

MAINE STATE LEGISLATURE

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OK
H. of S.

L.D. 1786

(Filing No. S- 264)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A" to S.P. 672, L.D. 1786, Bill, "An Act to Improve the Execution and Administration of Arrest Warrants and Implement the Recommendations of the Warrants Subcommittee of the Commission to Implement the Computerization of Criminal History Record Information"

Amend the bill in section 2 in that part designated "§602." in the first paragraph in the first 2 lines (page 1, lines 40 and 41 in L.D.) by striking out the following: "law enforcement officers and law enforcement agencies" and inserting in its place the following: 'police and sheriff departments and their officers'

Further amend the bill in section 2 in that part designated "§602." in the first paragraph in the next to the last line (page 1, line 45 in L.D.) by striking out the following: "law enforcement agencies" and inserting in its place the following: 'police and sheriff departments'

Further amend the bill in section 2 in that part designated "§605." in the first paragraph in the first line (page 3, line 17 in L.D.) by striking out the following: "after notice and public hearing." and inserting in its place the following: 'in accordance with the Maine Administrative Procedure Act.'

Further amend the bill in section 2 in that part designated "§605." in subsection 3 by inserting at the end a new sentence to read: 'The investigating agency may seek, and the Attorney General or district attorney or their designees may grant to the investigating agency, permission to possess the warrant for a further period of up to 5 days if the likelihood of warrant execution will be further increased.'

Further amend the bill in section 2 in that part designated "§605." by striking out all of subsections 4 to 7 and inserting in their place the following:

P. of S.

2 '4. Content of warrant. A warrant must contain available
3 information concerning the identity and location of the subject,
4 including, but not limited to, photographs of the subject, the
5 subject's name and last known address identified by town, county
6 and geographic codes, the subject's date of birth and any
7 distinguishing physical characteristics that will aid in the
8 location of the subject and the execution of the warrant.

9
10 5. Computer entry. Upon receipt by the arrest warrant
11 repository, an arrest warrant must be promptly entered in the
12 State's wanted and missing persons computer data base.

13
14 6. National Crime Information Center. A warrant may not be
15 entered in the National Crime Information Center data base
16 without authorization from the Attorney General, a district
17 attorney or their designees, except that the Department of
18 Corrections may enter warrants for violations of parole or
19 probation or for escape.

20 7. Storage. Except as otherwise permitted under this
21 chapter, an original warrant must be stored at the issuing court
22 and an attested copy must be stored at the appropriate arrest
23 warrant repository.'

24
25 Further amend the bill in section 2 in that part designated
26 "§605." in subsection 11 in the 3rd line (page 4, line 36 in
27 L.D.) by striking out the following: "those" and inserting in
28 its place the following: 'warrants'

29
30 Further amend the bill in section 2 in that part designated
31 "§607." in the first paragraph in the 7th line (page 5, line 28
32 in L.D.) by striking out the following: "waive trial," and
33 inserting in its place the following: 'waive the right to a
34 trial and any objections to'

35 Further amend the bill by inserting at the end before the
36 statement of fact the following:

37
38 **'FISCAL NOTE**

39
40 This bill provides a uniform and consistent procedure for
41 the courts and law enforcement agencies to follow regarding the
42 identification and location of warrants, enforcement,
43 cancellation and recall.

44
45 The costs associated with rulemaking and the adoption of
46 standards will be absorbed within the budgeted resources of the
47 Judicial Department and the Department of the Attorney General.
48 The costs associated with implementing the warrant procedures
49 will be absorbed within the budgeted resources of the affected
50 departments.'

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STATEMENT OF FACT

This amendment alters the bill by requiring police and sheriff departments and their officers, rather than all law enforcement officers, to use all reasonable efforts to execute outstanding arrest warrants. The amendment allows the Department of Corrections to enter warrants in the National Crime Information Center data base when those warrants are issued for violations of probation and parole or for escape. The amendment also provides that the Attorney General, a district attorney or their designees may grant to an investigating agency permission to possess a warrant for a period of up to 5 days beyond the 5-day period already provided for in the bill.

The amendment makes other changes for clarity and adds a fiscal note to the bill.

Reported by Senator Gauvreau for the Committee on Judiciary.
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