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Date: (Filing No. H- )

**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1321, L.D. 1889, Bill, “An Act To Increase Safety for Maine Citizens by Amending the Definition of "Likelihood of Serious Harm" in the Laws Governing Mental Health and Hospitalization To Include Consideration of a Person's Potential for Future Serious Harm”

Amend the bill by striking out the title and substituting the following:

**'Resolve, To Establish the Blue Ribbon Commission on Community Safety'**

Amend the bill by striking out everything after the title and before the summary and inserting the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the purpose of the Blue Ribbon Commission on Community Safety is to explore appropriate methods to identify individuals who pose a significant risk of serious bodily injury or death to themselves or to other persons and to intervene to diminish the risk without unnecessarily infringing on the civil liberties of those identified individuals; and

**Whereas,** the study must be initiated before the 90-day period expires to allow the study to be completed and a report submitted in time for submission to the next legislative session; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Commission established. Resolved:** That the Blue Ribbon Commission on Community Safety, referred to in this resolve as "the commission," is established; and be it further

**COMMITTEE AMENDMENT**

1           **Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule  
2 353, the commission consists of 10 members as follows:

3           1. Two members of the Senate appointed by the President of the Senate, including  
4 members from each of the 2 parties holding the largest number of seats in the Legislature;

5           2. Two members of the House of Representatives appointed by the Speaker of the  
6 House, including members from each of the 2 parties holding the largest number of seats  
7 in the Legislature;

8           3. The Attorney General or the Attorney General's designee;

9           4. The Commissioner of Public Safety or the commissioner's designee;

10          5. A representative of law enforcement, appointed by the President of the Senate;

11          6. A forensic psychiatrist or a psychiatrist with experience treating patients who have  
12 been involved in the criminal justice system, appointed by the President of the Senate;

13          7. An attorney with expertise in constitutional law and the rights of patients  
14 voluntarily and involuntarily committed to psychiatric hospitals or residential care  
15 facilities, appointed by the Speaker of the House; and

16          8. A representative of Disability Rights Maine to represent mental health consumers,  
17 appointed by the Speaker of the House; and be it further

18           **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate  
19 chair and the first-named House of Representatives member is the House chair of the  
20 commission; and be it further

21           **Sec. 4. Appointments; convening of commission. Resolved:** That all  
22 appointments must be made no later than 30 days following the effective date of this  
23 resolve. The President of the Senate and the Speaker of the House shall notify the  
24 Executive Director of the Legislative Council once all appointments have been  
25 completed. When the appointment of all members has been completed, the chairs shall  
26 call and convene the first meeting of the commission. If 30 days or more after the  
27 effective date of this resolve a majority of but not all appointments have been made, the  
28 chairs may request authority and the Legislative Council may grant authority for the  
29 commission to meet and conduct its business; and be it further

30           **Sec. 5. Duties. Resolved:** That the commission shall make recommendations to  
31 help identify individuals who pose a significant risk of serious bodily injury or death to  
32 themselves or other persons, referred to in this resolve as "individuals who pose a risk to  
33 public safety," and to intervene to diminish the risk without unnecessarily infringing upon  
34 the civil liberties of those individuals. In making those recommendations, the  
35 commission shall:

36           1. Gather information concerning existing policies and procedures in the State for the  
37 identification and treatment of individuals who pose a risk to public safety and existing  
38 legal procedures for government intervention to diminish the risk, including information  
39 regarding whether existing policies and procedures can be used more effectively; and

40           2. Identify and evaluate the merits of alternative approaches for the identification and  
41 treatment of individuals who pose a risk to public safety as well as alternative policies

1 and legal procedures that can be implemented to alleviate the risk without unnecessarily  
2 infringing upon the civil liberties of those individuals, including but not limited to:

3 A. Determining whether the legal standard for involuntary commitment should be  
4 altered; and

5 B. Determining whether a process for the issuance of community protection orders  
6 that temporarily prevent individuals who pose a risk to public safety from possessing  
7 firearms or other deadly weapons should be available and, if so, the appropriate legal  
8 standards and due process protections to be included in that process; and be it further

9 **Sec. 6. Staff assistance. Resolved:** That, notwithstanding Joint Rule 353, the  
10 Legislative Council shall provide necessary staffing services to the commission; and be it  
11 further

12 **Sec. 7. Authorized meetings. Resolved:** That the commission may hold no  
13 more than 6 meetings; and be it further

14 **Sec. 8. Report. Resolved:** That the commission shall submit a report no later  
15 than November 7, 2018 that includes its findings and recommendations, including  
16 suggested legislation, to the joint standing committee of the Legislature having  
17 jurisdiction over judiciary matters. The joint standing committee of the Legislature  
18 having jurisdiction over judiciary matters is authorized to introduce legislation to the First  
19 Regular Session of the 129th Legislature related to the subject matter of the report.

20 **Emergency clause.** In view of the emergency cited in the preamble, this  
21 legislation takes effect when approved.'

22 **SUMMARY**

23 This amendment replaces the bill with a resolve that establishes the Blue Ribbon  
24 Commission on Community Safety to explore appropriate methods to identify individuals  
25 who pose a significant risk of serious bodily injury or death to themselves or other  
26 persons and to intervene to diminish the risk while preserving the civil liberties of such  
27 individuals to the extent possible. The commission is required to submit a report by  
28 November 7, 2018 that includes its findings and recommendations, including suggested  
29 legislation, to the joint standing committee of the Legislature having jurisdiction over  
30 judiciary matters. The joint standing committee of the Legislature having jurisdiction  
31 over judiciary matters is authorized to introduce legislation to the First Regular Session of  
32 the 129th Legislature related to the subject matter of the report.

33 **FISCAL NOTE REQUIRED**

34 **(See attached)**