

# MAINE STATE LEGISLATURE

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Date: 5/16/19

(Filing No. S-116)

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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE**

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**SENATE**

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**129TH LEGISLATURE**

8

**FIRST REGULAR SESSION**

9

COMMITTEE AMENDMENT "A" to S.P. 302, L.D. 1023, Bill, "An Act Regarding the Definition of "Serious Bodily Injury" in the Maine Criminal Code"

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

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**Sec. 1. 17-A MRSA §2, sub-§23**, as amended by PL 1975, c. 740, §11, is further amended to read:

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**23.** "Serious bodily injury" means a bodily injury ~~which that~~ creates a substantial risk of death ~~or which, that~~ causes serious, permanent disfigurement or loss or substantial impairment of the health or function of any bodily member or organ, part of the body or that causes harm that requires extended convalescence ~~necessary~~ for the recovery of physical or mental health.

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**Sec. 2. 17-A MRSA §208, sub-§1, ¶A**, as amended by PL 2015, c. 358, §1, is further amended to read:

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A. Bodily injury to another that creates a substantial risk of death or that causes harm that requires extended convalescence ~~necessary~~ for the recovery of physical or mental health. Violation of this paragraph is a Class B crime;

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**Sec. 3. 17-A MRSA §208, sub-§1, ¶A-1**, as enacted by PL 2015, c. 358, §1, is amended to read:

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A-1. Bodily injury to another that causes serious, permanent disfigurement or loss or substantial impairment of the health or function of any bodily member or organ part of the body. Violation of this paragraph is a Class A crime;

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**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

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**INDIGENT LEGAL SERVICES, MAINE COMMISSION ON**

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**Maine Commission on Indigent Legal Services Z112**

**COMMITTEE AMENDMENT**

1 Initiative: Provides funding for increased costs to the Maine Commission on Indigent  
2 Legal Services due to amending the definition of "serious bodily injury" in the Maine  
3 Criminal Code.

4	<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
5	All Other	\$19,881	\$26,508
6			
7	<b>GENERAL FUND TOTAL</b>	<u>\$19,881</u>	<u>\$26,508</u>
8			

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

11 **SUMMARY**

12 This amendment strikes and replaces the bill. The amendment amends the definition  
13 of "serious bodily injury" in the Maine Criminal Code by clarifying the language  
14 regarding injury that leads to extended convalescence. The amendment also amends the  
15 law regarding the crime of aggravated assault to reflect the changes to the definition of  
16 "serious bodily injury" contained in the amendment. The amendment adds an  
17 appropriations and allocations section.

18 **FISCAL NOTE REQUIRED**

19 (See attached)



# 129th MAINE LEGISLATURE

LD 1023

LR 1931(02)

## An Act Regarding the Definition of "Serious Bodily Injury" in the Maine Criminal Code

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-116)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

### Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
<b>Net Cost (Savings)</b>				
General Fund	\$19,881	\$26,508	\$26,508	\$26,508
<b>Appropriations/Allocations</b>				
General Fund	\$19,881	\$26,508	\$26,508	\$26,508

### Correctional and Judicial Impact Statements

Increase in the incidence of Class A, B, and C crimes; increases correctional and judicial costs.  
 The additional workload associated with the minimal number of new felony cases filed in the court system does not require additional funding at this time.  
 The collection of additional fine revenue will increase General Fund and dedicated revenue by minor amounts.  
 The Department of Corrections has not indicated a need for additional funding.

### Fiscal Detail and Notes

The bill expands the definition of serious bodily injury to include bodily injuries that cause the need for extended convalescence for recovery of mental health. The Maine Commission on Indigent Legal Services estimates its caseload for multiple charges will increase by approximately 20%. The bill includes ongoing General Fund appropriations of \$19,881 in fiscal year 2019-20 and \$26,508 in fiscal year 2020-21 for this increase in caseload.