

MAINE STATE LEGISLATURE

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L.D. 53

DATE: 4/11/05

(Filing No. H-119)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 49, L.D. 53, Bill, "An Act To Criminalize Harming a Dog Used for Law Enforcement Purposes"

Amend the bill by striking out the title and substituting the following:

'An Act To Clarify the Law Regarding Unlawful Interference with Law Enforcement Dogs'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 17-A MRSA §752-B, sub-§1, as amended by PL 2001, c. 383, §82 and affected by §156, is further amended to read:

1. A person is guilty of unlawful interference with a law enforcement dog if the person intentionally or knowingly:

A. Kills, mutilates or permanently disables any dog that is in fact certified for law enforcement use and that the person knows or reasonably should have known is certified used for law enforcement use purposes. Violation of this paragraph is a Class C crime; or

B. Torments, beats, strikes, injures, temporarily disables or otherwise mistreats any dog that is in fact certified for law enforcement use and that the person knows or reasonably should have known is certified used for law enforcement use purposes. Violation of this paragraph is a Class D crime.'

COMMITTEE AMENDMENT

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SUMMARY

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This amendment replaces the bill. It makes 2 parallel changes to the Maine Revised Statutes, Title 17-A, section 752-B, subsection 1, paragraphs A and B. First, it adds to each an element currently there by implication: namely, that the dog intentionally or knowingly mistreated is in fact certified for law enforcement use. Second, it eliminates from each the current element that the actor knows or should know of the dog's certification and replaces it with a requirement that the actor knows or should know that the dog is used for law enforcement purposes.

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 53

LR 0478(02)

An Act To Criminalize Harming a Dog Used for Law Enforcement Purposes

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Correctional and Judicial Impact Statements

This bill modifies a Class C crime; impact not significant.