

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1438

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H.P. 934

House of Representatives, March 30, 2023

**An Act to Require Standard Procedures to Protect Stalking Victims  
and Access to Certain Criminal Complaints**

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative WARREN of Scarborough.  
Cosponsored by Representative: RECKITT of South Portland.

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

2 **Sec. 1. 16 MRSA §804, first ¶**, as amended by PL 2013, c. 507, §4, is further  
3 amended to read:

4 Except as provided in sections ~~805~~ 805-A and 806, a record that is or contains  
5 intelligence and investigative record information is confidential and may not be  
6 disseminated by a Maine criminal justice agency to any person or public or private entity  
7 if there is a reasonable possibility that public release or inspection of the record would:

8 **Sec. 2. 16 MRSA §805**, as amended by PL 2013, c. 507, §5, is repealed.

9 **Sec. 3. 16 MRSA §805-A** is enacted to read:

10 **§805-A. Exceptions**

11 **1. Dissemination of certain information.** This chapter does not preclude  
12 dissemination of intelligence and investigative record information that is confidential under  
13 section 804 by a Maine criminal justice agency to:

14 A. Another criminal justice agency;

15 B. A person or public or private entity as part of the criminal justice agency's  
16 administration of criminal justice or the administration of civil justice by the  
17 Department of the Attorney General or a district attorney's office;

18 C. A person accused of a crime or that person's agent or attorney for trial and  
19 sentencing purposes if authorized by:

20 (1) The responsible prosecutorial office or prosecutor; or

21 (2) A court rule, court order or court decision of this State or of the United States.

22 As used in this subsection, "agent" means a licensed professional investigator, an  
23 expert witness or a parent, foster parent or guardian if the accused person has not  
24 attained 18 years of age;

25 D. A federal court, the District Court, Superior Court or Supreme Judicial Court or an  
26 equivalent court in another state;

27 E. A person or public or private entity expressly authorized to receive the intelligence  
28 and investigative record information by statute, executive order, court rule, court  
29 decision or court order. "Express authorization" means language in the statute,  
30 executive order, court rule, court decision or court order that specifically speaks of  
31 intelligence and investigative record information or specifically refers to a type of  
32 intelligence or investigative record; or

33 F. The Secretary of State for use in the determination and issuance of a driver's license  
34 suspension.

35 **2. Record of complaint.** On request to a Maine criminal justice agency under the  
36 Freedom of Access Act, a person is entitled to receive one copy of a complaint made by  
37 that person. The criminal justice agency may not charge a fee for a copy of a complaint  
38 provided under this subsection.

39 **Sec. 4. 19-A MRSA §4116, sub-§2, ¶A**, as enacted by PL 2021, c. 647, Pt. A, §3  
40 and affected by Pt. B, §65, is amended to read:

1 A. The incident report from a law enforcement agency submitted to the attorney for  
2 the State that is most relevant to the criminal proceeding, which the certified domestic  
3 violence intervention program is authorized to receive pursuant to Title 16, section ~~805-~~  
4 ~~subsection 5~~ 805-A, subsection 1, paragraph E; and

5 **Sec. 5. 25 MRSA §2803-B, sub-§1, ¶D**, as corrected by RR 2021, c. 2, Pt. A, §88,  
6 is amended by amending subparagraph (4) to read:

7 (4) Standard procedures to ensure that protection from abuse orders issued under  
8 Title 19-A, section 4108 or 4110 are served on the defendant as quickly as possible;  
9 ~~and~~

10 **Sec. 6. 25 MRSA §2803-B, sub-§1, ¶D**, as corrected by RR 2021, c. 2, Pt. A, §88,  
11 is amended by amending subparagraph (5) to read:

12 (5) A process for the administration of a validated, evidence-based domestic  
13 violence risk assessment recommended by the Maine Commission on Domestic  
14 and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and  
15 approved by the Department of Public Safety and the conveyance of the results of  
16 that assessment to the bail commissioner, if appropriate, and the district attorney  
17 for the county in which the domestic violence occurred; and

18 **Sec. 7. 25 MRSA §2803-B, sub-§1, ¶D**, as corrected by RR 2021, c. 2, Pt. A, §88,  
19 is amended by enacting a new subparagraph (6) to read:

20 (6) Standard procedures to ensure protection from stalkers;

21 **Sec. 8. 29-A MRSA §2251, sub-§7-A, ¶B**, as amended by PL 2013, c. 267, Pt. B,  
22 §24, is further amended to read:

23 B. Except as provided in paragraph B-1 and Title 16, section ~~805, subsection 6~~ 805-A,  
24 subsection 1, paragraph F, the Department of Public Safety, Bureau of State Police may  
25 not publicly disseminate personally identifying accident report data that are contained  
26 in an accident report database maintained, administered or contributed to by the Bureau  
27 of State Police. Such data are not public records for the purposes of Title 1, chapter  
28 13.

## 29 SUMMARY

30 This bill creates a right that entitles a person who files a complaint with a criminal  
31 justice agency to receive one copy of that report at no charge. The bill requires all law  
32 enforcement agencies to adopt written policies regarding standard procedures to ensure  
33 protection from stalkers.