

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

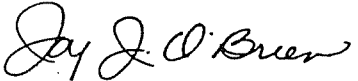
Legislative Document

No. 535

S.P. 219

In Senate, March 3, 1989

Reference to the Committee on Judiciary suggested and ordered printed.


JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRANNIGAN of Cumberland (BY REQUEST).
Cosponsored by Senator CAHILL of Sagadahoc.

STATE OF MAINE

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

An Act to Restrict the Disclosure of a Criminal Suspect's Identity.

1989, Jan 10



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

3 30-A MRSA §290 is enacted to read:

5 §290. Disclosure of a criminal suspect's identity

7 1. Disclosure of suspect's identity limited. No law
9 enforcement agency or law enforcement officer, as defined in
11 Title 17-A, section 2, subsection 17, may disclose the identity
13 of any person who is a suspect in a criminal investigation except
15 when:

17 A. The disclosure is necessary or useful to law enforcement
19 activities; or

21 B. The suspect has been arrested, a warrant has been issued
23 for the suspect's arrest or an indictment or information has
25 been issued charging the suspect with a crime.

27 2. Information confidential. Information prohibited from
29 disclosure under this section is confidential and is not a public
31 record for the purposes of Title 1, chapter 13.

33 STATEMENT OF FACT

35 This bill protects a person who becomes a suspect of a
37 criminal investigation from premature disclosure of the suspect's
39 identity to the media. In the course of a criminal
41 investigation, a law enforcement agency may investigate dozens of
criminal suspects who are actually innocent of the crime. This
bill protects those persons from the potentially harmful release
of their identities before they are actually arrested or charged
with the crime. Under the bill, a law enforcement agency may
disclose a criminal suspect's identity before the suspect's
arrest or indictment only when the disclosure is necessary or
useful to the law enforcement agency's investigation. For
example, the bill does not prevent an officer from interviewing
potential witnesses about the suspect or from releasing the
suspect's name to the press if the suspect has fled and the
police are requesting assistance in locating the suspect.