MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1978

H.P. 1467 House of Representatives, January 7, 1988 Submitted by the Department of Corrections pursuant to Joint Rule 24.

Reference to the Committee on Human Resources suggested and ordered printed.

EDWIN H. PERT, Clerk Presented by Representative TAYLOR of Camden.
Cosponsored by Senator WHITMORE of Androscoggin, Representatives STROUT of Windham and MELENDY of Rockland.

STATE OF MAINE

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

AN ACT to Permit Sharing of

2 3 4 5	Confidential Information between Criminal Justice Agencies at all Governmental Levels.			
6 7	Be it enacted by the People of the State of Maine as follows:			
8 9	Sec. 1. 34-A MRSA \$1001, sub-\$\$19 to 21 are enacted to read:			
.0	19. Administration of criminal justice.			
.1 .2	"Administration of criminal justice" has the same			
.2	meaning as in Title 16, section 611, subsection 1.			

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1 2 3	20. Criminal justice agency. "Criminal justice agency" has the same meaning as in Title 16, section 611, subsection 4.
4 5 6 7	21. Administration of juvenile criminal justice. "Administration of juvenile criminal justice" has the same meaning as in Title 15, section 3308, subsection 7, paragraph A, subparagraph (2).
8 9 10	Sec. 2. 34-A MRSA §3003, sub-§1, ¶¶B and C, as repealed and replaced by PL 1985, c. 737, Pt. A, §90, are amended to read:
11 12	B. To any state agency if necessary to carry out the statutory functions of that agency; and
13 14 15	C. If ordered by a court of record, subject to any limitation in the Maine Rules of Evidence, Rule $503 \div \underline{i}$
16 17	Sec. 3. 34-A MRSA §3003, sub-\$1, ¶¶D and E are enacted to read:
18 19 20 21	D. To any criminal justice agency if necessary to carry out the administration of criminal justice, the administration of juvenile criminal justice or for criminal justice agency employment; and
22 23	E. To any court if necessary to carry out the functions of that court.
24	STATEMENT OF FACT
25 26 27 28 29 30	This bill adds 2 provisions to the Maine Revised Statutes, Title 34-A, section 3003, which would facilitate and expedite the exchange of information necessary to the administration of criminal justice between criminal justice agencies of the federal, state, county and municipal governments and the

carry out the statutory functions of that agency.

federal courts. As the law is now written, only state

agencies may receive such information if necessary to

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	1	information is needed by other criminal justice
J	2	agencies such as those of the federal, county and
	3	municipal governments, or by the federal courts, it
	4	may be obtained only with either a written release
	5	from the prisoner involved or by a state court order.
	6	It should be noted that this addition to the current
	7	law in no way affects confidential information other
	8	than that already allowed dissemination in accordance
	9	with Title 34-A, section 3003, but, rather, affects
	10	only that information which is needed for legitimate
	11	criminal justice agencies or federal courts to carry
	12	out their duties.

This bill will greatly speed up the process of the exchange of information by legitimate criminal justice agencies, thus simplifying the process and assuring criminal justice agencies that they have the necessary information when needed.

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