

MAINE STATE LEGISLATURE

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L.D. 1434

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DATE: 4-26-01

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CRIMINAL JUSTICE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1071, L.D. 1434, Bill, "An Act to Amend the Maine Criminal Code to Reduce the Incentive to Commit Theft"

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 §15, sub-§1, ¶A, as amended by PL 1999, c. 644, §1, is further amended to read:

A. Any person who the officer has probable cause to believe has committed or is committing:

(1) Murder;

(2) Any Class A, Class B or Class C crime;

(3) Assault while hunting;

(4) Any offense defined in chapter 45;

(5) Assault, criminal threatening, terrorizing or stalking, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;

COMMITTEE AMENDMENT

2 (5-A) Assault, criminal threatening, terrorizing,
 4 stalking, criminal mischief, obstructing the report of
 6 a crime or injury or reckless conduct if the officer
 reasonably believes that the person and the victim are
 family or household members, as defined in Title 15,
 section 321;

8 (6) Theft as defined in section 357, when the value of
 10 the services is ~~\$2,000~~ \$1,000 or less if the officer
 12 reasonably believes that the person will not be
 apprehended unless immediately arrested;

14 (7) Forgery, if the officer reasonably believes that
 16 the person will not be apprehended unless immediately
 arrested;

18 (8) Negotiating a worthless instrument if the officer
 20 reasonably believes that the person will not be
 apprehended unless immediately arrested;

22 (9) A violation of a condition of probation when
 requested by a probation officer or juvenile caseworker;

24 (10) Violation of a condition of release in violation
 26 of Title 15, section 1026, subsection 3; Title 15,
 section 1027, subsection 3; Title 15, section 1051,
 28 subsection 2; and Title 15, section 1092;

30 (11) Theft involving a detention under Title 17,
 section 3521;

32 (12) Harassment, as set forth in section 506-A;

34 (13) Violation of a protection order, as specified in
 36 Title 5, section 4659, subsection 2; Title 15, section
 321, subsection 6; former Title 19, section 769,
 38 subsection 2; former Title 19, section 770, subsection
 5; Title 19-A, section 4011, subsection 3; and Title
 19-A, section 4012, subsection 5; or

40 (14) A violation of a sex offender registration
 42 provision under Title 34-A, chapter 11 or 13; and

44 **Sec. 2. 17-A MRSA §352, sub-§5, ¶D**, as amended by PL 1995, c.
 46 224, §2, is further amended to read:

48 D. If the value of property or services cannot be
 50 ascertained beyond a reasonable doubt pursuant to the
 standards set forth above in paragraphs A to C, the trier of
 fact may find the value to be not less than a certain

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COMMITTEE AMENDMENT "A" to H.P. 1071, L.D. 1434

2 amount, and if no such minimum value can be thus
ascertained, the value is deemed to be an amount less than
3 ~~\$1,000~~ \$500.

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5 **Sec. 3. 17-A MRSA §362, sub-§3, ¶A**, as amended by PL 1995, c.
6 224, §4, is further amended to read:

8 A. The value of the property or services is more than
9 ~~\$2,000~~ \$1,000 but not more than \$10,000; or

10
11 **Sec. 4. 17-A MRSA §362, sub-§4, ¶B**, as amended by PL 1995, c.
12 224, §5, is further amended to read:

14 B. The value of the property or services exceeds ~~\$1,000~~
15 \$500 but does not exceed ~~\$2,000~~ \$1,000.

16
17 **Sec. 5. 17-A MRSA §362, sub-§5**, as amended by PL 1995, c. 224,
18 §5, is further amended to read:

20 5. Theft is a Class E crime if the value of the property or
services does not exceed ~~\$1,000~~ \$500.

22
23 **Sec. 6. 17-A MRSA §703, sub-§2, ¶B**, as amended by PL 1995, c.
24 224, §6, is further amended to read:

26 B. A Class C crime if:

28 (1) The face value of the written instrument or the
aggregate value of instruments exceeds ~~\$2,000~~ \$1,000
30 but does not exceed \$10,000; or

32 (2) The actor has 2 prior convictions for any
33 combination of theft, violation or attempted violation
34 of this section, violation or attempted violation of
35 section 702 or 708 or any violation or attempted
36 violation of section 401 if the intended crime within
37 the structure is theft, or any violation or attempted
38 violation of section 651. Determination of whether a
39 conviction constitutes a prior conviction for purposes
40 of this subsection is pursuant to section 362,
subsection 3-A; or

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43 **Sec. 7. 17-A MRSA §708, sub-§4, ¶¶B to D**, as amended by PL
44 1995, c. 224, §7, are further amended to read:

46 B. A Class C crime, if:

48 (1) The face value of the negotiable instrument
exceeds ~~\$2,000~~ \$1,000 but does not exceed \$10,000; or

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COMMITTEE AMENDMENT "A" to H.P. 1071, L.D. 1434

2 (2) The actor has 2 prior convictions for any
3 combination of theft, a violation of section 702, 703
4 or this section, a violation of section 401 in which
5 the crime intended to be committed inside the structure
6 is theft, a violation of section 651 or attempts at
7 these violations. Determination of whether a
8 conviction constitutes a prior conviction for purposes
9 of this subsection is pursuant to section 362,
10 subsection 3-A;

11 C. A Class D crime, if the face value of the negotiable
12 instrument exceeds ~~\$1,000~~ \$500 but does not exceed ~~\$2,000~~
13 \$1,000; or

14 D. A Class E crime, if the face value of the negotiable
15 instrument does not exceed ~~\$1,000~~ \$500.'

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

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21 **FISCAL NOTE**

22 This bill reduces the dollar threshold for what is
23 considered theft and has the effect of increasing the penalty for
24 certain crimes from Class D to Class C and from Class E to Class
25 D. The additional cost due to an increase in the length of
26 sentence is estimated to be \$81.03 per prisoner per day in a
27 state correctional facility and \$83.36 per prisoner per day in a
28 county jail.

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

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41 **SUMMARY**

42 This amendment replaces the bill. The amendment lowers the
43 monetary threshold for the classification of theft crimes to
44 previous standards for Class C, D and E crimes. These standards
45 were amended by the First Regular Session of the 117th
46 Legislature. This bill brings the monetary threshold in line
47 with those of other New England states. The amendment also
48 treats the theft and burglary thresholds in a more equal manner.
49 The amendment also adds a fiscal note.

COMMITTEE AMENDMENT