

131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2045

H.P. 1307

House of Representatives, December 13, 2023

An Act to Establish Training and Certification Standards for Probation and Parole Officers

Submitted by the Department of Corrections pursuant to Joint Rule 203.

Received by the Clerk of the House on December 11, 2023. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative SALISBURY of Westbrook.

1 Be it enacted by the People of the State of Maine as follows: 2 Sec. 1. 25 MRSA §2801-A, sub-§5, as amended by PL 2013, c. 147, §5, is further 3 amended to read: 4 5. Law enforcement officer. "Law enforcement officer" means a person who by 5 virtue of public employment is 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 6 7 crimes, and who possesses a current and valid certificate issued by the board pursuant to 8 section 2803-A. As used in this chapter, "law enforcement officer" does not include federal 9 law enforcement officers or, attorneys prosecuting for the State or persons who perform 10 probation functions or are adult probation supervisors as defined in Title 17-A, section 2, subsection 3-C. 11 12 Sec. 2. 25 MRSA §2801-A, sub-§7-A is enacted to read: 13 7-A. Probation and parole officer. "Probation and parole officer" means an employee of the Department of Corrections with duties described in Title 34-A, section 14 5404 who possesses a current and valid certificate issued by the board pursuant to section 15 16 2803-A, subsection 5-C or a provisional certification as determined by the board for certain employees employed prior to January 1, 2025. 17 18 Sec. 3. 25 MRSA §2801-B, sub-§1, ¶A, as repealed and replaced by PL 2013, c. 19 588, Pt. A, §33, is amended to read: 20 A. An employee of the Department of Corrections with a duty to perform probation 21 functions or who is an adult probation supervisor as defined in Title 17-A, section 2, 22 subsection 3-C or who is an investigative officer or other employee of the Department 23 of Corrections authorized to exercise law enforcement powers as described in Title 24 34-A, section 3011; 25 Sec. 4. 25 MRSA §2803-A, sub-§5-C is enacted to read: 26 5-C. Training and certification of probation and parole officers. To establish 27 training and certification standards for probation and parole officers, set requirements for board-approved courses, prescribe curricula and certify graduates of board-approved 28 29 courses. Certification must be based on the officer's demonstration of having acquired 30 specific knowledge and skills directly related to job performance; Sec. 5. 25 MRSA §2804-M is enacted to read: 31 32 §2804-M. Probation and parole officer basic training and certification 33 1. Training and certification required. Beginning January 1, 2025, as a condition 34 to the continued employment of a person hired as a probation and parole officer, that person 35 shall successfully complete, within the first 12 months of employment, a basic training course approved by the board and meet the certification standards established by the board 36 37 pursuant to section 2803-A, subsection 5-C. Thereafter, as a condition to continued employment as a probation and parole officer, the officer shall satisfactorily maintain the 38 39 basic certification. The board, under extenuating and emergency circumstances in 40 individual cases, may extend the 12-month period for not more than 180 days. The board, in individual cases, may waive basic training requirements when the facts indicate that an 41 42 equivalent course has been successfully completed in another state or federal jurisdiction.

1	Sec. 6. 25 MRSA §2804-N is enacted to read:
2	§2804-N. In-service probation and parole officer training
3	1. Required. Beginning January 1, 2025, as a condition to the continued employment
4	of any person as a probation and parole officer, that person shall successfully complete
5	in-service training as prescribed by the board. Failure to successfully complete in-service
6 7	training by a probation and parole officer as prescribed by the board constitutes grounds to suspend or revoke a certificate issued by the board pursuant to section 2803-A.
8	2. Role of board. The board shall establish in-service training requirements, consistent
9	with subsection 1, and coordinate delivery of in-service training. The in-service
10 11	recertification training requirements must include information on new laws and court decisions. The board shall consider and encourage the use of telecommunications
11	technology in the development and delivery of in-service training programs. In establishing
12	the recertification training requirements, the board shall cooperate with the Department of
14	Corrections to ensure that the standards are appropriate. In-service training may not be
15	applied to satisfy in-service recertification training requirements unless it is approved by
16	the board.
17	3. Provision of in-service training. In-service training programs that meet the
18	requirements established under subsection 2 or other in-service training may be provided
19	by the Maine Criminal Justice Academy or the Department of Corrections.
20	4. Credit for continuing education. The board may grant in-service training credits
21	to be applied to in-service recertification training requirements for courses completed at
22	accredited colleges and universities.
23	Sec. 7. Probation and parole officer certification transfer.
24	1. Provisional certification. A probation and parole officer working for the
25	Department of Corrections who has satisfied employment and training requirements
26	established pursuant to the Maine Revised Statutes, Title 34-A, section 5402, subsection 2
27	prior to January 1, 2025 is provisionally certified until April 1, 2025.
28	2. Transfer application. No later than April 1, 2025, for each probation and parole
29	officer who is provisionally certified pursuant to subsection 1 and is employed by the
30	Department of Corrections, the department shall submit documentation required by the
31	Board of Trustees of the Maine Criminal Justice Academy to establish current and valid
32	certification as a probation and parole officer.
33	Sec. 8. Board of Trustees of the Maine Criminal Justice Academy to
34	establish training and certification standards. The Board of Trustees of the Maine
35	Criminal Justice Academy shall establish training and certification standards for probation
36	and parole officers pursuant to the Maine Revised Statutes, Title 25, section 2803-A,
37	subsection 5-C no later than January 1, 2025.
38	SUMMARY
39	This bill requires the Board of Trustees of the Maine Criminal Justice Academy to
40	establish training and certification standards, set requirements for board-approved courses,
41	prescribe curricula and certify graduates of board-approved courses for probation and

- parole officers and requires those officers to meet the training and certification standards established by the board. 1 2