

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1458

S.P. 504

In Senate, April 18, 2017

**An Act To Amend the Law Relating to the Crime of Hindering
Apprehension or Prosecution**

(EMERGENCY)

Submitted by the Department of Corrections pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered
printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator ROSEN of Hancock.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** current laws relating to the crime of hindering apprehension or
4 prosecution do not include hindering the apprehension or prosecution of persons who
5 violate probation, supervised release for sex offenders or parole and therefore create
6 significant barriers to timely arrest and prosecution that are of immediate concern; and

7 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
8 the meaning of the Constitution of Maine and require the following legislation as
9 immediately necessary for the preservation of the public peace, health and safety; now,
10 therefore,

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

12 **Sec. 1. 17-A MRSA §753, sub-§1-B, ¶¶E and F,** as enacted by PL 2001, c.
13 667, Pt. D, §17, are amended to read:

14 E. Obstructs by force, intimidation or deception anyone from performing an act that
15 might aid in the discovery, apprehension, prosecution or conviction of the other
16 person and:

17 (1) The actor knew of the conduct of the other person that has in fact resulted in
18 the charge of murder or a Class A crime or that has in fact rendered the other
19 person liable to such a charge. Violation of this subparagraph is a Class B crime;

20 (2) The conduct of the other person has in fact resulted in the charge of murder
21 or a Class A crime or in fact has rendered the other person liable to such a charge
22 or the other person is charged or is liable to be charged with a Class B crime.
23 Violation of this subparagraph is a Class C crime;

24 (3) The other person is charged or is liable to be charged with a Class C crime.
25 Violation of this subparagraph is a Class D crime; or

26 (4) The other person is charged or is liable to be charged with a Class D or Class
27 E crime. Violation of this subparagraph is a Class E crime; ~~or~~

28 F. Aids the other person to safeguard the proceeds of or to profit from such crime
29 and:

30 (1) The actor knew of the conduct of the other person that has in fact resulted in
31 the charge of murder or a Class A crime or that has in fact rendered the other
32 person liable to such a charge. Violation of this subparagraph is a Class B crime;

33 (2) The conduct of the other person has in fact resulted in the charge of murder
34 or a Class A crime or in fact has rendered the other person liable to such a charge
35 or the other person is charged or is liable to be charged with a Class B crime.
36 Violation of this subparagraph is a Class C crime;

37 (3) The other person is charged or is liable to be charged with a Class C crime.
38 Violation of this subparagraph is a Class D crime; or

1 (4) The other person is charged or is liable to be charged with a Class D or Class
2 E crime. Violation of this subparagraph is a Class E crime; or

3 **Sec. 2. 17-A MRSA §753, sub-§1-B, ¶G** is enacted to read:

4 G. Hinders the apprehension or prosecution of the other person for a violation of
5 probation, supervised release for sex offenders or parole by any means described
6 under paragraphs A to F with the intent to hinder, prevent or delay discovery,
7 apprehension, prosecution, revocation or punishment for the violation. The
8 sentencing class for hindering apprehension or prosecution of the other person is one
9 class less than the crime for which the other person was originally sentenced.

10 **Emergency clause.** In view of the emergency cited in the preamble, this
11 legislation takes effect when approved.

12 **SUMMARY**

13 This bill includes in the crime of hindering apprehension or prosecution those who
14 hinder the apprehension or prosecution of those who violate probation, supervised release
15 for sex offenders or parole.