

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 879, L.D. 1196, Bill, "An Act to Amend the Victims' Rights Laws"

Amend the bill by inserting after the title the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 17-A MRSA §1172, sub-§1, ¶¶D and E, as enacted by PL 1995, c. 680, §5, are amended to read:

D. The time and place of sentencing; and

E. The right to participate at sentencing pursuant to section 1174-; and

Sec. 2. 17-A MRSA §1172, sub-§1, ¶F is enacted to read:

F. The right to participate at a probation revocation hearing pursuant to section 1174-A.'

Further amend the bill by striking out all of section 3 and inserting in its place the following:

COMMITTEE AMENDMENT

A. of S.

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Sec. 3. 17-A MRSA §1175, first ¶, as enacted by PL 1995, c. 680, §5, is amended to read:

Upon complying with subsection 1, a victim of a crime of murder or of a Class A, Class B or Class C crime for which the defendant is committed to the Department of Corrections or to a county jail, or a victim of a crime of gross sexual assault who had not in fact attained 16 years of age at the time of the crime for which the defendant is found not criminally responsible by reason of mental disease or defect and is placed in institutional confinement under Title 15, section 103, must receive notice of the defendant's unconditional release and discharge from institutional confinement upon the expiration of the sentence or upon discharge under Title 15, section 104-A and must receive notice of any conditional release of the defendant from institutional confinement, including probation, parole, furlough, work release, intensive supervision, supervised community confinement, home release monitoring or similar program or release under Title 15, section 104-A. Upon complying with subsection 1, a victim of any crime must be given notice by the county jail housing the defendant of the defendant's release on preconviction or postconviction bail or any other pretrial release.

Sec. 4. 17-A MRSA §1175, sub-§3, ¶B, as enacted by PL 1995, c. 680, §5, is amended to read:

B. The nature of the release authorized, whether it is a conditional release, including preconviction or postconviction bail, pretrial release, probation, parole, furlough, work release, intensive supervision, supervised community confinement, home release monitoring or a similar program or release under Title 15, section 104-A, or an unconditional release and discharge upon the expiration of a sentence or upon discharge under Title 15, section 104-A;

Sec. 5. 17-A MRSA §1175, sub-§4-A is enacted to read:

4-A. No later than January 1, 1998, a summons for a crime must include language informing the victim of the victim's right to be notified under this section of the defendant's release. When practicable, the law enforcement agency issuing the summons shall provide the victim, if any, with a copy of the summons.

Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1997-98

R. S.

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**PUBLIC SAFETY,
DEPARTMENT OF**

State Police

All Other \$2,000

Provides funds to include an additional page in the summons form.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

1997-98 1998-99

APPROPRIATIONS/ALLOCATIONS

General Fund \$2,000

This bill requires that victims of certain crimes receive notification of a defendant's release from county jail employees. It also requires municipal and county law enforcement officers to notify victims of certain crimes through mailings of a revised summons form. The additional costs of these state mandates can not be determined at this time. Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.

The Department of Public Safety will also incur additional expenses to notify victims. These costs can not be estimated at this time.

The Department of Public Safety will require a General Fund appropriation of \$2,000 in fiscal year 1997-98 for the costs of adding another page to the summons form currently used by all law enforcement agencies statewide. The department will be required to order additional forms sooner. However, these costs will occur in the same fiscal year as planned.'

COMMITTEE AMENDMENT

R of S.

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SUMMARY

This amendment eliminates from the bill the requirements that a law enforcement officer inform a victim of the victim's rights and that the prosecuting attorney distribute a pamphlet to the victim. The amendment also eliminates from the bill the provision that authorizes a victim to participate in sentencing proceedings when the same defendant is convicted of a subsequent offense.

The amendment states that, if a victim requests notification, a county jail must notify the victim when the defendant is released on preconviction or postconviction bail or any other pretrial release. It states that by January 1, 1998 all summonses must include language informing the victim, if any, of the victim's right under the Maine Revised Statutes, section 1175 to receive notification of the defendant's release. It also requires the law enforcement agency issuing the summons to provide the victim with a copy of the summons when it is practicable to do so. Finally, the amendment adds a mandate preamble, an appropriation and a fiscal note to the bill.

COMMITTEE AMENDMENT