

# MAINE STATE LEGISLATURE

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2/10/18  
R. G. S.

L.D. 1268

Date: 4-6-18

(Filing No. H-732)

**MAJORITY**  
**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE**  
**HOUSE OF REPRESENTATIVES**  
**128TH LEGISLATURE**  
**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 880, L.D. 1268, Bill, "An Act To Enhance Pretrial Justice through Risk-based Decision Making with Enhanced Diversion, Release and Treatment Options for Eligible Defendants"

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

**'An Act To Establish the Statewide Criminal Justice Coordinating Council'**

Amend the bill by inserting after the title and before the enacting clause the following:

**'Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.'

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-J is enacted to read:**

**74-J.**

<u>Public Safety</u>	<u>Statewide Criminal</u>	<u>Expenses Only for</u>	<u>25 MRSA §2917</u>
	<u>Justice Coordinating</u>	<u>Legislative</u>	
	<u>Council</u>	<u>Members</u>	

**Sec. 2. 25 MRSA §2917 is enacted to read:**

**§2917. Statewide Criminal Justice Coordinating Council**

**1. Statewide Criminal Justice Coordinating Council.** The Statewide Criminal Justice Coordinating Council, established by Title 5, section 12004-I, subsection 74-J and referred to in this section as "the council," is established to accept and review data on encounters between law enforcement agencies and members of the public, including

**COMMITTEE AMENDMENT**

ROFS

1 persons with mental illness and persons with substance use disorders, and data gathered  
2 through the use of nationally validated screening and assessment tools when persons are  
3 admitted to jail.

4 A. The council consists of:

5 (1) The House and Senate chairs of the joint standing committee of the  
6 Legislature having jurisdiction over criminal justice and public safety matters and  
7 the joint standing committee of the Legislature having jurisdiction over health  
8 and human services matters;

9 (2) The Commissioner of Public Safety or the commissioner's designee;

10 (3) The Commissioner of Health and Human Services or the commissioner's  
11 designee;

12 (4) The Commissioner of Corrections or the commissioner's designee;

13 (5) The president of a statewide association of county sheriffs;

14 (6) A representative of the Consumer Council System of Maine established in  
15 Title 34-B, section 3611, designated by that organization;

16 (7) A representative of the agency designated by the Governor pursuant to Title  
17 5, section 19502 to serve as the protection and advocacy agency for persons with  
18 disabilities, designated by that agency;

19 (8) A representative of a statewide organization that provides support, education  
20 and advocacy with regard to mental illness, designated by that organization; and

21 (9) A representative of a statewide organization that provides support, education  
22 and advocacy with regard to substance use disorder, designated by that  
23 organization.

24 B. The council shall collect and review data submitted by law enforcement agencies,  
25 sheriffs and the regional jail administrators pursuant to subsections 2 and 3, review  
26 and summarize the data and, beginning January 15, 2021, shall provide an annual  
27 report to the joint standing committee of the Legislature having jurisdiction over  
28 criminal justice and public safety matters and the joint standing committee of the  
29 Legislature having jurisdiction over health and human services matters. The report  
30 must contain any recommendations that the council has developed for legislative  
31 action. A legislative committee that receives a report under this section from the  
32 council may report out legislation based on the report to the Legislature.

33 C. The first-named member of the Senate serves as the Senate chair of the council.  
34 The first-named member of the House serves as the House chair of the council.

35 D. Members of the council under paragraph A, subparagraphs (5) to (9) serve for  
36 terms of 3 years and may serve until their successors are appointed. Members who  
37 are Legislators serve for the duration of their legislative terms.

38 E. Members of the council serve without compensation except that those members  
39 who are Legislators are entitled to reimbursement for actual expenses.

# COMMITTEE AMENDMENT

F. Staffing and administrative support for the council may be provided by the Department of Public Safety or may be provided through a contract with a person with relevant experience.

**2. Collection and submission of data from law enforcement encounters.** A law enforcement agency in the State shall submit to the Department of Public Safety on a quarterly basis, beginning January 15, 2020, data that identifies law enforcement calls for service and encounters between law enforcement officers and members of the public, including for each encounter between a law enforcement officer and a person who self-identifies or is identified by the law enforcement officer as having a mental illness or a substance use disorder:

A. The identified mental illness or substance use disorder;

B. The disposition of the encounter, including whether the person was charged with a crime and, if so, whether the person was released or detained;

C. Whether the person was referred to a hospital emergency room or to a provider of mental health or substance use disorder treatment or services; and

D. Whether any injuries were sustained by the person or the law enforcement officer during or as a result of the encounter.

The Department of Public Safety shall forward the information reported under this subsection to the council.

**3. Submission of data from screening and assessment at jails.** A county sheriff that operates a jail and a regional jail administrator shall submit in summary form to the Department of Public Safety information gathered through the use of a nationally validated screening and assessment tool related to the mental health condition and substance use disorder needs of persons entering jail beginning January 15, 2020. The Department of Public Safety shall forward the information reported under this subsection to the council.

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

**LEGISLATURE**

**Legislature 0081**

Initiative: Appropriates funds for the ongoing costs of Legislators serving on the Statewide Criminal Justice Coordinating Council.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
Personal Services	\$0	\$440
All Other	\$0	\$1,120
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$1,560</b>

N. S.

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**SUMMARY**

This amendment is the majority report of the committee. This amendment replaces the bill. The amendment establishes the Statewide Criminal Justice Coordinating Council to accept and review data on encounters between law enforcement agencies and members of the public and data gathered through the use of nationally validated screening and assessment tools when persons are admitted to jail. The council consists of 12 members. The council is required to collect and review data submitted by law enforcement agencies, sheriffs and regional jail administrators, review and summarize the data and provide an annual report beginning January 15, 2021 to the joint standing committees of the Legislature having jurisdiction over criminal justice and public safety matters and health and human services matters. The report must contain any recommendations for legislative action. A legislative committee that receives a report from the Statewide Criminal Justice Coordinating Council may report out legislation based on the report to the Legislature. Staffing and administrative support for the council may be provided by the Department of Public Safety or by contract with a person having relevant experience.

The amendment requires each law enforcement agency in the State to submit to the Department of Public Safety on a quarterly basis beginning January 15, 2020 data that identifies law enforcement calls for service and encounters between law enforcement officers and certain members of the public and requires the department to forward that data to the Statewide Criminal Justice Coordinating Council.

The amendment requires a county sheriff who operates a jail and a regional jail administrator to submit in summary form to the Department of Public Safety information gathered through the use of a nationally validated screening and assessment tool related to the mental health condition and substance use disorder needs of persons entering jail beginning January 15, 2020. The amendment requires the department to forward this information to the Statewide Criminal Justice Coordinating Council.

The amendment adds a mandate preamble and an appropriations and allocations section.

**FISCAL NOTE REQUIRED**  
(See attached)



# 128th MAINE LEGISLATURE

LD 1268

LR 1799(02)

## An Act To Enhance Pretrial Justice through Risk-based Decision Making with Enhanced Diversion, Release and Treatment Options for Eligible Defendants

Fiscal Note for Bill as Amended by Committee Amendment *A(H-732)*

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

### Fiscal Note

State Mandate - Exempted

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$1,560	\$11,560	\$21,560
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$1,560	\$11,560	\$21,560

#### State Mandates

Required Activity	Unit Affected	Local Cost
Required to submit data identifying law enforcement calls for service and encounters between law enforcement officers and persons who self-identify or are identified by a law enforcement officer as having a mental health condition or substance use disorder. Required to submit information gathered through the use of a nationally validated screening and assessment tool related to the mental health condition and substance use disorder needs of persons entering jail.	Municipality County	Moderate statewide

Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional costs.

#### Fiscal Detail and Notes

Provides an appropriation of \$1,560 to the Legislature for the ongoing costs of legislators serving on the Statewide Criminal Justice Coordinating Council. The Department of Public Safety will require a General Fund appropriation of \$10,000 in fiscal year 2019-20 for the administrative cost to support the Council. Additional costs to the Department of Health and Human Services and the Department of Corrections from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.