

Date:

(Filing No. H- )

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
132ND LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1145, L.D. 1710, “An Act Regarding the Authority to Transport Prisoners Confined in Jail and the Use of Physical Force with Respect to Prisoners and Persons Who Have Been Arrested”

Amend the bill in section 5 in §107-A by inserting after subsection 4 the following:

'5. Notwithstanding any provision of this section to the contrary, a corrections officer or corrections supervisor is not justified in using nondeadly or deadly force, or in directing a private person in the use of such force, in accordance with this section unless the corrections officer or corrections supervisor has received in-service training pursuant to Title 25, section 2804-F, subsection 5 in the use of such force, or in directing a private person to use such force, in the setting in which the force is to be used.'

Amend the bill by inserting after section 8 the following:

**'Sec. 9. 25 MRSA §2804-F, sub-§3,** as amended by PL 2013, c. 147, §35, is further amended to read:

**3. Provisions of in-service training.** In-service training programs that meet the requirements established under subsection 2 or 5 or other in-service training may be provided by the Maine Criminal Justice Academy or the agency employing the corrections officer.

**Sec. 10. 25 MRSA §2804-F, sub-§5** is enacted to read:

**5. Additional certifications.** The board shall establish additional in-service training requirements for corrections officers and corrections supervisors who are responsible as part of their official job duties for transferring or conveying from one place to another individuals who are confined in a jail, prison or state correctional facility pursuant to an order of a court or as a result of an arrest. These in-service training requirements must include training on the use of nondeadly or deadly force, or in directing a private person in the use of such force, that is used or directed outside of a jail, prison or state correctional facility. A corrections officer or corrections supervisor who fails to complete this in-service

1 training is not justified in using or directing the use of force under Title 17-A, section  
2 107-A, subsections 1, 2 and 4.'

3 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
4 number to read consecutively.

### 5 SUMMARY

6 This amendment, which is the minority report of the committee, amends the bill by  
7 requiring that the Board of Trustees of the Maine Criminal Justice Academy establish  
8 additional in-service training requirements for corrections officers and corrections  
9 supervisors who are responsible as part of their official job duties for transferring or  
10 conveying from one place to another individuals who are confined in a jail, prison or state  
11 correctional facility pursuant to an order of a court or as a result of an arrest. The in-service  
12 training must include training on the use of nondeadly or deadly force, or in directing a  
13 private person in the use of such force, that is used or directed outside of a jail, prison or  
14 state correctional facility. If a corrections officer or corrections supervisor does not  
15 complete this additional training, the corrections officer or corrections supervisor is not  
16 justified in the use or direction of such force. This training may be provided by the Maine  
17 Criminal Justice Academy or the agency employing the corrections officer or corrections  
18 supervisor.

### 19 FISCAL NOTE REQUIRED

20 (See attached)