§2805-B. Employment and training records

1. Annual report and records. Within 30 days of the close of each calendar year, the highest elected official of each political subdivision and the head of each state department and agency employing law enforcement or corrections officers subject to this chapter shall provide the board with a report containing a list of the names and dates of employment of all law enforcement and corrections officers covered by this chapter. The official or department or agency head shall maintain records regarding the basic and in-service training of law enforcement and corrections officers as provided in sections 2804-C to 2804-F. The report provided to the board must include the total number of excessive force complaints received about law enforcement or corrections officers during the reporting year by the reporting jurisdiction and the total number of these complaints that were determined to be founded and unfounded. The board may adopt additional categories that law enforcement agencies shall record and include in their annual report to the board.
[PL 1993, c. 744, §10 (AMD).]

2. New officers. Whenever a law enforcement officer or corrections officer is newly appointed, the official or department or agency head shall send notice of appointment within 30 days to the board on a form provided for that purpose. The form is deemed an application for admission to the training program or for other certification as required by this chapter.
[PL 2005, c. 331, §24 (AMD).]

3. Termination of officers. Whenever the employment of a law enforcement officer or corrections officer is terminated, the official or department or agency head shall send notice of the termination within 30 days to the board on a form provided for that purpose.
[PL 2005, c. 331, §25 (NEW).]

4. Application for employment with a law enforcement agency, correctional facility or county or regional jail. This subsection applies when a law enforcement officer or corrections officer who is employed by a law enforcement agency, correctional facility or county or regional jail, or who was employed by a law enforcement agency, correctional facility or county or regional jail within 90 days prior to making an application for employment, applies for employment as a law enforcement officer or corrections officer with a different law enforcement agency, correctional facility or county or regional jail.

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

(1) "Applicant" means the law enforcement officer or corrections officer who is applying for employment at a hiring agency.

(2) "Employing agency" means the law enforcement agency, correctional facility or county or regional jail that employs the applicant at the time that a request is made pursuant to paragraph B or that employed the applicant within 90 days prior to the applicant making an employment application to the hiring agency.

(3) "Employment records" means personnel, employment and any other records pertaining to an applicant's employment and job performance with the employing agency but does not include any internal investigative records of the employing agency relating to the applicant.

(4) "Hiring agency" means the law enforcement agency, correctional facility or county or regional jail to which the applicant is applying for employment. [PL 2021, c. 256, §1 (NEW).]

B. The applicant shall sign a request that an employing agency release all employment records to a hiring agency. For the purposes of the employment application, the request form must include a waiver of any rights that the applicant has to the privacy of the employment records, including

those rights related to the exchange of information resulting from a background investigation or polygraph examination under subsection 5 between the employing agency and the hiring agency. The request form must be signed by the applicant and the signature must be witnessed. The board shall adopt rules establishing a standard request and waiver form. Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [PL 2023, c. 84, §1 (AMD).]

C. An employing agency that receives a request pursuant to paragraph B shall promptly release all employment records to the hiring agency. [PL 2021, c. 256, §1 (NEW).]

D. An employing agency that responds to a request pursuant to paragraph B and releases information pursuant to paragraph C is immune from civil or criminal liability for releasing the requested information to a hiring agency. [PL 2021, c. 256, §1 (NEW).]

E. A hiring agency that receives information pursuant to paragraph C from an employing agency shall treat that information in the same manner as it treats employment records of the employees of the hiring agency. A hiring agency is immune from civil or criminal liability for receiving the requested information. [PL 2021, c. 256, §1 (NEW).]

[PL 2023, c. 84, §1 (AMD).]

5. Release of the results of a background investigation or polygraph examination. When a background investigation or polygraph examination has been performed on a law enforcement officer or corrections officer and the results indicate probable cause to believe that the officer is or has been involved in criminal activity, the head of the law enforcement agency, correctional facility or county or regional jail that conducted the investigation or examination or for whom the investigation or examination was performed shall release the results of the investigation or examination to the head of the law enforcement agency, correctional facility or county or regional jail that employs the law enforcement officer or corrections officer.

The head of the law enforcement agency, correctional facility or county or regional jail that conducted the background investigation or polygraph examination of the law enforcement officer or corrections officer, or for whom the investigation or examination was performed, is immune from civil or criminal liability for releasing information gathered during the investigation or examination to the head of the law enforcement agency, correctional facility or county or regional jail that employs the law enforcement officer or corrections officer.

[PL 2023, c. 84, §2 (AMD).]

SECTION HISTORY

PL 1989, c. 521, §§8,17 (NEW). PL 1993, c. 744, §10 (AMD). PL 2005, c. 331, §§24,25 (AMD). PL 2021, c. 256, §§1, 2 (AMD). PL 2023, c. 84, §§1, 2 (AMD).

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