

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1601

H. P. 1360

House of Representatives, April 13, 1977

On motion of Mr. Hobbins of Saco, referred to Committee on Judiciary.
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hobbins of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to the State Bureau of Identification.

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

Sec. 1. 25 MRSA § 1542, sub-§ 1, ¶ D, as enacted by PL 1975, c. 763, § 5, is repealed.

Sec. 2. 25 MRSA § 1542, sub-§ 1, ¶¶ E and F, as enacted by PL 1975, c. 763, § 5, are amended to read:

E. Who dies while confined at a jail, police station or any facility operated by the Bureau of Corrections; or

F. Who may have died by violence or by the action of chemical, thermal or electrical agents, or following abortion, or suddenly when not disabled by recognizable disease, or whose death is unexplained or unattended, if directed to do so by the Attorney General or District Attorney; ~~or~~

Sec. 3. 25 MRSA § 1542, sub-§ 1, ¶ G, as enacted by PL 1975, c. 763, § 5, is repealed.

Sec. 4. 25 MRSA § 1542, sub-§ 2, as enacted by PL 1975, c. 763, § 5, is amended to read:

2. **Photographs and palm prints.** Whenever a law enforcement officer or other individual is authorized, pursuant to subsection 1, ~~paragraphs A, B, C, E or F~~ to take or cause to be taken the fingerprints of a person, the officer or other individual may take or cause to be taken the photograph or palm prints, or photograph and palm prints, of such person.

Sec. 5. 25 MRSA § 1542, sub-§ 2-A is enacted to read:

2-A. Fingerprints by search warrant, court order or consent. Law en-

forcement officers or persons in charge of state correctional institutions under the general supervision, management and control of the Department of Mental Health and Corrections shall have the authority to take or cause to be taken, and shall take or cause to be taken, the fingerprints, palm prints or photographs of any person;

A. Named in a search warrant which directs that such person's fingerprints, palm prints or photograph be taken;

B. The taking of whose fingerprints, palm prints or photograph has been ordered by a court;

C. Not in custody, but suspected of or charged with the commission of a crime and who consents to have his fingerprints, palm prints or photograph taken; or

D. Not in custody, but suspected of or charged with the commission of a juvenile offense and who consents to have his fingerprints, palm prints or photograph taken.

Sec. 6. 25 MRSA § 1542, sub-§ 3, as enacted by PL 1975, c. 763, § 5, is amended to read:

3. **Fingerprint record forms.** Fingerprints taken pursuant to subsection 1, paragraphs A, B, C ~~D~~ and E and subsection 2-A, paragraphs A, C and D shall be taken on a form furnished by the State Bureau of Identification, such form to be known as the Criminal Fingerprint Record. Fingerprints taken pursuant to subsection 1, paragraph ~~F~~ E, shall be taken on form furnished by the bureau, such form to be known as the Noncriminal Fingerprint Record. Fingerprints taken pursuant to subsection ~~+~~ 2-A, paragraph ~~E~~ B, shall be taken upon either the Criminal Fingerprint Record or the Noncriminal Fingerprint Record as the court shall order.

Sec. 7. 25 MRSA § 1542, sub-§ 4, as enacted by PL 1975, c. 763, § 5, is amended by adding after the first sentence the following new sentence:

It shall be the duty of the head of the agency, or his designee, whose law enforcement officers secure the fingerprints to transmit, within 5 days of the date of fingerprinting, to the State Bureau of Identification the criminal fingerprint record of any person who is charged with the commission of a crime or a juvenile offense and whose fingerprints are taken pursuant to subsection 2-A, paragraph C or D.

Sec. 8. 25 MRSA § 1542, sub-§ 4, last ¶, as enacted by PL 1975, c. 763, § 5, is amended to read:

It shall be the duty of the ~~Director of the~~ person in charge of the jail, police station or facility operated by the Bureau of Corrections, or his designee, to transmit, within 5 days of the date of death, to the State Bureau of Identification, the criminal fingerprint record of any deceased person whose fingerprints are taken pursuant to subsection 1, paragraph E.

STATEMENT OF FACT

This bill is designed to provide for the consensual taking of fingerprints, palm prints and photographs from both adults and juveniles when not in custody, but suspected of or charged with the commission of a crime or juvenile offense.