

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 841

H.P. 592

House of Representatives, March 5, 2013

An Act To Prevent Offensive Touching of a Person Seeking Access to Public Facilities

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LIBBY of Waterboro.

Cosponsored by Representatives: CHIPMAN of Portland, DUNPHY of Embden, HARLOW of Portland, HARVELL of Farmington, RUSSELL of Portland, SANDERSON of Chelsea, SIROCKI of Scarborough, Senator: COLLINS of York.

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

2 **Sec. 1. 17-A MRSA §214** is enacted to read:

3 **§214. Unlawful contact during a security screening**

4 **1. A person is guilty of unlawful contact during a security screening if:**

5 **A. As part of a security screening performed by the person to detect and intercept**
6 **weapons and other prohibited items that an individual may attempt to bring into a**
7 **public building, the person knowingly or recklessly subjects the individual being**
8 **screened to unlawful contact; and**

9 **B. The person is employed or under contract for services by the State.**

10 **A violation of this subsection is a Class D crime.**

11 **2. For purposes of this section, unless the context otherwise indicates, the following**
12 **terms have the following meanings.**

13 **A. "Public building" means a building owned or leased by the State to which the**
14 **public has access, except "public building" does not include a correctional facility as**
15 **defined in Title 34-A, section 1001, subsection 6; a county or municipal detention**
16 **facility as described in Title 34-A, section 1208; or a facility used to house county**
17 **prisoners, including, but not limited to, a secure detention facility as defined in Title**
18 **15, section 3003, subsection 24-A and a temporary holding resource as defined in**
19 **Title 15, section 3003, subsection 26.**

20 **B. "Unlawful contact during a security screening" or "unlawful contact" means**
21 **touching of the anus, genitals, breasts, buttocks or inner thigh directly or through**
22 **clothing or touching in a manner that would be offensive to a reasonable person.**

23 **3. This section does not apply to a person performing a security screening who has a**
24 **reasonable articulable suspicion that the individual being screened has a prohibited item**
25 **that may not be detected or intercepted without making contact that is otherwise**
26 **prohibited under subsection 1.**

27 **SUMMARY**

28 This bill creates the new Class D crime of unlawful contact during a security
29 screening, which prohibits a person conducting a security screening of an individual
30 seeking access to certain public buildings from touching certain areas of that individual
31 without a reasonable and articulable suspicion that the individual possesses a prohibited
32 item that may not be detectable without touching those areas. This prohibition does not
33 apply to security screenings at correctional facilities.