

MAINE STATE LEGISLATURE

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R.S.

L.D. 1223

DATE: *May 19, 1997*

(Filing No. S-277)

CRIMINAL JUSTICE

Reported by: *Senator O'Gara*

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STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 364, L.D. 1223, Bill, "An Act to Expand the Monitoring of the Conversations of Prisoners"

Amend the bill by inserting after section 1 the following:

'Sec. 2. 15 MRSA §709, sub-§4-B is enacted to read:

4-B. County jail investigative officer. "County jail investigative officer" means an employee of a county jail designated by the county jail administrator as having the authority to conduct investigations of offenses relating to the security or orderly management of the county jail.'

Further amend the bill in section 2 in subsection 2 by striking out all of paragraph B (page 1, lines 30 to 32 in L.D.) and inserting in its place the following:

'B. Notice of the possibility of interception is provided in a way sufficient to make the parties to the communication aware of the possibility of interception,--and, which includes:

(1) Providing the resident with a written notification statement;

(2) Posting written notification next to every telephone at the facility that is subject to monitoring; and

(3) Informing the recipient of a telephone call from the resident by playing a recorded warning before the recipient accepts the call.'

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Further amend the bill by inserting after section 2 the following:

'Sec. 3. 15 MRSA §712, sub-§3 is enacted to read:

3. County jail investigative officer. It is not a violation of this chapter for a county jail investigative officer, as defined in this chapter, or for a county jail employee acting at the direction of a county jail investigative officer to intercept, disclose or use that communication in the normal course of employment while engaged in any activity that is a necessary incident to the administration of criminal justice if:

A. Either the sender or the receiver of that communication is a person residing in an adult section of the county jail; and

B. Notice of the possibility of interception is provided in a way sufficient to make the parties to the communication aware of the possibility of interception, which includes:

(1) Providing the resident with a written notification statement;

(2) Posting written notification next to every telephone at the jail that is subject to monitoring; and

(3) Informing the recipient of a telephone call from the resident by playing a recorded warning before the recipient accepts the call.

This subsection does not authorize any interference with the attorney-client privilege.

Sec. 4. 15 MRSA §713, as amended by PL 1995, c. 182, §2, is further amended to read:

§713. Evidence

The contents of an interception are not admissible in court, except that the contents of an interception of any oral or wire communication that has been legally obtained under the laws of another jurisdiction in which the interception occurred or that has been legally obtained pursuant to section 712, subsection 2 or 3 is admissible in the courts of this State, subject to the Maine Rules of Evidence.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

A. of S.

COMMITTEE AMENDMENT "A" to S.P. 364, L.D. 1223

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SUMMARY

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This amendment extends to the counties, as well as the State, the authority to monitor inmate conversations. The amendment also specifies 3 types of notification to inform inmates and recipients of telephone calls from inmates that their conversation is subject to monitoring.

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