

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN

S.P. 709 - L.D. 1782

An Act To Make Technical Amendments to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act and a Related Provision in the Maine Revised Statutes, Title 20-A

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

Sec. 1. 16 MRSA §703, sub-§2, ¶E, as enacted by PL 2013, c. 267, Pt. A, §2, is amended to read:

E. Information disclosing that a criminal proceeding has been ~~indefinitely~~ postponed for a period of more than one year or dismissed because the person charged is found by the court to be mentally incompetent to stand trial or to be sentenced;

Sec. 2. 16 MRSA §703, sub-§2, ¶F, as enacted by PL 2013, c. 267, Pt. A, §2, is amended to read:

F. Information disclosing that a criminal charge has been filed, if ~~the filing period is indefinite or for~~ more than one year has elapsed since the date of the filing;

Sec. 3. 16 MRSA §705, sub-§3, as enacted by PL 2013, c. 267, Pt. A, §2, is amended to read:

3. Required inquiry to State Bureau of Identification. A Maine criminal justice agency, other than a court, shall query the Department of Public Safety, State Bureau of Identification before disseminating any confidential criminal history record information for a noncriminal justice purpose to ensure that the most up-to-date disposition information is being used. "Noncriminal justice purpose" means a purpose other than for the administration of criminal justice or criminal justice agency ~~use~~ employment.

Sec. 4. 16 MRSA §804, first ¶, as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

Except as provided in sections 805 and 806, a record that is or contains intelligence and investigative record information is confidential and may not be disseminated by a

Maine criminal justice agency to any person or public or private entity if there is a reasonable possibility that public release or inspection of the record would:

Sec. 5. 16 MRSA §805, sub-§3, ¶B, as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

B. A court rule ~~or~~, court order or court decision of this State or of the United States.

Sec. 6. 16 MRSA §806, sub-§1, as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

1. A government agency responsible for investigating child or adult abuse, neglect or exploitation or regulating facilities and programs providing care to children or adults. A government agency or subunit of a government agency in this State or another state that pursuant to statute is responsible for investigating abuse, neglect or exploitation of children or incapacitated or dependent adults or for licensing or regulating the programs or facilities that provide care to children or incapacitated or dependent adults if the intelligence and investigative record information ~~is used in~~ concerns the investigation of suspected abuse, neglect or exploitation;

Sec. 7. 16 MRSA §806, sub-§2, as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

2. A crime victim or that victim's agent or attorney. A crime victim or that victim's agent or attorney. As used in this subsection, "agent" means a licensed professional investigator, an insurer or an immediate family member, foster parent or guardian if due to death, age or physical or mental disease, disorder or defect the victim cannot realistically act on the victim's own behalf; or

Sec. 8. 16 MRSA §807, as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

§807. Confirming existence or nonexistence of confidential intelligence and investigative record information

A Maine criminal justice agency may not confirm the existence or nonexistence of intelligence and investigative record information confidential under section 804 to any person or public or private entity that is not eligible to receive the information itself.

Sec. 9. 16 MRSA §809, as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

§809. Unlawful dissemination of confidential intelligence and investigative record information

1. Offense. A person is guilty of unlawful dissemination of confidential intelligence and investigative record information if the person intentionally disseminates intelligence and investigative record information confidential under section 804 knowing it to be in violation of any of the provisions of this chapter.

2. Classification. Unlawful dissemination of confidential intelligence and investigative record information is a Class E crime.

Sec. 10. 20-A MRSA §6103, sub-§1, as amended by PL 2013, c. 267, Pt. B, §14, is further amended to read:

1. Criminal history record information obtained; reliance. The commissioner shall obtain criminal history record information containing a record of ~~confidential~~ public criminal history record information as defined in Title 16, section 703, subsection ~~2~~ 8 from the Maine Criminal Justice Information System for any person applying for certification, authorization, approval or renewal. The commissioner may rely on information provided by the Maine Criminal Justice Information System within 24 months prior to the issuance of a certificate, authorization, approval or renewal.