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Legislative Document

No. 1390

H.P. 964

House of Representatives, April 11, 2017

An Act To Enhance the Rights of Families of Missing Persons and Homicide Victims

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 RILEY of Jay.
Cosponsored by Senator CYRWAY of Kennebec and
Representatives: BROOKS of Lewiston, SKOLFIELD of Weld, STANLEY of Medway,
TALBOT ROSS of Portland, Senator: CHENETTE of York.

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

2 **Sec. 1. 17-A MRSA §1178** is enacted to read:

3 **§1178. Information regarding unsolved missing persons and murder**

4 In addition to the requirements of this chapter, Title 5, chapter 316-A and Title 15,
5 sections 812 and 6101, in order to improve communication with the families of murder
6 and criminal homicide victims or missing persons regarding the status of unsolved or
7 open murder, criminal homicide and missing person cases, the following provisions
8 apply.

9 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
10 following terms have the following meanings.

11 A. "Case" means an open investigation of a murder or missing person.

12 B. "Investigating agency" means the law enforcement agency that has primary
13 responsibility for the investigation of a case.

14 C. "Murder" includes criminal homicide.

15 D. "Open" means:

16 (1) For a murder case, that a person committing the murder has not been tried or
17 adjudicated for or pled guilty to murder or a lesser included crime or has been
18 found not criminally responsible by reason of mental disease or defect of murder
19 or a lesser included crime; and

20 (2) For a missing person case, that the person has not been located.

21 **2. Open case website.** The Department of Public Safety shall maintain a publicly
22 accessible website that lists all open missing person and murder cases in the State. The
23 cases listed on the website must be categorized first by missing person or murder and
24 next by the type of each murder or missing person case, such as unsolved murder,
25 suspicious death, active missing person or presumed missing, and must contain a
26 summary of the details of the case and the name of and contact information for the
27 investigating agency.

28 **3. Annual interviews.** An investigating agency for an open case shall conduct a
29 press conference or issue a press release annually on the anniversary date that the murder
30 occurred or the person was reported missing unless the family of the victim or missing
31 person requests otherwise.

32 **4. Request for assistance from outside resources.** If a case remains open after 10
33 years, the family of a murder victim or missing person may require the investigating
34 agency to seek assistance from a federal law enforcement agency to resolve the open
35 case.

36 **5. Outside media.** The family of a murder victim or missing person may invite an
37 investigation by an organization that performs investigative journalism for broadcast, in
38 whatever form, to the public. The investigating agency shall provide access to

1 information regarding the open case except for that information the investigating agency
2 considers to be detrimental to solving the case if made public.

3 **6. Regular communication and updates by investigating agency and victim**
4 **advocate.** The investigating agency and a victim advocate shall communicate on at least
5 an annual basis with the family of the murder victim or missing person regarding the
6 status of the investigation into the murder or missing person case unless the family of the
7 murder victim or missing person requests otherwise. If the investigating agency becomes
8 aware of new information regarding the case or changes the status of the case, the
9 investigating agency must inform the family of that new information within 14 days
10 unless the investigating agency determines that the release of that information would be
11 detrimental to solving the case.

12 **7. Return of personal property; destruction or loss of evidence.** Upon request of
13 the family of a murder victim or missing person, an investigating agency or other state
14 agency in possession of personal property that belongs to the victim or missing person
15 shall return to the family that personal property if the investigating agency and, if
16 applicable, the Attorney General or other prosecuting agency determine that the retention
17 of the personal property by the State is not necessary to the investigation or prosecution
18 of the case. If other evidence collected, compiled or produced during the investigation of
19 a case is lost or destroyed, the investigating agency or, if applicable, the Attorney General
20 or other prosecuting agency shall notify the family of the victim or missing person within
21 48 hours of discovery of the loss or destruction of the evidence.

22 SUMMARY

23 This bill amends the current law regarding victims' rights to enhance and improve the
24 communication between law enforcement agencies and prosecutors and the families of
25 murder victims and missing persons and to increase public awareness of unsolved murder
26 and missing person cases. Specifically, this bill:

27 1. Requires the Department of Public Safety to establish a publicly accessible
28 website that contains relevant information about open, or unsolved, murder and missing
29 person cases;

30 2. Requires the law enforcement agency responsible for the investigation of an open
31 murder or missing person case to hold a press conference or issue a press release annually
32 on the anniversary date of the murder or the day the person was reported missing
33 regarding the status of the case, unless the family of the victim requests otherwise;

34 3. Allows the family of a murder victim or missing person to seek the assistance of
35 an investigative journalism organization and requires the investigating law enforcement
36 agency to cooperate with the organization to the extent that cooperating does not
37 jeopardize the resolution of the case;

38 4. After a case has been open for at least 10 years, allows the family to require the
39 investigating law enforcement agency to seek help in solving the case from a federal law
40 enforcement agency;

1 5. Requires at least annual communication by the investigating law enforcement
2 agency and a victim advocate with the family of a murder victim or a missing person
3 regarding the status of the case, unless the family requests otherwise. Any change in
4 status or new information regarding the case must be reported to the family within 14
5 days; and

6 6. Requires that personal property that belonged to the murder victim or missing
7 person in the possession of the State be returned to the family of the victim or person if it
8 is determined that the property is not necessary to the investigation or prosecution of the
9 case and requires the family to be notified if any other evidence collected, compiled or
10 produced during the investigation is destroyed or lost.

11 The actions required by this legislation are intended to be in addition to the rights of
12 and responsibilities to victims and victims' families already in statute.