

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1221

S.P. 448

In Senate, April 6, 1995

**An Act to Establish Responsibility for the Investigation of the Use of
Deadly Force by Law Enforcement Officers.**

Submitted by the Department of the Attorney General pursuant to Joint Rule 24.
Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator BENOIT of Franklin.

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

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Sec. 1. 5 MRSA §200-A, as amended by PL 1991, c. 841, §3, is further amended by adding at the end a new paragraph to read:

The Attorney General has exclusive responsibility for the direction and control of any criminal investigation of a law enforcement officer who, while acting in the performance of that law enforcement officer's duties, uses deadly force, as defined in Title 17-A, section 2, subsection 8. Any law enforcement agency whose officer uses deadly force shall notify, as soon as practicable, the Attorney General of the event. The Attorney General may conduct an investigation or, at the Attorney General's discretion, designate any other law enforcement agency to conduct an investigation.

STATEMENT OF FACT

Presently, the Attorney General has the responsibility to investigate the use of deadly force by a law enforcement officer when that use of force results in death. As a practical matter, the Attorney General also investigates those uses of deadly force by law enforcement officers that do not result in death, but the investigation is conducted only upon request and invitation of the law enforcement agency involved. This proposal requires that any use of deadly force by a law enforcement officer, whether or not death results, be reported to the Attorney General.