

MAINE STATE LEGISLATURE

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(EMERGENCY)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2250

H.P. 1695

House of Representatives, March 15, 1984

Submitted by the Department of Public Safety pursuant to Joint Rule 24.
Referred to the Committee on Judiciary. Sent up for concurrence and
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Soule of Westport.

Cosponsors: Representative Hayden of Durham and Senator Collins of
Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FOUR

AN ACT to Amend the Laws Relating to
Criminal History Record Information.

Emergency preamble. Whereas, Acts of the Legis-
lature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

Whereas, both the control of public access to and
the dissemination of written information in the pos-
session or control of criminal justice agencies rela-
tive to security operations, whenever created, is in-
adequate; and

Whereas, the inadequacies constitute a serious
threat both now and in the future to the ability of
criminal justice agencies to provide proper protec-
tion to persons, places and things; and

Whereas, such a threat is inimical to the para-
mount interests of the State; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 Sec. 1. 16 MRSA §611, sub-§8, as enacted by PL
10 1979, c. 433, §2, is amended to read:

11 8. Intelligence and investigative information.
12 "Intelligence and investigative information" means
13 information collected by criminal justice agencies in
14 an effort to anticipate, prevent or monitor possible
15 criminal activity, or compiled in the course of in-
16 vestigation of known or suspected crimes. It does not
17 include information that is criminal history record
18 information or information that is security record
19 information.

20 Sec. 2. 16 MRSA §611, sub-§10-A is enacted to
21 read:

22 10-A. Security record information. "Security
23 record information" means notations or other written
24 evidence of any aspect of security operations, either
25 permanent or temporary, conducted by a criminal jus-
26 tice agency, relating to the protection of persons,
27 places or things.

28 Sec. 3. 16 MRSA §614-A is enacted to read:

29 §614-A. Limitation on dissemination of security
30 record information

31 1. Limitation on dissemination of security
32 record information. Notwithstanding any other provi-
33 sion of law, all security record information, whenev-
34 er created, in the possession or custody of any crim-
35 inal justice agency shall be confidential and shall
36 not be disseminated except as provided in subsection
37 2.

1 2. Exceptions to this limitation. Dissemination
2 of security record information in the possession or
3 custody of any criminal justice agency shall be lim-
4 ited to:

5 A. Other criminal justice agencies for the pur-
6 pose of planning or conducting security opera-
7 tions; and

8 B. Any person to the extent that the dissemina-
9 tion is deemed necessary for the planning or con-
10 ducting of a given security operation. The de-
11 termination of necessity shall be made only by
12 the criminal justice agency primarily responsible
13 for the security operation.

14 3. Dissemination to persons. Security record
15 information disseminated to persons under subsection
16 2 shall be used solely for the purpose for which it
17 was disseminated and shall not be disseminated fur-
18 ther.

19 Sec. 4. 16 MRSA §619, sub-§1, as enacted by PL
20 1979, c. 433, §2, is amended to read:

21 1. Offense. A person is guilty of unlawful dis-
22 semination if he knowingly disseminates criminal his-
23 tory information or security record information in
24 violation of any of the provisions of this subchap-
25 ter.

26 **Emergency clause.** In view of the emergency
27 cited in the preamble, this Act shall take effect
28 when approved.

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STATEMENT OF FACT

Criminal justice agencies, on a continuing basis, devise and implement security operations relating to the protection of persons, places and things. A critical component of any successful security operation is its confidentiality. Because security operations inevitably utilize similar techniques, there shall be continued limited access to security record information. At the present time, no statute exists which comprehensively addresses information in the possession or custody of criminal justice agencies relating to security operations. This bill accomplishes the following.

First, it defines an entity known as "security record information."

Second, it makes the information confidential and limits its dissemination by any criminal justice agency.

Third, it would expressly prohibit any person to whom security record information has been disseminated from disseminating the information further.

Fourth, it makes criminal any knowing dissemination of security record information in violation of the provisions of the Act.

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