

MEMO

TO: Committee on Criminal Justice and Public Safety

FROM: Criminal Law Advisory Commission (CLAC)

RE: L.D. 369

Date: February 22, 2021

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CLAC members oppose passage of LD 369. The bill would criminalize failure to report certain incidents involving bodily injury or criminal activity by someone who electronically recorded the incident. Note that Maine has no general requirement that a citizen must report a crime. CLAC members fail to see why the creation of a recording should subject a failure to report to criminal penalties. Moreover, CLAC members point out that disclosure of electronic recordings often serves the public interest and are concerned that this bill could have a chilling effect on such recordings. Finally, CLAC members support Maine's longstanding policy against imposing a generalized duty to report on citizens.