

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1384

H.P. 1026 House of Representatives, April 29, 1987
Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative WARREN of Scarborough.
Cosponsored by Representative CONLEY of Portland.

STATE OF MAINE

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

1 AN ACT Relating to Private Citizens being
2 Reimbursed by Local Police Departments
3 in Certain Prosecutions.
4

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

7 15 MRSA §806-A is enacted to read:

8 §806-A. Reimbursement for private citizens by police
9 departments

10 A person charged with a criminal offense may be
11 entitled to reimbursement from a police department
12 for reasonable costs incurred as a result of being
13 arrested by a police officer in the employ of that
14 department if there is a final judgment of not guilty
15 on all charges, and on motion of the defendant, the

1 judge presiding at the underlying criminal trial
2 finds by clear and convincing evidence that the ar-
3 resting officer arrested the defendant knowing he had
4 no legal right to do so.

5 The presiding judge shall determine the extent of
6 reimbursement, taking into account any contributory
7 misconduct of the defendant. Any reimbursement or-
8 dered and paid shall be deducted from the amount of
9 any judgment awarded in a civil action brought by the
10 criminal defendant against a law enforcement officer
11 or a state, county, municipality or other political
12 unit based on the same facts.

13 Any claim for payment under this section must be
14 made within 30 days of the entry of final judgment.

15 STATEMENT OF FACT

16 The purpose of this bill is to enable persons ar-
17 rested maliciously and in bad faith to be reimbursed
18 for the costs they incur in defending themselves in
19 court.

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