

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 5-19-97

(Filing No. H-552)

CRIMINAL JUSTICE

Reproduced and distributed under the direction of the Clerk of the House.

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

COMMITTEE AMENDMENT "A" to H.P. 1105, L.D. 1548, Bill, "An Act to Outlaw the Sale of Code Grabbers in the State"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 17-A MRSA §403, as enacted by PL 1975, c. 499, §1, is repealed and the following enacted in its place:

§403. Possession or transfer of burglar's tools

1. A person is guilty of possession or transfer of burglar's tools if that person:

A. Possesses or makes any tool, implement, instrument or other article that is adapted, designed or commonly used for advancing or facilitating crimes involving unlawful entry into property or crimes involving forcible breaking of safes or other containers or depositories of property, including, but not limited to, an electronic device used as a code grabber or a master key designed to fit more than one lock, with intent to use such tool, implement, instrument or other article to commit any such criminal offense; or

B. Transfers or possesses with the intent to transfer any device described in paragraph A that that person knows is designed or primarily useful for the commission of a crime described in paragraph A.

COMMITTEE AMENDMENT

2 2. Possession or transfer of burglar's tools in violation of
3 subsection 1, paragraph B is a Class D crime. Possession or
4 transfer of burglar's tools in violation of subsection 1,
5 paragraph A is a Class E crime.

6 **Sec. 2. 17-A MRSA §907**, as amended by PL 1991, c. 548, Pt. A,
7 §9, is further amended to read:

8 **§907. Possession or transfer of theft devices**

9 1. A person is guilty of possession or transfer of theft of
10 services devices if that person:

11 A. ~~He possesses~~ Possesses or makes any device, instrument,
12 apparatus or other article ~~which~~ that is designed or
13 primarily useful for advancing or facilitating the
14 commission of ~~the theft of services~~, with the intent to use
15 such device, instrument, apparatus or other article to
16 commit any such criminal offense; or

17 B. ~~He transfers~~ Transfers or possesses with the intent to
18 transfer any device described in paragraph A that ~~he~~ the
19 person knows is designed or primarily useful for the
20 commission of ~~the theft of services~~.

21 2. Possession or transfer of theft ~~of services~~ devices in
22 violation of subsection 1, paragraph B is a Class D crime,
23 ~~otherwise it is a Class E crime.~~ Possession or transfer of theft
24 devices in violation of subsection 1, paragraph A is a Class E
25 crime.'

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

28 **FISCAL NOTE**

29 This bill may increase prosecutions for Class D and Class E
30 crimes. If a jail sentence is imposed, the additional costs to
31 the counties are estimated to be \$83.78 per day per prisoner.
32 These costs are not reimbursed by the State. The number of
33 prosecutions that may result in a jail sentence and the resulting
34 costs to the county jail system are expected to be insignificant.

35 The additional workload, administrative costs and indigent
36 defense costs associated with the minimal number of new cases
37 filed in the court system can be absorbed within the budgeted
38 resources of the Judicial Department. The collection of
39 additional fines may also increase General Fund revenue by minor
40 amounts.'

2

SUMMARY

4

6 This amendment replaces the bill. It amends the Maine
8 Revised Statutes, Title 17-A, section 403 in 3 ways: it
10 prohibits the transfer of burglar's tools, in addition to
12 possessing them; it lists electronic devices used as code
14 grabbers among the examples of burglar's tools; and it specifies
that possession of burglar's tools is a Class E crime and
transfer of burglar's tools is a Class D crime. The amendment
also amends Title 17-A, section 907 to prohibit the possession or
transfer of theft devices, in general, rather than simply theft
of services devices. The amendment also adds a fiscal note to
the bill.