

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

1 (New Draft of S.P. 289, L.D. 877)

2 FIRST REGULAR SESSION  
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE  
5

6 Legislative Document

No. 1616

7  
8 S.P. 559

In Senate, May 13, 1983

9 Reported by the Majority Report from the Committee on Judiciary and  
10 printed under Joint Rule 2.

11 Original bill presented by Senator Trafton of Androscoggin.

12  
13 JOY J. O'BRIEN, Secretary of the Senate  
14

15  
16 STATE OF MAINE  
17

18 IN THE YEAR OF OUR LORD  
19 NINETEEN HUNDRED AND EIGHTY-THREE  
20

21 AN ACT Concerning Records of Arrests of  
22 Criminal Offenders.  
23

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

26 16 MRSA §612-A is enacted to read:

27 §612-A. Record of persons detained

28 1. Requirement of record. Every criminal justice agency that maintains a facility for pretrial detention shall record the following information concerning each person delivered to it for pretrial detention for any period of time:

29  
30 A. Identity of the arrested person, including name, age, residence and occupation, if any;  
31

32 B. Offenses charged, including the time, place and nature of the offense;  
33

1           C. Time and place of arrest; and

2           D. Circumstances of arrest, including force,  
3           resistance, pursuit and weapon, if any.

4           2. Time and method of recording. The record re-  
5           quired by this section shall be made immediately upon  
6           delivery of the person concerned to the agency for  
7           detention. It shall be made upon serially numbered  
8           cards or sheets or on the pages of a permanently  
9           bound volume, made and maintained in chronological  
10           order, and shall be part of the permanent records of  
11           the agency making it. The record required by this  
12           section may be combined with the record required by  
13           Title 34, section 958.

14           3. Records public. The record required by this  
15           section shall be a public record, except for records  
16           of the detention of juveniles, as defined in Title  
17           15, section 3003, subsection 14.

18                                 STATEMENT OF FACT

19           The purpose of this new draft is to simplify the  
20           requirements of the original bill. This new draft  
21           applies its provisions only to criminal justice agen-  
22           cies that maintain facilities for pretrial detention.  
23           It also requires the recording of the same type of  
24           information as the original bill required, except  
25           that it eliminates the requirement of recording the  
26           arresting officer's name. The purpose of eliminating  
27           this requirement is to protect the officer from pos-  
28           sible retaliation.

29           Other provisions of the new draft describe when  
30           and how these records are to be made. The new draft  
31           eliminates provisions in the original bill concerning  
32           the keeping or destroying of unused record forms.

33           Finally, this new draft makes it clear that these  
34           records are public records except for those pertain-  
35           ing to the detention of juveniles.

36   3789050983