

**STATE OF MAINE  
SUPREME JUDICIAL COURT**

ADMINISTRATIVE ORDER JB-15-2

ENTRY SCREENING IN COURTHOUSES

Effective: May 1, 2015

I. SCOPE AND PURPOSE

Pursuant to 4 M.R.S. §§ 1, 17(15), the Supreme Judicial Court hereby issues this Administrative Order establishing statewide entry screening procedures for all courthouses in the Maine State Court System. All persons entering any of Maine's courthouses shall be subject to this Order at all times. It is the goal of the Judicial Branch to protect the safety and security of the public, litigants, witnesses, all Judicial Branch and county employees, and others who may have a need to be at the courthouse, and to ensure the efficient operation and proper conduct of court business in promulgating this Order. The Office of Judicial Marshals (OJM) is responsible for implementing and enforcing this Order. Every effort will be made by the OJM to allow entry into the courts to be as expedient as possible.

II. ENTRY SCREENING POLICIES AND PROCEDURES

A. ENTRANCES:

**STAFF ENTRANCE:** Where possible, Judicial Branch judges and employees and county employees who work in an individual courthouse, shall enter the courthouse through a designated nonpublic entrance. All such courthouse personnel must show OJM approved identification or scan such identification (if a key card entry system is in place) in order to gain entrance. When this is not possible, a separate line at the public entrance may be established for persons holding OJM approved identification cards.

**PUBLIC ENTRANCE:** The public entrance is defined as the main entryway into the courthouse for the purpose of conducting business with the courts. Where possible, the public entrance shall be equipped with entry screening equipment as more fully described in section II(C)(1) of

this Order. Where there is a separate staff entrance, Judicial Branch and county employees who work in the courthouse, who choose to enter the building through the public entrance, shall be subject to entry screening. Persons who refuse to submit to entry screening will not be allowed to enter the building and will immediately be required to leave the premises.

## B. SCOPE OF SCREENING

**WEAPONS:** No weapons of any kind will be permitted in any Maine courthouse subject to the regulations and exceptions enumerated below.

1. **FIREARMS:** Unauthorized possession of a firearm in a courthouse is a Class D crime pursuant to 17-A M.R.S. § 1058 regardless of whether the person holds a valid permit to carry a concealed weapon.

This prohibition does not include the possession of firearms by a law enforcement officer,<sup>1</sup> a corrections officer, or a corrections supervisor on duty and engaged in the performance of the law enforcement officer's, corrections officer's, or corrections supervisor's public duty.

Any of the above-described officers who are personally involved as a party in a case will not be allowed to enter the courthouse while armed. There are no exceptions to this rule. Possession of a firearm by a law enforcement officer who is appearing as a witness in a hearing or a trial shall be at the discretion of the presiding judge.

2. **OTHER WEAPONS:** Other weapons include, but are not limited to, knives, scissors, carpet or box cutters, letter openers, or other sharp edged items, mace, pepper spray, tasers, and incendiary or explosive devices or any other device that can be used to disable or to inflict damage or harm to people or property. Judicial marshals shall use their training and discretion in assessing whether items are intended as, or could be construed as weapons. Persons carrying other weapons will be advised that they must take these items to their

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<sup>1</sup> "Law enforcement officer" shall be defined as: Anyone who by virtue of government employment is vested by law with a duty to maintain public order, to prosecute offenders, to make arrests for crimes, whether that duty extends to all crimes or is limited to specific functions. This does not include attorneys prosecuting for the State.

vehicles, homes, or offices, or leave them in the screening area with the judicial marshals.

### C. EXCEPTIONS

1. Court exhibits: The provisions of this section may be modified or suspended to accommodate the lawful activities of participants in judicial matters. Authorization to bring items restricted by this policy into the courthouse shall be evaluated and granted/denied on a case-by-case basis by the presiding judge in consultation with the OJM. The OJM shall establish a procedure to accommodate the entry and possession of court exhibits and the safe handling of such restricted items while within the courthouse, on courthouse grounds, and in the parking area.
2. Attorneys: If and when the Maine Legislature authorizes the resource management necessary to create the system described below, the following provisions will become applicable to attorneys practicing in Maine's courts. Attorneys licensed to practice in the State of Maine who display a current, active OJM issued identification card are authorized to enter court facilities by means of a separate line or entrance as designated by the OJM. The OJM shall publish criteria for the background checks, security analysis, application, and issuance of OJM approved identification cards for attorneys. The OJM approved identification cards and authorization for the use of the cards at the entrance to court facilities may be revoked at any time, with or without cause, in the sole discretion of the State Court Administrator or designee.
3. Contractors and others hired by the Judicial Branch to work in the courthouse/building: All such contractors must pass through entry screening at the public entrance. Tools and other items required to complete their work within the courthouse shall be allowed at the discretion of the OJM.

### D. SCREENING STEPS

1. Persons entering the courthouse will be screened by use of walk-through magnetometers and/or hand-held magnetometers.

Persons with medical conditions such as pacemakers or artificial limbs, joints, or supports that may activate an electronic signal may be searched without the use of electronic equipment.

2. All hand carried items including briefcases, laptop computers, backpacks, handbags, books, mail, and file folders will be examined by judicial marshals and/or passed through an x-ray machine to insure that they do not contain weapons. Persons who refuse to have items screened will not be allowed to bring the items into the building.
3. Suspicious images observed on the x-ray machine shall be closely examined by having the person in possession of the item open the package for inspection.
4. Mail and other packages delivered by a package delivery service or courier may be visually examined, where resources permit, by judicial marshals and/or passed through an x-ray machine to insure that they do not contain dangerous items. With respect to package deliveries, judicial marshals will contact the addressee to verify that the delivery is expected.
5. The OJM shall keep a record of all items found and held during entry screening. All items that are not illegal will be returned to their owners upon their exit from the building. A log of items held at the screening will be recorded. When an item is returned, the owner will sign his/her name for receipt of return. OJM will retain the record of items held by the entry screening staff for a period of two years for possible future reference.

#### E. CONTRABAND

1. If upon entry screening a judicial marshal discovers drugs or other contraband, the judicial marshal shall hold the individual and call for local law enforcement assistance. Judicial marshals should not question the discovery of a small amount of pills or medication that may be prescribed by a physician, provided that the prescription is carried in a properly labeled prescription bottle or other appropriate container pursuant to 17-A M.R.S. § 1107-A(4).

