

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

MS

L.D. 891

2

DATE: 4-8-04

(Filing No. H-880)

4

6

Reproduced and distributed under the direction of the Clerk of the House.

8

10

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

12

14

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

16

18

20

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

22

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

24

26

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

28

'Sec. 1. 25 MRSA §2803-B, sub-§1, ¶H, as amended by PL 2003, c. 370, §1, is further amended to read:

30

32

H. Criminal conduct engaged in by law enforcement officers; and

34

Sec. 2. 25 MRSA §2803-B, sub-§1, ¶I, as enacted by PL 2003, c. 370, §2, is amended to read:

36

38

I. Death investigations, including at a minimum the protocol of the Department of the Attorney General regarding such investigations; and

40

42

Sec. 3. 25 MRSA §2803-B, sub-§1, ¶J is enacted to read:

44

J. 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.

46

R. 018

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

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

44
46

SUMMARY

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

RMS

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

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

6

8

SPONSORED BY:



(Representative J. MILLS)

10

TOWN: Farmington

12

FISCAL NOTE REQUIRED
(See attached)

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



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

Requiring local law enforcement agencies to adopt certain written policies is an unfunded state mandate. While the exact costs can not be determined at this time, the costs of developing written policies is not expected to be significant.

Unit Affected

Municipality
County

Costs

Insignificant

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.