

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1156

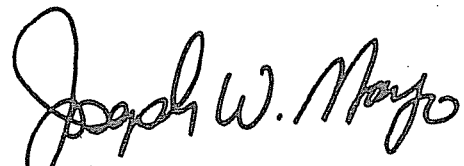
H.P. 851

House of Representatives, April 5, 1993

An Act to Create the Maine Criminal Justice Information System.

Reported by Representative PARADIS for the Commission to Implement the Computerization of Criminal History Record Information pursuant to Private and Special Law 1985, chapter 135.

Reference to the Joint Standing Committee on Judiciary suggested and printing ordered under Joint Rule 20.


JOSEPH W. MAYO, Clerk

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

4 Sec. 1. 16 MRSA c. 3, sub-c. IX is enacted to read:

6 **SUBCHAPTER IX**

8 **MAINE CRIMINAL JUSTICE INFORMATION SYSTEM**

10 **§631. Maine Criminal Justice Information System**

12 There is created, within the Department of Public Safety, an
14 information clearinghouse to be known as the Maine Criminal
16 Justice Information System. The Maine Criminal Justice
Information System shall provide criminal justice agencies and
authorized private users ready access to shared uniform
information on criminal offenders and crime data, including:

18 1. Offender tracking information. Offender-based tracking
20 information, including any active status of offenders in the
criminal justice system;

22 2. Criminal history information. Criminal history record
24 information that includes information on the potential risk of
individuals;

26 3. Crime data. Specific crime data for investigations and
28 statistical analysis;

30 4. Warrant information. Warrant and wanted persons
information;

32 5. Stolen property information. Stolen property listings;
34 and

36 6. Other information. Other information available through
38 communications or networking with other states or federal
criminal justice agencies, or both.

40 **§632. Definitions**

42 As used in this subchapter, unless the context otherwise
indicates, the following terms have the following meanings.

44 1. Administration of criminal justice. "Administration of
46 criminal justice" has the same meaning as defined in section 611,
subsection 1.

48 2. Conviction data. "Conviction data" has the same meaning
50 as defined in section 611, subsection 2.

2 3. Criminal history record information. "Criminal history
record information" has the same meaning as defined in section
611, subsection 3.

4
6 4. Criminal justice agency. "Criminal justice agency" has
the same meaning as defined in section 611, subsection 4.

8 5. Criminal record information system. "Criminal record
information system" means a system including equipment,
10 facilities, procedures and agreements for the collection,
processing, preservation and dissemination of criminal record
12 information including criminal history record information.

14 6. Disposition. "Disposition" has the same meaning as
defined in section 611, subsection 5.

16
18 7. Executive order. "Executive order" has the same meaning
as defined in section 611, subsection 7.

20 8. Nonconviction data. "Nonconviction data" has the same
meaning as defined in section 611, subsection 9.

22
24 9. Offender. "Offender" means an individual, juvenile or
adult, accused or convicted of a criminal offense under the laws
of this State or federal law.

26
28 10. Offender-based tracking information. "Offender-based
tracking information" means information collected during the
administration of criminal justice by criminal justice agencies
30 related to an identifiable person who has been determined to be
an offender.

32
34 11. Person. "Person" has the same meaning as defined in
section 611, subsection 10.

36 12. State. "State" has the same meaning as defined in
section 611, subsection 11.

38
40 13. Statute. "Statute" has the same meaning as defined in
section 611, subsection 12.

42 **§633. Policy board established; membership**

44 There is established the Maine Criminal Justice Information
46 System Policy Board referred to in this subchapter as the
"board." The board consists of 13 members that includes the
48 Attorney General, the Commissioner of Public Safety, the
Commissioner of Corrections, the Commissioner of Inland Fisheries
and Wildlife, the State Court Administrator, the Chief of the
50 State Police, the Director of the Division of Probation and
Parole, the Director of the Bureau of Information Services, a
52 representative of the Maine Prosecutors Association appointed by

2 the Attorney General, a representative of the Maine Chiefs of
3 Police Association appointed by the Commissioner of Public
4 Safety, a representative of the Maine Sheriff's Association
5 appointed by the Commissioner of Public Safety, a representative
6 of a federal criminal justice agency appointed by the Governor
7 and a public member who represents private users of criminal
8 offender record information appointed by the Governor.

10 **§634. Term of membership**

12 The Attorney General, the Commissioner of Public Safety, the
13 Commissioner of Corrections, the Commissioner of Inland Fisheries
14 and Wildlife, the State Court Administrator, the Chief of the
15 State Police, the Director of the Division of Probation and
16 Parole and the Director of the Bureau of Information Services are
17 members of the board during their terms of office and may appoint
18 designees to serve in their place. The other members of the
19 board serve terms of 3 years. Members of the board serve without
20 compensation, except for reimbursement for actual expenses
21 incurred in the performance of their duties. Any vacancy on the
22 board must be filled in the same manner as the original
23 appointment, but only for the unexpired term.

24 **§635. Duties**

26 The board has the following duties.

28 1. Establish policies. The board shall establish policies
29 and practices necessary to provide ready access to shared,
30 uniform information on criminal offenders and crime data.

32 2. Establish information standards. The board shall
33 establish, maintain and promote minimum standards for accessing
34 the Maine Criminal Justice Information System to ensure complete,
35 accurate and up-to-date information is received by criminal
36 justice agencies and authorized private users. These standards
37 include:

38 A. Completeness and accuracy of information;

40 B. Limitations on access and dissemination of information;

42 C. Juvenile records;

44 D. System audits;

46 E. System security;

48 F. Individuals' rights to the review of records;

50 G. Hardware and software requirements;

52

2 H. Networking and communications; and

4 I. Personnel qualifications and training.

6 3. Recommendation of fees. The board may recommend to the
8 Information Services Policy Board established in Title 5, section
 1891, reasonable fees to defray the cost of operating the Maine
 Criminal Justice Information System.

10 §636. Administration

12 The Department of Public Safety shall provide general
14 administrative oversight for the board's policies and
16 responsibilities. The Department of Public Safety, the Bureau of
18 Information Services and other criminal justice agencies when
20 appropriate may employ personnel necessary to carry out the
 purposes of the Maine Criminal Justice Information System, lease,
 rent or acquire adequate equipment and facilities, accept federal
 funds or grants that are available to carry out or implement its
 purpose and provide technical assistance and training to criminal
 justice agencies necessary to meet minimum standards for access.

22 §637. Meetings

24 The board may meet at such time or times as necessary to
26 carry out its duties, but at least one time in each calendar
28 quarter at a place and time as the board determines and at the
 call of the chair. The board shall elect annually a chair,
 vice-chair, secretary and a treasurer from among its members.

32 **STATEMENT OF FACT**

34 This bill is the report of the Commission to Implement the
36 Computerization of Criminal History Record Information pursuant
 to Private and Special Law 1985, chapter 135, as amended.

38 The bill establishes the Maine Criminal Justice Information
40 System, which will provide computerized criminal history record
 information and other data useful to law enforcement agencies
 throughout the State.

42 The Maine Criminal Justice Information System will be
44 governed by the Maine Criminal Justice Information System Policy
 Board consisting of 13 members.