1	L.D. 1478
2	Date: (Filing No. H-)
3	CRIMINAL JUSTICE AND PUBLIC SAFETY
4	Reproduced and distributed under the direction of the Clerk of the House.
	-
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	130TH LEGISLATURE
8	FIRST SPECIAL SESSION
9 10	COMMITTEE AMENDMENT "" to H.P. 1093, L.D. 1478, "An Act To Decriminalize Homelessness"
11	Amend the bill by striking out the title and substituting the following:
12 13	'An Act To Require the Use of Homelessness Crisis Protocols by Law Enforcement Agencies'
14 15	Amend the bill by striking out everything after the enacting clause and inserting the following:
16	'Sec. 1. 17-A MRSA §18 is enacted to read:
17	<u>§18. Homelessness crisis protocol</u>
18 19 20	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.
21 22	1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
23 24	A. "Law enforcement agency" has the same meaning as in Title 25, section 3701, subsection 1.
25	B. "Listed offense" means:
26	(1) Criminal trespass in violation of section 402, subsection 1, paragraph C or F;
27	(2) Disorderly conduct in violation of section 501-A, subsection 1, paragraph A;
28	(3) Indecent conduct in violation of section 854 that is based on urinating in public;
29 30	(4) Possession of a scheduled drug in violation of chapter 45 that is based on using the scheduled drug; or
31	(5) Public drinking in violation of Title 17, section 2003-A, subsection 2.

Page 1 - 130LR1680(02)

COMMITTEE AMENDMENT

1 2	<u>2. Adoption of homelessness crisis protocol.</u> This subsection governs the adoption of homelessness crisis protocols by the Attorney General and law enforcement agencies. A
3	homelessness crisis protocol must include access and referral to crisis services, mental
4	health and substance use disorder professionals, emergency and transitional housing and
5	case management services.
6	A. By January 1, 2022, the Attorney General shall adopt a model homelessness crisis
7	protocol.
8	Rules adopted pursuant to this paragraph are routine technical rules as defined by Title
9	5, chapter 375, subchapter 2-A.
10	B. By March 1, 2022, all law enforcement agencies shall adopt homelessness crisis
11	protocols. The protocol of a law enforcement agency may, but is not required to,
12	conform to the protocol adopted by the Attorney General.
13	3. Law enforcement response to a listed offense by a person who lacks a home. A
14	law enforcement officer who responds to a call regarding or encounters a person who is
15	committing or has committed a listed offense shall inquire whether the person has a home
16	or lacks a home. If the person lacks a home, the law enforcement officer shall respond to
17	the person using the homelessness crisis protocol adopted by the officer's law enforcement
18	agency under subsection 2.
19	Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
20	number to read consecutively.
21	SUMMARY
22	This amendment, which is the majority report of the committee, replaces the bill. This
23	amendment directs the Attorney General to adopt a model homelessness crisis protocol and
24	directs law enforcement agencies to adopt protocols, which may, but are not required to,
25	conform to the model protocol adopted by the Attorney General. The amendment requires
26	a homelessness crisis protocol to include access and referral to crisis services, mental health
27	and substance use disorder professionals, emergency and transitional housing and case
28	management services.
29	The amendment defines certain violations of the Maine Criminal Code as "listed
30	offenses." The amendment requires a law enforcement officer who responds to a listed
31	offense to inquire whether the person committing the offense lacks a home. If the person
32	lacks a home, the law enforcement officer is required to respond in accordance with the
33	homelessness crisis protocol.

Page 2 - 130LR1680(02)

COMMITTEE AMENDMENT