

MAINE STATE LEGISLATURE

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173
R 018

L.D. 797

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CRIMINAL JUSTICE

Reported by:

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STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 232, L.D. 797, Bill, "An Act to Amend the Laws Pertaining to Domestic Violence"

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

'Sec. 1. 19-A MRSA §4011, sub-§1, as amended by PL 1997, c. 683, Pt. C, §7 and affected by §8, is further amended to read:

1. **Crime committed.** Except as provided in subsections 2 and 4, violation of the following is a Class D crime, when the defendant has prior actual notice, which may be notice by means other than service in hand, of the order or agreement:

A. A temporary, emergency, interim or final protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation or a similar order issued by a court of the United States or of another state, territory, commonwealth or tribe; or

B. A court-approved consent agreement.

Sec. 2. 19-A MRSA §4011, sub-§4 is enacted to read:

4. Reckless conduct: assault. A defendant who violates a protective order issued pursuant to section 4007 through conduct that is reckless and that creates a substantial risk of death or serious bodily injury to the plaintiff named in the protective order or who assaults the plaintiff named in the protective order commits a Class C crime.'

COMMITTEE AMENDMENT

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

4
6 **FISCAL NOTE**

8 This bill may increase prosecutions for Class C crimes.
9 Sentences of more than 9 months imposed for Class C crimes must
10 be served in state correctional institutions. The cost to the
State per sentence is \$71,306 based upon an average length of
12 stay of 2 years and 5 months.

14 The Judicial Department may require additional General Fund
appropriations to cover indigent defense costs related to these
16 new cases. The amounts can not be estimated at this time. The
additional workload and administrative costs associated with the
18 minimal number of new cases filed in the court system can be
absorbed within the budgeted resources of the Judicial
20 Department. The collection of additional fines may also increase
General Fund revenue by minor amounts.'

22
24 **SUMMARY**

26 This amendment replaces the bill. It removes language
regarding increased classifications for prior convictions. The
28 amendment also clarifies that a person commits a Class C crime by
violating a protective order through conduct that is reckless and
30 that creates a substantial risk of death or bodily injury to the
plaintiff named in the protective order, instead of to any
32 person. The amendment also adds a fiscal note to the bill.