

MAINE STATE LEGISLATURE

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W.C.
R. of S.

L.D. 1686

(Filing No. S- 279)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 638, L.D. 1686, Bill, "An Act to Provide Additional Protection for Victims of Criminal Threatening and Terrorizing"

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

'An Act to Provide Additional Protection for Victims of Criminal Threatening, Terrorizing and Harassment'

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

'Sec. 1. 17-A MRSA §15, sub-§1, ¶A, as amended by PL 1989, c. 122, §2, is further amended to read:

A. Any person who he the officer has probable cause to believe has committed or is committing:

- (1) Murder;
- (2) Any Class A, Class B or Class C crime;
- (3) Assault while hunting;
- (4) Any offense defined in chapter 45;
- (5) Assault, criminal threatening or terrorizing, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;
- (5-A) Assault, ~~criminal threatening, terrorizing~~ or reckless conduct, if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 15, section 321;

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2 (6) Theft as defined in section 357, when the value of
the services is \$1,000 or less, if the officer
4 reasonably believes that the person will not be
apprehended unless immediately arrested;

6 (7) Forgery, if the officer reasonably believes that
the person will not be apprehended unless immediately
8 arrested;

10 (8) Negotiating a worthless instrument, if the officer
reasonably believes that the person will not be
12 apprehended unless immediately arrested;

14 (9) A violation of a condition of probation when
requested by an official of the Division of Probation
16 and Parole;

18 (10) Violation of a condition of release in violation
of Title 15, section 1026, subsection 3, section 1051,
20 subsection 2, section 1051, subsection 9 and section
1092; or

22 (11) Theft involving a detention under Title 17,
24 section 3521; and

26 Sec. 2. 17-A MRSA §506-A, sub-§2, as enacted by PL 1975, c.
740, §67, is amended to read:

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30 2. Harassment is a Class E crime, except that when the
32 defendant has 2 or more prior Maine convictions for violations of
34 this section in which the victim was the same person or a member
36 of that victim's immediate family, violation of this section is a
38 Class C crime. For purposes of this subsection, the dates of
40 both of the prior convictions must precede the commission of the
offense being enhanced by no more than 5 years, although both
prior convictions may have occurred on the same day. The date of
a conviction is deemed to be the date that sentence is imposed,
even though an appeal was taken. The date of a commission of
prior offenses is presumed to be that stated in the complaint,
information or indictment, notwithstanding the use of the words
"on or about" or the equivalent.

42 Sec. 3. 17-A MRSA §506-A, sub-§3 is enacted to read:

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46 3. For the purposes of this section, "immediate family"
means spouse, parent, child, sibling, stepchild and stepparent.

FISCAL NOTE

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52 This bill increases the crime of harassment from a Class E
to a Class C crime when the perpetrator has at least 2 prior

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convictions and the victim is the same person or a member of that victim's immediate family.

Sentences imposed for Class C offenses must be served in a state correctional institution. The projected cost to the State for each person sentenced for a Class C offense is approximately \$36,900 and is based upon an average length of the sentence of one year and nine months. This amount does not include additional capital expenditures to meet bed-space demands.

Sentences imposed for Class E offenses are served in county jail facilities. Increasing the crime of harassment from a Class E to a Class C crime will shift the offenders to the State's correctional institutions.'

STATEMENT OF FACT

This amendment replaces the bill. It provides that a law enforcement officer may, without a warrant, arrest a person for criminal threatening or terrorizing if the officer reasonably believes that the person may cause injury to others unless immediately arrested. A warrant is usually required for a law enforcement officer to arrest a person for committing a Class D or Class E crime outside the presence of the officer. Without this change, a person can intentionally or knowingly place another person in fear of imminent bodily injury but can not be arrested until a warrant is issued.

This amendment also increases the crime of harassment from a Class E crime to a Class C crime if the person committing the harassment has at least 2 prior convictions for harassment and the victim was the same as the victim of the subsequent crime or a member of that victim's immediate family. A fiscal note is also included.

Reported by Senator Holloway for the Committee on Judiciary.
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