

MAINE STATE LEGISLATURE

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Date 6/21/23 Majority

L D 1613
(Filing No H-692)

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H P 1038, L D 1613, "An Act to Prohibit Profiling and to Strengthen Civil Rights in Maine"

Amend the bill in Part B by striking out all of section 2 and inserting the following

'Sec. B-2. 5 MRSA §4751, sub-§3 is enacted to read

3. Profiling. "Profiling" means the consideration of or reliance on, to any degree, actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status in deciding which persons to subject to a traffic or pedestrian stop or in deciding the scope or substance of law enforcement activities following a traffic or pedestrian stop "Profiling" does not mean consideration of or reliance on characteristics provided in a specific suspect description. For purposes of this subsection, "activities following a traffic or pedestrian stop" include, but are not limited to, asking questions of a person, frisking a person, conducting consensual and nonconsensual searches of a person or property, seizing of property, requiring vehicle occupants to exit a vehicle during a traffic stop, issuing a citation and making an arrest.'

Amend the bill in Part B in section 3 in §4755 in the first indented paragraph in the last line (page 2, line 4 in L D) by inserting after the following "profiling" the following 'Violations of this section are not enforceable under chapter 337-B but may form the basis of disciplinary proceedings by the Board of Trustees of the Maine Criminal Justice Academy to suspend or to revoke any certification issued by the board pursuant to Title 25, section 2806-A, subsection 5, paragraph J or to take other action the board determines to be appropriate pursuant to Title 25, section 2806-A, subsection 6.'

Amend the bill in Part C by inserting after "PART C" the following

'Sec. C-1. 5 MRSA §4752, sub-§1, as enacted by PL 2021, c 460, §1, is amended to read

COMMITTEE AMENDMENT

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1. Information collected. Beginning July 1, ~~2023~~ 2024, a law enforcement agency shall record and retain the following information regarding traffic infractions occurring in this State

- A The number of persons stopped for traffic infractions,
- B Characteristics of race, color, ethnicity, gender and age of each person described in paragraph A The identification of such characteristics must be based on the observation and perception of the law enforcement officer responsible for reporting the stop The person stopped may not be required to provide the information,
- C The nature of each alleged traffic infraction that resulted in a stop,
- D Whether a warning or citation was issued, an arrest was made or a search was conducted as a result of each stop for a traffic infraction, and
- E. Any additional information the law enforcement agency determines appropriate The additional information may not include any other personally identifiable information about a person stopped for a traffic infraction such as the person's driver's license number, name or address '

Amend the bill in Part C in section 3 in the first line (page 2, line 24 in L D) by striking out the following "2023" and inserting the following '2022'

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

SUMMARY

This amendment, which is the majority report of the committee, replaces the definition of "profiling" in the bill Under the amendment, "profiling" is defined to mean considering or relying, to any degree, on a person's actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status in deciding whether to subject that person to a traffic or pedestrian stop and in deciding on the scope or substance of law enforcement activities following such a stop "Profiling" does not mean consideration or reliance on characteristics provided in a specific suspect description The amendment also clarifies that, if a law enforcement agency or officer engages in profiling, the law enforcement agency or officer may be subject to disciplinary action by the Board of Trustees of the Maine Criminal Justice Academy

Part C of the bill changes from January 1, 2023 to January 1, 2024 the date by which the Attorney General must adopt rules for the recording, retention and reporting of information regarding persons stopped for traffic infractions The amendment also changes from July 1, 2023 to July 1, 2024 the date on which law enforcement agencies are required to begin recording, retaining and reporting specific information regarding traffic infractions in accordance with those rules Finally, the amendment makes Part C of the bill retroactive to December 31, 2022.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 1613

LR 35(02)

An Act to Prohibit Profiling and to Strengthen Civil Rights in Maine

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Judiciary

Fiscal Note Required: Yes

A (H-692)

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Office of the Attorney General and the Department of Public Safety associated with the provisions of this bill can be absorbed within existing budgeted resources