

2		L.D. 1989
2	DATE: 3-6-02	(Filing No. H-863)
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б	CRIMINAL JUSTICE	
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10	Reproduced and distributed under th the House.	e direction of the Clerk of
12	STATE OF M	AINE
14	HOUSE OF REPRESENTATIVES 120TH LEGISLATURE	
16	SECOND REGULAR SESSION	
18	committee amendment " \mathcal{A} " to h.p	1486 I.D. 1989 Bill "An
20	Act Regarding Criminal History Record	
22	Amend the bill by striking out clause and before the summary and	
24	following:	inscreing in res prace ene
26	' Sec. 1. 25 MRSA §1541, sub-§6, as amended by PL 1999, c. 401, Pt. W, §1, is further amended to read:	
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30	6. Establishment of fees. The State Bureau of Identification may charge a fee to nongovernmental organizations and, governmental organizations that are engaged in licensing and	
32	<u>governmental organizations that are not a governmental entity of</u> <u>the State, a county of the State or a municipality of the State</u>	
34	for servicesprovided each criminal history record check requested for noncriminal justice purposes pursuant to this	
36	ehapter <u>Title 16, chapter 3, subc</u> shall provide a name and date of	hapter VIII. The requestor
38	requested. A request made pursuant to 5 United States Code, Section 9101 must be accompanied by fingerprints. A governmental	
40	organization that is engaged in licensing may charge an applicant for the cost of the StateBureauofIdentificationservices	
42	criminal history record check. The commissioner shall establish a schedule of fees that covers the cost of providing these	
44		this-fee these fees must be
46	consistent with currently budgeted al	
48	Sec. 2. 25 MRSA §1549, as amende	d by PL 1993, c. 235, §1, is

further amended to read:

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COMMITTEE AMENDMENT

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§1549. Request for fingerprints; fee

COMMITTEE AMENDMENT "

The State Police, the sheriffs and the chiefs of police in each of the cities and towns may take or cause to be taken, and, upon payment of a \$3 fee, shall may take or cause to be taken, the fingerprints or palm prints, or fingerprints and palm prints, of any person who requests that the person's fingerprints or palm prints, or fingerprints, or fingerprints and palm prints, be taken.

to H.P. 1486, L.D. 1989

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Such fingerprints and palm prints shall must be taken on a form provided by the requesting person, or, if the person does 12 not provide a form, upon the Noncriminal Fingerprint Record. 14 Fingerprints ef palm prints or demographic information taken or collected pursuant to this section, or copies thereof, shall may not be retained by the taker or. The fingerprints, palm prints or 16 demographic information must be forwarded to the State Bureau of Identification if required by statute or if the requestor 18 requests that the fingerprints, palm prints or demographic information be forwarded to the State Bureau of Identification 20 for the purpose of obtaining a criminal history record check.' 22

Further amend the bill by inserting at the end before the summary the following:

'FISCAL NOTE

Allowing the Department of Public Safety to charge fees for 30 certain criminal history record checks requested for noncriminal justice purposes will result in insignificant increases of 32 General Fund revenue from fees.

34 The Department of Public Safety will incur some minor additional costs to conduct these record checks. These costs can 36 be absorbed within the department's existing budgeted resources.'

SUMMARY

This amendment replaces the bill and amends the laws 42 regarding criminal history records as follows.

It discontinues the practice of subsidizing the cost of criminal history record checks for noncriminal justice purposes
 for out-of-state and federal governmental entities.

48 2. It clarifies that the State Bureau of Identification may charge a fee for each requested criminal history record check for
50 noncriminal justice purposes and that the requestor must supply a name and date of birth for each record being requested.

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "H" to H.P. 1486, L.D. 1989

3. It clarifies that criminal history record checks requested pursuant to 5 United States Code, Section 9101 must be accompanied by fingerprints.

6 4. It authorizes a law enforcement agency that takes fingerprints and palm prints for noncriminal justice purposes to 8 submit the fingerprints or palm prints directly to the State Bureau of Identification when required by statute or when the 10 person requesting that the fingerprints or palm prints be taken asks the law enforcement agency to do so.

5. It specifies that a law enforcement agency that takes
14 fingerprints or palm prints, upon request, for a criminal history record check for noncriminal justice purposes may not maintain
16 any demographic information that is taken or collected in the process of taking the fingerprints or palm prints.
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6. It also adds a fiscal note.

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