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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.

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SOSEPH W. MAYO, Clerk

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

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted 2 as emergencies; and 4 Whereas, the Maine Criminal Justice Information System must 6 be in compliance with the federal Violence Against Women Act of 1994: and 8 Whereas, swift access to criminal justice information protects all citizens from criminal offenders; and 10 12 Whereas, swift access to criminal justice information requires a centralized data system; and 14 Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of 16 Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and 18 safety; now, therefore, 20 Be it enacted by the People of the State of Maine as follows: 22 Sec. 1. 16 MRSA c. 3, sub-c. IX is amended by repealing the subchapter headnote and enacting the following in its place: 24 26 SUBCHAPTER IX 28 MAINE CRIMINAL AND CIVIL JUSTICE INFORMATION SYSTEM 30 Sec. 2. 16 MRSA §631, as enacted by PL 1993, c. 346, §1, is 32 amended to read: 34 §631. Maine Criminal and Civil Justice Information System 36 There is created, within the Department of Public Safety, an information clearinghouse to be known as the Maine Criminal and Civil Justice Information System. The Maine Criminal and Civil 38 Justice Information System shall provide centralized computerized 40 access to civil court records and criminal justice agencies and also shall provide authorized private users ready centralized 42 computerized access to shared uniform information on criminal offenders and crime data, including: 44 Offender tracking information. Offender-based tracking 1. information, including any active status of offenders in the 46 criminal justice system; 48 2. Criminal history information. Criminal history record 50 information that includes information on the potential risk of individuals;

2 3. Crime data. Specific crime data for investigations and statistical analysis; 4 Warrant information. Warrant and wanted 4. persons 6 information; 8 5. Stolen property information. Stolen property listings; and 10 6. Other information. Other information available through communications or networking with other states or federal 12 criminal justice agencies, or both. , and information pertaining 14 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, §1, is amended to read: 28 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 Information System Policy Board referred to in this subchapter as 40 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 and Wildlife, the State Court Administrator, the Chief of the 44 State Police, the Director of the Division of Probation and Parole, the Director of the Bureau of Information Services, a 46 representative of the Maine Prosecutors Association appointed by the Attorney General, a representative of the Maine Chiefs of 48 Police Association appointed by the Commissioner of Public 50 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 2 and a public member who represents private users of criminal 4 offender record information appointed by the Governor. Sec. 5. 16 MRSA §635, as amended by PL 1997, c. 194, §1, is 6 further amended to read: 8 §635. Duties 10 The board shall make all criminal and civil records readily accessible throughout the State to assist law enforcement 12 agencies and the court system. The board also has the following 14 duties. The board shall establish Establish computerization. 16 1. policies -- and -- practices -- necessary -- to -- provide -- ready -- access-- to 18 shared, - uniform-information - on - criminal - offenders- and - crime - data centralized computerization of records pertaining to information 20 described in section 631. Access to computerized records must be made available to the Judicial Department, State Police, sheriffs' departments, municipal law enforcement agencies, 22 district attorneys, probation officials and pretrial services. 24 2. Establish information standards. The board shall establish, maintain and promote minimum standards for accessing 26 the Maine Criminal and Civil Justice Information System to ensure 28 complete, accurate and up-to-date information is received by criminal justice agencies and authorized private users. These standards include: 30 32 A. Completeness and accuracy of information; 34 B. Limitations on access and dissemination of information; 36 C. System audits; D. System security; 38 40 E. Individuals' rights to the review of records; 42 F. Hardware and software requirements; 44 G. Networking and communications; and 46 н. Personnel qualifications and training. 48 Recommendation of fees. The board may recommend to the 3. 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.

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).

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

12 §636. Administration

The Except as otherwise provided in this section, the 14 Department of Public Safety shall provide general administrative oversight for the board's policies and responsibilities. 16 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 Criminal and Civil Justice Information System, lease, rent or 20 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 635, subsection 1, the Judicial Department shall employ an 26 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:

§637. Meetings

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The board may <u>shall</u> meet <u>monthly</u>, and at such-time-or <u>other</u> times as necessary to carry out its duties, <u>but-at-least-one-time</u> <u>in--each--calendar--quarter</u> at a place and time as the board 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:

Determine responsibility for entering data by June 1,
 1999;

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

2 3. Create a plan to document all criminal records by August 1, 1999, with the documentation completed by October 1, 1999; and 4 4. Create a plan to document all civil records by September 1, 1999, with the documentation completed by November 1, 1999. 6 8 The agencies to which computerized access to records must be made available under the Maine Revised Statutes, Title 16, section 635, subsection 1 must have access to computers and other 10 appropriate technology for records access by July 1, 1999. 12 Sec. 9. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act. 14 1999-00 16 JUDICIAL DEPARTMENT 18 20 Positions - Legislative Count (1.000)\$190,000 Personal Services 22 Provides funds for an executive director to assist 24 the Maine Criminal and Civil 26 Justice Information System Policy Board to implement 28 record computerization. 30 Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved. 32 34 **SUMMARY** 36

36 This bill gives responsibility to the current Maine Criminal Justice Information System Policy Board to implement a 38 centralized, computerized criminal and civil justice information system by a date certain. The bill appropriates funds to the 40 Judicial Department to employ an executive director to assist the board.