**An Act To Decriminalize Homelessness**

L.D. 1478

Date: (Filing No. H- )

**Criminal Justice and Public Safety**

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**STATE OF MAINE**

**HOUSE OF REPRESENTATIVES**

**130th Legislature**

**First Special Session**

COMMITTEE AMENDMENT “      ” to H.P. 1093, L.D. 1478, “An Act To Decriminalize Homelessness”

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

**'An Act To Require the Use of Homelessness Crisis Protocols by Law Enforcement Agencies'**

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

'**Sec. 1. 17-A MRSA §18** is enacted to read:

**§18. Homelessness crisis protocol**

A person who lacks a home who commits a listed offense because the person lacks a home must be treated in accordance with the homelessness crisis protocol adopted by the responding law enforcement agency under subsection 2.

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

A. "Law enforcement agency" has the same meaning as in Title 25, section 3701, subsection 1.

B. "Listed offense" means:

(1) Criminal trespass in violation of section 402, subsection 1, paragraph C or F;

(2) Disorderly conduct in violation of section 501-A, subsection 1, paragraph A;

(3) Indecent conduct in violation of section 854 that is based on urinating in public;

(4) Possession of a scheduled drug in violation of chapter 45 that is based on using the scheduled drug; or

(5) Public drinking in violation of Title 17, section 2003-A, subsection 2.

**2. Adoption of homelessness crisis protocol.** This subsection governs the adoption of homelessness crisis protocols by the Attorney General and law enforcement agencies. A homelessness crisis protocol must include access and referral to crisis services, mental health and substance use disorder professionals, emergency and transitional housing and case management services.

A. By January 1, 2022, the Attorney General shall adopt a model homelessness crisis protocol.

Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

B. By March 1, 2022, all law enforcement agencies shall adopt homelessness crisis protocols. The protocol of a law enforcement agency may, but is not required to, conform to the protocol adopted by the Attorney General.

**3. Law enforcement response to a listed offense by a person who lacks a home.** A law enforcement officer who responds to a call regarding or encounters a person who is committing or has committed a listed offense shall inquire whether the person has a home or lacks a home. If the person lacks a home, the law enforcement officer shall respond to the person using the homelessness crisis protocol adopted by the officer's law enforcement agency under subsection 2.'

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 bill. This amendment directs the Attorney General to adopt a model homelessness crisis protocol and directs law enforcement agencies to adopt protocols, which may, but are not required to, conform to the model protocol adopted by the Attorney General. The amendment requires a homelessness crisis protocol to include access and referral to crisis services, mental health and substance use disorder professionals, emergency and transitional housing and case management services.

The amendment defines certain violations of the Maine Criminal Code as "listed offenses." The amendment requires a law enforcement officer who responds to a listed offense to inquire whether the person committing the offense lacks a home. If the person lacks a home, the law enforcement officer is required to respond in accordance with the homelessness crisis protocol.