

# MAINE STATE LEGISLATURE

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W  
H. of S.

L.D. 1402

DATE: 5-15-97

(Filing No. H-470)

**CRIMINAL JUSTICE**

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

COMMITTEE AMENDMENT "A" to H.P. 1010, L.D. 1402, Bill, "An Act to Establish the Civil Offense of Creating a Police Standoff"

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

**'An Act to Establish the Civil Violation of Creating a Police Standoff'**

Further amend the bill by striking out all of section 1 (page 1, lines 3 to 29 in L.D.) and inserting in its place the following:

**'Sec. 1. 25 MRSA c. 405 is enacted to read:**

**CHAPTER 405**

**POLICE STANDOFFS**

**§3801. Creating police standoff**

**1. Creating police standoff. A person commits the civil violation of creating a police standoff if that person:**

**A. Is in fact barricaded as a result of the person's own actions;**

**B. Is or claims to be armed with a dangerous weapon;**

**C. Is instructed by a law enforcement agency, either personally, electronically or in writing, to leave the barricaded structure; and**

**COMMITTEE AMENDMENT**

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D. Fails in fact to leave the barricaded structure within 1/2 hour of receiving the instruction from a law enforcement agency.

2. Civil violation. Creating a police standoff is a civil violation. The court may order a person who creates a police standoff to make restitution to each agency that responded to the standoff. Restitution must equal the direct costs incurred in responding to the standoff or \$500, whichever is greater. If any portion of the restitution remains after each agency has been paid its costs, the remainder must be divided equally among the agencies.

3. Barricaded; definition. For purposes of this chapter, "barricaded" means that a person is in an inaccessible location and is reasonably believed to have threatened suicide or threatened to inflict or has inflicted serious bodily injury or death on hostages, law enforcement officers or others.'

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

**FISCAL NOTE**

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.'

**SUMMARY**

The amendment replaces the bill.

The amendment creates the civil violation of creating a police standoff. The amendment defines "barricaded" for purposes of a standoff and gives the court discretion to order a person who creates a police standoff to pay restitution to the responding agencies.

The amendment also adds a fiscal note.