MAINE STATE LEGISLATURE

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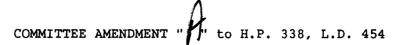
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2	DATE: 3-23-00 (Filing No. H-921)											
4	Cliffing not in post,											
6	CRIMINAL JUSTICE											
8												
10	Reproduced and distributed under the direction of the Clerk of the House.											
12	STATE OF MAINE											
14	HOUSE OF REPRESENTATIVES 119TH LEGISLATURE											
16	SECOND REGULAR SESSION											
18	COMMITTEE AMENDMENT " \widehat{A} " to H.P. 338, L.D. 454, Bill, "An											
20	Act to Establish the Crime of Rendering a Telephone Inoperable during a Domestic Violence Incident"											
22	Amend the bill by striking out the title and substituting											
24	the following:											
26	'An Act to Expand the Warrantless Arrest Law and to Establish the Crime of Obstructing the Report of a Crime or Injury'											
28	Further amend the bill by striking out everything after the											
30	title and before the summary and inserting in its place the following:											
32	'Sec. 1. 17-A MRSA §15, sub-§1, ¶A, as repealed and replaced											
34	by PL 1999, c. 127, Pt. A, $\S 33$, is amended by amending subparagraph (5-A) to read:											
36	(5-A) Assault, criminal threatening, terrorizing,											
38	stalking, criminal mischief, obstructing the report of a crime or injury or reckless conduct if the officer											
40	reasonably believes that the person and the victim are family or household members, as defined in Title 15,											
42	section 321;											
44	Sec. 2. 17-A MRSA §758 is enacted to read:											
46	§758. Obstructing report of crime or injury											
48	1. A person is guilty of obstructing the report of a crime											

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intimidation		_								
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A. Report to a law enforcement agency; or

- B. Request for an ambulance or emergency medical assistance to a governmental agency, hospital, physician or other medical service provider.
- 2. It is an affirmative defense to prosecution under this section that the actor reasonably believed that the actor's conduct was necessary to prevent a false public alarm or report as described in section 509.
- 3. Obstructing report of crime or injury is a Class D crime.'
- Further amend the bill by inserting at the end before the summary the following:

24 FISCAL NOTE

This bill may increase prosecutions for Class D crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.36 per day per prisoner. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

The additional workload, administrative costs and indigent defense 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.'

SUMMARY

This amendment replaces the bill and changes the title. The amendment expands the warrantless arrest law to include criminal threatening, terrorizing, stalking, criminal mischief and obstructing the report of a crime or injury if the officer reasonably believes that the person and the victim are family or household members. The amendment also creates the Class D crime of obstructing the report of a crime or injury. A person is guilty of obstructing the report of a crime or injury if that person intentionally, knowingly or recklessly disconnects,

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COMMITTEE AMENDMENT





damages, disables, removes or uses physical force or intimidation to block access to a telephone, radio or other electronic communication device with the intent to obstruct, prevent or interfere with another person's report to a law enforcement agency or request for an ambulance or emergency medical assistance to a governmental agency, hospital, physician or other medical service provider. The amendment also adds a fiscal note.

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COMMITTEE AMENDMENT