

MAINE STATE LEGISLATURE

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L.D. 1691

DATE: 5-30-01

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to S.P. 545, L.D. 1691, Bill, "An Act Adopting and Implementing the National Crime Prevention and Privacy Compact"

Amend the bill by striking out all of the emergency preamble (page 1, lines 1 to 26 in L.D.)

Further amend the bill by inserting after the enacting clause and before section 1 the following:

Sec. 1. 25 MRSA §1541, sub-§3, ¶¶A and B are enacted to read:

A. Notwithstanding chapter 199, the commanding officer shall ensure that the fingerprints and descriptive information of any person that have been submitted to the Federal Bureau of Investigation for the purpose of conducting a criminal history record check for noncriminal justice purposes through the interstate identification index system, as defined in section 1703, subsection 12, are not retained by the Federal Bureau of Investigation, are used solely for the purpose of providing a response to the record check and are not disseminated prior to destruction. The commanding officer shall immediately report any retention or dissemination by the Federal Bureau of Investigation of the fingerprints or descriptive information of any person to the joint standing committee of the Legislature having jurisdiction over criminal justice matters, and upon the receipt of such a report, that committee shall meet to consider renunciation, pursuant to section 1710, of the State's participation in the National Crime Prevention and Privacy Compact, chapter 199.

HOUSE AMENDMENT

Ads

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2 B. Notwithstanding chapter 199, the fingerprints and
3 descriptive information of any person that have been
4 submitted to the Federal Bureau of Investigation for the
5 purpose of conducting a criminal history record check for
6 noncriminal justice purposes through the interstate
7 identification index system, as defined in section 1703,
8 subsection 12, are not a criminal history record, as defined
9 by section 1703, subsection 5, or criminal history record
10 information, as defined by Title 16, section 611, subsection
11 3, and such submittal is not an activity related to criminal
12 justice, as defined by section 1703, subsection 6, or the
13 administration of criminal justice, as defined by Title 16,
14 section 611, subsection 1.

16 **Sec. 2. 25 MRSA §1541, sub-§9 is enacted to read:**

18 9. Compact council rules. The commanding officer shall
19 cause a copy of any rule or procedure adopted by the compact
20 council established under section 1707 that governs the use of
21 the interstate identification index system, as defined in section
22 1703, subsection 12, to be provided to the joint standing
23 committee of the Legislature having jurisdiction over criminal
24 justice matters.'

26 Further amend the bill by striking out all of the emergency
27 clause (page 13, lines 2 and 3 in L.D.)

28
29 Further amend the bill by relettering or renumbering any
30 nonconsecutive Part letter or section number to read
31 consecutively.

34 SUMMARY

36 This amendment directs the commanding officer to ensure that
37 fingerprints and information obtained for conducting a criminal
38 history record check for noncriminal justice purposes through the
39 interstate identification index system are not retained and are
40 used solely for the purpose of providing a response to the record
41 check. It requires the commanding officer to report any
42 retention or dissemination of the fingerprints and information to
43 the joint standing committee of the Legislature having
44 jurisdiction over criminal justice matters and directs that
45 committee to consider renunciation of the compact.

46
47 The amendment clarifies that the submission of fingerprints
48 and descriptive information for criminal history record checks
49 for noncriminal justice purposes does not constitute a criminal
50 history record or the administration of criminal justice.

Ads.

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The amendment removes the emergency preamble and clause.

SPONSORED BY: Edward J. Povich
(Representative POVICH)

TOWN: Ellsworth

HOUSE AMENDMENT