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Date: (Filing No. S-)

JUDICIARY

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 970, L.D. 2250, “An Act to Allow the Department of Corrections to Comply with the Federal Prison Rape Elimination Act of 2003”

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

'An Act to Allow the Department of Corrections and County Jails to Comply with the Federal Prison Rape Elimination Act of 2003'

Amend the bill in the emergency preamble in the 2nd paragraph in the 2nd line (page 1, line 4 in L.D.) by inserting after the following: "Corrections" the following: 'and county jails'

Amend the bill in the emergency preamble in the 3rd paragraph in the first line (page 1, line 6 in L.D.) by inserting after the following: "Corrections" the following: 'and county jails'

Amend the bill in the emergency preamble by striking out all of the 4th paragraph (page 1, lines 9 to 12 in L.D.) and inserting the following:

'Whereas, noncompliance would result in a loss of over \$80,000 in grant funding to the State's Department of Corrections and would prohibit the State's Department of Corrections and county jails from accepting resident transfers from facilities that meet relevant federal standards, including, but not limited to, county jails and facilities in other states; and'

Amend the bill in section 3 in paragraph F by striking out all of subparagraph (1) (page 2, lines 18 and 19 in L.D.) and inserting the following:

'(1) Whether the individual alleged to have engaged in the sexual misconduct or sexual harassment is still assigned to the same work location where the sexual misconduct or sexual harassment allegedly occurred;'

Amend the bill by inserting after section 3 the following:

'Sec. 4. 30-A MRSA §503, sub-§1-B is enacted to read:

COMMITTEE AMENDMENT

1 **1-B. Investigation of allegation of sexual misconduct or sexual harassment by**
2 **county jail employee.** Notwithstanding subsection 1, paragraph B, subparagraph (5), in
3 the case of an allegation of sexual misconduct or sexual harassment within a county jail or
4 detention facility, a determination that the allegation was substantiated, unsubstantiated or
5 unfounded may be disclosed to the alleged victim. Unless the allegation is determined to
6 be unfounded, the following information may also be shared with the alleged victim:

7 A. Whether the individual alleged to have engaged in the sexual misconduct or sexual
8 harassment is still assigned to the same work location where the sexual misconduct or
9 sexual harassment allegedly occurred;

10 B. Whether the individual under paragraph A is still employed at the county jail or
11 detention facility;

12 C. Whether the individual under paragraph A has been criminally charged or convicted
13 of a crime arising out of the allegation of sexual misconduct or sexual harassment; and

14 D. Whether the prosecuting agency declined to indict the individual under paragraph
15 A based on the allegation of sexual misconduct or sexual harassment.'

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

18 SUMMARY

19 This amendment removes the provision of the bill that would have authorized the
20 Department of Corrections to disclose to an alleged victim of sexual misconduct or sexual
21 harassment within a correctional facility information about any subsequent work locations
22 of the individual alleged to have engaged in the sexual misconduct or sexual harassment.
23 The amendment instead authorizes the department to disclose to the alleged victim
24 information regarding whether the individual alleged to have engaged in the sexual
25 misconduct or sexual harassment is still assigned to the same work location where the
26 sexual misconduct or sexual harassment allegedly occurred.

27 The amendment also amends the statutory confidentiality provisions related to
28 personnel records of county employees to allow an alleged victim of sexual misconduct or
29 sexual harassment in a county jail or detention facility to receive the same information
30 about the individual alleged to have engaged in the sexual misconduct or sexual harassment
31 that an alleged victim of sexual misconduct or sexual harassment in a correctional facility
32 may receive under the provisions of the bill as amended.

33 FISCAL NOTE REQUIRED

34 (See attached)