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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 679, L.D. 966, Bill, “An Act To Create Mental Health Liaison Positions in Each County Jail”

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Persons with Mental Illness and Substance Use Disorders in Jails and Correctional Facilities'

Amend the bill by inserting after the title and before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 5 MRSA §12004-I, sub-§74-J is enacted to read:

74-J.
Public Safety Statewide Criminal Expenses Only 25 MRSA §2917
Justice Coordinating
Council

Sec. 2. 25 MRSA §2917 is enacted to read:

§2917. Statewide Criminal Justice Coordinating Council

1. Statewide Criminal Justice Coordinating Council. The Statewide Criminal Justice Coordinating Council, established by Title 5, section 12004-I, subsection 74-J and referred to in this section as "the council," is established to accept and review data on encounters between law enforcement agencies and members of the public, including

COMMITTEE AMENDMENT

1 persons with mental illness and persons with substance use disorders, and data gathered
2 through the use of nationally validated screening and assessment tools when persons are
3 admitted to jail and correctional facilities.

4 A. The council consists of:

5 (1) The House and Senate chairs of the joint standing committee of the
6 Legislature having jurisdiction over criminal justice and public safety matters and
7 the joint standing committee of the Legislature having jurisdiction over health
8 and human services matters;

9 (2) The Commissioner of Public Safety or the commissioner's designee;

10 (3) The Commissioner of Health and Human Services or the commissioner's
11 designee;

12 (4) The president of a statewide association of county sheriffs;

13 (5) A representative of the Consumer Council System of Maine established in
14 Title 34-B, section 3611, designated by that organization;

15 (6) A representative of the agency designated by the Governor pursuant to Title
16 5, section 19502 to serve as the protection and advocacy agency for persons with
17 disabilities, designated by that agency;

18 (7) A representative of a statewide organization that provides support, education
19 and advocacy with regard to mental illness, designated by that organization; and

20 (8) A representative of a statewide organization that provides support, education
21 and advocacy with regard to substance use disorders, designated by that
22 organization.

23 B. The council shall collect and review data submitted by law enforcement agencies,
24 sheriffs, regional jail administrators and intensive case managers pursuant to
25 subsection 2 and Title 34-B, section 1226, shall review and summarize the data and,
26 beginning January 15, 2021, shall provide an annual report to the joint standing
27 committee of the Legislature having jurisdiction over criminal justice and public
28 safety matters and the joint standing committee of the Legislature having jurisdiction
29 over health and human services matters. The report must contain any
30 recommendations that the council has developed for legislative action. A legislative
31 committee that receives a report under this section from the council may report out
32 legislation based on the report to the Legislature.

33 C. The first-named member of the Senate serves as the Senate chair of the council.
34 The first-named member of the House serves as the House chair of the council.

35 D. Members of the council under paragraph A, subparagraphs (5), (6) and (7) serve
36 for terms of 3 years and may serve until their successors are appointed. Members
37 who are Legislators serve for the duration of their legislative terms.

38 E. Members of the council serve without compensation except that those members
39 who are Legislators are entitled to reimbursement for actual expenses.

1 F. Staffing and administrative support for the council may be provided by the
2 Department of Public Safety or may be provided through a contract with a person
3 with relevant experience.

4 **2. Submission of data regarding the use of screening and assessment tools.** A
5 law enforcement agency in the State and an intensive case manager assigned by the
6 Department of Health and Human Services to a jail or regional jail shall submit to the
7 Department of Public Safety on a quarterly basis, beginning January 15, 2020, data that
8 identifies law enforcement calls for service and encounters between law enforcement
9 officers and members of the public, including for each encounter between a law
10 enforcement officer and a person who self-identifies or is identified by the law
11 enforcement officer as having a mental illness or a substance use disorder:

12 A. The identified mental illness or substance use disorder;

13 B. The disposition of the encounter, including whether the person was charged with
14 a crime and, if so, whether the person was released or detained;

15 C. Whether the person was referred to a hospital emergency room or to a provider of
16 mental health or substance use disorder treatment or services; and

17 D. Whether any injuries were sustained by the person or the law enforcement officer
18 during or as a result of the encounter.

19 The Department of Public Safety shall forward the information reported under this
20 subsection to the council.

21 **Sec. 3. 34-B MRSA §1226** is enacted to read:

22 **§1226. Screening required for mental health conditions and substance use disorders**

23 **1. Screening and assessment.** When a person is admitted to a jail or regional jail or
24 correctional facility, the person must be assessed for mental illness and substance use
25 disorders through the use of a nationally validated screening and assessment tool.

26 **2. Data collection by intensive case manager.** An intensive case manager assigned
27 by the department to a jail, regional jail or correctional facility shall submit in summary
28 form to the department information gathered from the screening and assessment under
29 subsection 1 and from any encounter with a person in the jail, regional jail or correctional
30 facility, including, but not limited to:

31 A. The person's needs relating to the person's mental health condition or substance
32 use disorder;

33 B. Whether the person has entered a jail, regional jail or correctional facility
34 previously;

35 C. Whether the person was transferred to another facility upon release and to which
36 facility; or

37 D. Any other disposition upon the person's release from the jail, regional jail or
38 correctional facility.

39 The department shall forward the information reported under this subsection to the
40 Statewide Criminal Justice Coordinating Council under Title 25, section 2917.

1 **Sec. 4. Appropriations and allocations.** The following appropriations and
 2 allocations are made.

3 **LEGISLATURE**

4 **Legislature 0081**

5 Initiative: Appropriates funds for the ongoing costs of Legislators serving on the
 6 Statewide Criminal Justice Coordinating Council.

| 7 | GENERAL FUND | 2017-18 | 2018-19 |
|----|---------------------------|----------------|----------------|
| 8 | Personal Services | \$0 | \$440 |
| 9 | All Other | \$0 | \$1,120 |
| 10 | | | |
| 11 | GENERAL FUND TOTAL | \$0 | \$1,560 |
| 12 | | | |

13 **SUMMARY**

14 This amendment replaces the bill. The amendment establishes the Statewide
 15 Criminal Justice Coordinating Council to accept and review data on encounters between
 16 law enforcement agencies and members of the public and data gathered through the use
 17 of nationally validated screening and assessment tools when persons are admitted to jail.
 18 The council is required to collect and review data submitted by law enforcement
 19 agencies, sheriffs, regional jail administrators and intensive case managers, summarize
 20 and review the data and provide an annual report to the joint standing committees of the
 21 Legislature having jurisdiction over criminal justice and public safety matters and health
 22 and human services matters beginning January 15, 2021. The report must contain any
 23 recommendations for legislative action. A legislative committee that receives a report
 24 from the Statewide Criminal Justice Coordinating Council may report out legislation to
 25 the Legislature based on the report.

26 The amendment requires each law enforcement agency in the State to submit to the
 27 Department of Public Safety on a quarterly basis beginning January 15, 2020 data that
 28 identifies law enforcement calls for service and encounters between law enforcement
 29 officers and certain members of the public and requires the department to forward that
 30 data to the Statewide Criminal Justice Coordinating Council.

31 The amendment requires a person admitted to a jail, regional jail or correctional
 32 facility to be assessed for mental health conditions and substance use disorders through
 33 use of a nationally validated screening and assessment tool. It requires that an intensive
 34 case manager assigned by the Department of Health and Human Services to a jail,
 35 regional jail or correctional facility submit in summary form to the department
 36 information gathered from an encounter with such a person. The amendment requires the
 37 department to forward this information to the Statewide Criminal Justice Coordinating
 38 Council.

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The amendment adds a mandate preamble and an appropriations and allocations section.

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4

FISCAL NOTE REQUIRED

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(See attached)