



Cumberland County Sheriff's Office

Standard Operating Procedure

Title: Response to Mental Illness, Involuntary Commitment & Protection from Substantial Threats	No: O-20
Effective Date: June 11, 2022	Distribution: Sworn Law Enforcement Department Personnel
Review Date: Annual	Number of Pages: 7 Appendix 1: MH-100 Form, page 8-9 Appendix 2: Protective Custody Intake Form, page 10 Appendix 3: Misc. forms –Restricting Access to Dangerous Weapons, pages 11
Rescinds: CCSO SOP O-20: Response to Mental Illness, Involuntary Commitment & Protection from Substantial Threats, dated 01-28-2021	Accreditation Standard: CALEA 41.2.7; MCJA Board of Trustees Minimum Standards Policy 5
Associated With:	Approved by Kevin J. Joyce Sheriff's Signature Date: 5-27-2022

This directive is for agency use only and does not apply in any criminal or civil proceedings. This directive should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with the respect to third party claims. Violation of this directive will only form the basis for agency administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

- I. PURPOSE:** The purpose of this directive is to provide guidance to members of this agency on the options and resources available to assist individuals who appear to be mentally ill or experiencing a mental health crisis. This directive is intended to satisfy the mandatory policy requirements set by the Legislature regarding “Deviant Behavior,” “Response to Mental Illness and Involuntary Commitment,” and [34-B M.R.S. §3862-A](#). (MCJA MS 5-1)
- II. POLICY:** It is the policy of the Cumberland County Sheriff’s Office to assist individuals who appear to be mentally ill or who are experiencing a mental health crisis. This assistance will include, as appropriate, placing individuals in protective custody and participation in the involuntary commitment or “blue paper process,” and the process for restricting access to dangerous weapons. (MCJA MS 5-1) [\(25 M.R.S. § 2803\(1-L\)\)](#) Given this is a statutorily mandated policy; deputies must abide by this agency’s policy as it applies to all standards of the Maine Criminal Justice Board of Trustees. (MCJA MS 5-16)
- III. DEFINITIONS:** (MCJA MS 5-2)

Advanced Healthcare Directive: An individual instruction form or a power of attorney for health care by an individual with capacity for use when the person appears to lack capacity. (MCJA MS 5-2(a))

Crisis Intervention Officer (CIO): A deputy specifically trained in the identification, handling, and disposition of individuals exhibiting signs of mental health crisis. (MCJA MS 5-2(b))



Crisis Intervention Team (CIT): A group of individuals, including deputies, specifically trained in the identification, handling, and disposition of individuals exhibiting signs of mental health crisis. (MCJA MS 5-2(c))

Crisis Service System: A program provided by the Maine Department of Health and Human Services to provide mobile crisis services anywhere in the State on a 24/7 basis. DHHS can provide triage for consumers, immediate responses to consumer needs when in crisis, and assist with a proper disposition of the situation. This may include hospitalization, placement in a “crisis bed,” in-home supports, referral for services, or no follow-up if it is not indicated. The statewide crisis system is accessed free by calling [1-888-568-1112](tel:1-888-568-1112) or [211](tel:211), and the caller to an appropriate provider in the local area.

Dangerous Weapon (or Weapon): Has the same meaning as in [17-A M.R.S. §2\(9\)\(C\)](#), including a firearm as defined in [17-A M.R.S. §2\(12-A\)](#). (MCJA MS 5-2(d))

Deputy: "Deputy" means either a full-time or part-time county law enforcement officer appointed under section [381 \(30-A M.R.S. § 351\)](#), also referred to as a Deputy Sheriff.

Involuntary Commitment (Blue Paper Process): (MCJA MS 5-2(e)) The form for this process is named, “State of Maine “Blue Paper” Application for Emergency Involuntary Admission to a Psychiatric Hospital (MH-100 Revised September 12, 2014). Refer to **Appendix 1** (Intranet > CCSO Forms). Three-step process by which:

1. Any person (friend, relative, social services worker, deputy, etc.) applies for admission of an individual to a mental hospital;
2. Clinician evaluates the individual, usually at a local hospital, and;
3. If the clinician certifies that the individual is mentally ill and because of that illness poses a likelihood of harm, a judicial officer reviews and, as appropriate, endorses the documentation reflecting the first 2 steps. These 3 steps are reflected on sections 1, 2, and 3 of the “blue paper,” an application for Emergency Involuntary Admission to a Psychiatric Hospital, form MH-100.

Least Restrictive Form of Transportation: The vehicle used for transportation and any restraining devices that may be used during transportation that impose the least amount of restriction, taking into consideration the stigmatizing impact upon the individual being transported. (MCJA MS 5-2(f))

Likelihood of Foreseeable Harm: Means a substantial risk in the foreseeable future of serious physical harm to the person as manifested by recent behaviors or threats of, or attempts at, suicide or serious self-inflicted harm; or a substantial risk in the foreseeable future of serious physical harm to other persons as manifested by recent homicidal or violent behavior or by recent conduct or statements placing others in reasonable fear of serious physical harm. (MCJA MS 5-2(g))

Likelihood of Serious Harm: For purposes of protective custody, likelihood of serious harm means:

1. A substantial risk of physical harm to the person as manifested by recent threats of, or attempts at, suicide or serious self-inflicted harm;
2. A substantial risk of physical harm to other persons as manifested by recent homicidal or violent behavior or by recent conduct placing others in reasonable fear of serious physical harm;
3. A reasonable certainty that the person will suffer severe physical or mental harm as manifested by recent behavior demonstrating an inability to avoid risk or protect the person adequately from impairment or injury; or
4. For the purposes of Title 34-B M.R.S. §3873-A (which addresses progressive treatment programs), in view of the person’s treatment history, current behavior and inability to make an informed decision, a

reasonable likelihood that the person's mental health will deteriorate and that the person will in the foreseeable future pose a likelihood of serious physical harm as defined above. (MCJA MS 5-2(h))

Mental Health Crisis: Behavior – such as loss of contact with reality, extreme agitation, severe depression, imminent suicidal or homicidal statements or actions, or inability to control actions – that creates a threat of imminent and substantial physical harm to the person experiencing the behavior or to others and that appears to be of sufficient severity to require professional evaluation. (MCJA MS 5-2(i))

Probable Cause: Basis of a law enforcement officer's judgment about appropriateness of protective custody. This judgment must reflect the totality of the circumstances, following the applicable standards of the Law Enforcement Officer's Manual, Chapter 1, and including:

1. Personal observation.
2. Reliable information from third parties, as long as the officer has confirmed that the third party has reason to believe, based upon recent personal observations or conversations with the person who seems to be experiencing a mental health crisis, that the person may be mentally ill and that due to that condition the person presents a threat of imminent and substantial physical harm; and
3. History, if known, of the person who seems to be experiencing a mental health crisis. (MCJA MS 5-2(j))

Protective Custody: Custody taken by a law enforcement officer EITHER when that officer has probable cause to believe that a person may be mentally ill and due to that condition the person presents a threat of imminent and substantial physical harm to that person or to other persons OR when the law enforcement officer knows that a person has an advance healthcare directive authorizing mental health treatment and the officer has probable cause to believe that the person lacks capacity. (MCJA MS 5-2(k))

Restricted Person: A person taken into protective custody by a law enforcement officer who the officer has probable cause to believe possesses or controls or may acquire a dangerous weapon and who is found by a medical practitioner to present a likelihood of foreseeable harm. (MCJA MS 5-2(l))

Threat-based Restriction: A prohibition on a restricted person from purchasing, possessing, or controlling or attempting to purchase, possess or control a dangerous weapon during the period of the restriction. (MCJA MS 5-2(m))

Threat of Imminent and Substantial Physical Harm: A reasonably foreseeable risk of harm to someone, taking into consideration the immediacy of the potential harm, the seriousness of the potential harm, and the likelihood that harm will occur. Harm threatened may include:

1. Suicide or serious self-injury;
2. Violent behavior or placing others in reasonable fear of serious physical harm; and
3. Reasonable certainty of severe impairment or injury because a person is unable to avoid harm or protect himself or herself from harm.

IV. PROCEDURES:

- A. Deputies from this agency shall be familiar with the law of protective custody, [34-B M.R.S. § 3862](#). The deputy will assess the situation and determine if the person appears to be experiencing a mental health crisis.

When formulating probable cause, the deputy may rely upon information provided by a 3rd-party informant if the deputy confirms that the informant has reason to believe, based upon the informant's recent personal observations of or conversations with a person, that the person may be mentally ill and that due to that conditions the person presents a threat of imminent and substantial physical harm to that person to other persons ([34-B M.R.S. § 3862 1.](#)). (34-B M.R.S. [§ 3862,3863](#)) (41.2.7 a.)

- B.** If the person appears to be experiencing a mental health crisis, the deputy will assess the need for protective custody taking into consideration whether the individual is willing to accept immediate voluntary commitment. The responding deputy will assess public safety and how to effectively and safely respond to a situation to include, the involuntary commitment “blue paper process”, and access to CIT, CIO or DHHS State Crisis Service, if appropriate. (MCJA MS 5-3) (41.2.7 a.)
- C.** Agency personnel are required to be familiar with [34-B M.R.S. §3862-A](#) on Protection From Substantial Threats and the triggering of the statute after a person has been taken into protective custody, probable cause exists to believe the person has access or will gain access to dangerous weapons, and a medical practitioner finds that the person presents a likelihood of foreseeable harm.
- D. Mental Health Referral:** (MCJA MS 5-4) (41.2.7 b.) If the deputy determines that protective custody is not appropriate, the deputy may refer the person to a medical or mental health practitioner, or other services, leave the person in the care of friends, relatives or service providers, or take other steps necessary to maintain public safety. Referral resources include:
1. Local mental health agencies, with contact information.
 2. Local hospital with voluntary inpatient capacity, with contact information.
 3. Regional DHHS staff, with contact information.
 4. Licensed mental health professional in private practice, with contact information.
 5. Local DHHS contact crisis provider. Call toll free [\(1-888-568-1112\)](#) to connect with the local DHHS contract provider.
- E. Protective Custody:** (41.2.7 c.)
1. If the person requires protective custody and the requisite standard is met, the deputy may take the person into custody and deliver the person for examination EITHER under the second step of the blue paper process OR, if the person has an advanced healthcare directive, to determine the individual’s capacity and whether the advanced healthcare directive is effective. The deputy shall complete the “State of Maine Protective Custody Intake Form” and provide it to the examining clinician. The deputy should retain a copy of the Maine Protective Custody Intake Form. Refer to **Appendix 2** (Intranet > CCSO Forms). (MCJA MS 5-5)
 2. The examination may be performed by a licensed physician, a licensed clinical psychologist, physician’s assistant, nurse practitioner, or certified psychiatric clinical nurse specialist.
 3. If the person in protective custody is alleged to have committed a criminal act for which a warrantless arrest may be made, the deputy, in consultation with the licensed practitioner examining the person and the deputy’s supervisor, shall determine the most appropriate confinement condition to satisfy the protection of the public and the person’s treatment. (MCJA MS 5-6) [\(17-A M.R.S. §15\)](#)
 4. The deputy may provide either the person or the person’s family a victim resource card.
 5. If the clinician determines that the person does not satisfy the criteria for emergency involuntary hospitalization or that the person’s advance healthcare directive is inapplicable under the particular circumstances, the deputy will release the person from protective custody and, with the person’s permission, either take the person home (if that is in the deputy’s territorial jurisdiction) or return the person to the place from which the person was taken into custody except that if the person is also under arrest, the deputy will keep the person in custody until the person is released in accordance with law. (MCJA MS 5-7)

6. If the examining clinician determines that the person satisfies criteria for emergency involuntary hospitalization, unless the Sheriff's Office has a custody agreement with the health care facility to which the person is to be transported for examination, the deputy shall seek judicial endorsement as soon as possible, and shall transport or cause the patient to be transported in the least restricted form of transportation, to the hospital authorized by the judicial officer. (MCJA MS 5-8)) However, if the examination is completed between the hours of 11:00 p.m. and 7:00 a.m., the deputy may transport the person to a hospital that has agreed to an admission, and the hospital will secure a judicial endorsement as soon as possible thereafter. (MCJA MS 5-7)
7. It should be noted that when a person is taken by a deputy to a hospital for examination under this section and not admitted, the chief administrative officer of the hospital shall notify the deputy or the CCSO of that release. ([34-B M.R.S. § 3863 \(6-A\)](#))
8. **Likelihood of Foreseeable Harm:** If a medical practitioner determines that the person in protective custody presents a likelihood of foreseeable harm, and notifies the law enforcement officer (deputy) or law enforcement agency of same, the deputy or agency shall as soon as practicable seek endorsement by a Superior Court Justice, District Court Judge, judge of probate or justice of the peace of the medical practitioner's determination and the deputy's declaration that the person was taken into protective custody and that the deputy has probable cause to believe that the person possesses, controls, or may acquire a dangerous weapon. (MCJA MS 5-9)
 - a) If the determination of likelihood of foreseeable harm is endorsed by a judicial officer, deputys are authorized and required, as soon as practicable - but no later than 24 hours after the endorsement, to notify the restricted person that he or she is prohibited from possessing, controlling, acquiring or attempting to possess, control, or acquire dangerous weapons pending the outcome of a judicial hearing. The notification shall also advise the restricted person that he or she is required to immediately and temporarily surrender any dangerous weapons possessed, controlled, or acquired by the restricted person to an deputy who has the authority in the jurisdiction in which the weapons are located pending the outcome of a judicial hearing, and that the person has a right to a judicial hearing within 14 days. (MCJA MS 5-10)
 - b) The deputy, after making the required notifications (above) shall report the person's restricted status to the Department of Public Safety and the District Attorney in the district of the person's residence. (MCJA MS 5-11)
9. **Collection of Surrendered Weapons:** The collection, storage, care and return of surrendered weapons will be handled in accordance with standard operating procedures governing [the collection and preservation of evidence](#) (O-21) and [evidence and property control](#) (O-22). The Criminal Investigation Division (CID) supervisors will oversee the procedures to verify the restricted person's claim, if made, that he or she previously transferred possession of weapons to a third party for storage; and CID supervisors will also address instances when weapons located in the agency's jurisdiction must be collected pursuant to an order issued to a restricted person who resides in a different jurisdiction. (MCJA MS 5-12)
10. If the deputy or agency has probable cause to believe that a restricted person under 34-B M.R.S. §3862-A possesses or controls but has not surrendered a weapon, to include searching for and seizing such a weapon pursuant to a warrant or other circumstance approved by law, notification of appropriate federal law enforcement agencies including but not limited to the Bureau of

Alcohol, Tobacco, Firearms and Explosives (A.T.F.), and charging the restricted person as appropriate. (MCJA MS 5-13)

11. Deputies are required to be familiar with the relevant criminal offenses for a restricted person who possesses a weapon, including but not limited to Possession of a Firearm by a Prohibited Person, [15 M.R.S. §393](#). Officers shall also be aware that a restricted person who makes all practical, immediate efforts to voluntarily comply with a surrender notice is not subject to arrest or prosecution as a prohibited person. (MCJA MS 5-14)

F. Billing and Documentation

1. The Sheriff's Office may bill the Maine Department of Health and Human Services (DHHS) for transportation expenses of a person to and from an examination that follows protective custody. The total cost for protective custody transportation billing includes mileage and the fully impacted hourly rate of the deputy(s).
2. The CCSO may bill DHHS for transportation expenses of a person to and from a psychiatric hospital for admission authorized under the involuntary commitment (blue paper process). The total cost for blue paper process transportation billing includes mileage and the fully impacted hourly rate of the deputy(s).
3. If a deputy who encounters a person in a mental health crisis takes any formal action, the deputy will document the action in an incident report. The deputy will document any contact that results in protective custody with sufficient detail of the probable cause for the particular action.

G. Crisis Intervention Team (CIT)

1. The Crisis Intervention Team (CIT) is established to provide the Sheriff's Office with qualified personnel trained in the handling of individuals in a mental health crisis. The primary goal of the CIT is to de-escalate the person in mental health crisis and ensure the proper disposition of individuals who encounter deputies while in crisis. This is accomplished using skills involving identification of types of crisis and the de-escalation of individuals.
2. Selection to the CIT or as a CIO is the determination of the Sheriff. Factors to be considered for eligibility include seniority, commendations, aptitude, disciplinary history, and prior training.

H. Training: All agency personnel should strive to maintain proficiency interacting with people in a mental health crisis.

1. The Sheriff's Office requires that, at a minimum, 20% of all full-time deputies receive at least eight (8) hours of nationally recognized or best practice in-person training in Mental Health Identification Awareness for Law Enforcement Officers. This ratio will be maintained and reported annually to the Maine Criminal Justice Academy Board of Trustees, as outlined in [25 M.R.S. 2805-B](#). (MCJA MS 5-15)
2. The Maine Criminal Justice Academy Basic Law Enforcement Training Program's curriculum provides cadets with initial documented training in interacting with mentally ill persons. Any Sheriff's Office personnel who have not received initial mental illness training shall receive entry level training for familiarization, and every three (3) years thereafter for refresher training. (41.2.7 d.)

3. Crisis intervention trained deputies (CIO/CIT) must complete an initial 40-hour certification course, followed by relevant, ongoing training.
4. Annually, all agency personnel (sworn and non-sworn) are required to complete a refresher training on interacting with persons suffering from mental health issues. (41.2.7 e.)
5. Agency personnel are individually responsible for the collection of outside agency training certificates and providing them to the Staff Development Specialist for retention. The Staff Development Specialist is responsible for documenting the training in the agency personnel's training record. (41.2.7 d., e.)

References:

Maine Criminal Justice Board of Trustees Minimum Standards Policy #5, date adopted 11-19-2021

Maine Revised State Statutes

Commission on Accreditation for Law Enforcement LE1 Compliance Standards, version 6.14

Appendix 1

STATE OF MAINE "BLUE PAPER": APPLICATION FOR EMERGENCY INVOLUNTARY ADMISSION TO A PSYCHIATRIC HOSPITAL

1. Application.

I hereby apply for emergency admission of _____, _____, _____
Proposed patient's FULL printed name (first, middle, last) gender date of birth
to _____ under 34-B M.R.S.A. § 3863. I believe that the proposed patient has a
Psychiatric hospital
mental illness because _____, and as a result poses a
Grounds for belief about mental illness
likelihood of serious harm because _____
Grounds for belief about likely harm, including nature of harm

Date Applicant's printed name Applicant's signature Applicant's capacity
Name and address of proposed patient's guardian, spouse, parent, adult child, next of kin, or friend:

2. Certifying Examination. I hereby certify that:

(i) I am a licensed _____ and that I examined _____ today.
MD/DO/PhD/PA/NP/RN,CS Proposed patient

(ii) My opinion is that the proposed patient has a mental illness, exhibiting the following **symptoms**:

(iii) My opinion is that the proposed patient's **recent actions and behaviors** (not symptoms), described below, show that the proposed patient's illness poses a likelihood of serious harm under paragraph A, B or C.

- _____
A. Describe threats of or attempts at suicide or serious self-inflicted harm
- _____
B. Describe recent homicidal or violent behavior or recent conduct placing others in reasonable fear of serious physical harm
- _____
C. Describe recent behavior and how it shows inability to avoid risk or protect self from severe physical or mental harm

(iv) I have confirmed that adequate community resources are unavailable for care and treatment of the proposed patient's mental illness.

(v) I believe that the least restrictive form of transportation for the proposed patient's clinical needs is

Ambulance or other (please specify)

Date Time Examiner's printed name Examiner's signature

3. Judicial Review and Endorsement.

I find this application and certificate to be regular and in accordance with law. The proposed patient may be admitted to _____
Psychiatric hospital

_____ is authorized to take the proposed patient into custody and transport
Person authorized to take proposed patient into custody
the proposed patient to that hospital.

Date Time Judicial officer's printed name Judicial officer's signature (District, Probate or Superior Court Judge or Justice; Justice of the Peace)

INSTRUCTIONS

Generally

- A. The application cannot be altered after it has been signed by an examiner or judicial officer.
- B. A psychiatric hospital is any hospital that is equipped to provide inpatient care and treatment for people with mental illness.
- C. The psychiatric hospital named in the application may decline to admit the person, in which event the transporting agency must return the proposed patient from the hospital.
- D. The application expires 3 days after the patient's admission to the hospital, except that if the third day is a weekend or holiday, the application expires on the next business day following the weekend or holiday.

Section 1

- A. Any health officer, law enforcement officer or other person may fill out section 1.
- B. The applicant should provide name and address of the proposed patient's guardian, spouse, parent, adult, next of kin, or (if none of those exists) friend so that the hospital can fulfill its obligation to notify that person.

Section 2

- A. The certifying examination must take place no more than two days before the person is admitted to the hospital.
- B. The certifying examiner must describe both **symptoms of mental illness** and **actions or behaviors creating a likelihood of serious harm**. The three boxes in subsection (iii) pertain to the three statutory bases for the finding of likelihood of serious harm. The certifying examiner must check at least one box and provide the narrative information about actions or behaviors to support the opinion that the person's mental illness creates a likelihood of harm.
- C. The grounds for the opinion about illness and harm may be based on personal observation or on history and information from other sources considered reliable by the examiner.
- D. If patient does not require transportation, subsection (v) may be noted as N/A.

Section 3

- A. Between 11:00 p.m. and 7:00 a.m., a proposed patient may be transported to the psychiatric hospital designated in section 3 and held for evaluation and treatment pending judicial endorsement if the endorsement is obtained as soon as possible outside those hours.
- B. The applicant must fill in the name of the transporter and the destination hospital before seeking judicial endorsement.

Appendix 2

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State of Maine Protective Custody Intake Form – Appendix 1

SUBJECT NAME		DOB		CASE #	
ADDRESS		TOWN		DATE/TIME OF INCIDENT	
LOCATION OF INCIDENT		POLICE DEPARTMENT		OFFICER NAME	
MEDICAL FACILITY NAME		DOCTOR NAME			
MENTAL ILLNESS	Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>	Prior LE Contacts	Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>		
KNOWN DIAGNOSIS	Depression <input type="checkbox"/> Bipolar <input type="checkbox"/> Anxiety/Panic <input type="checkbox"/> PTSD <input type="checkbox"/> Substance Dependence <input type="checkbox"/> Mental Retardation <input type="checkbox"/> Schizophrenia <input type="checkbox"/> <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/>	PENDING CRIMINAL CHARGES	No <input type="checkbox"/> Yes <input type="checkbox"/> List _____		
THREAT ASSESSMENT	None <input type="checkbox"/> Suicide Threat <input type="checkbox"/> Suicide Attempt <input type="checkbox"/> Threat/Harm to Others <input type="checkbox"/> Threat/Harm to Police <input type="checkbox"/> Threat/Harm to Family <input type="checkbox"/> Threat/Harm to Medical Staff <input type="checkbox"/> Expressed Hopelessness <input type="checkbox"/>	INJURIES	Self Injury <input type="checkbox"/> Bystander Injury <input type="checkbox"/> Police Injury <input type="checkbox"/> Relative Injury <input type="checkbox"/> Medical/EMS Injury <input type="checkbox"/> Hospitalized <input type="checkbox"/> Not Hospitalized <input type="checkbox"/>		
SUBSTANCE ABUSE	Alcohol <input type="checkbox"/> Marijuana <input type="checkbox"/> Cocaine/Crack <input type="checkbox"/> Methadone <input type="checkbox"/> Prescription Med's <input type="checkbox"/> Heroin <input type="checkbox"/> Other <input type="checkbox"/>	WEAPON/METHOD	Firearm <input type="checkbox"/> Edged Weapon <input type="checkbox"/> Overdose <input type="checkbox"/> Hanging <input type="checkbox"/> Jumping <input type="checkbox"/> Police <input type="checkbox"/> Traffic <input type="checkbox"/> Other <input type="checkbox"/>		
BEHAVIOR SIGNS AND/OR INDICATORS	Intoxicated/Impaired <input type="checkbox"/> Threats to Self <input type="checkbox"/> Threat to Others <input type="checkbox"/> Confused Speech <input type="checkbox"/> Irrational Statements <input type="checkbox"/> Irrational Behavior <input type="checkbox"/> Unable to Care for Self <input type="checkbox"/> Recent Negative Life Changing Events (Divorce, Job Loss, Death of Spouse etc.) <input type="checkbox"/>	PRIOR HISTORY	Suicide Attempts <input type="checkbox"/> LE Protective Custody <input type="checkbox"/> LE Non-Protective Custody <input type="checkbox"/> Prior Violence <input type="checkbox"/> Arrests <input type="checkbox"/> Self Injury <input type="checkbox"/> DV Assault <input type="checkbox"/> Psychiatric History <input type="checkbox"/>		
		CURRENT COURT ORDERS	Protection from Abuse <input type="checkbox"/> Protection from Harassment <input type="checkbox"/> Criminal Trespass Notice <input type="checkbox"/>		
CURRENT MEDICATIONS	Taking <input type="checkbox"/> <input type="checkbox"/> (Check, as applicable): <i>The above person has been taken into protective custody pursuant to 34-B M.R.S.A., § 3862. I hereby state that probable cause exists to believe that the person may be mentally ill and that due to that condition the person presents a threat of imminent and substantial physical harm to that person or to another; OR I am aware that the above person has an Advance Healthcare Directive authorizing mental health treatment AND have reasonable grounds to believe that the person lacks capacity (attach health care directive, as applicable)</i> Not Taking <input type="checkbox"/> Overdosing <input type="checkbox"/> Under Dosing <input type="checkbox"/>				
Narrative Details Provide a BRIEF incident overview to establish probable cause for protective custody Use Specific Suicidal Comments made by the individual					
_____ _____ _____ _____ _____ _____ _____ _____ _____ _____					
<i>Copies should be retained by the transporting Law Enforcement Officer and the medical facility</i>					
OFFICER SIGNATURE		DOCTOR/ ADMITTING NURSE SIGNATURE	(Receipt acknowledged)		

Appendix 3

Links to Fillable Forms Required To Restrict Access to Dangerous Weapons

(MCJA MS 5-1)

1. [Application For Weapons Restriction Order](#)
2. [Information for Medical Practitioner](#)
3. [Notice to Restricted Person](#)
4. [Officer's Statement of Probable Cause](#)
5. [Restricting Access to Dangerous Weapons Law](#)

Note: The above documents can be found by CCSO users in the **CCJ sitekey** on [PowerDMS](#).

STATE OF MAINE
APPLICATION FOR WEAPONS RESTRICTION ORDER
34-B MRS § 3862-A

Name (First, middle, last): _____

AKA _____

Address _____

DOB (mm/dd/yyyy): _____ Sex: _____

Race: _____ Height: _____ Weight: _____ Hair: _____ Eyes: _____

Scars, marks, tattoos _____

Driver's license # _____ Social Security # _____

Section 1. Application by Law Enforcement

A. Officer [Print name and rank] _____

Officer Contact Information _____

Agency and ORI _____

Agency Case # _____

B. On _____ at _____, law enforcement took the person named above into protective custody pursuant to 34-B MRS § 3862 based on the probable cause outlined in Appendix 1 of this Application.

C. Location where person taken into custody: _____

D. I believe that the person named above possesses, controls or may acquire a dangerous weapon(s) based on the probable cause outlined in Appendix 1 of this Application.

E. Description and location of weapon(s), if known:

_____ Signature of Officer	_____ Date
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Section 2. Assessment by Medical Provider

A. Medical Practitioner (Print name): _____

License (Select one): MD DO PA NP RN,CS Psych, PhD.

Practitioner Contact Information: _____

Physical Address _____

B. I have found that _____ presents a likelihood of foreseeable harm within the meaning of 34-B MRS § 3862-A(1).

Likelihood of foreseeable harm means a substantial risk in the foreseeable future of serious physical harm to the person as manifested by recent behaviors or threats of, or attempts at, suicide or serious self-inflicted harm; or a substantial risk in the foreseeable future of serious physical harm to other persons as manifested by recent homicidal or violent behavior or by recent conduct or statements placing others in reasonable fear of serious physical harm.

The likelihood of foreseeable harm is based on the following (attach additional statement as needed):

C. Location of person at time of assessment _____

Check if telemedicine

D. Referral for treatment or services

Inpatient

Voluntary Hospitalization

Involuntary Hospitalization pursuant to 34-B MRS § 3863

Outpatient

E. Other Medical Professionals consulted, if any (Name, License, Contact Info)

_____	_____
Signature of Medical Practitioner	Date

Section 3. Judicial Endorsement

A. The law enforcement officer identified in Section 1 above has stated that _____ was taken into protective custody pursuant to 34-B MRS § 3862, and that the officer has probable cause to believe that possesses, controls, or is likely to acquire a dangerous weapon(s).

B. The medical practitioner identified in Section 2 above has found that _____ presents a likelihood of foreseeable harm within the meaning of 34-B MRS § 3862-A.

C. Based on the above, and pursuant to 34-B MRS § 3862-A(4), I endorse this application and find that _____ is a restricted person pursuant to 34-B MRS § 3862-A(1)(K). This endorsement authorizes law enforcement to notify the restricted person as soon as possible, but no later than 24 hours from the time of this endorsement (1) that the person is prohibited from possessing, controlling, acquiring or attempting to acquire a dangerous weapon pending the outcome of a judicial hearing, (2) that the person must immediately and temporarily surrender any weapons possessed, controlled, or acquired by the person to a law enforcement officer who has authority in the jurisdiction in which the weapons are located pending the outcome of a judicial hearing, and (3) that the person has a right to a judicial hearing within 14 days of notice.

_____ Superior Court Justice/District Court Judge/Judge of Probate/Justice of the Peace (Printed Name of Judicial Officer)	
_____ (Signature)	_____ (Date and Time)

Transmit this Application with signed judicial endorsement to the Department of Public Safety by email RCC.Bangor@maine.gov or fax (207) 941-8531.
Confirm receipt by calling (207) 973-3700, Option 9.

Transmitted to DPS on _____ at _____ by _____. (Date) (Time)

STATE OF MAINE
APPLICATION FOR WEAPONS RESTRICTION ORDER
34-B MRS § 3862-A

APPENDIX 1
OFFICER'S STATEMENT OF PROBABLE CAUSE

Based on the probable cause outlined below, I took _____

into protective custody on _____ at _____ in _____
(Date) (Time) (Municipality)
pursuant to 34-B MRS § 3862, and I believe that

possesses, controls, or may acquire a dangerous
weapon(s).

[Include the information that gave rise to the probable cause determination for protective custody and the belief that the person possesses, controls, or may acquire a dangerous weapon(s), as well as a description of recent or recurring actions and behaviors. Attach the person's pertinent criminal history record information (convictions and non-convictions), as well as all available pertinent investigative record information. Also, include a description and location of dangerous weapons, if known.]

Signature of Officer

Date

**STATE OF MAINE
WEAPONS RESTRICTION ORDER
34-B MRS § 3862-A**

NOTICE OF SERVICE ON RESTRICTED PERSON

TO: _____

1. Law enforcement took you into protective custody.
2. A qualified medical practitioner found that you currently present a likelihood of foreseeable harm, and a judicial official endorsed that determination.
3. You may not possess, control, or acquire or attempt to possess, control, or acquire a firearm or other dangerous weapon until a court dissolves the restriction. You must surrender to law enforcement any firearms or other dangerous weapons currently in your possession or control. If you immediately comply with the surrender order, you are not subject to arrest or prosecution as a person prohibited from possessing or controlling dangerous weapons.
4. If you do not comply with the surrender order or if you possess, control, or acquire or attempt to possess, control, or acquire a dangerous weapon during the period of restriction, you are subject to arrest and prosecution as a person prohibited from possessing or controlling dangerous weapons.
5. You have a right to a court hearing within 14 days of this notice during which you may engage legal counsel, which a court may appoint if you are indigent.
6. Any firearms or other dangerous weapons you surrendered to law enforcement will be returned to you if the court dissolves the restrictions.

_____ (Printed Name of Officer Making Service)	_____ (Signature of Officer Making Service)	_____ (Date & Time of Service)
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_____ (Printed Name of Restricted Person)	_____ (Signature of Restricted Person)
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Transmit this Notice of Service on Restricted Person to the Department of Public Safety by email RCC.Bangor@maine.gov or fax (207) 941-8531. Confirm receipt by calling (207) 973-3700, Option 9.

Transmitted to DPS on _____	(Date)	at _____	(Time)	by _____.
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STATE OF MAINE
WEAPONS RESTRICTION ORDER
34-B M.R.S. § 3862-A

INFORMATION FOR MEDICAL PRACTITIONER

Protection from Substantial Threats

In 2019, the Maine Legislature enacted a weapons restriction law – Protection from Substantial Threats – for those persons taken into protective custody by law enforcement and determined by a medical practitioner to present a likelihood of foreseeable harm. The law became effective on July 1, 2020. Under the law, a “medical practitioner” or “practitioner” is a licensed physician, registered physician assistant, certified psychiatric clinical nurse specialist, certified nurse practitioner, or licensed clinical psychologist.

Likelihood of Serious Harm – “Blue Paper” Assessment

When a law enforcement officer takes a person into protective custody, the officer must immediately present the person for examination by a medical practitioner to determine if the person is mentally ill and, because of that illness, poses a likelihood of serious harm for which emergency admission to a psychiatric hospital is necessary. Law enforcement must provide to the practitioner the information that led to protective custody, any pertinent criminal history record information and other known history, and recent or recurring actions and behaviors.

Likelihood of Foreseeable Harm – Weapons Restriction Assessment

The practitioner shall also assess whether the person presents a “likelihood of foreseeable harm” and, if so, shall notify law enforcement in writing of such determination. (At the time of the assessment, law enforcement will provide a form for the practitioner’s assessment and signature, which law enforcement will thereafter present to a judicial officer for endorsement.)

“Likelihood of foreseeable harm” means a substantial risk in the foreseeable future of serious physical harm to the person as manifested by recent behaviors or threats of, or attempts at, suicide or serious self-inflicted harm, or a substantial risk in the foreseeable future of serious physical harm to other persons as manifested by recent homicidal or violent behavior or by recent conduct or statements placing others in reasonable fear of serious physical harm.

In assessing the person, the practitioner may consult with other medical professionals as the practitioner determines advisable. A person under 18 years of age undergoing such an assessment may request accompaniment at the assessment by a parent, guardian, grandparent, aunt or uncle or a sibling who has attained the age of 18, provided that the accompanying person is timely available and whose accompaniment is practicable.

Immunity

A medical practitioner and any other medical or mental health professional consulted by the medical practitioner are not liable in a civil action brought by any person for any act performed in good faith in execution of the obligations imposed on medical practitioners by law, including any decision regarding the affirmative or negative assessment of the likelihood of foreseeable harm. The immunity provided in this paragraph also applies to a principal if the medical practitioner or professional is acting as an agent or employee of the principal.

APPROVED

JUNE 20, 2019

BY GOVERNOR

CHAPTER

411

PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

S.P. 612 - L.D. 1811

An Act To Enhance Personal and Public Safety by Requiring Evaluations of and Judicial Hearings for Persons in Protective Custody Regarding Risk of Harm and Restricting Access to Dangerous Weapons

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

PART A

Sec. A-1. 34-B MRSA §3862-A is enacted to read:

§3862-A. Protection from substantial threats

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

A. "Dangerous weapon" or "weapon" has the same meaning as in Title 17-A, section 2, subsection 9, paragraph C, including a firearm as defined in Title 17-A, section 2, subsection 12-A.

B. "Extended restrictions" means the continued threat-based restrictions imposed by the court pursuant to subsection 6, paragraph D.

C. "Initial restrictions" means the immediate and temporary 14-day threat-based restrictions pursuant to subsection 4.

D. "Judicial hearing" means a court hearing under subsection 6.

E. "Law enforcement agency" has the same meaning as in Title 25, section 3701, subsection 1.

F. "Law enforcement officer" means a person vested by law with the power to make arrests for crimes or serve criminal process, whether that power extends to all crimes or is limited to specific crimes, and who possesses a current and valid certificate issued pursuant to Title 25, section 2803-A.

G. "Likelihood of foreseeable harm" means a substantial risk in the foreseeable future of serious physical harm to the person as manifested by recent behaviors or

threats of, or attempts at, suicide or serious self-inflicted harm; or a substantial risk in the foreseeable future of serious physical harm to other persons as manifested by recent homicidal or violent behavior or by recent conduct or statements placing others in reasonable fear of serious physical harm.

H. "Medical practitioner" has the same meaning as in section 3801, subsection 4-B.

I. "Prohibited person" means a person subject to Title 15, section 393, subsection 1, paragraph E-1 or E-2.

J. "Protective custody" means protective custody under section 3862.

K. "Restricted person" means a person taken into protective custody by a law enforcement officer who the officer has probable cause to believe possesses or controls or may acquire a dangerous weapon and who is found by a medical practitioner to present a likelihood of foreseeable harm.

L. "Threat-based restriction" means a prohibition on a restricted person from purchasing, possessing or controlling or attempting to purchase, possess or control a dangerous weapon during the period of the restriction.

2. Assessment by a medical practitioner; security; immunity. This subsection applies when a law enforcement officer has taken a person into protective custody.

A. Notwithstanding any provision of law to the contrary, the law enforcement officer shall provide to the medical practitioner the information that led to the protective custody including, but not limited to, the information that gave rise to the probable cause determination, the person's pertinent criminal history record information and other known history and recent or recurring actions and behaviors.

B. The medical practitioner under paragraph A shall assess whether the person presents a likelihood of foreseeable harm. In assessing the person, a medical practitioner may consult with other medical professionals as the medical practitioner determines advisable. If the medical practitioner finds that the person can benefit from treatment and services, the medical practitioner shall refer the person to treatment and services.

C. Notwithstanding any provision of law to the contrary, an assessment pursuant to this section may be performed at a health care facility but, when available and as appropriate, must be performed at an alternative location. If the assessment is provided at a health care facility, law enforcement shall, upon request of the facility and consistent with section 3863, subsection 2-A, absent compelling circumstances, assist the facility with the security of the person awaiting the assessment under this section.

D. A juvenile, as defined in Title 15, section 3003, subsection 14, who is subject to this section may be accompanied at the assessment by a parent, guardian, grandparent, aunt or uncle or a sibling who has attained the age of 18, whose company is requested by the juvenile, who is timely available and whose accompaniment is practicable.

E. A medical practitioner and any other medical or mental health professional consulted by the medical practitioner are not liable in a civil action brought by any

person for any act performed in good faith in execution of the obligations imposed on medical practitioners by this section, including any decision regarding the affirmative or negative assessment of the likelihood of foreseeable harm. The immunity provided in this paragraph also applies to a principal if the medical practitioner or professional is acting as an agent or employee of the principal.

3. Notification by medical practitioner and judicial endorsement. A medical practitioner shall notify in writing the law enforcement officer or law enforcement agency that, based on the assessment under subsection 2, paragraph B, the person is found to present a likelihood of foreseeable harm. If so notified, the law enforcement officer or law enforcement agency shall as soon as practicable seek endorsement by a Superior Court Justice, District Court Judge, judge of probate or justice of the peace of the medical practitioner's assessment and law enforcement's declarations that the person was taken into protective custody and that the law enforcement officer has probable cause that the person possesses, controls or may acquire a dangerous weapon. The judge or justice shall promptly transmit to the law enforcement officer or agency the decision to endorse or not endorse. A decision transmitted electronically has the same legal effect and validity as a signed original. An endorsement must authorize law enforcement to execute the authority in subsection 4. This section may not be construed to prevent law enforcement from accepting a voluntary surrender of dangerous weapons.

4. Initial restrictions; notice by law enforcement. A person whose assessment is endorsed by a judicial officer under subsection 3 becomes, at the time of notice by a law enforcement officer under paragraph B, a restricted person subject to initial restrictions and subject to the prohibitions in Title 15, section 393, subsection 1, paragraphs E-1 and E-2 as follows:

A. The restricted person, after notice under paragraph B:

(1) Is prohibited from possessing, controlling, acquiring or attempting to possess, control or acquire a dangerous weapon pending the outcome of a judicial hearing;

(2) Shall immediately and temporarily surrender any weapons possessed, controlled or acquired by the restricted person to a law enforcement officer who has authority in the jurisdiction in which the weapons are located pending the outcome of a judicial hearing; and

(3) Has a right to a judicial hearing within 14 days of notice under paragraph B;
and

B. A law enforcement officer shall, as soon as practicable, but no later than 24 hours after the judicial endorsement:

(1) Notify the restricted person that the restricted person:

(a) Is prohibited from possessing, controlling, acquiring or attempting to possess, control or acquire a dangerous weapon pending the outcome of a judicial hearing;

(b) Is required to immediately and temporarily surrender any weapons possessed, controlled or acquired by the restricted person to a law

enforcement officer who has authority in the jurisdiction in which the weapons are located pending the outcome of a judicial hearing; and

(c) Has a right to a judicial hearing within 14 days of the notice under this paragraph;

(2) Notify the contact person, if any, disclosed by the restricted person to the medical practitioner and the district attorney in the district of the restricted person's residence of the person's restricted status; and

(3) Report the person's restricted status to the Department of Public Safety.

5. Temporary surrender to law enforcement. A law enforcement agency may store, or make arrangements with another law enforcement agency or federally licensed firearms dealer to store, and care for the weapons surrendered by a restricted person in the manner provided in subsection 7. A restricted person who makes all practical, immediate efforts to comply with a surrender notice under subsection 4 is not subject to arrest or prosecution as a prohibited person under Title 15, section 393, subsection 1, paragraph E-1 or E-2. If a law enforcement agency has probable cause to believe the restricted person possesses or controls but has not surrendered a weapon, law enforcement may, prior to or as part of a judicial hearing, search for and seize such a weapon when authorized by a judicially issued warrant or other circumstances approved by law.

6. Judicial hearing. A judicial hearing under this section is governed by this subsection.

A. Within 5 days of the date of the notice given to a restricted person under subsection 4, paragraph B, the district attorney in the district of the restricted person's residence shall file a petition for judicial review of the initial restrictions by the district court. The district attorney shall provide to the restricted person written notice of the petition and hearing at least 7 days prior to the hearing. The restricted person has the right to be represented by counsel at the hearing, and the court may appoint counsel for an indigent party. Upon a showing of good cause, the court may extend the time to hold the hearing.

B. Within 14 days of the notice given under subsection 4, the court shall hold a hearing to determine whether to dissolve or extend the initial restrictions. In the hearing determining whether to dissolve or extend the initial restrictions, the district attorney has the burden to prove by clear and convincing evidence that the restricted person presents a likelihood of foreseeable harm.

C. In determining whether there are grounds to extend the initial restrictions, the court shall consider all relevant evidence, including, but not limited to, recent threats or acts of violence by the restricted person directed toward other persons; recent threats or acts of violence by the restricted person directed toward the restricted person; recent acts of unlawful abuse of animals by the restricted person; the reckless use or threatening display of a dangerous weapon by the restricted person; a history of the use, attempted use or threatened use of physical force by the restricted person against other persons; a record of prior custodial events or restrictions under this section; prior involuntary confinement of the restricted person in a hospital for persons with psychiatric disabilities; prior protection from abuse and protection from

harassment orders against the restricted person or violations regarding protection from abuse or protection from harassment by the restricted person; evidence of stalking behavior, severe obsession or sexual violence by the restricted person; the illegal use of controlled substances by the restricted person; and evidence of alcohol or drug abuse by the restricted person. The court shall also consider whether the restricted person is receiving treatment responsive to that person's mental health or substance use needs.

D. This paragraph governs court orders.

(1) If the court finds after hearing that there is not clear and convincing evidence to continue or extend the initial restrictions, the court shall dissolve the initial restrictions and order the return of any weapons surrendered or seized. The court shall direct the Department of Public Safety to remove the record of restrictions from the department's pertinent database when developed by the department.

(2) If the court finds after hearing that there is clear and convincing evidence to continue or extend the initial restrictions, the court shall inform the restricted person that the restricted person is prohibited for up to one year from purchasing, possessing or controlling any dangerous weapon or attempting to purchase, possess or control any dangerous weapon. The court shall further order the person to immediately surrender dangerous weapons possessed or controlled by that person to a law enforcement officer and notify the Department of Public Safety for entry in the pertinent database when developed by the department.

(3) Extended restrictions imposed under this paragraph expire according to the terms of the court's order. The court shall schedule a hearing within 45 days prior to the expiration of the order to determine if the order should be extended. The district attorney has the burden of proving that the restricted person continues to pose a likelihood of foreseeable harm. If, after a hearing, the court finds by clear and convincing evidence that the restricted person continues to pose a likelihood of foreseeable harm, the court shall renew the extended restrictions for up to one year. If the court does not so find, the court shall deny the petition and order the return of any weapons surrendered or seized. Upon motion by the State, the court may for cause shown order that the restricted person be examined for assessment of whether the restricted person continues to pose a likelihood of foreseeable harm. The fees or expenses for an assessment pursuant to this subparagraph may be paid from the Extradition and Prosecution Expenses Account established by Title 15, section 224-A.

(4) A restricted person may file one motion for dissolution during an extended restriction. For that motion, the restricted person has the burden of proving by clear and convincing evidence that the restricted person no longer poses a likelihood of foreseeable harm.

(5) A court shall electronically update or transmit to the Department of Public Safety, Bureau of State Police an abstract of the order issued by the court pursuant to this section that includes a prohibition on the possession of a dangerous weapon. The abstract must include the name, date of birth and gender of the person who is the subject of the order; the court's order and the expiration date of that order; and a notation that the person has been notified by the court.

The abstract required by this subparagraph is confidential and is not a public record as defined in Title 1, chapter 13; however, the information contained in the abstract or a copy of the abstract may be provided by the Department of Public Safety to a criminal justice agency for law enforcement purposes, to the Federal Bureau of Investigation, National Instant Criminal Background Check System or to an issuing authority for the purpose of processing concealed firearm permit applications. The Department of Public Safety shall, when the pertinent database is developed, request that the Federal Bureau of Investigation ensure that, immediately after the order expires, the National Instant Criminal Background Check System no longer reflects that expired order as a ground for prohibiting the subject of the order from possessing or acquiring a firearm. For the purposes of this subsection, "criminal justice agency" means a federal, state, tribal, district, county or local government agency or any subunit of those entities that performs the administration of criminal justice under a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice. Courts and the Department of the Attorney General are considered criminal justice agencies, as is any equivalent agency at any level of Canadian government.

(6) Nothing in this subsection may be construed to prevent the restricted person, district attorney and court from accepting a court-ordered disposition to which each agrees.

7. Weapons storage and return. A law enforcement agency may store, or make arrangements with another law enforcement agency or federally licensed firearms dealer to store, any weapon surrendered to or seized by law enforcement under this section for as long as the threat-based restrictions are in effect. The duties and liability of a law enforcement agency with respect to handling and storage of a weapon surrendered or seized are governed by Title 25, section 2804-C, subsection 2-C. A weapon surrendered to or seized by a law enforcement agency must be returned to the restricted person when the threat-based restrictions expire. If a seized or surrendered weapon remains unclaimed for 6 months after the expiration or dissolution of threat-based restrictions, the law enforcement agency may dispose of the weapon consistent with Title 25, section 3503-A.

8. Offense. Possession of a dangerous weapon by a restricted person is a Class D crime.

PART B

Sec. B-1. 34-B MRSA §3873-A, sub-§5, ¶A-1 is enacted to read:

A-1. Prior to the commencement of the hearing, the court shall inform the patient that, if an order is entered that includes a prohibition on the possession of dangerous weapons, that patient is a prohibited person and may not possess or have under that patient's control a firearm pursuant to Title 15, section 393, subsection 1.

Sec. B-2. 34-B MRSA §3873-A, sub-§§7-A and 7-B are enacted to read:

7-A. Dangerous weapons. If the court directs a patient to follow an individualized treatment plan pursuant to subsection 6, the court may prohibit the patient from

possessing a dangerous weapon as described in Title 17-A, section 2, subsection 9, paragraph C, including a firearm as defined in Title 17-A, section 2, subsection 12-A, for the duration of the treatment plan. If the court prohibits the patient from possessing a dangerous weapon, the court shall specify the type of weapon the patient is prohibited from possessing; notify the patient that possession of such a weapon by the person is prohibited pursuant to Title 15, section 393; and direct the patient to relinquish, within 24 hours after service of the order on the patient or such earlier time as the court specifies in the order, such weapons in the possession of the patient to a law enforcement officer for the duration of the order. The duties and liability of a law enforcement agency with respect to dangerous weapons surrendered pursuant to this subsection are governed by Title 25, section 2804-C, subsection 2-C.

7-B. Transmission of abstract of court ruling to Department of Public Safety. Notwithstanding any other provision of this section or section 1207, a court shall electronically update or transmit to the Department of Public Safety an abstract of the order issued by the court pursuant to this section that includes a prohibition on the possession of a dangerous weapon pursuant to subsection 7-A. Implementation of this requirement is governed by section 3862-A, subsection 6, paragraph D, subparagraph (5).

PART C

Sec. C-1. 15 MRSA §224-A, sub-§1, as amended by PL 2013, c. 566, §3, is further amended to read:

1. Establishment; use. Notwithstanding any other provision of law to the contrary, there is established an Extradition and Prosecution Expenses Account in each prosecutorial district in an amount not to exceed \$30,000, to be administered by the district attorney and to be used solely for the purposes of paying the expenses of extraditing persons charged with or convicted of a crime in this State and who are fugitives from justice, as defined in section 201, subsection 4, paying fees or expenses of prosecution pursuant to section 1319 and, paying witness fees pursuant to section 1320 and paying for examination fees or expenses pursuant to Title 34-B, section 3862-A, subsection 6, paragraph D, subparagraph (3).

Sec. C-2. 15 MRSA §393, sub-§1, ¶¶E-1 and E-2 are enacted to read:

E-1. Is currently a restricted person under Title 34-B, section 3862-A, subsection 2 or subsection 6, paragraph D except that the prohibition applies to possession and control, and not ownership. Violation of this paragraph is a Class D crime;

E-2. Has been ordered to participate in a progressive treatment program pursuant to Title 34-B, section 3873-A and, as part of that order, directed not to possess a dangerous weapon pursuant to Title 34-B, section 3873-A, subsection 7-A for the duration of the treatment program, except that the prohibition applies to possession and control, and not ownership. Violation of this paragraph is a Class D crime;

Sec. C-3. 25 MRSA §2803-B, sub-§1, ¶L, as amended by PL 2013, c. 147, §19, is further amended to read:

L. Mental illness and the process for involuntary commitment, and the process pursuant to Title 34-B, section 3862-A; and

Sec. C-4. 25 MRSA §2804-C, sub-§2-E is enacted to read:

2-E. Receipt of certain dangerous weapons; training; procedure; liability. Beginning in 2020, the Maine Criminal Justice Academy Board of Trustees shall require training as part of its mandated training schedule for municipal, county and state law enforcement officers regarding the process for protection from substantial threats by a restricted person and the proper handling, storage, safekeeping and return of dangerous weapons received pursuant to an endorsement or court order under Title 34-B, section 3862-A or 3873-A. The training must include education concerning the prohibitions on the purchase, control or possession of dangerous weapons. A law enforcement officer who receives custody of a dangerous weapon pursuant to Title 34-B, section 3862-A or 3873-A shall exercise reasonable care to avoid loss, damage or reduction in value of the weapon and may not permanently mark or fire the weapon unless there is reasonable suspicion that the weapon has been used in the commission of a crime. Any liability for damage or reduction in value to such a weapon is governed by Title 14, chapter 741.

Sec. C-5. 34-B MRSA §3862, sub-§1, ¶B, as amended by PL 2017, c. 402, Pt. C, §97 and affected by Pt. F, §1, is further amended to read:

B. If the law enforcement officer does take the person into protective custody, shall deliver the person immediately for examination by a medical practitioner as provided in section 3862-A or 3863 or, for a person taken into protective custody who has an advance health care directive authorizing mental health treatment, for examination as provided in Title 18-C, section 5-803, subsection 4 to determine the individual's capacity and the existence of conditions specified in the advance health care directive for the directive to be effective.

PART D

Sec. D-1. Assessments at alternative locations. The executive branch shall work with medical practitioners and law enforcement to develop and release, by January

1, 2020, a request for proposals for the development and acquisition of the technology necessary to enable assessments under the Maine Revised Statutes, Title 34-B, section 3862-A at locations other than health care facilities.

Sec. D-2. Database of restrictions. By February 1, 2020, the Department of Public Safety shall develop a plan, including any cost estimates, to implement a database system to support this Act.

Sec. D-3. Effective dates. Parts A to C of this Act take effect July 1, 2020. This Part takes effect 90 days after the adjournment of the First Regular Session of the 129th Legislature.