

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 324

H.P. 260

House of Representatives, February 3, 2009

An Act To Allow Limited Information Sharing in Domestic Violence Cases

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HASKELL of Portland.
Cosponsored by Senator SIMPSON of Androscoggin and
Representatives: BLANCHARD of Old Town, CLARK of Millinocket, FLOOD of Winthrop,
KNAPP of Gorham, PETERSON of Rumford, WATSON of Bath, WEBSTER of Freeport,
Senator: JACKSON of Aroostook.

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

2 **Sec. 1. 16 MRSA §614, sub-§3, ¶C,** as amended by PL 2003, c. 402, §1, is
3 further amended to read:

4 C. An accused person or that person's agent or attorney if authorized by:

5 (1) The district attorney for the district in which that accused person is to be
6 tried;

7 (2) A rule or ruling of a court of this State or of the United States; or

8 (3) The Attorney General; or

9 **Sec. 2. 16 MRSA §614, sub-§3, ¶D,** as enacted by PL 2003, c. 402, §2, is
10 amended to read:

11 D. A victim or victim's agent or attorney, subject to reasonable limitations to protect
12 the interest described in subsection 1; or

13 **Sec. 3. 16 MRSA §614, sub-§3, ¶E** is enacted to read:

14 E. A person with a specific agreement with a criminal justice agency to provide
15 services required for the administration of criminal justice. The agreement must
16 specifically authorize access to information, limit the use of the information to
17 purposes for which it is given, ensure security and confidentiality of the information
18 consistent with this subchapter and provide sanctions for violations. An agreement is
19 not effective until approved by the Commissioner of Public Safety.

20 **SUMMARY**

21 The purpose of this bill is to allow law enforcement agencies to share investigative
22 reports with family violence projects and other providers of services to victims. This bill
23 amends the criminal history record information laws to provide an exception to the
24 prohibition on the dissemination of intelligence and investigative information consistent
25 with the existing law concerning the dissemination of nonconviction information. This
26 bill allows a criminal justice agency to share intelligence and investigative information
27 subject to a specific agreement that provides for access to the information, limits the use
28 of the information to the purposes for which it is given, ensures security and
29 confidentiality of the information and provides sanctions for violations. This bill requires
30 that the agreement must be approved by the Commissioner of Public Safety to avoid
31 problems with federal limitations on the sharing of certain information.