

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE

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STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 588, L.D. 1764, Bill, "An Act to Create the Crime of Aggravated Endangering the Welfare of a Child"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Crime of Endangering the Welfare of a Child'

Further 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 §554, sub-§1, ¶B-1, as enacted by PL 1995, c. 694, Pt. C, §4 and affected by Pt. E, §2, is amended to read:

B-1. Being the parent, foster parent, guardian or other person having the care and custody of the child, cruelly treats that child by abuse, neglect or extreme punishment; or

Sec. 2. 17-A MRSA §554, sub-§1, ¶B-2 is enacted to read:

B-2. Being a parent, foster parent, guardian or other person responsible for the long-term general care and welfare of a child under 16, recklessly fails to take reasonable measures to protect the child from the risk of further bodily injury after knowing:

(1) That the child had, in fact, sustained serious bodily injury or bodily injury under circumstances posing a substantial risk of serious bodily injury; and

(2) That such bodily injury was, in fact, caused by the unlawful use of physical force by another person; or

Sec. 3. 17-A MRSA §554, sub-§3, as enacted by PL 1975, c. 499, §1, is amended to read:

3. Endangering the welfare of a child is a Class D crime, except that a violation of subsection 1, paragraph B-2 is a Class C crime.'

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

FISCAL NOTE

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

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.'

SUMMARY

The amendment replaces the bill and amends the current endangering the welfare of a child law to include the Class C crime of failing to take measures to protect a child from further bodily injury when such injury has been committed by another person and the person responsible for the long-term general care of the child knows of the prior injury. The amendment also adds a fiscal note to the bill.