

MAINE STATE LEGISLATURE

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3
R.O.S.

L.D. 1027

2 DATE: 5/25/5

(Filing No. H-531)

4
6 CRIMINAL JUSTICE AND PUBLIC SAFETY

8 Majority

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14 STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
16 FIRST SPECIAL SESSION

18 COMMITTEE AMENDMENT "A" to H.P. 712, L.D. 1027, Bill, "An
20 Act To Require That a Person Arrested on a Domestic Violence
Charge Be Held for at Least 4 Hours before Being Released on Bail"

22 Amend the bill by striking out the title and substituting
24 the following:

26 **'An Act To Ensure the Safety of Victims of Domestic Violence'**

28 Further amend the bill by striking out everything after the
title and before the summary and inserting in its place the
30 following:

32 **'Emergency preamble. Whereas,** acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
34 as emergencies; and

36 **Whereas,** privacy and confidentiality are critical to the
safety of a domestic violence victim, and disclosure of
38 information that directly or indirectly reveals the identity and
location of a victim who has sought domestic violence services
40 can create a serious risk of physical harm to the victim or to
the victim's family members; and

42 **Whereas,** it is necessary to protect the privacy of victims
44 of domestic violence and, in doing so, clarify that privileged
communication between a victim and a domestic violence advocate
46 includes the personal identifying information of that victim; and

48 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of

COMMITTEE AMENDMENT

12 of 8.

COMMITTEE AMENDMENT "A" to H.P. 712, L.D. 1027

Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 16 MRSA §53-B, sub-§1, ¶A-1 is enacted to read:

A-1. "Confidential communications" means all information, whether written or oral, transmitted between a victim and a domestic violence advocate in the course of the working relationship. "Confidential communications" includes, but is not limited to, information received or given by the advocate in the course of the working relationship, advice, records, reports, notes, memoranda, working papers, electronic communications, case files, history and statistical data, including name, date of birth and social security number, that personally identify the victim.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.'

SUMMARY

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. This amendment creates the definition of "confidential communications" in the Maine Revised Statutes, Title 16, section 53-B, which deals with privileged communications to a victim advocate. The purpose of the new definition is to clarify that a victim, advocate or advocate's agency may not be required to disclose or report personal identifying information of a victim of domestic violence to any agency, including the central reporting system of the Federal Government known as the Homeless Management Information System. The amendment also adds an emergency preamble and clause and amends the title to reflect the purpose of the amendment.