

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1053, L.D. 1434, Bill, "An Act To Ensure Basic Standards for Death Investigations by Law Enforcement Agencies"

Amend the bill by inserting after the title the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill by inserting after section 2 the following:

'Sec. 3. 25 MRSA §2803-B, sub-§§2 and 3, as amended by PL 2001, c. 686, Pt. B, §1, 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) may 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.

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

COMMITTEE AMENDMENT

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. This 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.

Sec. 4. 25 MRSA §2803-B, sub-§4, as enacted by PL 1993, c. 744, §5, is amended to read:

4. Penalty. An agency that fails to comply with any provision of subsection 3 commits a civil violation for which the State Government or local government entity whose officer or employee committed the violation may be adjudged a forfeiture fine not to exceed \$500.'

SUMMARY

This amendment directs the Board of Trustees of the Maine Criminal Justice Academy to establish by January 1, 2004 the new model policy for death investigations that the bill requires. The amendment also requires that each law enforcement agency certify by June 1, 2004 to the board that the agency has adopted a death investigation policy and requires a law enforcement agency to certify by June 1, 2005 that the law enforcement agency has adopted orientation and training regarding the new policy.

This amendment changes "forfeiture" to "fine" to conform to MCJUSTIS drafting standards.

This amendment also adds a mandate preamble.

FISCAL NOTE REQUIRED
(See attached)

121st Maine Legislature
Office of Fiscal and Program Review



LD 1434

An Act to Ensure Basic Standards for Death Investigations by Law Enforcement Agencies

LR 1993(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Exempt State Mandate

State Mandate

New or Expanded Activity

Requiring law enforcement agencies to adopt a written policy to deal with death investigations is a state mandate pursuant to the constitution. Pursuant to the Mandate Preamble, the State is exempted from funding 90% of the additional local costs associated with the requirement that local law enforcement agencies must develop written policies for death investigations.

Unit Affected

Municipality
County

Costs

Minor