

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
H.P. 1452 - L.D. 2163

An Act to Enhance Crime Victims' Rights

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

Sec. 1. 17-A MRSA §2102, sub-§1, ¶F-2, as enacted by PL 2021, c. 330, §6 and reallocated by RR 2021, c. 1, Pt. A, §14, is amended to read:

F-2. The final disposition of the charges against the defendant, including the amount of deductions to time served that a defendant has accumulated as of the date of sentencing. On or before the date of sentencing, the attorney for the State shall obtain information about the deductions to time served from each correctional facility at which a defendant was detained prior to sentencing on the relevant charges; ~~and~~

Sec. 2. 17-A MRSA §2102, sub-§1, ¶G, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

G. The right to comment on the proposed early termination of probation, early termination of administrative release or conversion of probation to administrative release, pursuant to section 2105;

Sec. 3. 17-A MRSA §2102, sub-§1, ¶H is enacted to read:

H. Any request for a subpoena for the victim's records as described in section 2110; the date and time of any criminal hearing or criminal court proceeding concerning the subpoena request; and that the victim must be given an opportunity to be heard at that hearing or proceeding; and

Sec. 4. 17-A MRSA §2102, sub-§1, ¶I is enacted to read:

I. The filing, scheduling and outcome of an appeal of a decision of the court by a defendant or the State involving a crime against the victim.

Sec. 5. 17-A MRSA §2110 is enacted to read:

§2110. Subpoenas for victim's records

A victim has the right to timely notice pursuant to section 2102, subsection 1, paragraph H and must be given an opportunity to be heard at any criminal hearing or criminal court proceeding concerning a subpoena issued to a person other than the victim for any record

that implicates a privilege or a confidentiality or privacy protection for the benefit of the victim as described in Rule 17A(f) of the Maine Rules of Unified Criminal Procedure, including, but not limited to, the victim's medical records, mental health counseling or treatment records, educational records, electronic device content information and electronic device location information. For purposes of this paragraph, "electronic device content information" has the same meaning as in Title 16, chapter 3, subchapter 10 and "electronic device location information" has the same meaning as in Title 16, chapter 3, subchapter 11.

Sec. 6. 17-A MRSA §2111 is enacted to read:

§2111. Presence of victim's attorney or advocate

At any court proceeding in a criminal case in which a victim has a right to be heard, the victim may retain an attorney who may be present and speak on the victim's behalf or the victim may elect to have a victim witness advocate or victim witness coordinator speak on the victim's behalf. Except as required to comply with Rule 4.2 of the Maine Rules of Professional Conduct governing communications with persons represented by counsel, treatment of the victim may not be affected or altered in any way due to the victim's decision to exercise this right. For purposes of this section, "victim witness advocate" or "victim witness coordinator" has the same meaning as in Title 16, section 53-C, subsection 1, paragraph C.