

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Create the Mental Health Homicide Review Board

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

Sec. 1. 34-B MRSA c. 1, sub-c. 7 is enacted to read:

SUBCHAPTER 7

Mental Health Homicide Review Board

§ 1931. Mental Health Homicide Review Board

The Mental Health Homicide Review Board, referred to in this subchapter as "the board," is established to review homicides in which the victim or defendant had a mental illness.

1. Members. The board consists of:

A. The Chief Medical Examiner;

B. A physician appointed by the Governor;

C. A nurse appointed by the Governor;

D. A law enforcement officer appointed by the Governor;

E. The Commissioner of Health and Human Services;

F. The Commissioner of Corrections;

G. The Commissioner of Public Safety;

H. A judge assigned by the Chief Justice of the Supreme Judicial Court;

I. A representative of a prosecutors association;

J. An assistant attorney general responsible for the prosecution of homicide cases who is designated by the Attorney General;

K. An assistant attorney general handling mental health cases who is designated by the Attorney General;

L. A mental health service provider appointed by the Governor; and

M. Three persons designated by a statewide coalition for the mentally ill.

Members who are not state officials serve 2-year terms without compensation.

2. Recommendations. The board shall recommend to state and local agencies methods of preventing homicides involving persons with mental illness, including modifications of laws, rules, policies and procedures, following completion of adjudication.

3. Collect data. The board shall collect and compile data related to homicides involving persons with mental illness.

4. Information and records. In any case subject to review by the board, upon oral or written request of the board, any person that possesses information or records that are necessary and relevant to a homicide review shall as soon as practicable provide the board with the information and records. Persons disclosing or providing information or records upon the request of the board in compliance with this subsection are not criminally or civilly liable for disclosing or providing information or records.

5. Confidentiality. The proceedings and records of the board are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The board shall disclose conclusions of the board upon request but may not disclose information, records or data that are otherwise classified as confidential.

6. Report. The board shall submit a report on the board's activities, conclusions and recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 30, 2009 and biennially thereafter.

Sec. 2. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 34-B, section 1931, subsection 1, half of the members initially appointed by the Governor to the Mental Health Homicide Review Board must be appointed for a one-year term.

SUMMARY

This bill establishes the Mental Health Homicide Review Board to review homicides in which the victim or defendant had a mental illness. The board shall recommend to state and local agencies methods of preventing homicides involving persons with mental illness. The board shall collect and compile data related to homicides involving persons with mental illness and shall report biennially to the joint standing committee of the Legislature having jurisdiction over health and human services matters.