



## Maine Association of Criminal Defense Lawyers

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April 3, 2017

Senator Kimberly Rosen  
Representative Charlotte Warren  
Committee on Criminal Justice & Public Safety  
100 State House Station Room 436  
Augusta, ME 04330

Re: LD 1014 – An Act to Require a Person to Notify Law Enforcement Officers  
of the Possession of a Hypodermic Needle

Dear Senator Rosen, Representative Warren and Members of the Criminal Justice  
and Public Safety Committee:

MACDL opposes LD 1014.

This bill has significant constitutional problems in that it affirmatively requires a person to potentially disclose information to law enforcement, by statute, of the fact that they are in possession of something that may be a crime. There is nowhere else in Maine law that provides such an affirmative requirement of mandatory disclosure that a person may be committing a crime. Certain types of possession of a hypodermic needle are in fact a crime and is always a crime when that hypodermic needle contains even trace amounts of illegal drugs.

The bill is also unnecessary because law enforcement officers regularly and routinely ask when frisking someone whether they have any needles or objects that may cause them any injury. This is a part of nearly every single frisk of a person. If the person does not respond or lies to the officer, and the officer is stuck with a needle, that could provide the basis for the crime of assault on an officer because that would involve bodily injury to a law enforcement officer in the course of official duties. This is already a Class C felony crime.

Thank you for the opportunity to address this issue.

Sincerely,

Walter F. McKee  
Chair, Legislative Committee, MACDL

WFM/rp