



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 841

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H.P. 592

House of Representatives, March 5, 2013

### **An Act To Prevent Offensive Touching of a Person Seeking Access to Public Facilities**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative LIBBY of Waterboro.

Cosponsored by Representatives: CHIPMAN of Portland, DUNPHY of Embden, HARLOW of Portland, HARVELL of Farmington, RUSSELL of Portland, SANDERSON of Chelsea, SIROCKI of Scarborough, Senator: COLLINS of York.

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

2 **Sec. 1. 17-A MRSA §214** is enacted to read:

3 **§214. Unlawful contact during a security screening**

4 **1.** A person is guilty of unlawful contact during a security screening if:

5 A. As part of a security screening performed by the person to detect and intercept  
6 weapons and other prohibited items that an individual may attempt to bring into a  
7 public building, the person knowingly or recklessly subjects the individual being  
8 screened to unlawful contact; and

9 B. The person is employed or under contract for services by the State.

10 A violation of this subsection is a Class D crime.

11 **2.** For purposes of this section, unless the context otherwise indicates, the following  
12 terms have the following meanings.

13 A. "Public building" means a building owned or leased by the State to which the  
14 public has access, except "public building" does not include a correctional facility as  
15 defined in Title 34-A, section 1001, subsection 6; a county or municipal detention  
16 facility as described in Title 34-A, section 1208; or a facility used to house county  
17 prisoners, including, but not limited to, a secure detention facility as defined in Title  
18 15, section 3003, subsection 24-A and a temporary holding resource as defined in  
19 Title 15, section 3003, subsection 26.

20 B. "Unlawful contact during a security screening" or "unlawful contact" means  
21 touching of the anus, genitals, breasts, buttocks or inner thigh directly or through  
22 clothing or touching in a manner that would be offensive to a reasonable person.

23 **3.** This section does not apply to a person performing a security screening who has a  
24 reasonable articulable suspicion that the individual being screened has a prohibited item  
25 that may not be detected or intercepted without making contact that is otherwise  
26 prohibited under subsection 1.

27 **SUMMARY**

28 This bill creates the new Class D crime of unlawful contact during a security  
29 screening, which prohibits a person conducting a security screening of an individual  
30 seeking access to certain public buildings from touching certain areas of that individual  
31 without a reasonable and articulable suspicion that the individual possesses a prohibited  
32 item that may not be detectable without touching those areas. This prohibition does not  
33 apply to security screenings at correctional facilities.