

MAINE STATE LEGISLATURE

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MAJORITY

L.D. 1442

Date: 5-28-09

(Filing No. S-265)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 526, L.D. 1442, Bill, "An Act To Ban Racial Profiling"

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

'An Act To Create the Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 5 MRSA §12004-I, sub-§74-F is enacted to read:

74-F.

Public Safety

Advisory Committee Not Authorized

25 MRSA §3001

on Bias-based

Profiling by Law

Enforcement

Officers and Law

Enforcement

Agencies

Sec. 2. 25 MRSA c. 355 is enacted to read:

CHAPTER 355

ADVISORY COMMITTEE ON BIAS-BASED PROFILING BY LAW
ENFORCEMENT OFFICERS AND LAW ENFORCEMENT AGENCIES

COMMITTEE AMENDMENT

§3001. Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies

1. Committee established. The Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies, referred to in this chapter as "the committee," is established by Title 5, section 12004-I, subsection 74-F to study the issue of bias-based profiling.

2. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Bias-based profiling" means the use by a law enforcement officer or law enforcement agency of race, ethnicity, religion or national origin, in the absence of a specific report or other identifying information, as a factor in determining the existence of probable cause or reasonable suspicion for an arrest, investigative detention, field identification or traffic stop.

B. "Commissioner" means the Commissioner of Public Safety.

3. Membership. The committee consists of the following members:

A. The commissioner or the commissioner's designee, who shall act as cochair;

B. One representative from each of the following law enforcement organizations, appointed by the commissioner from a list submitted by the organization to the commissioner:

(1) One representative of a statewide association of chiefs of police;

(2) One representative of a statewide association of sheriffs;

(3) One representative of police labor organizations in this State; and

(4) One at-large active line officer who is a member of a police labor organization in this State;

C. One at-large representative who is a current or former officer of the Maine State Police, appointed by the commissioner;

D. The Attorney General or the Attorney General's designee;

E. One representative appointed by the Board of Trustees of the Maine Criminal Justice Academy;

F. Seven representatives from different civil rights organizations in the State, each appointed by the commissioner and selected from a list submitted by civil rights organizations to the commissioner. Of the 7, at least one representative must be selected from the list submitted by chapters of the National Association for the Advancement of Colored People within the State, and that member shall act as cochair; and

G. One representative appointed by the commissioner and selected from lists submitted by federally recognized Indian tribes in this State.

1 **4. Terms.** Members shall serve for 3-year terms. When a vacancy occurs, the
2 original appointing authority shall appoint a new member to serve for the remainder of
3 the term.

4 **5. Meetings.** The committee may meet as often as necessary.

5 **6. Compensation.** Members of the committee are not entitled to compensation
6 according to the provisions in Title 5, section 12004-I, subsection 74-F.

7 **7. Duties.** The committee shall:

8 A. Work with the Board of Trustees of the Maine Criminal Justice Academy to
9 develop a model policy on bias-based profiling;

10 B. Work with law enforcement across the State on a voluntary basis to assess
11 whether or not bias-based profiling occurs in this State and, if it does, to what extent
12 and to offer proposals and make recommendations to address the matter;

13 C. Make recommendations to the Board of Trustees of the Maine Criminal Justice
14 Academy on curricula for basic and in-service law enforcement training on the
15 subject of bias-based profiling;

16 D. Establish a mechanism for outreach and public awareness campaigns to educate
17 advocacy organizations and the general public about modern law enforcement
18 practices and procedures; and

19 E. Advise the Legislature on matters involving bias-based profiling on its own
20 initiative or when requested.

21 **8. Annual report.** Beginning in 2010, the committee shall report annually by
22 February 15th and as requested to the joint standing committee of the Legislature having
23 jurisdiction over criminal justice and public safety matters and to the Board of Trustees of
24 the Maine Criminal Justice Academy. The report may serve as a guide for the joint
25 standing committee concerning the need for legislation on the issue of bias-based
26 profiling. The joint standing committee is authorized to report out relevant legislation
27 after receiving the committee's annual report.

28 **§3002. Advisory Committee on Bias-based Profiling by Law Enforcement Officers**
29 **and Law Enforcement Agencies Fund**

30 **1. Fund established.** The Advisory Committee on Bias-based Profiling by Law
31 Enforcement Officers and Law Enforcement Agencies Fund, referred to in this section as
32 "the fund," is established as an Other Special Revenue Funds account and is nonlapsing.
33 The commissioner may use the fund only to support the costs associated with committee
34 administration and educational and training materials regarding bias-based profiling.

35 **2. Revenue sources.** The commissioner may accept private and public contributions
36 intended to be used for the purposes of the fund.

37 **3. Budget.** The commissioner shall submit a budget for the fund for each biennium
38 pursuant to Title 5, sections 1663 and 1666.

39 **§3003. Repeal**

40 This chapter is repealed November 1, 2012.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Criminal Justice Academy 0290

Initiative: Establishes the Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies Fund with a base allocation of \$500.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

SUMMARY

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety, and it changes the title and replaces the bill. The amendment creates the Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies whose membership includes the Commissioner of Public Safety, the Attorney General, representatives of law enforcement groups, representatives of civil rights groups and a representative from a federally recognized Indian tribe in the State. The duties of the committee include: working with the Board of Trustees of the Maine Criminal Justice Academy to develop a model policy on bias-based profiling; working with law enforcement across the State on a voluntary basis to assess whether or not bias-based profiling occurs in Maine and, if it does, to what extent and making recommendations to address the matter; making recommendations to the Board of Trustees of the Maine Criminal Justice Academy on curricula for basic and in-service law enforcement training on the subject of bias-based profiling; establishing a mechanism for outreach and public awareness campaigns to educate advocacy organizations and the general public about modern law enforcement practices and procedures; and advising the Legislature on matters involving bias-based profiling on its own initiative and when requested.

The amendment also specifies that the committee is required to report annually to the Joint Standing Committee on Criminal Justice and Public Safety and to the Board of Trustees of the Maine Criminal Justice Academy. The Joint Standing Committee on Criminal Justice and Public Safety has authority to report out legislation each year upon receiving the report. The amendment creates a nonlapsing Other Special Revenue Funds account for the deposit of funds from outside sources. The Commissioner of Public Safety shall administer the fund and may use the fund only to support the administrative costs associated with the committee and educational and training materials regarding bias-based profiling.

1 The laws governing the Advisory Committee on Bias-based Profiling by Law
2 Enforcement Officers and Law Enforcement Agencies and its Other Special Revenue
3 Funds account are repealed on November 1, 2012.

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**

**124th MAINE LEGISLATURE****LD 1442****LR 1582(02)****An Act To Ban Racial Profiling****Fiscal Note for Bill as Amended by Committee Amendment "A"****Committee: Criminal Justice and Public Safety****Fiscal Note Required: Yes**

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Appropriations/Allocations				
Other Special Revenue Funds	\$500	\$500	\$500	\$500

Fiscal Detail and Notes

This legislation creates the Advisory Committee on Bias-based Profiling Fund. An Other Special Revenue Funds allocation of \$500 in fiscal years 2009-10 and 2010-11 has been established. Additional costs to the Department of Public Safety associated with providing training to law enforcement officers at the Maine Criminal Justice Academy regarding racial profiling can be absorbed within existing budgeted resources.

The additional costs to the Department of the Attorney General related to the Advisory Committee on Bias-based Profiling can be absorbed utilizing existing budgeted resources.