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Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1486, L.D. 1999, “An Act To Require Civil Rights Officers at Law Enforcement Agencies”

Amend the bill by striking out the title and substituting the following:
'An Act To Prohibit Profiling and To Strengthen Civil Rights in Maine'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'PART A

Sec. A-1. 5 MRSA §4684-C is enacted to read:

§4684-C. Civil rights officers

1. Definitions. For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Civil rights officer" means a law enforcement officer who has received special training approved by the Attorney General in identifying and investigating civil rights violations.

B. "Law enforcement agency" means an agency in the State charged with enforcement of state, county, municipal or federal laws or laws of a federally recognized Indian tribe, with the prevention, detection or investigation of criminal, immigration or customs laws or with managing custody of detained persons in the State and includes, but is not limited to, a municipal police department, a sheriff's department, the State Police, a university or college police department and the Department of Public Safety.

C. "Law enforcement officer" means a state, county or municipal official or an official of a federally recognized Indian tribe responsible for enforcing criminal, immigration or customs laws, including, but not limited to, a law enforcement officer who possesses a current and valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy pursuant to Title 25, section 2803-A.

COMMITTEE AMENDMENT

1 **2. Required civil rights officer.** A law enforcement agency shall select, assign and
2 secure training for a civil rights officer, notify the Attorney General of the name and contact
3 information for the civil rights officer and notify the Attorney General of any change in
4 assignment of the civil rights officer as soon as practicable after the change is made. The
5 law enforcement agency shall make the contact information for the civil rights officer
6 publicly available.

7 **PART B**

8 **Sec. B-1. 5 MRSA c. 337-D,** as amended, is amended by amending the chapter
9 headnote to read:

10 **CHAPTER 337-D**

11 **PROFILING AND DATA COLLECTION**

12 **Sec. B-2. 5 MRSA §4755** is enacted to read:

13 **§4755. Profiling prohibited**

14 In enforcing the laws of this State, a law enforcement officer or law enforcement
15 agency may not engage in profiling. For the purposes of this section, "profiling" means
16 relying, to any degree, on actual or perceived race, gender, ethnicity, religion,
17 socioeconomic status, ancestry, sexual orientation, gender identity, color, physical or
18 mental disability or national origin in targeting an individual for routine or spontaneous
19 investigatory activities or in deciding upon the scope and substance of law enforcement
20 activity following the initial investigatory procedure, except in the event the officer or
21 agency is relying on trustworthy information that is relevant to the locality and time frame
22 and that links a person with a particular characteristic described in this section to a specific
23 criminal incident or scheme.

24 **PART C**

25 **Sec. C-1. Appropriations and allocations.** The following appropriations and
26 allocations are made.

27 **PUBLIC SAFETY, DEPARTMENT OF**
28 **State Police 0291**

29 Initiative: Provides funding for 2 Planning and Research Associate II positions to collect
30 and report data.

31 GENERAL FUND	2021-22	2022-23
32 POSITIONS - LEGISLATIVE COUNT	0.000	2.000
33 Personal Services	\$0	\$117,927
34		
35 GENERAL FUND TOTAL	\$0	\$117,927
36		
37 HIGHWAY FUND	2021-22	2022-23
38 Personal Services	\$0	\$63,499
39		

1	HIGHWAY FUND TOTAL	\$0	\$63,499
2	State Police 0291		
3	Initiative: Provides funding for computer programming costs and related maintenance.		
4	GENERAL FUND	2021-22	2022-23
5	All Other	\$0	\$22,750
6	Capital Expenditures	\$0	\$113,750
7			
8	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$136,500</u>
9			
10	HIGHWAY FUND	2021-22	2022-23
11	All Other	\$0	\$19,006
12	Capital Expenditures	\$0	\$61,250
13			
14	HIGHWAY FUND TOTAL	<u>\$0</u>	<u>\$80,256</u>
15			
16	PUBLIC SAFETY, DEPARTMENT OF		
17	DEPARTMENT TOTALS	2021-22	2022-23
18			
19	GENERAL FUND	\$0	\$254,427
20	HIGHWAY FUND	\$0	\$143,755
21			
22	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$398,182</u>

23

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

26

SUMMARY

27

28 This amendment replaces the bill and changes the title. In Part A, the amendment
 29 requires law enforcement agencies to select, assign and train civil rights officers and to
 30 keep the Attorney General informed of the identity of the civil rights officer. The
 31 amendment requires law enforcement agencies to make contact information for their civil
 32 rights officers publicly available. In Part B, the amendment prohibits profiling by a law
 33 enforcement officer or agency based on sexual orientation, gender identity, ethnicity,
 34 religion, socioeconomic status, ancestry, national origin, race, gender, color or physical or
 35 mental disability and provides that profiling includes targeting an individual based on any
 36 of these factors. In Part C, the amendment appropriates \$398,182 in fiscal year 2022-23
 37 for the Department of Public Safety for 2 Planning and Research Associate II positions and
 38 to fund computer programming and maintenance costs.

38

FISCAL NOTE REQUIRED

39

(See attached)