

MAINE STATE LEGISLATURE

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L.D. 1602

DATE: 4-30-01

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

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COMMITTEE AMENDMENT "A" to H.P. 1179, L.D. 1602, Bill, "An Act to Prevent Violence Against Pregnant Mothers"

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

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'Sec. 1. 17-A MRSA §208, as amended by PL 1981, c. 317, §6, is further amended to read:

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§208. Aggravated assault

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1. A person is guilty of aggravated assault if he the person intentionally, knowingly, or recklessly causes:

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A. Serious bodily injury to another; or

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B. Bodily injury to another with use of a dangerous weapon; or

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C. Bodily injury to another under circumstances manifesting extreme indifference to the value of human life. Such circumstances include, but are not limited to, the number, location or nature of the injuries, the manner or method inflicted, or the observable physical condition of the victim; or

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D. Bodily injury to a person who is pregnant when the actor knew the other person was pregnant at the time of the assault and the actor intended to terminate the pregnancy and the other person wishes to continue the pregnancy.

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2. Aggravated assault is a Class B crime.

3. Subsection 1, paragraph D does not apply to acts that terminate or attempt to terminate a pregnancy if those acts are committed during an abortion, lawful or unlawful, to which the pregnant person consents.

Sec. 2. 17-A MRSA §208-B, as enacted by PL 1997, c. 461, §1, is amended to read:

§208-B. Elevated aggravated assault

1. A person is guilty of elevated aggravated assault if that person:

A. Intentionally or knowingly causes serious bodily injury to another person with the use of a dangerous weapon; or

B. Engages in conduct that manifests a depraved indifference to the value of human life and that in fact causes serious bodily injury to another person with the use of a dangerous weapon; or

C. Intentionally or knowingly causes serious bodily injury to a person that the actor knows is pregnant with the intent to terminate the pregnancy and the other person wishes to continue the pregnancy. For the purposes of this paragraph, "serious bodily injury" includes, but is not limited to, the termination of the pregnancy.

2. Elevated aggravated assault is a Class A crime.

3. Subsection 1, paragraph C does not apply to acts that terminate or attempt to terminate a pregnancy if those acts are committed during an abortion, lawful or unlawful, to which the pregnant person consents.'

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

FISCAL NOTE

This bill may increase prosecutions for Class A crimes. Sentences of more than 9 months imposed for Class A crimes must be served in state correctional institutions. The cost to the State per sentence is \$211,893 based upon an average length of stay of 7 years and 2 months.

This bill may increase prosecutions for Class B crimes.

2 Sentences of more than 9 months imposed for Class B crimes must
be served in state correctional institutions. The cost to the
4 State per sentence is \$115,468 based upon an average length of
stay of 3 years and 11 months.

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

16 SUMMARY

18 This amendment is the minority report of the Joint Standing
Committee on Judiciary.

20 This amendment replaces the bill.

22 It amends the existing aggravated assault law to include a
24 prohibition against intentionally, knowingly or recklessly
causing bodily injury to a person who is pregnant when the actor
26 knew the person was pregnant and the actor intended to terminate
the pregnancy. The bodily injury does not have to result in the
28 termination of the pregnancy. The crime does not apply to an
abortion to which the pregnant person consents. Such an
30 aggravated assault is a Class B crime.

32 It also amends the existing elevated aggravated assault law
to include a prohibition against intentionally or knowingly
34 causing serious bodily injury to a person that the actor knows is
pregnant, and the actor has the intent to terminate the
36 pregnancy. "Serious bodily injury" specifically includes the
termination of the pregnancy, but is not limited to that. The
38 new provisions do not apply to an abortion to which the pregnant
woman consented.

40 It also adds a fiscal note to the bill.