

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

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Legislative Document

No. 1607

H.P. 1196

House of Representatives, April 27, 2021

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### **An Act To Criminalize Calls Made to Emergency Services Based on Racial Profiling**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative TEPLER of Topsham.

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

2 **Sec. 1. 14 MRSA §7488** is enacted to read:

3 **§7488. Private right of action for race-based false public alarm or report**

4 A plaintiff may bring a private small claims action against a defendant who knowingly  
5 gives or causes to be given false information about the plaintiff to a law enforcement  
6 officer, a member of a firefighting agency, including a volunteer fire department, or a  
7 public safety answering point as defined in Title 25, section 2921, subsection 7 or any other  
8 person knowing that the other person is likely to communicate the information to a law  
9 enforcement officer, a member of a firefighting agency or a public safety answering point,  
10 due to race-based profiling of the plaintiff. The court may award up to \$250 in damages to  
11 a plaintiff who prevails in an action brought under this section. For purposes of this section,  
12 "race-based profiling" means to take an action or cause an action to happen against another  
13 person because of the race, color, ancestry or national origin of the other person.

14 **Sec. 2. 17-A MRSA §509, sub-§1**, as amended by PL 1977, c. 510, §56, is further  
15 amended to read:

16 **1.** A person is guilty of false public alarm or report if:

17 **A.** ~~He~~ The person knowingly gives or causes to be given false information to any law  
18 enforcement officer with the intent of inducing such officer to believe that a crime has  
19 been committed or that another has committed a crime, knowing the information to be  
20 false; ~~or~~

21 **B.** ~~He~~ The person knowingly gives or causes to be given false information to any law  
22 enforcement officer, member of a ~~fire fighting~~ firefighting agency, including a  
23 volunteer fire department, or any other person knowing that such other is likely to  
24 communicate the information to a law enforcement officer or member of a ~~fire fighting~~  
25 firefighting agency, concerning a fire, explosive or other similar substance ~~which that~~  
26 is capable of endangering the safety of persons, knowing that such information is false,  
27 or knowing that ~~he~~ the person has no information relating to the fire, explosive or other  
28 similar substance; ~~or~~

29 **C.** ~~He~~ The person knowingly gives or causes to be given false information concerning  
30 an emergency to any ambulance service, or to any government agency or public utility  
31 that deals with emergencies involving danger to life or property, with the intent of  
32 inducing such service, agency or utility to respond to the reported emergency, knowing  
33 such information to be false; ~~or~~

34 **D.** The person knowingly gives or causes to be given false information about another  
35 person to a law enforcement officer, a member of a firefighting agency, including a  
36 volunteer fire department, or a public safety answering point as defined in Title 25,  
37 section 2921, subsection 7 or any other person knowing that the other person is likely  
38 to communicate the information to a law enforcement officer, a member of a  
39 firefighting agency or a public safety answering point, due to race-based profiling of  
40 the person about whom the false information was given. For purposes of this  
41 paragraph, "race-based profiling" means to take an action or cause an action to happen  
42 against another person because of the race, color, ancestry or national origin of the  
43 other person.

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## SUMMARY

This bill adds to the crime of false public alarm or report knowingly giving or causing to be given false information about another person to a law enforcement officer, a member of a firefighting agency, including a volunteer fire department, or a public safety answering point or any other person knowing that the other person is likely to communicate the information to a law enforcement officer, a member of a firefighting agency or a public safety answering point, due to race-based profiling of the person about whom the false information was given. The bill also creates a private right of action in small claims court with damages up to \$250 for a race-based false public alarm or report. "Race-based profiling" is defined as taking an action or causing an action to happen against another person because of the race, color, ancestry or national origin of the other person.