

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

2019

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

MINORITY

L.D. 262

Date: 4/30/19

(Filing No. S- 74)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 74, L.D. 262, Bill, "An Act To Protect Law Enforcement and Corrections Officers by Creating the Crime of Aggravated Assault on an Officer"

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

'An Act To Protect Law Enforcement Officers, Corrections Officers, Corrections Supervisors and Staff of Correctional Institutions by Providing a Mandatory Minimum Sentence for Aggravated Assaults against Them That Are Planned or in Which They Are Targeted'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 17-A MRSA §208, sub-§3 is enacted to read:

3. Except as provided in paragraph C, a person who commits a crime under subsection 1 is subject to a mandatory minimum sentence, which may not be suspended, as provided in this subsection if the assault is committed on a law enforcement officer, a corrections officer, a corrections supervisor or a member of the staff of a correctional institution while that officer, supervisor or staff member is performing official duties.

A. A mandatory minimum sentence under this subsection applies to a crime under subsection 1 that was in fact planned by the defendant prior to the assault or in which the law enforcement officer, corrections officer, corrections supervisor or member of the staff of a correctional institution was in fact targeted by the defendant because of the officer's, supervisor's or staff member's employment as a law enforcement officer, corrections officer, corrections supervisor or member of the staff of a correctional institution.

B. When the sentencing class for a crime under subsection 1 is Class A, the minimum term of imprisonment under this subsection, which may not be suspended, is 4 years; when the sentencing class for a crime under subsection 1 is Class B, the minimum term of imprisonment under this subsection, which may not be suspended, is 3 years.

COMMITTEE AMENDMENT

1 C. The court may impose a sentence other than a minimum unsuspended term of
2 imprisonment set forth in paragraph B, if:

3 (1) The court finds by substantial evidence that:

4 (a) Imposition of a minimum unsuspended term of imprisonment under
5 paragraph B will result in substantial injustice to the defendant;

6 (b) Failure to impose a minimum unsuspended term of imprisonment under
7 paragraph B will not have an adverse effect on public safety; and

8 (c) Failure to impose a minimum unsuspended term of imprisonment under
9 paragraph B will not appreciably impair the effect of paragraph B in deterring
10 others from violating this section; and

11 (2) The court finds that the defendant's background, attitude and prospects for
12 rehabilitation and the nature of the victim and the offense indicate that imposition
13 of a sentence under paragraph B would frustrate the general purposes of
14 sentencing set forth in section 1151.

15 If the court imposes a sentence under this paragraph, the court shall state in writing
16 its reasons for its findings and for imposing a sentence under this paragraph rather
17 than under paragraph B.'

18 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
19 section number to read consecutively.

20 SUMMARY

21 This amendment is the minority report of the committee. The amendment replaces
22 the bill. The amendment provides for a mandatory minimum term of imprisonment for
23 an aggravated assault on a victim who is a law enforcement officer, a corrections officer
24 or corrections supervisor or a member of the staff of a correctional institution who is in
25 the performance of the victim's official duties if the defendant planned the assault prior to
26 the assault or targeted that person because of that person's employment. The amendment
27 provides a procedure and standards for the court to impose a sentence of imprisonment
28 less than the mandatory minimum.

FISCAL NOTE REQUIRED
(See Attached)



Approved: 03/18/19 *MJC*

129th MAINE LEGISLATURE

LD 262

LR 719(02)

An Act To Protect Law Enforcement and Corrections Officers by Creating the Crime of Aggravated Assault on an Officer

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-74)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Corrections and to the Maine Commission on Indigent and Legal Services from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.