L.D. 2168

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**JUDICIARY**

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**STATE OF MAINE**

**HOUSE OF REPRESENTATIVES**

**129TH LEGISLATURE**

**SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT " " to H.P. 1551, L.D. 2168, "An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine"

Amend the bill by striking out everything after the enacting clause and inserting the following:

'**Sec. 1. 5 MRSA c. 337-D** is enacted to read:

**CHAPTER 337-D**

**PROFILING DATA COLLECTION**

**§4751. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Law enforcement agency.** "Law enforcement agency" means an agency in the State charged with enforcement of state, county, municipal or federal laws or laws of a federally recognized Indian tribe, with the prevention, detection or investigation of criminal, immigration or customs laws or with managing custody of detained persons in the State and includes, but is not limited to, municipal police departments, sheriffs' departments, the State Police, a university or college police department and the Department of Public Safety.

**2. Law enforcement officer.** "Law enforcement officer" means a state, county or municipal official or an official of a federally recognized Indian tribe responsible for enforcing criminal, immigration or customs laws, including, but not limited to, a law enforcement officer who possesses a current and valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy pursuant to Title 25, section 2803-A.

**§4752. Collection of information; reporting of information**

**1. Information collected.** Beginning July 1, 2022, a law enforcement agency shall record and retain the following information regarding traffic violations occurring in this State:

A. The number of persons stopped for traffic violations;

B. Characteristics of race, color, ethnicity, gender and age of each person described in paragraph A. The identification of such characteristics must be based on the observation and perception of the law enforcement officer responsible for reporting the stop. The person stopped may not be required to provide the information;

C. The nature of each alleged traffic violation that resulted in a stop;

D. Whether a warning or citation was issued, an arrest was made or a search was conducted as a result of each stop for a traffic violation; and

E. Any additional information the law enforcement agency determines appropriate. The additional information may not include any other personally identifiable information about a person stopped for a traffic violation such as the person's driver's license number, name or address.

**2. Report to Attorney General.** A law enforcement agency shall report the information required to be recorded and retained under subsection 1 to the Attorney General pursuant to rules adopted pursuant to section 4753.

**§4753. Rules; consultation**

**1. Adoption of rules.** By January 1, 2022, the Attorney General shall adopt rules for the recording, retention and reporting of information pursuant to section 4752 pertaining to persons stopped for traffic violations. The information must include the characteristics of race, color, ethnicity, gender and age of the persons stopped, based on the observation and perception of the law enforcement officer making the stop. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

**2. Consultation.** In adopting rules pursuant to subsection 1, the Attorney General shall consult with the Commissioner of Public Safety and interested parties, including law enforcement agencies and community, professional, research, civil liberties and civil rights organizations and persons with lived experience of being profiled. The Attorney General shall ensure that the parties consulted represent the racial and ethnic diversity of the State.

**§4754. Report; publication of data**

**1. Report.** Beginning January 15, 2023 and annually thereafter, the Attorney General shall provide to the joint standing committees of the Legislature having jurisdiction over judiciary matters and criminal justice and public safety matters and make available to the public a report of the information collected pursuant to this chapter. The report must include an analysis of the information and may include recommendations for changes in laws, rules and practices. Information reported may not include personally identifiable information.

**2. Name, identifying information confidential.** The name and personally identifiable information of a law enforcement officer or any other person involved in any activity for which information is collected and compiled under this chapter is confidential and may not be released to the public or disclosed to any person except as necessary to comply with this chapter or the policies prohibiting profiling adopted as provided in Title

25, section 2803-B, subsection 1, paragraph E or, if it is information regarding a particular person, to that person.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

## SUMMARY

This amendment replaces the bill, which is a concept draft.

This bill requires all law enforcement agencies, beginning July 1, 2022, to collect information about each person stopped for a traffic violation. The information must include the characteristics of race, color, ethnicity, gender and age of those persons. The identification of such characteristics must be based on the observation and perception of the law enforcement officer responsible for reporting the stop. The person stopped may not be required to provide the information. The information must also include whether a warning or citation was issued, an arrest was made or a search was conducted as a result of the stop. Each law enforcement agency must report the information to the Attorney General, who is required to report the information, along with analysis and any recommendations, to the joint standing committees of the Legislature having jurisdiction over judiciary matters and criminal justice and public safety matters beginning January 15, 2023 and annually thereafter. The report must be made available to the public.

The Attorney General is directed to adopt rules governing the recording, retention and reporting of the information. In adopting the rules, the Attorney General must consult with the Commissioner of Public Safety and other interested parties, including law enforcement agencies and community, professional, research, civil liberties and civil rights organizations and persons with lived experience of being profiled. The Attorney General must ensure that the parties consulted represent the racial and ethnic diversity of the State.

The name and personally identifiable information of a law enforcement officer or any other person involved in any activity for which information is collected and compiled under these provisions is confidential.

**FISCAL NOTE REQUIRED**

**(See attached)**