



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

---

Legislative Document

No. 639

---

H.P. 453

House of Representatives, February 28, 2017

### **An Act To Require an Interstate Identification Index System Background Check for Certain Crimes**

---

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative RECKITT of South Portland.  
Cosponsored by Senator KEIM of Oxford and  
Representatives: BROOKS of Lewiston, FAY of Raymond, JOHANSEN of Monticello.

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

2 **Sec. 1. 15 MRSA §458** is enacted to read:

3 **§458. Interstate identification index system background check required for certain**  
4 **crimes**

5 **1. Background check required.** Prior to filing a charging instrument with a court,  
6 an attorney for the State charging a person with any of the following crimes shall conduct  
7 an interstate identification index system background check on that person:

8 A. Murder or felony murder under Title 17-A, sections 201 or 202;

9 B. Any Class A, Class B, Class C or Class D crime under Title 17-A, chapter 9 or 11  
10 when the person's alleged conduct involves:

11 (1) Use of a dangerous weapon as defined in Title 17-A, section 2, subsection 9;

12 (2) A victim who suffers serious bodily injury as defined in Title 17-A, section  
13 2, subsection 23; or

14 (3) A victim who is a family or household member as defined in Title 19-A,  
15 section 4002, subsection 4.

16 **2. Certification.** If an attorney for the State is required under subsection 1 to  
17 conduct an interstate identification index system background check prior to filing a  
18 charging instrument with a court, the attorney shall certify in the charging instrument or  
19 an amendment to the charging instrument that an interstate identification index system  
20 background check has been conducted on the person charged in the instrument and shall  
21 include with the charging instrument or with an amendment to the charging instrument a  
22 description of all information obtained from the background check that is relevant to the  
23 charges brought.

24 For the purposes of this section, "interstate identification index system" has the same  
25 meaning as in Title 25, section 1703, subsection 12.

26 **SUMMARY**

27 This bill amends the criminal procedure laws to require an attorney for the State  
28 charging a person with certain crimes, prior to filing the charging instrument with a court,  
29 to conduct an interstate identification index system background check on that person.  
30 The attorney must certify in the charging instrument or an amendment to the charging  
31 instrument that the background check was conducted and must include with the charging  
32 instrument or with an amendment to the charging instrument a description of all  
33 information obtained from the background check that is relevant to the charges brought.