

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 685

H.P. 477

House of Representatives, February 26, 2013

**An Act To Require Investigation and Prosecution of Assaults by
Law Enforcement Officers against Unarmed Individuals**

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KUSIAK of Fairfield. (BY REQUEST)

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

2 **Sec. 1. 5 MRSA §200-A**, as amended by PL 1995, c. 200, §1, is further amended
3 by adding at the end a new paragraph to read:

4 The Attorney General shall prosecute all credible claims of assault against an
5 unarmed person by a law enforcement officer.

6 **Sec. 2. 25 MRSA c. 409** is enacted to read:

7 **CHAPTER 409**

8 **ASSAULTS ON UNARMED PERSONS**

9 **§3841. Assault on unarmed persons**

10 A law enforcement agency may investigate a claim of assault against an unarmed
11 person by a law enforcement officer of another law enforcement agency. A law
12 enforcement officer who assaults an unarmed person is not immune from personal civil
13 liability under Title 14, section 8111, subsection 1.

14 **SUMMARY**

15 This bill requires the Attorney General to prosecute all credible claims of assault by a
16 law enforcement officer against an unarmed person, allows a law enforcement agency to
17 investigate a claim of assault on an unarmed person by a law enforcement officer of
18 another law enforcement agency and removes the immunity from personal civil liability
19 from a law enforcement officer who assaults an unarmed person.