

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE

Reported by: Senator BENOIT of Franklin for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 454, L.D. 1250, Bill, "An Act to Authorize Certain Employees of the Department of Corrections to Use Deadly Force"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 17-A MRSA §2, sub-§5-B is enacted to read:

5-B. Corrections supervisor. "Corrections supervisor" means any person who:

A. Is an employee of the Department of Corrections;

B. Supervises corrections officers; and

C. Is trained, qualified and authorized by the Commissioner of Corrections to use deadly force.

Sec. 2. 17-A MRSA §107, sub-§5-A, as enacted by PL 1989, c. 18, §3, is amended to read:

5-A. A corrections officer, corrections supervisor or law enforcement officer is justified in using deadly force against a person confined in the Maine State Prison or the Maine Correctional Institution - Warren when the officer or supervisor reasonably believes that deadly force is necessary to prevent an escape from custody. The officer or supervisor shall make reasonable efforts to advise the person that if the attempt to escape does not stop immediately, deadly force will be used. This subsection does not authorize any corrections officer, corrections supervisor or law enforcement officer who is not employed by a state agency to use deadly force.'

COMMITTEE AMENDMENT

2018

STATEMENT OF FACT

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This amendment replaces the bill. It defines "corrections supervisor" and allows corrections supervisors to use deadly force under the same circumstances as the corrections officers whom they supervise, but only if qualified, trained and so authorized by the Commissioner of Corrections.