

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1524

H.P. 1115

House of Representatives, April 7, 2003

An Act To Conform to Federal Standards Maine's Law Regarding Strip Searches of Persons in Custody

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered
printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BUNKER of Kossuth Township.
Cosponsored by Senator STRIMLING of Cumberland.

Be it enacted by the People of the State of Maine as follows:

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Sec. 1. 5 MRSA §200-G, sub-§2, ¶A, as enacted by PL 1983, c. 789, §1, is amended to read:

A. ~~No~~ A person arrested for a Class D or E crime, or a traffic violation ~~or a violation of a city, county or town ordinance which~~ that is punishable by no more than 30 days in jail, may not be subjected to a strip search or body cavity search, unless there is a reasonable ~~cause to believe,~~ suspicion on the part of the law enforcement officer authorizing the search, ~~that the individual is concealing a weapon, contraband or evidence of a crime, or unless the arrestee is about to come into contact with the inmate population of a detention facility.~~

SUMMARY

This bill seeks to conform the law on strip searches to developments in case law since the initial enactment of this statute. Before a law enforcement officer authorizes a strip or body cavity search of any person arrested for a Class D or E crime or a traffic violation not punishable by more ~~than~~ 30 days in jail, that officer must have, at a minimum, a reasonable suspicion ~~that~~ the person is concealing a weapon, contraband or evidence of a crime. The fact that the person is about to come into contact with the inmate population of a detention facility is no longer justification for dispensing with the reasonable suspicion requirement for persons arrested for minor crimes, traffic violations and ordinance violations.