§18. Homelessness crisis protocol

A person who lacks a home who commits a listed offense because the person lacks a home must be treated in accordance with the homelessness crisis protocol adopted by the responding law enforcement agency under subsection 2. [PL 2021, c. 393, §1 (NEW).]

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

A. "Law enforcement agency" has the same meaning as in Title 25, section 3701, subsection 1. [PL 2021, c. 393, §1 (NEW).]

B. "Listed offense" means:

(1) Criminal trespass in violation of section 402, subsection 1, paragraph C or F;

(2) Disorderly conduct in violation of section 501-A, subsection 1, paragraph A;

(3) Indecent conduct in violation of section 854 that is based on urinating in public;

(4) Possession of a scheduled drug in violation of chapter 45 that is based on using the scheduled drug; or

(5) Public drinking in violation of Title 17, section 2003-A, subsection 2. [PL 2021, c. 393, §1 (NEW).]

[PL 2021, c. 393, §1 (NEW).]

2. Adoption of homelessness crisis protocol. This subsection governs the adoption of homelessness crisis protocols by the Attorney General and law enforcement agencies. A homelessness crisis protocol must include access and referral to crisis services, mental health and substance use disorder professionals, emergency and transitional housing and case management services.

A. By January 1, 2022, the Attorney General shall adopt a model homelessness crisis protocol.

Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [PL 2021, c. 393, §1 (NEW).]

B. By March 1, 2022, all law enforcement agencies shall adopt homelessness crisis protocols. The protocol of a law enforcement agency may, but is not required to, conform to the protocol adopted by the Attorney General. [PL 2021, c. 393, §1 (NEW).]

[PL 2021, c. 393, §1 (NEW).]

3. Law enforcement response to a listed offense by a person who lacks a home. A law enforcement officer who responds to a call regarding or encounters a person who is committing or has committed a listed offense shall inquire whether the person has a home or lacks a home. If the person lacks a home, the law enforcement officer shall respond to the person using the homelessness crisis protocol adopted by the officer's law enforcement agency under subsection 2.
[PL 2021, c. 393, §1 (NEW).]

REVISOR'S NOTE: §18. Crimes involving minors (As enacted by PL 2021, c. 447, §1 is REALLOCATED TO TITLE 17-A, SECTION 19)

SECTION HISTORY

PL 2021, c. 393, §1 (NEW).

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