



132nd MAINE LEGISLATURE

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Legislative Document

No. 1710

H.P. 1145

House of Representatives, April 17, 2025

**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**

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 SALISBURY of Westbrook.
Cosponsored by Representatives: ARDELL of Monticello, HASENFUS of Readfield,
LOOKNER of Portland, TERRY of Gorham.

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

2 **Sec. 1. 14 MRSA §5545**, as amended by PL 2015, c. 335, §5, is further amended to
3 read:

4 **§5545. Habeas corpus for prisoner as witness**

5 A court may issue a writ of habeas corpus, when necessary, to bring before it a prisoner
6 for trial in a cause pending in such court, or to testify as a witness when ~~his~~ the prisoner's
7 personal attendance is ~~deemed~~ determined necessary for the attainment of justice.

8 Whenever, under this section or under any other section in this chapter, a court issues
9 a writ of habeas corpus ordering before it a prisoner confined in any penal or correctional
10 institution under the control of the Department of Corrections, or confined in any ~~county~~
11 jail, its order as to the transportation of the prisoner to and from the court must be directed
12 to the sheriff of the county in which the court is located. It is the responsibility of the sheriff
13 or any one or more of the sheriff's authorized deputies, transport officers or corrections
14 officers pursuant to any such order to safely transport a prisoner to and from the court and
15 to provide safe and secure custody of the prisoner during the proceedings, as directed by
16 the court. At the time of removal of a prisoner from an institution, the transporting officer
17 shall leave with the head of the institution an attested copy of the order of the court, and
18 upon return of the prisoner shall note that return on the copy.

19 Any prisoner who escapes from custody of the sheriff or any of ~~his~~ the sheriff's
20 deputies, transport officers or corrections officers or any other law enforcement officer
21 following removal for appearance in court, from a penal or correctional institution or from
22 a ~~county~~ jail, and prior to return ~~thereto, shall be,~~ is chargeable with escape from the penal
23 or correctional institution or ~~county~~ jail from which ~~he~~ the prisoner was removed, and ~~shall~~
24 ~~be punished~~ is subject to punishment in accordance with Title 17-A, section 755.

25 For purposes of this section, "corrections officer" has the same meaning as in Title 25,
26 section 2801-A, subsection 2; and "transport officer" has the same meaning as in Title 25,
27 section 2801-A, subsection 8.

28 **Sec. 2. 17-A MRSA §2, sub-§25-A** is enacted to read:

29 **25-A.** "Transport officer" has the same meaning as in Title 25, section 2801-A,
30 subsection 8.

31 **Sec. 3. 17-A MRSA §107, sub-§5**, as amended by PL 1995, c. 215, §2, is repealed.

32 **Sec. 4. 17-A MRSA §107, sub-§5-A**, as amended by PL 2003, c. 143, §3, is
33 repealed.

34 **Sec. 5. 17-A MRSA §107-A** is enacted to read:

35 **§107-A. Physical force in corrections**

36 **1.** A corrections officer, corrections supervisor, transport officer, law enforcement
37 officer or another individual responsible for the custody, care, treatment or transport of
38 persons in custody pursuant to an order of a court or as a result of arrest is justified in using
39 a reasonable degree of nondeadly force:

1 A. When and to the extent the individual reasonably believes it necessary to prevent
2 an escape from custody or to enforce a rule of the Department of Corrections or a jail;
3 or

4 B. In self-defense or to defend a 3rd person from what the individual reasonably
5 believes to be the imminent use of unlawful nondeadly force encountered while seeking
6 to prevent an escape or enforce a rule as described in paragraph A.

7 2. A corrections officer, corrections supervisor, transport officer or law enforcement
8 officer responsible for the custody, care, treatment or transport of persons in custody
9 pursuant to an order of a court or as a result of arrest is justified in using deadly force when
10 the officer or supervisor reasonably believes such force is necessary:

11 A. For self-defense or to defend a 3rd person from what the officer or supervisor
12 reasonably believes is the imminent use of unlawful deadly force; or

13 B. To prevent an escape from custody when the officer or supervisor reasonably
14 believes the person has committed a crime involving the use or threatened use of deadly
15 force, is using a dangerous weapon in attempting to escape or otherwise indicates that
16 the person is likely to seriously endanger human life or to inflict serious bodily injury
17 unless apprehended without delay and:

18 (1) The officer or supervisor has made reasonable efforts to advise the person that
19 the officer or supervisor is attempting to prevent the escape from custody and the
20 officer or supervisor reasonably believes that the person is aware of this advice; or

21 (2) The officer or supervisor reasonably believes that the person in custody
22 otherwise knows the officer or supervisor is attempting to prevent the escape from
23 custody.

24 For the purposes of this subsection, "a reasonable belief that another person has committed
25 a crime involving use or threatened use of deadly force" is a reasonable belief in facts,
26 circumstances and the law that, if true, would constitute such an offense by the person. If
27 the facts and circumstances reasonably believed would not constitute such an offense, an
28 erroneous but reasonable belief that the law is otherwise justifies the use of deadly force to
29 prevent an escape.

30 3. A corrections officer, corrections supervisor, transport officer or law enforcement
31 officer is justified in using deadly force against a person in the custody of the Maine State
32 Prison or in the custody of an officer or supervisor of the Maine State Prison when the
33 officer or supervisor reasonably believes that deadly force is necessary to prevent an escape
34 from custody by that person. The officer or supervisor shall make reasonable efforts to
35 advise the person that, if the attempt to escape does not stop immediately, deadly force will
36 be used. This subsection does not authorize any corrections officer, corrections supervisor,
37 transport officer or law enforcement officer who is not employed by a state agency to use
38 deadly force.

39 4. A private person who has been directed by a corrections officer, corrections
40 supervisor, transport officer or law enforcement officer who is responsible for the custody,
41 care, treatment or transport of persons in custody pursuant to an order of a court or as a
42 result of arrest to assist the officer or supervisor in preventing an escape from custody is
43 justified in using:

A. A reasonable degree of nondeadly force when and to the extent that the private person reasonably believes such force to be necessary to carry out the officer's or supervisor's direction, unless the private person reasonably believes the order is illegal;
or

B. Deadly force only when the private person reasonably believes such force to be necessary for self-defense or to defend a 3rd person from what the private person reasonably believes to be the imminent use of unlawful deadly force or when the officer or supervisor directs the private person to use deadly force and the private person reasonably believes the officer or supervisor is authorized to use deadly force under the circumstances.

Sec. 6. 17-A MRSA §110, as enacted by PL 1997, c. 289, §1, is amended to read:

**§110. Threat to use deadly force against a law enforcement officer, transport officer,
corrections officer or corrections supervisor**

A person otherwise justified in threatening to use deadly force against another is not justified in doing so with the use of a firearm or other dangerous weapon if the person knows or should know that the other person is a law enforcement officer, transport officer, corrections officer or corrections supervisor, unless the person knows that the ~~law enforcement officer or supervisor~~ law enforcement officer or supervisor is not in fact engaged in the performance of the ~~law enforcement officer's or supervisor's~~ law enforcement officer's or supervisor's public duty, or unless the person is justified under this chapter in using deadly force against the ~~law enforcement officer or supervisor~~ law enforcement officer or supervisor. A law enforcement officer, transport officer, corrections officer or corrections supervisor may not make a nonconsensual warrantless entry into a dwelling place solely in response to a threat not justified under this section.

Sec. 7. 17-A MRSA §1002-A, sub-§1, ¶B, as amended by PL 2001, c. 383, §112 and affected by §156, is further amended to read:

B. That other person is a law enforcement officer, transport officer, corrections officer
or corrections supervisor in uniform. Violation of this paragraph is a Class D crime;
or

Sec. 8. 17-A MRSA §1004, sub-§4, ¶A, as enacted by PL 2005, c. 264, §1, is amended to read:

A. A law enforcement officer, transport officer, corrections officer or corrections supervisor engaged in the performance of the law enforcement officer's, transport officer's, corrections officer's or corrections supervisor's public duty if the officer's or corrections supervisor's appointing authority has authorized such use of an electronic weapon; or

SUMMARY

This bill makes the following changes to the laws governing the authority to transport prisoners confined in jail, the use of physical force with respect to prisoners and persons who have been arrested and the use of certain devices.

1. It authorizes corrections officers and transport officers to transport prisoners to and from court and to provide custody at the court.

- 1 2. It repeals the current provisions of law referring to the use of force in the corrections
2 context.
- 3 3. It enacts a provision of law to clarify the use of physical force in the corrections
4 context.
- 5 4. It extends the prohibitions on using deadly force against a law enforcement officer
6 to transport officers, corrections officers and corrections supervisors.
- 7 5. It extends the prohibitions on using laser pointers against a law enforcement officer
8 to transport officers, corrections officers and corrections supervisors.
- 9 6. It extends the exception to the prohibition on using electronic weapons to transport
10 officers.