

# MAINE STATE LEGISLATURE

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MRS  
R.018

L.D. 891

DATE: 4-14-04

(Filing No. S-513)

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STATE OF MAINE  
SENATE  
121ST LEGISLATURE  
SECOND SPECIAL SESSION

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

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

**'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:

**'Sec. 1. 25 MRSA §2803-B, sub-§1, ¶H,** as amended by PL 2003, 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. 370, §2, is amended to read:

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

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

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.

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

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 domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be established no later than January 1, 2003 and; 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. The minimum standards for policies for the recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph J must designate that such interviews be electronically recorded. For purposes of this subsection, "electronic recording" includes videotape, audiotape, motion picture and digital recording.

3. **Agency compliance.** The chief administrative officer of each law enforcement agency shall certify to the board no later than January 1, 1996 that the agency has adopted written policies consistent with the minimum standards established by the board pursuant to subsection 2, except that certification to the board for expanded policies for domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be made to the board no later than June 1, 2003 and; certification to the board for adoption of a death investigation policy under subsection 1, 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 recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph J must be made to the board 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 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.'

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**SUMMARY**

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This amendment incorporates the provisions of House Amendment "A" to Committee Amendment "A" and provides that the minimum standards for policies for the recording and preservation of interviews of suspects in serious crimes under the Maine Revised Statutes, Title 25, section 2803-B, subsection 1, paragraph J must designate that such interviews be electronically recorded.


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SPONSORED BY:   
(Senator STRIMLING)

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COUNTY: Cumberland

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**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(09)**

**Fiscal Note for Senate Amendment 'C' to Committee Amendment 'A'**

**Sponsor: Sen. Strimling**

**Fiscal Note Required: Yes**

**Fiscal Note**

Current Cost - State Mandate

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

**State Mandate**

**New or Expanded Activity**

Requiring local law enforcement agencies to adopt certain written policies regarding the interrogation of certain suspects and requiring the use of electronic recordings are state mandates.

**Unit Affected**

Municipality  
County

**Costs**

Significant

**Fiscal Detail and Notes**

This amendment removes the \$1,000 appropriation that was in the committee amendment, resulting in General Fund savings. It also removes the requirement that the Bureau of General Services provide surplus electronic equipment at reduced cost to local law enforcement agencies. A requirement for written policies is added to the requirement for electronic recording of certain interrogations.