

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2166

H.P. 1518

House of Representatives, April 7, 1999

**An Act to Enhance Communications Between the Department of
Corrections, the Judiciary and Law Enforcement Agencies.**

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SAXL of Portland.
Cosponsored by Senator LONGLEY of Waldo and
Representatives: POVICH of Ellsworth, THOMPSON of Naples.

2 **3. Crime data.** Specific crime data for investigations and
statistical analysis;

4 **4. Warrant information.** Warrant and wanted persons
6 information;

8 **5. Stolen property information.** Stolen property listings;
10 and

12 **6. Other information.** Other information available through
communications or networking with other states or federal
14 criminal justice agencies, or both, and information pertaining
to:

16 A. Probation;

18 B. Bail and bail conditions;

20 C. Protection orders;

22 D. Nonconviction data, defined in section 611, subsection
9; and

24 E. Civil court records.

26 **Sec. 3. 16 MRSA §632, sub-§9,** as enacted by PL 1993, c. 346,
28 §1, is amended to read:

30 **9. Offender.** "Offender" means an individual, juvenile or
adult, accused or convicted of a criminal offense under the laws
32 of this State or another state or federal law.

34 **Sec. 4. 16 MRSA §633,** as enacted by PL 1993, c. 346, §1, is
amended to read:

36 **§633. Policy board established; membership**

38 There is established the Maine Criminal and Civil Justice
40 Information System Policy Board referred to in this subchapter as
the "board." The board consists of 13 members that includes the
42 Attorney General, the Commissioner of Public Safety, the
Commissioner of Corrections, the Commissioner of Inland Fisheries
44 and Wildlife, the State Court Administrator, the Chief of the
State Police, the Director of the Division of Probation and
46 Parole, the Director of the Bureau of Information Services, a
representative of the Maine Prosecutors Association appointed by
48 the Attorney General, a representative of the Maine Chiefs of
Police Association appointed by the Commissioner of Public
50 Safety, a representative of the Maine Sheriff's Association

2 appointed by the Commissioner of Public Safety, a representative
of a federal criminal justice agency appointed by the Governor
4 and a public member who represents private users of criminal
offender record information appointed by the Governor.

6 **Sec. 5. 16 MRSA §635**, as amended by PL 1997, c. 194, §1, is
further amended to read:

8 **§635. Duties**

10 The board shall make all criminal and civil records readily
12 accessible throughout the State to assist law enforcement
14 agencies and the court system. The board also has the following
duties.

16 **1. Establish computerization.** The board shall establish
18 ~~polices--and--practices--necessary--to--provide--ready--access--to~~
~~shared,--uniform--information--on--criminal--offenders--and--crime--data~~
20 centralized computerization of records pertaining to information
described in section 631. Access to computerized records must be
22 made available to the Judicial Department, State Police,
sheriffs' departments, municipal law enforcement agencies,
24 district attorneys, probation officials and pretrial services.

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

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

48 **3. Recommendation of fees.** The board may recommend to the
Information Services Policy Board established in Title 5, section
50 1891, reasonable fees to defray the cost of operating the Maine
Criminal and Civil Justice Information System.

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

8
 Sec. 6. 16 MRSA §636, as enacted by PL 1993, c. 346, §1, is
10 amended to read:

12 **§636. Administration**

14 The Except as otherwise provided in this section, the
Department of Public Safety shall provide general administrative
16 oversight for the board's policies and responsibilities. The
Department of Public Safety, the Bureau of Information Services
18 and other criminal justice agencies when appropriate may employ
personnel necessary to carry out the purposes of the Maine
20 Criminal and Civil Justice Information System, lease, rent or
acquire adequate equipment and facilities, accept federal funds
22 or grants that are available to carry out or implement its
purpose and provide technical assistance and training to criminal
24 justice agencies necessary to meet minimum standards for access.
To assist the board in implementing the requirements of section
26 635, subsection 1, the Judicial Department shall employ an
executive director for the computerization of criminal and civil
28 justice records.

30 **Sec. 7. 16 MRSA §637**, as enacted by PL 1993, c. 346, §1, is
amended to read:

32 **§637. Meetings**

34 The board may shall meet monthly, and at ~~such-time-or~~ other
36 times as necessary to carry out its duties, ~~but-at-least-one-time~~
~~in--each--calendar--quarter~~ at a place and time as the board
38 determines and at the call of the chair. The board shall elect
annually a chair, vice-chair, secretary and a treasurer from
40 among its members.

42 **Sec. 8. Computerization.** To implement the requirements of the
Maine Revised Statutes, Title 16, section 635, subsection 1, the
44 Maine Criminal and Civil Justice Information System Policy Board
shall:

46 1. Determine responsibility for entering data by June 1,
48 1999;

50 2. Implement filing of current records by July 1, 1999;

