

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 545

S.P. 202

In Senate, February 14, 1995

An Act Creating a Victims' Rights Chapter in the Maine Criminal Code.

Reported by Senator MILLS of Somerset for the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Committee on Criminal Justice suggested and ordered printed pursuant to Joint Rule 20.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

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

4 **Sec. 1. 15 MRSA §812**, as enacted by PL 1981, c. 685, is repealed.

6 **Sec. 2. 15 MRSA §6101**, as enacted by PL 1993, c. 675, Pt. A, §3, is repealed.

8 **Sec. 3. 17-A MRSA c. 48** is enacted to read:

10 **CHAPTER 48**

12 **VICTIMS' RIGHTS**

14 **§1171. Definitions**

16 As used in this chapter, unless the context otherwise
18 indicates, the following terms have the following meanings.

20 1. "Victim" means an individual who was caused injury as a
22 result of a charged crime. If the injury causes the individual's
death, "victim" includes the deceased's family and close friends.

24 **§1172. Rights concerning plea agreements**

26 1. Before submitting a plea agreement to the court, the
28 attorney for the State shall, to the extent practicable, notify
the victim of the details of the plea agreement.

30 2. When a plea agreement is submitted to the court pursuant
32 to the Maine Rules of Criminal Procedure, Rule 11A(b), the
attorney for the State shall disclose to the court any objection
34 to the plea agreement by the victim.

36 **§1173. Rights at trial**

38 The attorney for the State shall, to the extent practicable,
notify the victim of the time and place of the trial.

40 **§1174. Rights at sentencing**

42 1. The attorney for the State shall, to the extent
44 practicable, notify the victim of the time and place of
sentencing.

46 2. The victim may participate at sentencing by:

48 A. Making an oral statement in open court; or

2 B. Submitting a written statement to the court either
3 directly or through the attorney for the State. Any written
4 statement must be made part of the record.

5 The court shall consider any statement under paragraph A or B as
6 an appropriate factor in determining the sentence.

8 **Sec. 4. 17-A MRSA §1257, sub-§§2 and 3,** as enacted by PL 1983,
9 c. 352, §2, are repealed.

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11
12 **STATEMENT OF FACT**

13 This bill does the following.

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15 1. It facilitates the participation of the victim in the
16 criminal justice process to the extent that such participation is
17 practicable and consistent with the goals of the process.

18
19 2. It relocates to one place in the Maine Criminal Code
20 current provisions defining victims' rights and refines those
21 provisions when appropriate.
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24