

# MAINE STATE LEGISLATURE

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L.D. 884

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STATE OF MAINE  
SENATE  
122ND LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 292, L.D. 884, Bill, "An Act To Protect Motherhood"

Amend the bill in Part B in section 1 in the indented paragraph in the 4th line (page 1, line 32 in L.D.) by striking out the following: "should have known" and inserting in its place the following: 'had reasonable cause to believe'

Further amend the bill in Part B by inserting after section 1 the following:

'Sec. B-2. 17-A MRSA §1252, sub-§5-C is enacted to read:

5-C. In using a sentencing alternative involving a term of imprisonment for a person convicted of the attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a woman that the convicted person knew or had reasonable cause to believe to be in fact pregnant at the time the crime was committed, a court shall assign special weight to this objective fact in determining the basic term of imprisonment as the first step in the sentencing process. The court shall assign special weight to any subjective victim impact in determining the maximum period of incarceration in the 2nd step in the sentencing process. The court may not suspend that portion of the maximum term of imprisonment based on objective or subjective victim impact in arriving at the final sentence as the 3rd step in the sentencing process. Nothing in this subsection may be construed to restrict a court in setting a sentence from considering the fact that the victim was pregnant in other circumstances when relevant.'

**COMMITTEE AMENDMENT**

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**SUMMARY**

The bill requires special consideration when sentencing a person convicted of murder when the victim was a woman that the convicted person knew or should have known to be in fact pregnant. This amendment rewords the consideration to apply when the convicted person knew or had reasonable cause to believe that the victim was pregnant.

This amendment also requires that same consideration for the crimes of attempted murder, manslaughter, elevated aggravated assault and aggravated assault.

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 122nd MAINE LEGISLATURE

LD 884

LR 1211(02)

## An Act To Protect Motherhood

Fiscal Note for Bill as Amended by Committee Amendment 'A'

Committee: Judiciary

Fiscal Note Required: Yes

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### Fiscal Note

Minor cost increase - General Fund

#### Fiscal Detail and Notes

The additional costs associated with reporting to the domestic abuse review panel and other required duties can be absorbed by the Department of the Attorney General utilizing existing budgeted resources.