



120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1989

H.P. 1486

House of Representatives, December 26, 2001

An Act Regarding Criminal History Record Checks.

Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Received by the Clerk of the House on December 19, 2001. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. Mac Failand

MILLICENT M. MacFARLAND, Clerk

Presented by Representative PEAVEY of Woolwich. Cosponsored by Representative BERRY of Livermore.

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

Sec. 1. 16 MRSA §633, as amended by PL 2001, c. 388, §15, is further amended to read:

6 §633. Policy board established; membership

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There is established the Maine Criminal Justice Information 8 System Policy Board, referred to in this subchapter as the The board consists of 14 13 members that include the 10 "board." General, the Commissioner of Public Safety, Attorney the 12 Commissioner of Corrections, the State Court Administrator, the Chief of the State Police, the Associate Commissioner for Adult Services within the Department of Corrections, the-Director-of 14 the-Bureau-of-Information-Services, the Chief Information Officer within the Department of Administrative and Financial Services, a 16 representative of the Maine Prosecutors Association appointed by 18 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 20 appointed by the Commissioner of Public Safety, a representative 22 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 24 public member who represents private users of criminal offender 26 record information appointed by the Governor.

Sec. 2. 16 MRSA §634, as enacted by PL 1993, c. 346, §1, is amended to read:

§634. Term of membership

The Attorney General, the Commissioner of Public Safety, the Commissioner of Corrections, the Commissioner of Inland Fisheries 34 and Wildlife, the State Court Administrator, the Chief of the 36 State Police, the Director of the Division of Probation and Parole and the Director-of-the-Bureau-of-Information-Services Chief Information Officer within the Department of Administrative 38 and Financial Services are members of the board during their terms of office and may appoint designees to serve in their 40 place. The other members of the board serve terms of 3 years. 42 Members of the board serve without compensation, except for reimbursement for actual expenses incurred in the performance of 44 their duties. Any vacancy on the board must be filled in the same manner as the original appointment, but only for the 46 unexpired term.

48 Sec. 3. 25 MRSA §1541, sub-§6, as amended by PL 1999, c. 401, Pt. W, §1, is further amended to read:

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Establishment of fees. 6 Tho State Bureau ٥f Identification may charge a fee to nongovernmental organizations 2 and governmental organizations that are engaged in licensing for services--provided each criminal history record check requested 4 for noncriminal justice purposes pursuant to this chapter. λ governmental organization that is engaged in licensing may charge 6 an applicant for the cost of the State-Bureau-of-Identification services criminal history record check. The requestor shall 8 provide a name and date of birth for each record being 10 requested. The commissioner shall establish a schedule-of-fees fee that covers the cost of providing these--services this Revenues generated from this fee must be credited to 12 service. the General Fund and the Highway Fund in an amount consistent with currently budgeted allotments and allocations. 14

- 16 Sec. 4. 25 MRSA §1549, 2nd ¶, as repealed and replaced by PL 1977, c. 78, §159, is amended to read:
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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 not provide a form, upon the Noncriminal Fingerprint Record. Z Fingerprints or palm prints taken pursuant to this section, or copies thereof, shall may not be retained by the taker or forwarded to the State Bureau of Identification <u>unless the requesting person is required by statute to submit the</u> fingerprints or palm prints to the State Bureau of Identification for the purpose of obtaining a criminal history record check.

- **SUMMARY**
- 32 This bill affects the laws regarding criminal history records by:

Changing an incorrect reference to a member of the
 McJustis Policy Board;

38 2. Allowing law enforcement agencies that take fingerprints and palm prints for noncriminal justice purposes to submit them
40 directly to the State Bureau of Identification when the submission is required by law; and

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 Making it clear that the State Bureau of Identification
 may charge a fee for each requested criminal history record check for noncriminal justice purposes and that the requestor must
 supply a name and date of birth for each record being requested.