

# MAINE STATE LEGISLATURE

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DATE: March 2, 1999

(Filing No. S-9 )

**CRIMINAL JUSTICE**

Reported by:

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**STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 110, L.D. 307, Bill, "An Act to Establish the Crime of Aggravated Criminal Trespass"

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 §402-A is enacted to read:

**§402-A. Aggravated criminal trespass**

1. A person is guilty of aggravated criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters a dwelling place and:

A. While in the dwelling place violates any provision of chapter 9 or chapter 11; or

B. At the time of the offense, has 2 prior convictions for burglary in a dwelling place or criminal trespass in a dwelling place. For purposes of this paragraph, the dates of the prior convictions must precede the commission of the offense by no more than 10 years. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date of a commission of a prior offense is presumed to be that stated in the complaint, information, indictment or other formal charging instrument, notwithstanding the use of the words "on or about" or the equivalent.

**COMMITTEE AMENDMENT**

R. 018

COMMITTEE AMENDMENT " A " to S.P. 110, L.D. 307

2. Aggravated criminal trespass is a Class C crime.

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

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**FISCAL NOTE**

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This bill may increase prosecutions for Class C crimes. Sentences of more than nine months imposed for Class C crimes must be served in state correctional institutions. The cost to the State per sentence is \$61,894 based upon an average length of stay of 2 years and 3 months. The State also must reimburse counties for sentences served in county jails of 9 months or less for Class C crimes.

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The Judicial Department may require additional General Fund appropriations to cover indigent defense costs related to these new cases. The amounts can not be estimated at this time. 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 also increase General Fund revenue by minor amounts.'

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**SUMMARY**

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This amendment replaces the bill and creates 2 Class C crimes of aggravated criminal trespass. The amendment increases the penalty when a person commits a violent offense or sexual assault in the course of a trespass in a dwelling place. The amendment also increases the penalty when the offender has repeatedly engaged in similar conduct in the past. This repeat offender provision is similar to those for repeat violent offenders and repeat theft offenders.

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The amendment also adds a fiscal note to the bill.