



# HOUSE OF REPRESENTATIVES

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*Testimony of Rep. Lori K. Gramlich presenting*

## **LD 2163, An Act to Improve the Response to Complaints by Victims of Crime and Enhance Victims' Rights**

*Before the Joint Standing Committee on Judiciary*

Senator Carney, Representative Kuhn and distinguished members of the Joint Standing Committee on Judiciary, my name is Lori Gramlich, and I represent House District 131, the lovely seaside community of Old Orchard Beach. I am also proud to serve as Assistant Majority Leader in the Maine House. I am here today to present **LD 2163, An Act to Improve the Response to Complaints by Victims of Crime and Enhance Victims' Rights**.

This bill is grounded in a simple but critical principle: When we promise rights to victims of crime, those rights must be meaningful, enforceable and respected across every level of our criminal justice system. While Maine law already recognizes important rights for victims, too often there is no clear, consistent mechanism to address violations of those rights when they occur. This legislation directly addresses that gap.

At the heart of this bill is the creation of a centralized, uniform complaint process within the Office of the Attorney General for victims who believe their statutory rights have been violated by a state, county, or municipal authority. This process is designed to promote consistency, accountability, and transparency—without creating a private cause of action or interfering with ongoing prosecutions.

The bill carefully balances victim access with institutional fairness. It allows the Office of the Attorney General discretion in determining which complaints to pursue and how inquiries are conducted, while also ensuring authorities cooperate by providing necessary information. Importantly, when a violation is substantiated, the office may issue recommendations, and agencies are required to respond within 30 days—creating accountability without overreach.

The bill also strengthens and clarifies several key rights that victims have told us matter deeply to them:

- The right to timely notice and an opportunity to be heard when subpoenas seek access to a victim's private records, including medical, mental health, educational, or phone records.
- The right to be informed of the filing, scheduling, and outcome of appeals in cases involving crimes against them.
- The right to comment on proposed early termination or modification of probation or administrative release.
- The explicit right for a victim to retain their own attorney, who may be present and speak on the victim's behalf at all stages of interaction with the criminal justice system—without fear of retaliation or diminished treatment.
- Enhanced notice requirements and clearer informational pamphlets so victims understand their rights in plain language, including how to raise concerns when those rights are not honored.

These provisions reflect best practices and respond to real experiences shared by victims and advocates across Maine.

The bill requires biennial reporting beginning in 2029, ensuring that policymakers, the judiciary, and the public can better understand how the complaint process is working, what kinds of issues are arising, and what improvements may be needed. This data-driven approach allows us to strengthen the system over time while respecting the independence of all involved entities.

This legislation does not pit victims against prosecutors, law enforcement, or the courts. Instead, it affirms that a fair and effective justice system must include meaningful respect for the people most directly harmed by crime. By improving compliance, clarifying rights and creating a clear pathway for accountability, this bill makes Maine's commitment to crime victims stronger and more credible.

For these reasons, I respectfully urge the committee to vote **ought to pass** on this critically important policy initiative.

Finally, I would like to direct your attention to the proposed amendment that was distributed to the committee earlier this week. For your convenience, I have also attached it to this testimony. The amendment simply addresses concerns around confidentiality and clarifies that provisions of the bill apply to criminal proceedings.

Thank you for your time and consideration. I would be happy to answer any questions.

**An Act to Improve the Response to Complaints by Victims of Crime and Enhance  
Victims' Rights**

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 5 MRSA Pt. 9, headnote** is amended to read:

**PART 9**

**CRIMINAL JUSTICE PLANNING AND ASSISTANCE CRIME VICTIM RESPONSE**

**Sec. 2. 5 MRSA c. 316-E** is enacted to read:

**CHAPTER 316-E**

**CRIME VICTIM COMPLAINT PROCESS**

**§3360-Y. Complaint process for violation of crime victims' rights**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Authority"** means a governmental entity that has a victim rights obligation under this Title or Title 15, 16, 17-A or 30-A.
- B. "Office"** means the Office of the Attorney General.
- C. "Rights"** means statutory rights of a victim under this Title or Title 15, 16, 17-A or 30-A.
- D. "Victim"** has the same meaning as in Title 17-A, section 2101, subsection 2.

**2. Crime victim complaints.** The office shall provide a centralized process for a victim to allege a violation of one or more rights by a state, county or municipal authority. The process must further uniformity, efficiency and compliance by state, county and local authorities responsible for ensuring victims' access to justice. This process does not intend to alter any provisions of Title 34-A, section 1214 or apply to complaints that fall under that section.

**3. Crime victim complaint inquiry.** The office shall develop a process for making inquiry into complaints made by victims. That process must include, but not be limited to, the following.

- A.** The office shall prescribe the methods by which complaints are made, received and acted upon. The office shall inform an individual that the filing of a complaint with the office does not guarantee a specific outcome for the individual making the complaint. The office may determine which complaints to pursue based on factors such as the severity of any alleged violation or the potential for repetition.
- B.** The office may make inquiry with any state, county or local authority that may have information relevant to any complaint. The office may determine the scope and manner of any inquiry made.
- C.** The office may request and must be given access to information the office considers necessary to support the inquiry.

**4. Recommendations after inquiry.** On finding a complaint valid after duly considering the complaint and any material the office considers relevant, the office may recommend modification or implementation of

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policies and practices action to the appropriate authority. If the office makes such recommendations a recommendation to an appropriate authority for action, that authority, within a reasonable time period not to exceed 30 days, shall inform the office of any policy or practice changes made in response the action taken or the reasons for not taking any action responsive to the recommendation.

**5. Other victim rights.** This chapter does not prohibit a victim from exercising any other lawful action in response to the victim's complaint under subsection 2.

**6. Confidentiality.** Except as otherwise noted in this section, any complaints made to the office and any office records concerning such complaints are confidential and may be only be disclosed to: a person or entity deemed necessary by the office to carrying out the office's responsibilities under this section; to a state agency if necessary to carry out the statutory functions of that agency; a criminal justice agency if necessary to carry out the administration of criminal justice as defined in Title 16, section 703, subsection 1 or the administration of juvenile justice; or to a community based victim services provider.

**6-A. Office may not be compelled to testify or produce evidence.** The office may not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to matters involving the exercise of the duties described in this section.

**7. Rules.** The office may adopt rules to implement the provisions of this chapter. Rules adopted pursuant to this section are routine technical rules as defined in chapter 375, subchapter 2-A.

**8. Report.** Beginning January 15, 2029, and biennially thereafter, the office shall provide to the Governor, the President of the Senate, the Speaker of the House and the Chief Justice of the Supreme Judicial Court a report that summarizes, at a minimum:

- A. The nature of the complaints received under this section since the last report, the measures taken to address those complaints and the outcome of those complaints;
- B. Aggregate data concerning the complaints received under this section since the last report, including, but not limited to, the number of complaints and to which public agencies and officials they were directed; and
- C. Recommendations by the office and public agencies and officials for improving the process under this section.

**Sec. 3. 17-A MRSA §2102, sub-§1, ¶F-2,** as enacted by PL 2021, c. 330, §6 and reallocated by RR 2021, c. 1, Pt. A, §14, is amended to read:

F-2. The final disposition of the charges against the defendant, including the amount of deductions to time served that a defendant has accumulated as of the date of sentencing. On or before the date of sentencing, the attorney for the State shall obtain information about the deductions to time served from each correctional facility at which a defendant was detained prior to sentencing on the relevant charges; and

**Sec. 4. 17-A MRSA §2102, sub-§1, ¶G,** as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

G. The right to comment on the proposed early termination of probation, early termination of administrative release or conversion of probation to administrative release, pursuant to section 2105.;

**Sec. 5. 17-A MRSA §2102, sub-§1, ¶H** is enacted to read:

H. The right to receive timely notice of and have an opportunity to be heard at any criminal hearing or criminal court proceeding concerning a subpoena issued for any record about or concerning the victim; and

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**Sec. 6. 17-A MRSA §2102, sub-§1, ¶1** is enacted to read:

I. The filing, scheduling and outcome of an appeal of a decision of the court by a defendant or the State involving a crime against the victim.

**Sec. 7. 17-A MRSA §2102, sub-§2**, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

**2. Pamphlets.** When providing notice under subsection 1, the attorney for the State shall offer to provide the victim with a pamphlet containing this chapter; Title 5, chapter 316-A; Title 5, chapter 316-E; and Title 15, sections 812 and 6101. In addition, the attorney for the State, as part of any victim and witness support program that attorney administers under Title 30-A, section 460, shall provide the victim with a pamphlet outlining in everyday language the provisions set out in this chapter; Title 5, chapter 316-A; Title 5, chapter 316-E; and Title 15, sections 812 and 6101. The attorney for the State may use the pamphlet printed and distributed by the Department of Corrections or another pamphlet that meets the criteria in this section.

**Sec. 8. 17-A MRSA §2110** is enacted to read:

**§2110. Subpoenas for victim's records**

A victim has the right to timely notice and must be given an opportunity to be heard at any criminal hearing or criminal court proceeding concerning a subpoena issued for any record about or concerning that victim, including, but not limited to, medical or mental health counseling or treatment records, educational records or cellular telephone records.

**Sec. 9. 17-A MRSA §2111** is enacted to read:

**§2111. Presence of victim's attorney or advocate**

At any point in a criminal proceeding, a victim has the right to retain a victim's attorney, who may be present and speak on behalf of the victim during all stages of any interview, investigation or other interaction with representatives of the criminal justice system. Treatment of the victim may not be affected or altered in any way because of the victim's decision to exercise this right. A victim witness advocate or victim witness coordinator, as defined in Title 16, section 53-C, subsection 1, paragraph C, may also be present and speak on behalf of the victim during any court proceeding.

## **SUMMARY**

This bill strengthens compliance by state, county and local authorities with laws regarding crime victim rights and provides a complaint process for victims whose rights have been violated. Specifically, the bill does the following.

1. It directs the Office of the Attorney General to create a centralized complaint process and procedures for investigations of violations of crime victim rights, including a victim complaint notice process and an inquiry and investigative process that requires that the office be given access to necessary information to conduct investigations. If, after the filing of a complaint and investigation into that complaint, the office determines it appropriate to do so, the office must recommend that a state, county or municipal authority modify or implement certain policies or practices ~~take action~~ and that authority must report to the office within 30 days regarding the action taken or the reasons for not taking any action responsive to the recommendation.

2. It specifies that a victim who participates in the victim complaint process may also exercise any other legal rights and remedies available to the victim.

3. It clarifies that the office may not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to matters involving the exercise of the duties established in the bill.

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4. It specifies that a victim has the right to receive timely notice of and have an opportunity to be heard at any criminal hearing or criminal court proceeding concerning a subpoena issued for any record about or concerning the victim, including, but not limited to, medical or mental health counseling or treatment records, educational records or cellular telephone records.

5. It specifies that a victim has a right to be notified of the filing, scheduling and outcome of an appeal of a decision of a court about a crime against that victim.

6. It specifies that at any point in a criminal proceeding, a victim has the right to retain a victim's attorney, who may be present and speak on behalf of the victim during all stages of any interview, investigation or other interaction with representatives of the criminal justice system. Treatment of the victim may not be affected or altered in any way because of the victim's decision to exercise this right. A victim witness advocate or victim witness coordinator may also be present and speak on behalf of the victim during any court proceeding.