



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 748

S.P. 306

In Senate, February 16, 2023

**An Act to Strengthen the Due Process Rights of Persons in Law
Enforcement Custody**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.
Cosponsored by Representative BOYER of Poland and
Senator: CARNEY of Cumberland, Representatives: ANDREWS of Paris, COLLINGS of
Portland, FAULKINGHAM of Winter Harbor, HASENFUS of Readfield, MOONEN of
Portland, RIELLY of Westbrook, Speaker TALBOT ROSS of Portland.

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

2 **Sec. 1. 5 MRSA §4682, sub-§1-A**, as enacted by PL 2001, c. 50, §2 and reallocated
3 by RR 2001, c. 1, §11, is amended by enacting at the end a new first blocked paragraph to
4 read:

5 A person who is placed under arrest, in custody, under interrogation or temporarily detained
6 by a law enforcement officer and who is not warned by the law enforcement officer of the
7 person's privilege against self-incrimination and the person's right to the assistance of legal
8 counsel may institute and prosecute in the person's name and on the person's behalf a civil
9 action for legal or equitable relief against the law enforcement officer for failure to provide
10 such warnings.

11 **Sec. 2. 5 MRSA §4682, sub-§2**, as enacted by PL 2001, c. 50, §2, is amended to
12 read:

13 **2. Place of action.** The action under subsection ~~1~~ 1-A must be instituted in the
14 Superior Court for the county where the alleged violator resides or has a principal place of
15 business.

16 **SUMMARY**

17 This bill amends the Maine Civil Rights Act to provide that a person who is placed
18 under arrest, in custody, under interrogation or temporarily detained by a law enforcement
19 officer and who is not warned by the law enforcement officer of the person's privilege
20 against self-incrimination and the person's right to the assistance of legal counsel may
21 institute and prosecute in the person's name and on the person's behalf a civil action for
22 legal or equitable relief against the law enforcement officer for failure to provide such
23 warnings.