

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2257

H.P. 1629

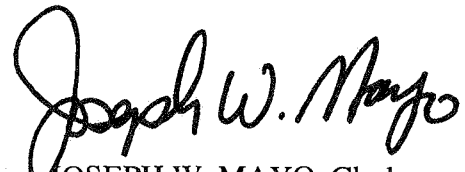
House of Representatives, March 4, 1998

**An Act to Make Public the Records of the Department of Corrections
Relating to Inmate Furloughs and Requests under the Uniform Act for
Out-of-State Parolee Supervision.**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Criminal Justice suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative JABAR of Waterville.
Cosponsored by Senator MURRAY of Penobscot and
Representatives: BUNKER of Kossuth Township, KERR of Old Orchard Beach,
McALEVEY of Waterboro, MUSE of South Portland, POVICH of Ellsworth, THOMPSON
of Naples, WATERHOUSE of Bridgton, WHEELER of Bridgewater.

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

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4 Sec. 1. 1 MRSA §402-B is enacted to read:

6 §402-B. Criminal justice agency records

8 Notwithstanding any provision of Title 16, chapter 3,
10 subchapter VIII to the contrary, records that are in the
12 possession of the Department of Corrections or another criminal
14 justice agency in this State that would be confidential are not
16 confidential and are considered public records under section 402
18 if they pertain to:

20 1. Identity. The identity and current address or location
22 within the Department of Corrections of any inmate, probationer
24 or parolee:

26 A. Currently receiving services from the Department of
28 Corrections:

30 B. Under the supervision of the Department of Corrections;
32 or

34 C. Seeking services or supervision from the Department of
36 Corrections under the Uniform Act for Out-of-State Parolee
38 Supervision, Title 34-A, chapter 9, subchapter V;

40 2. Furloughs granted by Commissioner of Corrections or
42 county sheriff. The granting of furloughs pursuant to rules made
44 by the Commissioner of Corrections relating to the granting of
46 furloughs under the authority of Title 34-A, section 3035 or by a
48 county sheriff relating to the granting of furloughs under the
50 authority of Title 30-A, section 1556, together with the contents
52 of any requests, petitions or applications made to participate in
54 those furloughs and the contents of any investigations carried
56 out by the criminal justice agency as well as the results and
58 actions taken by that agency in response to such requests,
60 petitions or applications; or

62 3. Furloughs pursuant to the Uniform Act of Out-of-State
64 Parolee Supervision. Pursuant to the Uniform Act for
66 Out-of-State Parolee Supervision, Title 34-A, section 9805, the
68 contents of any requests, petitions or applications made by any
70 states or persons under that Act and the contents of any
72 investigations carried out, as well as the results and actions
74 taken by the Department of Corrections in response to such
76 requests, petitions or applications.

78 Sec. 2. 34-A MRSA §3003, as amended by PL 1997, c. 278, §§3
80 to 5 and c. 464, §§9 and 10, is repealed.

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Sec. 3. 34-A MRSA §3035, sub-§6 is enacted to read:

6. Notification of law enforcement agencies. A client may not participate in a furlough under subsection 2 unless the department, in advance of its consideration of the request for that furlough, notifies:

A. The district attorney for the district in which the client will reside;

B. The sheriff for the county in which the client will reside;

C. The chief of police of any municipality directly affected by that client's participation in that furlough; and

D. The district attorney for the district where the client's underlying commitment to the department originated.

Sec. 4. 34-A MRSA §9865 is enacted to read:

§9865. Notification of law enforcement agencies

The department, in advance of its consideration of a request under the Uniform Act for Out-of-State Parolee Supervision, shall notify:

1. District attorney. The district attorney for the district in which the client will reside;

2. Sheriff. The sheriff for the county in which the client will reside; and

3. Chief of police. The chief of police of any municipality directly affected by the request, if approved.

SUMMARY

This bill makes public records of certain information and records of the Department of Corrections and other criminal justice agencies regarding furlough of convicted criminals, thus giving the department or agencies the ability to inform the public when criminals are being released from prison on furloughs or transferred into communities from other states. This bill also requires that the department give notice to the law enforcement community prior to granting furloughs or requests under the Uniform Act for Out-of-State Parolee Supervision.

2 Currently, under the Uniform Act for Out-of-State Parolee
Supervision, the department makes decisions concerning the
4 release into Maine communities of convicted criminals who have
little or no prior connection to the State. Under the Act, other
6 states may seek to transfer a parolee to the State for
supervision. There is no restriction on the type of individual
who is eligible to seek such a transfer.