

State of Maine

131st Legislature

Joint Standing Committee on the Judiciary

Public Hearing on LD 2283, "An Act to Enact the Crisis Intervention Order Act to Protect the Safety of the Public"

April 9, 2024 – 9:00 am

Statement of Peter L. Murray

Dear Chairs and Members of the Joint Standing Committee on the Judiciary:

My name is Peter Murray. I live in Portland, Maine. I have practiced law in Maine since 1967. This statement is submitted in support of LD 2283.

I will try not to repeat the testimony of others who have appeared before you in support of this bill. It seems clear that various forms of crisis intervention acts have contributed to public safety in those states that have enacted such measures, and that LD 2283 would contribute to public safety in Maine if enacted by this Legislature and signed by the Governor. It is also clear that the bill as now structured does not jeopardize any constitutional rights of persons subject to crisis intervention orders entered and executed according to the procedures spelled out in the bill.

From my perspective, one of reasons why this bill should be enacted is to give law enforcement personnel on the scene additional tools with which to deal with persons who could be threats to themselves or others. Our police officers and deputy sheriffs are the resources the citizens turn to when they feel in danger from their fellow citizens. They receive a large number of complaints. Some of these report on situations that can result in serious harm. It is the job of the police to try to prevent such harm from occurring.

Under LD 2283, an officer does not have to try to take a person into custody to get a mental health evaluation based solely on her and perhaps her colleagues' evaluation of the information available. If the officer receives information or a complaint about a potentially dangerous person, the officer can go right to the court and have the judge make an evaluation of whether the person's access to firearms constitutes an imminent and significant danger to himself or others. It is the judge who is responsible for the decision to deprive someone not of his freedom, but rather of the temporary use of his firearms. When the judge issues the crisis intervention order, the job of the police is merely to serve it and execute what the judge has ordered. When the officer approaches the person in question,

she has in hand a court order that gives her the authority to do what she needs to do and that will protect her if in fact the information on which it was based fails to hold up.

Making the judge the responsible evaluator at the earliest stage is perhaps even more important for those cases in which there may be some doubt about the quality of the information received or the actual dangerousness of the person in question. Under LD 2283, if the police faithfully relay the information to the court, and the court declines to issue a crisis intervention order, the police are not exposed if later on something happens.

LD 2283 is a useful complement to our current "yellow flag law." While there are likely cases in which the issue is the mental state of the person in question, and in which a mental health evaluation will contribute to a just disposition, the procedures set forth in LD 2283 permit more prompt action in cases in which dangerousness is not necessarily associated with mental illness, and permit action at the behest of family members as well as law enforcement. There is every reason to believe that this measure will provide additional protection against dangerous misuse of firearms in Maine.

Thank you for your consideration and support of this legislation.