

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1573

S.P. 532

In Senate, April 14, 2003

### **An Act To Make Minor Changes to the Required Law Enforcement Policies**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator STRIMLING of Cumberland.  
Cosponsored by Representative JODREY of Bethel.

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

4 **Sec. 1. 25 MRSA §2803-B, sub-§1, ¶D**, as amended by PL 2001, c.  
686, Pt. B, §1, is further amended to read:

6 D. Domestic violence, which must include, at a minimum, the  
8 following:

10 (1) A process to ensure that a victim receives  
notification of the defendant's release from jail;

12 (2) ~~A risk assessment for~~ A process for the collection  
14 of information regarding the defendant that includes  
the defendant's previous history, the parties'  
16 relationship, the name of the victim and a process to  
relay this information to a bail commissioner before a  
bail determination is made; and

18 (3) A process for the safe retrieval of personal  
20 property belonging to the victim or the defendant that  
includes identification of a possible neutral location  
22 for retrieval, the presence of at least one law  
enforcement officer during the retrieval and giving the  
24 victim the option of at least 24 hours notice to each  
party prior to the retrieval;

26  
28 **SUMMARY**

30 This bill makes minor changes to the requirements contained  
within the mandatory law enforcement policy on domestic  
32 violence. Law enforcement agencies must have policies that  
require the collection of certain information by an officer that  
34 is to be provided to the bail commissioner after the arrest of a  
person involved in a domestic violence incident. A reference to  
36 a risk assessment is changed to the collection of information.  
The arresting officer does not perform a risk assessment.  
38 Secondly, the requirements regarding retrieval of personal  
property are modified slightly to allow for, rather than require,  
40 a neutral location for the exchange and to give the victim the  
option of 24 hours' notice to each party prior to retrieval  
42 rather than requiring it.