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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 1195, L.D. 1784, “An Act to Require Police Departments to Publish and Make Accessible Their Policies and Procedures and Require Training of Officers”

Amend the bill by striking out all of section 3 and inserting the following:

'Sec. 3. 25 MRSA §2808-B is enacted to read:

§2808-B. Accessibility of policies and procedures

1. Publishing of policies and procedures. Except as provided by subsection 4, by January 1, 2026, a law enforcement agency shall publish and make publicly available in clear and understandable language the agency's policies and procedures required under section 2803-B, including:

A. A summary of each key policy of the agency;

B. A comprehensive list of agency rules and guidelines governing law enforcement officer conduct, including any updates or revisions; and

C. Contact information for a member of the public to request access to information under paragraph A or B.

2. Format and accessibility. A law enforcement agency shall publish the information in subsection 1 in a manner that clearly labels the information as the agency's policies and procedures and states the date the policies and procedures were published. The information must be made available:

A. On a publicly accessible website in a readable format that allows the information to be downloaded. The information must be located on the agency's main website or a dedicated section of the website with no technical barriers preventing public access, including requiring a password or a fee; or

B. In a printed paper copy format accessible at the agency's headquarters or principal location of operations. A law enforcement agency that makes available printed paper copies under this paragraph shall make available during normal business hours to a

1 member of the public a paper copy of the agency's policies and procedures under
2 subsection 1 within 7 business days of the member's request. If a paper copy of the
3 policies and procedures is not made available to a requesting member of the public
4 within 7 business days of the request, the law enforcement agency shall inform the
5 member of the public when the paper copy will be made available.

6 **3. Agency compliance.** No later than January 1st of each year, the chief administrative
7 officer of a law enforcement agency shall certify to the board that the agency is in
8 compliance with this section and section 2803-B, subsection 8.

9 **4. Dissemination of intelligence and investigative record information prohibited.**
10 A law enforcement agency may not disseminate a record that contains intelligence and
11 investigative record information that is confidential in accordance with Title 16, section
12 804.

13 **5. Payment of costs.** A law enforcement agency that provides printed paper copies of
14 policies and procedures pursuant to subsection 2, paragraph B may charge a reasonable fee
15 for the costs of producing the policies and procedures in accordance with Title 1, section
16 408-A.'

17 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
18 number to read consecutively.

19 SUMMARY

20 This amendment, which is the majority report of the committee, adds language to the
21 bill to clarify that a law enforcement agency may not disseminate intelligence and
22 investigative record information that is confidential in accordance with the Intelligence and
23 Investigative Record Information Act and allows a law enforcement agency to charge a
24 reasonable fee for the costs of producing physical copies of policies or procedures to the
25 person requesting copies in accordance with the Freedom of Access Act. The amendment
26 also removes references to specific law enforcement agency policies that must be published
27 or produced. It requires a law enforcement agency to either post its policies and procedures
28 online or provide the policies and procedures in a printed paper copy format instead of
29 requiring the law enforcement agency to do both. It removes the provision requiring a law
30 enforcement agency to publish a revision of a policy or procedure within 60 days of the
31 revision.

32 FISCAL NOTE REQUIRED

33 (See attached)