

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 Enhance the Rights of Families of Missing Persons and Homicide Victims

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

Sec. 1. 17-A MRS §1178 is enacted to read:

§ 1178. Information regarding unsolved missing persons and murder

In addition to the requirements of this chapter, Title 5, chapter 316-A and Title 15, sections 812 and 6101, in order to improve communication with the families of murder and criminal homicide victims or missing persons regarding the status of unsolved or open murder, criminal homicide and missing person cases, the following provisions apply.

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

- A. "Case" means an open investigation of a murder or missing person.
- B. "Investigating agency" means the law enforcement agency that has primary responsibility for the investigation of a case.
- C. "Murder" includes criminal homicide.
- D. "Open" means:

(1) For a murder case, that a person committing the murder has not been tried or adjudicated for or pled guilty to murder or a lesser included crime or has been found not criminally responsible by reason of mental disease or defect of murder or a lesser included crime; and

(2) For a missing person case, that the person has not been located.

2. Open case website. The Department of Public Safety shall maintain a publicly accessible website that lists all open missing person and murder cases in the State. The cases listed on the website must be categorized first by missing person or murder and next by the type of each murder or missing person case, such as unsolved murder, suspicious death, active missing person or presumed missing, and must contain a summary of the details of the case and the name of and contact information for the investigating agency.

3. Annual interviews. An investigating agency for an open case shall conduct a press conference or issue a press release annually on the anniversary date that the murder occurred or the person was reported missing unless the family of the victim or missing person requests otherwise.

4. Request for assistance from outside resources. If a case remains open after 10 years, the family of a murder victim or missing person may require the investigating agency to seek assistance from a federal law enforcement agency to resolve the open case.

5. Outside media. The family of a murder victim or missing person may invite an investigation by an organization that performs investigative journalism for broadcast, in whatever form, to the public. The investigating agency shall provide access to information regarding the open case except for that information the investigating agency considers to be detrimental to solving the case if made public.

6. Regular communication and updates by investigating agency and victim advocate. The investigating agency and a victim advocate shall communicate on at least an annual basis with the family of the murder victim or missing person regarding the status of the investigation into the murder or missing person case unless the family of the murder victim or missing person requests otherwise. If the investigating agency becomes aware of new information regarding the case or changes the status of the case, the investigating agency must inform the family of that new information within 14 days unless the investigating agency determines that the release of that information would be detrimental to solving the case.

7. Return of personal property; destruction or loss of evidence. Upon request of the family of a murder victim or missing person, an investigating agency or other state agency in possession of personal property that belongs to the victim or missing person shall return to the family that personal property if the investigating agency and, if applicable, the Attorney General or other prosecuting agency determine that the retention of the personal property by the State is not necessary to the investigation or prosecution of the case. If other evidence collected, compiled or produced during the investigation of a case is lost or destroyed, the investigating agency or, if applicable, the Attorney General or other prosecuting agency shall notify the family of the victim or missing person within 48 hours of discovery of the loss or destruction of the evidence.

SUMMARY

This bill amends the current law regarding victims' rights to enhance and improve the communication between law enforcement agencies and prosecutors and the families of murder victims and missing persons and to increase public awareness of unsolved murder and missing person cases. Specifically, this bill:

1. Requires the Department of Public Safety to establish a publicly accessible website that contains relevant information about open, or unsolved, murder and missing person cases;

2. Requires the law enforcement agency responsible for the investigation of an open murder or missing person case to hold a press conference or issue a press release annually on the anniversary date of the murder or the day the person was reported missing regarding the status of the case, unless the family of the victim requests otherwise;

3. Allows the family of a murder victim or missing person to seek the assistance of an investigative journalism organization and requires the investigating law enforcement agency to cooperate with the organization to the extent that cooperating does not jeopardize the resolution of the case;

4. After a case has been open for at least 10 years, allows the family to require the investigating law enforcement agency to seek help in solving the case from a federal law enforcement agency;

5. Requires at least annual communication by the investigating law enforcement agency and a victim advocate with the family of a murder victim or a missing person regarding the status of the case, unless the family requests otherwise. Any change in status or new information regarding the case must be reported to the family within 14 days; and

6. Requires that personal property that belonged to the murder victim or missing person in the possession of the State be returned to the family of the victim or person if it is determined that the property is not necessary to the investigation or prosecution of the case and requires the family to be notified if any other evidence collected, compiled or produced during the investigation is destroyed or lost.

The actions required by this legislation are intended to be in addition to the rights of and responsibilities to victims and victims' families already in statute.