

MAINE STATE LEGISLATURE

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5/10/19
ROWS

L.D. 1475

Date: 6/13/19 Majority

(Filing No. H-581)

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1077, L.D. 1475, Bill, "An Act To Eliminate Profiling in Maine"

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

'Sec. 1. 5 MRSA §200-K is enacted to read:

§200-K. Attorney General procedures and programs to eliminate profiling

1. Complaints. The Attorney General shall implement procedures for receiving, investigating and responding to complaints alleging profiling by law enforcement officers or law enforcement agencies.

2. Rules. In consultation with interested parties, including law enforcement agencies and community, professional, research, civil liberties and civil rights organizations, the Attorney General may adopt rules for the operation of administrative complaint procedures and independent audit programs to ensure that programs and procedures provide an appropriate response to allegations of profiling by law enforcement officers or law enforcement agencies. Rules may contain guidelines and ensure the fairness, effectiveness and independence of the administrative complaint procedures and independent auditor programs. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

Sec. 2. 25 MRSA §2803-B, sub-§1, ¶E, as enacted by PL 1993, c. 744, §5, is amended to read:

E. Hate or bias crimes. A policy adopted under this paragraph must include a policy statement that prohibits stops, detentions, searches or asset seizures and forfeitures efforts based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry by members of the law enforcement agency, states that individuals may be stopped or detained only when legal authority exists to do so and states that members of the law enforcement agency must base their enforcement actions solely on an individual's conduct and behavior or specific suspect information;

COMMITTEE AMENDMENT

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Sec. 3. 25 MRSA §2804-C, sub-§2-E is enacted to read:

2-E. Training regarding bias-based profiling. The board shall include in the basic law enforcement training program a block of instruction aimed specifically at the prohibition of bias-based profiling that prohibits stops, detentions, searches or asset seizures and forfeitures efforts based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry by members of a law enforcement agency, that provides that individuals may be stopped or detained only when legal authority exists to do so and that provides that members of a law enforcement agency must base their enforcement actions solely on an individual's conduct and behavior or specific suspect information.

Sec. 4. Collection and compilation of data on profiling. The Attorney General, in consultation with interested parties, including law enforcement agencies and community, professional, research, civil liberties and civil rights organizations, shall explore available techniques for the collection and compilation of profiling data and shall report findings and recommendations to the Joint Standing Committee on Judiciary no later than March 15, 2020. The joint standing committee may report out legislation based on the recommendations to the Second Regular Session of the 129th Legislature.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

The bill prohibits profiling on the basis of actual or perceived race, gender, ethnicity, religion, socioeconomic status, ancestry or national origin by law enforcement and requires data collection to provide information about whether profiling is occurring and, if so, the extent to which it is occurring. This amendment retains the prohibition on profiling on the basis of race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry by requiring the establishment of anti-profiling policies but removes the data collection requirement and instead directs the Attorney General to explore data collection techniques and report to the Joint Standing Committee on Judiciary findings and recommendations by March 15, 2020. The committee may report out legislation to the Second Regular Session of the 129th Legislature.

The amendment requires that training of law enforcement officers include anti-profiling education and instruction.

The amendment directs the Attorney General to establish procedures for receiving, investigating and responding to complaints alleging profiling by law enforcement officers or law enforcement agencies. The Attorney General may adopt rules to address the operation of administrative complaint procedures and independent audit programs to ensure that programs and procedures provide an appropriate response to allegations of profiling by law enforcement officers or law enforcement agencies.

FISCAL NOTE REQUIRED
(See attached)



129th MAINE LEGISLATURE

LD 1475

LR 2018(02)

An Act To Eliminate Profiling in Maine

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Judiciary

Fiscal Note Required: Yes

A(H-581)

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Public Safety associated with updating law enforcement training requirements, as well as additional costs to the Office of the Attorney General to adopt rules and explore data collection techniques, can be absorbed within existing budgeted resources.