

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Permit Disclosure of Certain Intelligence and Investigative Record Information by a Criminal Justice Agency to a Nongovernmental Advocacy Program for Persons with Mental Illness

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

Sec. 1. 16 MRSA §806, sub-§3, as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

3. A counselor or advocate. A sexual assault counselor, as defined in section 53-A, subsection 1, paragraph B, ~~or~~ an advocate, as defined in section 53-B, subsection 1, paragraph A, or an employee of or volunteer for a nongovernmental advocacy program for persons with mental illness, referred to in this subsection as "a mental health advocate," with a specific agreement with a criminal justice agency. An agreement between a criminal justice agency and a sexual assault counselor ~~or~~, an advocate or a mental health advocate must, at a minimum, include provisions that:

A. Permit the sexual assault counselor ~~or~~, advocate or mental health advocate to use a report or record that contains intelligence and investigative record information if the intelligence and investigative record information is used in planning for the safety of a victim named in the report or record;

B. Prohibit the sexual assault counselor ~~or~~, advocate or mental health advocate from further disseminating a report or record that contains intelligence and investigative record information;

C. Require the sexual assault counselor ~~or~~, advocate or mental health advocate to ensure that a report or record that contains intelligence and investigative record information ~~remain~~remains secure and confidential;

D. Require the sexual assault counselor ~~or~~, advocate or mental health advocate to destroy a report or record that contains intelligence and investigative record information within 30 days after the sexual assault counselor's ~~or~~, advocate's or mental health advocate's receiving the report or record;

E. Permit the criminal justice agency to perform reasonable and appropriate audits in order to ensure that a report or record containing intelligence and investigative record information that ~~are~~is obtained by and that ~~are~~is in the custody of the sexual assault counselor ~~or~~, advocate ~~are~~or mental health advocate is maintained in accordance with the requirements of this subsection;

F. Require the sexual assault counselor ~~or~~, advocate or mental health advocate to indemnify and hold harmless the criminal justice agency with respect to any litigation that may result from the provision of reports or records that contain intelligence and investigative record information;

G. Permit a criminal justice agency to immediately and unilaterally revoke an agreement made under this subsection; and

H. Provide sanctions for any violations of this subsection.

The Commissioner of Public Safety may adopt a model agreement pursuant to this subsection for use by criminal justice agencies, sexual assault counselors ~~and~~, advocates and mental health advocates.

SUMMARY

This bill allows a state criminal justice agency, subject to reasonable limitations, to disclose intelligence and investigative record information to an employee or volunteer of a nongovernmental advocacy program for persons with mental illness as long as the employee or volunteer has a specific agreement with the agency that complies with the Maine Revised Statutes, Title 16, section 806, subsection 3.