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Legislative Document

No. 1671

H.P. 1106

House of Representatives, April 17, 2025

An Act to Establish Disclosure Requirements Regarding Law Enforcement Officer Credibility Information

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative LEE of Auburn.

Cosponsored by Representatives: BABIN of Fort Fairfield, BISHOP of Bucksport, BUNKER of Farmington, HASENFUS of Readfield, HENDERSON of Rumford, LAJOIE of Lewiston, O'HALLORAN of Brewer, SALISBURY of Westbrook.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 25 MRSA c. 415 is enacted to read:

3 **CHAPTER 415**

4 **LAW ENFORCEMENT OFFICER CREDIBILITY INFORMATION**
5 **DISCLOSURE REQUIREMENTS**

6 **§3881. Definitions.**

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

9 **1. Chief law enforcement officer.** "Chief law enforcement officer" means the
10 officially appointed or elected head of a law enforcement agency.

11 **2. Credibility information.** "Credibility information" means:

12 A. A sustained finding that a law enforcement officer:

13 (1) Has knowingly made an untruthful statement concerning a material fact or
14 knowingly omitted a material fact in any capacity or circumstance;

15 (2) Has demonstrated a pattern of bias based on race, religion, ethnicity, gender,
16 sexual orientation, age, disability, national origin or any other protected class;

17 (3) Is alleged to have committed or been charged with a felony or a crime involving
18 dishonesty;

19 (4) Has intentionally violated the constitutional or statutory rights of others; or

20 (5) Has tampered with or fabricated evidence;

21 B. Facts reflecting a law enforcement officer's impaired ability to perceive or recall the
22 truth of a matter;

23 C. A publicly aired allegation against a law enforcement officer claiming the officer to
24 be untruthful or biased; and

25 D. Facts reflecting that a law enforcement officer resigned from another law
26 enforcement agency after being accused of misconduct adversely reflecting the
27 officer's truthfulness, bias or commission of any crime.

28 **3. Involved law enforcement officer.** "Involved law enforcement officer" means a law
29 enforcement officer who is the subject of a report for credibility information under section
30 3882, subsection 1.

31 **4. Law enforcement agency.** "Law enforcement agency" has the same meaning as in
32 section 3701, subsection 1.

33 **5. Law enforcement officer.** "Law enforcement officer" has the same meaning as in
34 section 2801-A, subsection 5 and includes a volunteer or employee who performs or aids a
35 law enforcement function.

36 **6. Prosecuting attorney's office.** "Prosecuting attorney's office" means, as applicable,
37 the Office of the District Attorney or the Office of the Attorney General.

1 **7. Sustained finding.** "Sustained finding" means a final determination by an
2 investigating agency, commission, board, hearing officer, arbitrator or court, following an
3 investigation and an opportunity to respond to allegations or proposed punitive or
4 corrective actions, that the conduct of a law enforcement officer was found to violate the
5 law or a policy of a law enforcement agency.

6 **§3882. Law enforcement agency disclosure to prosecuting attorney's office and officer**

7 The following provisions govern a law enforcement agency's obligation to disclose
8 credibility information regarding a law enforcement officer to a prosecuting attorney's
9 office.

10 **1. Duty to notify prosecuting attorney's office.** A law enforcement agency shall
11 notify the prosecuting attorney's office of any credibility information regarding a law
12 enforcement officer who is a potential witness in a criminal prosecution.

13 **2. Duty to notify involved law enforcement officer.** At the same time it provides the
14 notice required pursuant to subsection 1, a law enforcement agency shall notify the
15 involved law enforcement officer of the notification to the prosecuting attorney's office.

16 **§3883. Prosecuting attorney's office notice to involved law enforcement officer**

17 The following provisions govern the notice a prosecuting attorney's office must provide
18 to an involved law enforcement officer and the officer's opportunity to correct or prevent
19 further disclosure of credibility information prior to the prosecuting attorney's office's
20 disclosure of the credibility information to the defendant in the case for which the involved
21 law enforcement officer is a potential witness.

22 **1. Notice of possible disclosure to defendant.** At least 10 calendar days, or as soon as
23 practicable, before a prosecuting attorney's office decides whether to disclose credibility
24 information to a defendant, the prosecuting attorney's office shall provide a written notice
25 to the involved law enforcement officer with a copy to the chief law enforcement officer
26 that, at a minimum, includes a notice of possible disclosure of credibility information to a
27 defendant, the officer's right to provide input to the prosecuting attorney's office before
28 disclosure to a defendant and the prosecuting attorney's office's procedural requirements
29 for the officer to provide the input. If more immediate notification of credibility
30 information to a defendant is necessary to accommodate an imminent hearing in a pending
31 criminal case or more immediate notification is determined to be in the interest of justice,
32 notification to the law enforcement officer must be provided within 5 calendar days before
33 the prosecuting attorney's officer provides notification to a defendant.

34 **2. Law enforcement officer opportunity to respond.** Within 5 calendar days of
35 receiving the notice from the prosecuting attorney's office pursuant to subsection 1, the
36 involved law enforcement officer may request an opportunity to provide input to the
37 prosecuting attorney's office before disclosure of any credibility information to a defendant.

38 **3. Request for in camera review prior to disclosure.** Before a prosecuting attorney's
39 office discloses credibility information to a defendant, the involved law enforcement
40 officer may request an in camera review of the credibility information in the Superior Court
41 to determine whether or to what extent the information may be disclosed.

42 **§3884. Written policies and procedures**

1 Law enforcement agencies and prosecuting attorney's offices shall adopt written
2 policies and procedures consistent with this chapter as follows.

3 **1. Law enforcement agency.** By January 1, 2026, a law enforcement agency shall
4 implement written policies and procedures for prompt disclosure of credibility information,
5 as required by section 3882.

6 **2. Prosecuting attorney's office.** By January 1, 2026, a prosecuting attorney's office
7 shall adopt written policies and procedures for:

8 A. Receiving credibility information notifications;

9 B. Maintaining a current record of all credibility information;

10 C. Establishing a process by which to notify a defendant of credibility information
11 under the Maine Rules of Unified Criminal Procedure, Rule 16;

12 D. Establishing a process for notifying other prosecuting attorney's offices in the State
13 of a current record of credibility information; and

14 E. Establishing a process for removing any credibility information found to be
15 inaccurate or false from the relevant prosecuting attorney's office's credibility
16 information disclosure notification record.

17 **§3885. Action to remove credibility information**

18 If credibility information with respect to a law enforcement officer is found to be
19 inaccurate or false and the prosecuting attorney's office continues to maintain the inaccurate
20 or false information in its record of credibility information established pursuant to section
21 3884, subsection 2, paragraph B, the involved law enforcement officer may petition the
22 Superior Court for a review of governmental action to remove the credibility information
23 from the relevant prosecuting attorney's office's credibility information records.

24 **SUMMARY**

25 This bill requires that a law enforcement agency disclose to a prosecuting attorney's
26 office when a law enforcement officer who is a potential witness in a criminal prosecution
27 has engaged in certain specified conduct that calls into question the credibility of the officer
28 as a witness, including, but not limited to, knowingly making untruthful statements of
29 material facts, tampering with evidence, other dishonest acts or admissions of dishonesty,
30 demonstrated patterns of bias against protected classes and facts reflecting an officer's
31 impaired ability to perceive or recall the truth of a matter. Law enforcement agencies must
32 notify the law enforcement officer when disclosing the credibility information to a
33 prosecuting attorney's office.

34 The prosecuting attorney's office must provide notice to the law enforcement officer
35 and the chief law enforcement officer of the reporting law enforcement agency at least 10
36 calendar days before disclosure of the information to a defendant, except under specific
37 circumstances, and provide the law enforcement officer an opportunity to address a
38 potential disclosure to a defendant before any such disclosure is made.

39 The bill requires a law enforcement agency to adopt written policies and procedures
40 for disclosing credibility information to a prosecuting attorney's office. It requires the
41 prosecuting attorney's office to adopt written policies and procedures for receiving and
42 maintaining credibility records concerning law enforcement officers, disclosing credibility

1 information to a defendant under the Maine Rules of Unified Criminal Procedure, Rule 16,
2 notifying other prosecuting attorney's offices in the State of the credibility information and
3 removing such records if the information is later determined to be inaccurate or false.

4 The bill allows an officer to file a petition in Superior Court to require a prosecuting
5 attorney's office to remove the credibility information from the officer's records of that
6 officer if the credibility information is found to be false or inaccurate.