

MAINE STATE LEGISLATURE

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Date: 3-4-16

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
127TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 588, L.D. 1526, Bill, "An Act To Permit Disclosure of Certain Intelligence and Investigative Record Information by a Criminal Justice Agency to a Nongovernmental Advocacy Program for Persons with Mental Illness"

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

'An Act Regarding the Disclosure of Intelligence and Investigative Record Information'

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

'Sec. 1. 16 MRSA §806, sub-§3, as enacted by PL 2013, c. 267, Pt. A, §3, is repealed.

Sec. 2. 16 MRSA §806, sub-§4 is enacted to read:

4. A counselor or advocate. A sexual assault counselor, as defined in section 53-A, subsection 1, paragraph B, or an advocate, as defined in section 53-B, subsection 1, paragraph A. A person to whom intelligence and investigative record information is disclosed pursuant to this subsection:

A. May use the information only for planning for the safety of the victim of a sexual assault or domestic or family violence incident to which the information relates;

B. May not further disseminate the information;

C. Shall ensure that physical copies of the information are securely stored and remain confidential;

D. Shall destroy all physical copies of the information within 30 days after their receipt;

E. Shall permit criminal justice agencies providing such information to perform reasonable and appropriate audits to ensure that all physical copies of information

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1 obtained pursuant to this subsection are maintained in accordance with this
2 subsection; and

3 F. Shall indemnify and hold harmless criminal justice agencies providing
4 information pursuant to this subsection with respect to any litigation that may result
5 from the provision of the information to the person.'

6 **SUMMARY**

7 This amendment replaces the bill and changes the title. Current law allows a criminal
8 justice agency to disclose intelligence and investigative record information to a sexual
9 assault counselor or an advocate for victims of domestic or family violence if a specific
10 agreement exists between the counselor or advocate and the agency and the agreement
11 contains terms provided in the statute. The amendment repeals these provisions and
12 instead places into law a list of requirements that must be met by a sexual assault
13 counselor or an advocate that receives intelligence and investigative record information
14 from a criminal justice agency.

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