

# MAINE STATE LEGISLATURE

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Amendment Name: Amendment CA (H-884) (LD 2168 2020)

Date: 9/17/2020



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Date: (Filing No. H- )

**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1551, L.D. 2168, “An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine”

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

**'Sec. 1. 5 MRSA c. 337-D** is enacted to read:

**CHAPTER 337-D**

**PROFILING DATA COLLECTION**

**§4751. Definitions**

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

**1. Law enforcement agency.** "Law enforcement agency" means an agency in the State charged with enforcement of state, county, municipal or federal laws or laws of a federally recognized Indian tribe, with the prevention, detection or investigation of criminal, immigration or customs laws or with managing custody of detained persons in the State and includes, but is not limited to, municipal police departments, sheriffs' departments, the State Police, a university or college police department and the Department of Public Safety.

**2. Law enforcement officer.** "Law enforcement officer" means a state, county or municipal official or an official of a federally recognized Indian tribe responsible for enforcing criminal, immigration or customs laws, including, but not limited to, a law enforcement officer who possesses a current and valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy pursuant to Title 25, section 2803-A.

**§4752. Collection of information; reporting of information**

**COMMITTEE AMENDMENT**

1 **1. Information collected.** Beginning July 1, 2022, a law enforcement agency shall  
2 record and retain the following information regarding traffic violations occurring in this  
3 State:

4 A. The number of persons stopped for traffic violations;

5 B. Characteristics of race, color, ethnicity, gender and age of each person described in  
6 paragraph A. The identification of such characteristics must be based on the  
7 observation and perception of the law enforcement officer responsible for reporting the  
8 stop. The person stopped may not be required to provide the information;

9 C. The nature of each alleged traffic violation that resulted in a stop;

10 D. Whether a warning or citation was issued, an arrest was made or a search was  
11 conducted as a result of each stop for a traffic violation; and

12 E. Any additional information the law enforcement agency determines appropriate.  
13 The additional information may not include any other personally identifiable  
14 information about a person stopped for a traffic violation such as the person's driver's  
15 license number, name or address.

16 **2. Report to Attorney General.** A law enforcement agency shall report the  
17 information required to be recorded and retained under subsection 1 to the Attorney  
18 General pursuant to rules adopted pursuant to section 4753.

19 **§4753. Rules; consultation**

20 **1. Adoption of rules.** By January 1, 2022, the Attorney General shall adopt rules for  
21 the recording, retention and reporting of information pursuant to section 4752 pertaining to  
22 persons stopped for traffic violations. The information must include the characteristics of  
23 race, color, ethnicity, gender and age of the persons stopped, based on the observation and  
24 perception of the law enforcement officer making the stop. Rules adopted pursuant to this  
25 subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

26 **2. Consultation.** In adopting rules pursuant to subsection 1, the Attorney General  
27 shall consult with the Commissioner of Public Safety and interested parties, including law  
28 enforcement agencies and community, professional, research, civil liberties and civil rights  
29 organizations and persons with lived experience of being profiled. The Attorney General  
30 shall ensure that the parties consulted represent the racial and ethnic diversity of the State.

31 **§4754. Report; publication of data**

32 **1. Report.** Beginning January 15, 2023 and annually thereafter, the Attorney General  
33 shall provide to the joint standing committees of the Legislature having jurisdiction over  
34 judiciary matters and criminal justice and public safety matters and make available to the  
35 public a report of the information collected pursuant to this chapter. The report must  
36 include an analysis of the information and may include recommendations for changes in  
37 laws, rules and practices. Information reported may not include personally identifiable  
38 information.

39 **2. Name, identifying information confidential.** The name and personally  
40 identifiable information of a law enforcement officer or any other person involved in any  
41 activity for which information is collected and compiled under this chapter is confidential  
42 and may not be released to the public or disclosed to any person except as necessary to  
43 comply with this chapter or the policies prohibiting profiling adopted as provided in Title

1 25, section 2803-B, subsection 1, paragraph E or, if it is information regarding a particular  
2 person, to that person.'

3 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
4 number to read consecutively.

### 5 **SUMMARY**

6 This amendment replaces the bill, which is a concept draft.

7 This bill requires all law enforcement agencies, beginning July 1, 2022, to collect  
8 information about each person stopped for a traffic violation. The information must include  
9 the characteristics of race, color, ethnicity, gender and age of those persons. The  
10 identification of such characteristics must be based on the observation and perception of  
11 the law enforcement officer responsible for reporting the stop. The person stopped may  
12 not be required to provide the information. The information must also include whether a  
13 warning or citation was issued, an arrest was made or a search was conducted as a result of  
14 the stop. Each law enforcement agency must report the information to the Attorney  
15 General, who is required to report the information, along with analysis and any  
16 recommendations, to the joint standing committees of the Legislature having jurisdiction  
17 over judiciary matters and criminal justice and public safety matters beginning January 15,  
18 2023 and annually thereafter. The report must be made available to the public.

19 The Attorney General is directed to adopt rules governing the recording, retention and  
20 reporting of the information. In adopting the rules, the Attorney General must consult with  
21 the Commissioner of Public Safety and other interested parties, including law enforcement  
22 agencies and community, professional, research, civil liberties and civil rights  
23 organizations and persons with lived experience of being profiled. The Attorney General  
24 must ensure that the parties consulted represent the racial and ethnic diversity of the State.

25 The name and personally identifiable information of a law enforcement officer or any  
26 other person involved in any activity for which information is collected and compiled under  
27 these provisions is confidential.

### 28 **FISCAL NOTE REQUIRED**

29 **(See attached)**



# 129th MAINE LEGISLATURE

LD 2168

LR 3334(02)

## An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Judiciary

Fiscal Note Required: Yes

### Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$0	\$113,750	\$22,750
Highway Fund	\$0	\$0	\$62,783	\$12,557
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$0	\$113,750	\$22,750
Highway Fund	\$0	\$0	\$62,783	\$12,557

#### Fiscal Detail and Notes

This bill provides a process for law enforcement agencies to track and report data on traffic stops. The Department of Public Safety will require a General Fund appropriation of \$113,750 and a Highway Fund allocation of \$62,783 in fiscal year 2021-22 for one-time computer programming costs and lesser amounts in subsequent years for ongoing maintenance. Any additional costs to the Office of the Attorney General to adopt rules can be absorbed within existing resources.