

MAINE STATE LEGISLATURE

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**STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "**A**" to S.P. 110, L.D. 328, Bill, "An Act to Increase Courthouse Security"

Amend the bill by inserting after the enacting clause and before the concept draft summary the following:

Sec. 1. 4 MRSA §17, sub-§15, as amended by PL 1993, c. 675, Pt. C, §7, is repealed and the following enacted in its place:

15. Provide for court security. Plan and implement arrangements for safe and secure court premises to ensure the orderly conduct of judicial proceedings.

A. The State Court Administrator may contract for the services of qualified individuals as needed on a per diem basis to perform court security-related functions and services.

(1) For the purposes of this subsection, "qualified individuals" means individuals who are certified pursuant to Title 25, section 2804-B or 2804-C and have successfully completed additional training in court security provided by the Maine Criminal Justice Academy or equivalent training.

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2 (2) When under contract pursuant to this paragraph and
3 then only for the assignment specifically contracted
4 for, qualified individuals have the same duties and
5 powers throughout the counties of the State as sheriffs
6 have in their respective counties.

7 (3) Qualified deputy sheriffs performing contractual
8 services pursuant to this paragraph continue to be
9 employees of the counties in which they are deputized.

10 (4) Qualified individuals other than deputy sheriffs
11 performing contractual services pursuant to this
12 paragraph may not be considered employees of the State
13 for any purpose, except that they must be treated as
14 employees of the State for purposes of the Maine Tort
15 Claims Act and the Maine Workers' Compensation Act of
16 1992. They must be paid reasonable per diem fees plus
17 reimbursement of actual, necessary and reasonable
18 expenses incurred in the performance of their duties,
19 consistent with policies established by the State Court
20 Administrator.

21 B. The State Court Administrator may employ other qualified
22 individuals to perform court security-related functions and
23 services as court security officers.

24 (1) Court security officers employed under this
25 paragraph must be certified pursuant to Title 25,
26 section 2803-A, subsection 8-B.

27 (2) When on assignment for court security functions,
28 court security officers have the same powers and duties
29 throughout the counties of the State as sheriffs have
30 in their respective counties.

31 (3) Court security officers employed under this
32 paragraph are state employees for all purposes.

33 C. Notwithstanding any other provision of law, the plans,
34 arrangements and files involving court security matters are
35 confidential. Nothing in this section precludes
36 dissemination of that information to another criminal
37 justice agency;

38 Sec. 2. 25 MRSA §2801-A, sub-§2-A is enacted to read:

39 2-A. Court security officer. "Court security officer"
40 means a law enforcement officer employed by the Judicial Branch
41 to provide security and protection to the Judicial Branch and the
42 courts located within the State.

2 **Sec. 3. 25 MRSA §2801-B, sub-§1, ¶¶H and I**, as repealed and
4 replaced by PL 2001, c. 710, §11 and affected by §12, are amended
to read:

6 H. The State Fire Marshal; ~~or~~

8 I. The Chief of the Bureau of Liquor Enforcement within the
10 Department of Public Safety; ~~or~~

12 **Sec. 4. 25 MRSA §2801-B, sub-§1, ¶J** is enacted to read:

14 J. A court security officer.

16 **Sec. 5. 25 MRSA §2803-A, sub-§8-B** is enacted to read:

18 **8-B. Training of court security officers.** To establish
certification standards and a preservice and in-service training
20 program for court security officers. This program must include:

22 A. Preservice law enforcement training under section 2804-B;

24 B. An additional 40-hour basic court security training
program developed and approved by the board that is specific
to the duties of a court security officer; and

26 C. In-service law enforcement training that is specifically
approved by the board as prescribed in section 2804-E.

30 Court security officers are exempt from section 2804-C, but
completion of basic training under section 2804-C exempts a
32 person from the preservice training requirement under paragraph A;

34 **Sec. 6. 25 MRSA §2804-K** is enacted to read:

36 **§2804-K. Law enforcement training for court security officers**

38 As a condition to the continued employment of any person as
a full-time court security officer, that person must successfully
40 complete, within the first 12 months of employment, the training
required under section 2803-A, subsection 8-B. Thereafter, as a
42 condition of continued employment as a full-time court security
officer, the officer must satisfactorily maintain the court
44 security officer certification by completing recertification
requirements prescribed by the board. The board, under
46 extenuating and emergency circumstances in individual cases, may
extend that period for not more than 90 days.'

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SUMMARY

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This amendment replaces the bill. It provides training requirements for court security officers. Current law authorizes the State Court Administrator to employ court security officers who have valid certification as law enforcement officers as well as specific training in court security functions.

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This amendment defines "court security officer" in the context of law enforcement training.

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This amendment requires the Maine Criminal Justice Academy to establish certification standards and a training program for court security officers. The program must include 100 hours of preservice training for law enforcement officers, a 40-hour training course on court security and continuing education requirements to maintain certification. Completion of basic law enforcement training satisfies the preservice training requirement.

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FISCAL NOTE REQUIRED
(See attached)



**121st Maine Legislature
Office of Fiscal and Program Review**

LD 328

An Act to Increase Courthouse Security

LR 1145(02)

Fiscal Note for Bill as Amended by Committee Amendment "A S-21E"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Undetermined current biennium savings - General Fund

Fiscal Detail and Notes

This bill will exempt court security officers from taking the 18 week " Basic Law Enforcement Training" at the Maine Criminal Justice Academy. This exemption will result in a significant cost avoidance of unbudgeted costs to the Judicial Department. The Judicial Department will provide in service training and court-security training on the job and instruction will be provided by Judicial Branch supervisory and management staff to minimize the cost.