

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 748

S.P. 306

In Senate, February 16, 2023

An Act to Strengthen the Due Process Rights of Persons in Law Enforcement Custody

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.
Cosponsored by Representative BOYER of Poland and
Senator: CARNEY of Cumberland, Representatives: ANDREWS of Paris, COLLINGS of
Portland, FAULKINGHAM of Winter Harbor, HASENFUS of Readfield, MOONEN of
Portland, RIELLY of Westbrook, Speaker TALBOT ROSS of Portland.

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

2 **Sec. 1. 5 MRSA §4682, sub-§1-A**, as enacted by PL 2001, c. 50, §2 and reallocated
3 by RR 2001, c. 1, §11, is amended by enacting at the end a new first blocked paragraph to
4 read:

5 A person who is placed under arrest, in custody, under interrogation or temporarily detained
6 by a law enforcement officer and who is not warned by the law enforcement officer of the
7 person's privilege against self-incrimination and the person's right to the assistance of legal
8 counsel may institute and prosecute in the person's name and on the person's behalf a civil
9 action for legal or equitable relief against the law enforcement officer for failure to provide
10 such warnings.

11 **Sec. 2. 5 MRSA §4682, sub-§2**, as enacted by PL 2001, c. 50, §2, is amended to
12 read:

13 **2. Place of action.** The action under subsection ~~1~~ 1-A must be instituted in the
14 Superior Court for the county where the alleged violator resides or has a principal place of
15 business.

16 **SUMMARY**

17 This bill amends the Maine Civil Rights Act to provide that a person who is placed
18 under arrest, in custody, under interrogation or temporarily detained by a law enforcement
19 officer and who is not warned by the law enforcement officer of the person's privilege
20 against self-incrimination and the person's right to the assistance of legal counsel may
21 institute and prosecute in the person's name and on the person's behalf a civil action for
22 legal or equitable relief against the law enforcement officer for failure to provide such
23 warnings.