

MAINE STATE LEGISLATURE

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JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1518, L.D. 2166, Bill, "An Act to Enhance Communications Between the Department of Corrections, the Judiciary and Law Enforcement Agencies"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, an interagency task force is in the process of preparing a uniform offense table to be used in computerized record-keeping systems by a number of state agencies; and

Whereas, the preparation of that table has revealed a number of instances when one statutory element contains multiple criminal offenses or civil violations; and

Whereas, the revision of the Maine Revised Statutes to create a strict one-to-one relationship between a unique statutory citation and each criminal offense or civil violation will increase efficiency and accuracy in law enforcement and judicial administration; and

Whereas, the revision requires the participation of many governmental agencies and people involved in the criminal justice system; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of

COMMITTEE AMENDMENT

Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 16 MRSA §631, sub-§§4-A and 4-B are enacted to read:

4-A. Conditions of release information. Status and conditions of release of those persons on probation or parole or admitted to bail;

4-B. Protective order information. Information pertaining to conditions of protection, protected persons and the subjects of protection from abuse orders;

Sec. 2. 16 MRSA §633, as enacted by PL 1993, c. 346, §1, is amended to read:

§633. Policy board established; membership

There is established the Maine Criminal Justice Information System Policy Board, referred to in this subchapter as the "board." The board consists of 13 members that includes include the 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 State Police, the ~~Director of the Division of Probation and Parole~~ Associate Commissioner for Adult Services within the Department of Corrections, the Director of the Bureau of Information Services, a representative of the Maine Prosecutors Association appointed by the Attorney General, a representative of the Maine Chiefs of Police Association appointed by the Commissioner of Public Safety, a representative of the Maine Sheriff's Association appointed by the Commissioner of Public Safety, a representative of a federal criminal justice agency appointed by the Governor, a representative of a nongovernmental agency that provides services to victims of domestic violence appointed by the Governor and a public member who represents private users of criminal offender record information appointed by the Governor.

Sec. 3. 16 MRSA §635, as amended by PL 1997, c. 194, §1, is further amended to read:

§635. Duties

The board has the following duties.

1. Establish policies. The board shall establish policies and practices necessary to provide ready access to shared,

uniform information on criminal offenders and crime data described in section 631.

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

- A. Completeness and accuracy of information;
- B. Limitations on access and dissemination of information;
- C. System audits;
- D. System security;
- E. Individuals' rights to the review of records;
- F. Hardware and software requirements;
- G. Networking and communications; and
- H. Personnel qualifications and training.

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

4. **Report.** ~~The board shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 1st of each year concerning the methods devised to keep accurate, updated records of misdemeanor crimes of domestic violence, to ensure enforcement of 18 United States Code, Section 922 (1996) submit the following reports to the Legislature.~~

A. The board shall report to the joint standing committees of the Legislature having jurisdiction over criminal justice matters and judiciary matters no later than January 1st of each year concerning the status of the development, implementation and operation of the Maine Criminal Justice Information System. The report must contain information about the ability of the Judicial Department, the Department of Public Safety and the Department of Corrections to maintain, furnish and disseminate information described in section 631 in an automated manner. The report must also contain a project plan that delineates the date upon which

2 each category of information described in section 631 will
3 be available to criminal justice agencies and authorized
4 private users in an automated fashion and, for those
5 categories for which the information is already available in
6 an automated fashion but for which enhancements are planned,
7 the date upon which enhanced service will be available.

8 B. The board shall report to the joint standing committee
9 of the Legislature having jurisdiction over judiciary
10 matters no later than January 1st of each year concerning
11 the methods devised to keep accurate, updated records of
12 misdemeanor crimes of domestic violence to ensure
13 enforcement of 18 United States Code, Section 922 (1996).

14 **Sec. 4. 16 MRSA §636**, as enacted by PL 1993, c. 346, §1, is
15 amended to read:

16 **§636. Administration**

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18 The Department of Public Safety shall provide general
19 administrative oversight for the board's policies and
20 responsibilities. The Department of Public Safety, ~~the Bureau of~~
21 ~~Information Services~~ and other criminal justice agencies when
22 appropriate may employ personnel necessary to carry out the
23 purposes of the Maine Criminal Justice Information System, lease,
24 rent or acquire adequate equipment and facilities, accept federal
25 funds or grants that are available to carry out or implement its
26 purpose and provide technical assistance and training to criminal
27 justice agencies necessary to meet minimum standards for access.
28

29 **Sec. 5. Resolve 1997, c. 105, §4, amended. Resolved:** That Resolve
30 1997, c. 105, §4 is amended to read:

31
32 **Sec. 4. Reports. Resolved:** That the MCJUSTIS Board shall
33 submit a ~~final~~ an interim report and proposed legislation to the
34 joint standing committee of the Legislature having jurisdiction
35 over criminal justice matters, with regard to issues pertaining
36 to the Maine Criminal Code, and to the joint standing committee
37 of the Legislature having jurisdiction over judiciary matters
38 regarding all other issues by January 1, 1999. The MCJUSTIS
39 Board shall submit a final report and proposed legislation to the
40 joint standing committee of the Legislature having jurisdiction
41 over criminal justice matters, with regard to issues pertaining
42 to the Maine Criminal Code, and to the joint standing committee
43 of the Legislature having jurisdiction over judiciary matters
44 regarding all other issues by December 15, 1999. The proposed
45 legislation must accomplish the purpose of this resolve without
46 making additional substantive changes to the Maine Revised
47 Statutes. Each committee may report out additional legislation
48 related to the report.
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SUMMARY

2 This amendment replaces the bill. It revises the duties and
4 composition of the Maine Criminal Justice Information System,
MCJUSTIS, Policy Board.

6 The information to be shared among criminal justice agencies
8 and authorized private users is expanded to include conditions of
release for persons on probation or parole or admitted to bail
10 and information about protection orders, including the conditions
established in protection orders.

12 This amendment deletes from the MCJUSTIS Policy Board
14 membership the Commissioner of Inland Fisheries and Wildlife and
the Director of the Division of Probation and Parole. It adds
16 the Associate Commissioner for Adult Services. It also adds a
member, to be appointed by the Governor, who represents a
18 nongovernmental agency providing services to victims of domestic
violence. These changes keep the number of policy board members
20 at 13.

22 This amendment deletes the MCJUSTIS Policy Board's authority
to establish and collect fees.

24 This amendment revises the policy board's reporting
26 requirements. It requires the policy board to report annually to
both the joint standing committees of the Legislature having
28 jurisdiction over criminal justice matters and judiciary
matters. The report must provide information about:

30 1. The ability of the Judicial Department, the Department
32 of Public Safety and the Department of Corrections to maintain,
furnish and disseminate the specified information in an automated
34 manner; and

36 2. A project plan that delineates the date upon which each
category of information will be available in an automated fashion
38 and the date upon which planned enhancements will be available.

40 This amendment deletes the authority of the Bureau of
Information Systems to employ personnel to carry out the MCJUSTIS
42 purposes.

44 This amendment carries out the interim recommendations of
the MCJUSTIS Policy Board concerning the redrafting of criminal
46 and civil violations pursuant to Resolve 1997, chapter 105. To
accommodate a broader range of participation and review, the
48 report that was due on January 1, 1999 is termed an "interim
report," and a final report is due to the legislative committees
50 on December 15, 1999.

COMMITTEE AMENDMENT "A" to H.P. 1518, L.D. 2166

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This amendment also adds a fiscal note to the bill.

COMMITTEE AMENDMENT