

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1196

H.P. 879

House of Representatives, February 25, 1997

An Act to Amend the Victims' Rights Laws.

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative McALEVEY of Waterboro.
Cosponsored by Representatives: FRECHETTE of Biddeford, MARVIN of Cape Elizabeth,
MAYO of Bath, PEAVEY of Woolwich, POVICH of Ellsworth, TOBIN of Dexter, Senator:
AMERO of Cumberland.

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

Sec. 1. 17-A MRSA §1172, as enacted by PL 1995, c. 680, §5, is amended to read:

§1172. Victims to be notified

1. When practicable, the attorney for the State shall make a good faith effort to inform each victim of a crime of the following:

A. The details of a plea agreement before it is submitted to the court;

B. The right to comment on the plea agreement pursuant to section 1173;

C. The time and place of the trial;

D. The time and place of the plea or sentencing; and

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

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

2. When providing notice under subsection 1, the attorney for the State shall ~~offer to provide~~ distribute in person or by mail to the victim with a pamphlet developed by the victim advocate program within the Office of the Attorney General explaining a victim's rights and containing this chapter, Title 5, chapter 316-A and Title 15, sections 812 and 6101.

A law enforcement officer, when taking the statement of the victim, shall inform the victim of the victim's rights as provided in this chapter and Title 5, chapter 316-A. When informing the victim, the officer shall use a card developed by the Office of the Attorney General that lists those rights.

Sec. 2. 17-A MRSA §1174-A is enacted to read:

§1174-A. Probation revocation procedures

1. If a victim wishes to participate at a hearing on a motion to revoke the defendant's probation, pursuant to section 1206, the victim must be provided the opportunity to do so by either making an oral statement in open court or submitting a written statement as provided in section 1174, subsection 1, paragraph B.

2 2. The court shall consider any statement made under
3 subsection 1 along with all other appropriate factors in
4 determining whether to revoke probation.

5 3. Participation in probation revocation procedures must be
6 in accordance with participation in sentencing procedures set
7 forth in section 1174, subsection 3.

8 **Sec. 3. 17-A MRSA §§1176 and 1177, are enacted to read:**

9 **§1176. Notification of bail or release**

10 A judicial officer or a bail commissioner who sets
11 preconviction or postconviction bail or orders the pretrial
12 release of a defendant in custody as provided in Title 15,
13 chapter 105-A, the Maine Bail Code, shall notify orally or by
14 mail the victim of a Class A, B, C or D crime that involves a
15 sexual act or contact as defined in section 251, stalking or
16 domestic violence unless the victim has requested not to be
17 notified.

18 **§1177. Sentencing procedure on subsequent offense**

19 1. A victim who requests to participate as provided in
20 section 1174 at the sentencing hearing of a defendant who has
21 been convicted of a subsequent offense must be given the
22 opportunity.

23 2. The attorney for the State shall inform the victim upon
24 request of the date and location of the sentencing hearing.

25 **SUMMARY**

26 This bill amends the victims' rights laws to provide
27 additional rights to the victim of a crime. It provides the
28 victim the opportunity to participate at a hearing on a motion to
29 revoke the defendant's probation and upon request at the
30 sentencing hearing when the defendant has been convicted of a
31 subsequent offense.

32 The bill requires the attorney for the State to provide the
33 victim with a pamphlet developed by the Office of the Attorney
34 General explaining a victim's rights. The bill also requires law
35 enforcement officers to inform the victim of these rights.

36 The bill also requires a judicial officer who sets bail or
37 releases a defendant to notify the victim of a Class A, B, C or D
38 crime involving a sexual act or contact, stalking or domestic
39 violence unless the victim has requested not to be notified.