

39 The department shall forward the information reported under this subsection to the
40 Statewide Criminal Justice Coordinating Council under Title 25, section 2917.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Appropriates funds for the ongoing costs of Legislators serving on the Statewide Criminal Justice Coordinating Council.

GENERAL FUND	2017-18	2018-19
Personal Services	\$0	\$440
All Other	\$0	\$1,120
GENERAL FUND TOTAL	\$0	\$1,560

SUMMARY

This amendment replaces the bill. The amendment establishes the Statewide Criminal Justice Coordinating Council to accept and review data on encounters between law enforcement agencies and members of the public and data gathered through the use of nationally validated screening and assessment tools when persons are admitted to jail. The council is required to collect and review data submitted by law enforcement agencies, sheriffs, regional jail administrators and intensive case managers, summarize and review the data and provide an annual report to the joint standing committees of the Legislature having jurisdiction over criminal justice and public safety matters and health and human services matters beginning January 15, 2021. The report must contain any recommendations for legislative action. A legislative committee that receives a report from the Statewide Criminal Justice Coordinating Council may report out legislation to the Legislature based on the report.

The amendment requires each law enforcement agency in the State to submit to the Department of Public Safety on a quarterly basis beginning January 15, 2020 data that identifies law enforcement calls for service and encounters between law enforcement officers and certain members of the public and requires the department to forward that data to the Statewide Criminal Justice Coordinating Council.

The amendment requires a person admitted to a jail, regional jail or correctional facility to be assessed for mental health conditions and substance use disorders through use of a nationally validated screening and assessment tool. It requires that an intensive case manager assigned by the Department of Health and Human Services to a jail, regional jail or correctional facility submit in summary form to the department information gathered from an encounter with such a person. The amendment requires the department to forward this information to the Statewide Criminal Justice Coordinating Council.

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COMMITTEE AMENDMENT "A" to H.P. 679, L.D. 966

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The amendment adds a mandate preamble and an appropriations and allocations
section.

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FISCAL NOTE REQUIRED

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(See attached)

**128th MAINE LEGISLATURE****LD 966****LR 2063(02)****An Act To Create Mental Health Liaison Positions in Each County Jail****Fiscal Note for Bill as Amended by Committee Amendment "A" (H-700)****Committee: Health and Human Services****Fiscal Note Required: Yes**

Fiscal Note

Potential State Mandate - Unfunded

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$0	\$1,560	\$11,560	\$21,560
Appropriations/Allocations				
General Fund	\$0	\$1,560	\$11,560	\$21,560

State Mandates

Required Activity	Unit Affected	Local Cost
Submit information gathered from a nationally validated screening and assessment tool related to the mental health condition and substance use disorder needs of persons entering jail.	County	Moderate statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

The bill provides an ongoing appropriation of \$1,560 to the Legislature for the costs of legislators serving on the Statewide Criminal Justice Coordinating Council. The Department of Public Safety will require a General Fund appropriation of \$10,000 in fiscal year 2019-20 for the administrative cost to support the Council. Additional costs to the Department of Corrections and the Department of Health and Human Services associated with this legislation can be absorbed within existing budgeted resources.