

	L.D. 891							
DATE: 4-8-04				(Filing No. H-			880)	
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Clerk of

## STATE OF MAINE HOUSE OF REPRESENTATIVES **121ST LEGISLATURE** SECOND SPECIAL SESSION

14 HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 286, L.D. 891, Bill, "An Act To Require the Videotaping of Police 16 Interrogations"

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the House.

Amend the amendment by striking out the substitute title and 20 replacing it with the following:

22 'An Act To Require Law Enforcement Agencies To Adopt Policies Concerning Recording and Preservation of Interviews'

Further amend the amendment by striking out all of sections 1 and 2 and inserting in their place the following: 26

- 'Sec. 1. 25 MRSA §2803-B, sub-§1, ¶H, as amended by PL 2003, 28 c. 370, §1, is further amended to read:
  - H. Criminal conduct engaged in by law enforcement officers; and
- Sec. 2. 25 MRSA §2803-B, sub-§1, ¶I, as enacted by PL 2003, c. 34 370,  $\S2$ , is amended to read:
- Death investigations, including at a minimum I. the 38 protocol of the Department of the Attorney General regarding such investigations -; and 40
  - Sec. 3. 25 MRSA §2803-B, sub-§1, ¶J is enacted to read:
- J. Digital, electronic, audio, video or other recording of 44 law enforcement interviews of suspects in serious crimes and the preservation of investigative notes and records in such 46 cases.

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HOUSE AMENDMENT "H" to COMMITTEE AMENDMENT "A" to S.P. 286, L.D. 891

Sec. 4. 25 MRSA §2803-B, sub-§§2 and 3, as amended by PL 2003, c. 370, §3, are further amended to read:

4 2. Minimum policy standards. The board shall establish minimum standards for each law enforcement policy no later than June 1, 1995, except that policies for expanded requirements for 6 domestic violence under subsection 1, paragraph D, subparagraphs 8 (1) to (3) must be established no later than January 1, 2003 and: policies for death investigations under subsection 1, paragraph I 10 must be established no later than January 1, 2004; and policies for the recording and preservation of interviews of suspects in 12 serious crimes under subsection 1, paragraph J must be established no later than January 1, 2005. 14

Agency compliance. The chief administrative officer of 3. 16 each law enforcement agency shall certify to the board no later than January 1, 1996 that the agency has adopted written policies 18 consistent with the minimum standards established by the board pursuant to subsection 2, except that certification to the board 20 for expanded policies for domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be made to the board 22 no later than June 1, 2003 and; certification to the board for adoption of a death investigation policy under subsection 1, 24 paragraph I must be made to the board no later than June 1, 2004; and certification to the board for adoption of a policy for the 26 recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph J must be made to the board 28 no later than June 1, 2005. This The certification must be accompanied by copies of the agency policies. The chief administrative officer of each agency shall certify to the board 30 later than June 1, 1996 that the agency has provided no 32 orientation and training for its members with respect to the policies, except that certification for orientation and training with respect to expanded policies for domestic violence under 34 subsection 1, paragraph D must be made to the board no later than January 1, 2004 and; certification for orientation and training 36 with respect to policies regarding death investigations must be 38 made to the board no later than January 1, 2005; and certification for orientation and training with respect to policies regarding the recording and preservation of interviews 40 of suspects in serious crimes under subsection 1, paragraph J must be made to the board no later than January 1, 2005. ' 42

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#### SUMMARY

48 The bill required law enforcement agencies to videotape certain examinations. This amendment instead requires law 50 enforcement agencies to formally adopt written policies

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# HOUSE AMENDMENT

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 286, L.D. 891

regarding procedures to deal with the digital, electronic, audio, video or other recording of law enforcement interviews of suspects in serious crimes and the preservation of investigative notes and records in such cases.

6 SPONSORED BY: 8 e J. MILLS) (Representati 10

TOWN: Farmington

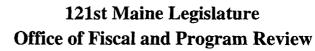
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FISCAL NOTE REQUIRED (See attached)

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Approved: 03/04/04



LD 891 An Act to Require the Videotaping of Police Interrogations

LR 0575(05) Fiscal Note for House Amendment " " to Committee Amendment " " Sponsor: Rep. Mills of Farmington Fiscal Note Required: Yes

## **Fiscal Note**

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Net Cost (Savings) General Fund	\$0	(\$1,000)	\$0	\$0
Appropriations/Allocations General Fund	\$0	(\$1,000)	\$0	\$0

### **State Mandate**

New or Expanded Activity	Unit Affected	Costs Insignificant	
Requiring local law enforcement agencies to adopt certain written policies is an	Municipality		
unfunded state mandate. While the exact costs can not be determined at this time,	County		
the costs of developing written policies is not expected to be significant.			

## **Fiscal Detail and Notes**

This amendment removes the \$1,000 appropriation that was in the committee amendment. The mandate for the purchase of surplus recording equipment by law enforcement agencies is eliminated but is replaced by the above described mandate for written policies.

