

§3308-A. Dissemination of juvenile intelligence and investigative record information by a Maine criminal justice agency

The following provisions apply to the dissemination of juvenile intelligence and investigative record information collected by or at the direction of or kept in the custody of any Maine criminal justice agency. [PL 2013, c. 267, Pt. D, §1 (NEW).]

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. [PL 2021, c. 365, §12 (RP); PL 2021, c. 365, §37 (AFF).]

B. "Criminal justice agency" has the same meaning as in Title 16, section 803, subsection 4. [PL 2013, c. 267, Pt. D, §1 (NEW).]

C. [PL 2019, c. 525, §18 (RP).]

C-1. "Dissemination" has the same meaning as in Title 16, section 703, subsection 6. [PL 2021, c. 365, §13 (NEW); PL 2021, c. 365, §37 (AFF).]

D. "Executive order" has the same meaning as in Title 16, section 803, subsection 6. [PL 2013, c. 267, Pt. D, §1 (NEW).]

E. "Juvenile intelligence and investigative record information" means information of record collected by a criminal justice agency or at the direction of a criminal justice agency or kept in the custody of a criminal justice agency while performing the administration of juvenile justice. "Juvenile intelligence and investigative record information" includes information of record concerning investigative techniques and procedures and security plans and procedures prepared or collected by a criminal justice agency or another agency. "Juvenile intelligence and investigative record information" does not include criminal history record information as defined in Title 16, section 703, subsection 3 or intelligence and investigative record information as defined in Title 16, section 803, subsection 7. [PL 2013, c. 267, Pt. D, §1 (NEW).]

F. "State" has the same meaning as in Title 16, section 803, subsection 8. [PL 2013, c. 267, Pt. D, §1 (NEW).]

G. "Statute" has the same meaning as in Title 16, section 803, subsection 9. [PL 2013, c. 267, Pt. D, §1 (NEW).]

[PL 2021, c. 365, §§12, 13 (AMD); PL 2021, c. 365, §37 (AFF).]

2. Information part of juvenile case records. To the extent juvenile intelligence and investigative record information has been made part of the juvenile case records, dissemination of that juvenile intelligence and investigative record information by the court having actual custody of the juvenile case records must be as provided by section 3308-C, subsection 4.

[PL 2021, c. 365, §14 (AMD); PL 2021, c. 365, §37 (AFF).]

3. Limited dissemination. Except as otherwise provided in subsection 2, juvenile intelligence and investigative record information is confidential and may be disseminated by a Maine criminal justice agency only to:

A. Another criminal justice agency; [PL 2013, c. 267, Pt. D, §1 (NEW).]

B. A person or public or private entity as part of performing the administration of juvenile justice; [PL 2013, c. 267, Pt. D, §1 (NEW).]

B-1. A health care provider. "Health care provider" has the same meaning as in 45 Code of Federal Regulations, Section 160.103; [PL 2019, c. 525, §20 (NEW).]

B-2. A governmental agency or subunit of a governmental agency in this State or another state that pursuant to statute is responsible for investigating abuse, neglect or exploitation of children or a

governmental agency in this State or another state responsible for the licensing of child care facilities, family child care providers or children's camp programs or their employees; [PL 2021, c. 365, §15 (NEW); PL 2021, c. 365, §37 (AFF).]

C. A juvenile accused of a juvenile crime or that juvenile's agent or attorney for adjudicatory or dispositional purposes if authorized by:

- (1) The responsible prosecutorial office or prosecutor; or
- (2) A court rule or court order of this State or of the United States.

As used in this paragraph, "agent" means a licensed professional investigator, an expert witness or the juvenile's parents, guardian or legal custodian; [PL 2013, c. 267, Pt. D, §1 (NEW).]

D. A juvenile crime victim or that victim's agent or attorney if authorized by:

- (1) Statute; or
- (2) A court order pursuant to section 3307 or 3308-C.

As used in this paragraph, "agent" means a licensed professional investigator or an immediate family member if, due to death, age, physical or mental disease, disorder or intellectual disability or autism, the victim cannot realistically act on the victim's own behalf; [PL 2021, c. 365, §16 (AMD); PL 2021, c. 365, §37 (AFF).]

E. A federal court, the District Court, including when it is exercising the jurisdiction conferred by section 3101, the Superior Court or the Supreme Judicial Court and an equivalent court in another state; and [PL 2013, c. 267, Pt. D, §1 (NEW).]

F. A person or public or private entity expressly authorized to receive the juvenile intelligence and investigative record information by statute, executive order, court rule, court decision or court order. "Express authorization" means language in the statute, executive order, court rule, court decision or court order that specifically speaks to intelligence or investigative record information or specifically refers to a type of intelligence or investigative record. [PL 2013, c. 267, Pt. D, §1 (NEW).]

[PL 2021, c. 365, §§15, 16 (AMD); PL 2021, c. 365, §37 (AFF).]

4. Dissemination of juvenile intelligence and investigative record information subject to reasonable limitations. The dissemination of juvenile intelligence and investigative record information by a criminal justice agency pursuant to subsection 3, paragraphs B, B-1, B-2 and D is subject to limitations to reasonably ensure that dissemination of the information will not:

A. Interfere with law enforcement proceedings relating to crimes; [PL 2019, c. 525, §22 (NEW).]

B. Result in public dissemination of prejudicial information concerning an accused person or concerning the prosecution's evidence that will interfere with the ability of a court to impanel an impartial jury; [PL 2019, c. 525, §22 (NEW).]

C. Constitute an unwarranted invasion of personal privacy, including, but not limited to, the personal privacy of juveniles and victims; [PL 2019, c. 525, §22 (NEW).]

D. Disclose the identity of a confidential source; [PL 2019, c. 525, §22 (NEW).]

E. Disclose confidential information furnished only by a confidential source; [PL 2019, c. 525, §22 (NEW).]

F. Disclose investigative techniques and procedures or security plans and procedures not known by the general public; [PL 2019, c. 525, §22 (NEW).]

G. Endanger the life or physical safety of any individual, including law enforcement personnel; [PL 2019, c. 525, §22 (NEW).]

H. Disclose information designated confidential by statute; and [PL 2019, c. 525, §22 (NEW).]

I. Interfere with proceedings relating to civil violations, civil enforcement proceedings and other civil proceedings conducted by the Department of the Attorney General or by a district attorney's office. [PL 2019, c. 525, §22 (NEW).]

To comply with this subsection a criminal justice agency may deny access in whole or in part to records that contain or constitute juvenile intelligence and investigative record information. A criminal justice agency also may prepare and provide redacted copies of such records to a person or public or private entity authorized to receive the information under this section.

[PL 2021, c. 365, §17 (AMD); PL 2021, c. 365, §37 (AFF).]

5. Secondary dissemination of confidential juvenile intelligence and investigative record information restricted. A person or public or private entity authorized to receive juvenile intelligence and investigative record information under this section may not further disseminate such information unless expressly authorized to do so by statute, court decision or court order. "Express authorization" means language in the statute, court decision or court order that specifically speaks of juvenile intelligence and investigative record information or specifically refers to a type of juvenile intelligence or investigative record.

[PL 2019, c. 525, §22 (NEW).]

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

[PL 2019, c. 525, §22 (NEW).]

7. Unlawful dissemination of confidential juvenile intelligence and investigative record information. Any person who intentionally disseminates confidential juvenile intelligence and investigative record information knowing it to be in violation of any provision of this chapter commits a civil violation for which a fine of not more than \$1,000 may be adjudged. The District Court has jurisdiction over violations under this subsection.

[PL 2021, c. 365, §18 (NEW); PL 2021, c. 365, §37 (AFF).]

SECTION HISTORY

PL 2013, c. 267, Pt. D, §1 (NEW). PL 2019, c. 525, §§18-22 (AMD). PL 2021, c. 365, §§12-18 (AMD). PL 2021, c. 365, §37 (AFF).

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