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Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1218, L.D. 1903, “Resolve, to Create an Advisory Council to Oversee the Review and Revision of the Maine Criminal Code and Other Statutes Establishing Criminal Offenses”

Amend the resolve by striking out the title and substituting the following:

'Resolve, to Create an Advisory Council to Oversee the Review and Technical Revision of the Maine Criminal Code and Other Statutes Establishing Criminal Offenses'

Amend the resolve by striking out everything after the title and inserting the following:

'Sec. 1. Advisory council to review and revise Maine Criminal Code and other criminal provisions. Resolved: That an advisory council is created to oversee a review and technical revision of the Maine Criminal Code and other statutes establishing criminal offenses. The advisory council shall select and enter into a contract with an outside consultant under section 2 to conduct the review. The advisory council shall review the report of the outside consultant, consult with the Criminal Law Advisory Commission, established pursuant to the Maine Revised Statutes, Title 5, section 12004-I, subsection 52, and make recommendations to the Legislature. The advisory council consists of the following 5 members:

- 1. A person who is a prosecuting attorney licensed in the State, appointed by the President of the Senate upon the recommendation of the Maine Prosecutors' Association;
- 2. A person who is a criminal defense attorney licensed in the State, appointed by the Speaker of the House of Representatives upon the recommendation of the Maine Commission on Indigent Legal Services, established pursuant to Title 5, section 12004-G, subsection 25-A;
- 3. A person who is a legal educator with expertise in Maine criminal law, appointed by the Speaker of the House of Representatives upon the recommendation of the dean of the University of Maine School of Law;

COMMITTEE AMENDMENT

1 4. An active retired judge or justice, appointed by the Chief Justice of the Supreme
2 Judicial Court; and

3 5. The Attorney General or the Attorney General's designee, who shall serve as chair
4 of the advisory council.

5 A majority of the advisory council must be present to conduct business, but all votes
6 and other approvals of advisory council actions require the consensus of all 5 members.

7 **Sec. 2. Outside consultant; review. Resolved:** That the Attorney General shall
8 issue a request for proposals seeking an outside consultant who is a licensed attorney in the
9 State with experience and expertise in criminal law and statutory construction to conduct a
10 review of the Maine Criminal Code and other statutes establishing criminal offenses.
11 Submitted proposals must include a list of staff required to perform the proposed work on
12 behalf of the advisory council under section 1. The advisory council shall assist the
13 Attorney General in drafting the request for proposals and shall interview the applicants
14 and select the outside consultant from the group of applicants. The outside consultant shall
15 conduct a review of the Maine Criminal Code and other crimes established in the Maine
16 Revised Statutes to identify unused and obsolete provisions, clarify confusing language,
17 eliminate inconsistencies, consolidate or eliminate redundant provisions and reorganize or
18 restructure the Maine Criminal Code and other statutes establishing criminal offenses. The
19 advisory council shall review the report of the outside consultant and develop
20 recommendations.

21 **Sec. 3. Departments and agencies. Resolved:** That a department or agency of
22 the State may make recommendations to the advisory council under section 1 concerning
23 a crime under the jurisdiction of the department or agency.

24 **Sec. 4. Report. Resolved:** That, by February 1, 2026, the advisory council under
25 section 1 shall submit a report based upon the review under this resolve and any
26 recommended legislation to the joint standing committee of the Legislature having
27 jurisdiction over criminal justice and public safety matters, which may report out legislation
28 to the 132nd Legislature in 2026.

29 **Sec. 5. Appropriations and allocations. Resolved:** That the following
30 appropriations and allocations are made.

31 **ATTORNEY GENERAL, DEPARTMENT OF THE**

32 **Administration - Attorney General 0310**

33 Initiative: Provides one-time funding for reimbursement of expenses of 3 public members
34 of the advisory council created to oversee the review and technical revision of the Maine
35 Criminal Code and other statutes establishing criminal offenses.

36 GENERAL FUND	2023-24	2024-25
37 All Other	\$0	\$2,520
38		
39 GENERAL FUND TOTAL	\$0	\$2,520

40 **Administration - Attorney General 0310**

41 Initiative: Provides one-time funding for consulting services to conduct a technical review
42 of the Maine Criminal Code and other statutes establishing criminal offenses.

1	GENERAL FUND	2023-24	2024-25
2	All Other	\$0	\$185,200
3			
4	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$185,200</u>
5			
6	ATTORNEY GENERAL, DEPARTMENT OF THE		
7	DEPARTMENT TOTALS	2023-24	2024-25
8			
9	GENERAL FUND	\$0	\$187,720
10			
11	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$187,720</u>
12	JUDICIAL DEPARTMENT		
13	Courts - Supreme, Superior and District 0063		
14	Initiative: Provides one-time funding for costs associated with an active retired judge or		
15	justice serving on the advisory council.		
16	GENERAL FUND	2023-24	2024-25
17	All Other	\$0	\$3,850
18			
19	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$3,850</u>
20			
21	JUDICIAL DEPARTMENT		
22	DEPARTMENT TOTALS	2023-24	2024-25
23			
24	GENERAL FUND	\$0	\$3,850
25			
26	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$3,850</u>
27			
28	SECTION TOTALS	2023-24	2024-25
29			
30	GENERAL FUND	\$0	\$191,570
31			
32	SECTION TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$191,570</u>

33 '
 34 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or
 35 section number to read consecutively.

36 **SUMMARY**

- 37 This amendment, which is one of 2 reports of the committee, does the following.
- 38 1. It changes the obligations for issuing and overseeing the request for proposals from
 39 the Legislative Council to the Attorney General.
- 40 2. It narrows the scope of the advisory council's and outside consultant's duties to a
 41 technical review of the Maine Criminal Code and statutes establishing criminal offenses.

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1 This technical review involves identifying unused and obsolete provisions, clarifying
2 confusing language, eliminating inconsistencies, consolidating or eliminating redundant
3 provisions and reorganizing or restructuring as necessary.

4 3. It changes provisions concerning advisory council membership in the following
5 ways: adding that the prosecuting attorney on the advisory council is licensed in the State
6 and recommended by the Maine Prosecutors' Association; adding that the defense attorney
7 on the advisory council is licensed in the State and recommended by the Maine
8 Commission on Indigent Legal Services; removing a representative of a statewide
9 organization with a mission of advancing civil liberties; removing a member of the public;
10 adding that the legal educator must have expertise in Maine criminal law and be
11 recommended by the dean of the University of Maine School of Law; removing a
12 representative of a statewide organization with a mission of advancing racial justice; and
13 adding the Attorney General or the Attorney General's designee, who serves as chair of the
14 advisory council.

15 4. It stipulates that a majority of advisory council members must be present to conduct
16 council business and that all votes and other approvals of advisory council actions require
17 the consensus of all 5 members.

18 5. It changes the reporting deadline from November 6, 2024 to February 1, 2026.

19 **FISCAL NOTE REQUIRED**

20 **(See attached)**