MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
http://legislature.maine.gov/lawlib

L.D. 239

(Filing No. H-657)

3 **CRIMINAL JUSTICE AND PUBLIC SAFETY**

4 Reproduced and distributed under the direction of the Clerk of the House.

5 **STATE OF MAINE**

6 **HOUSE OF REPRESENTATIVES**

7 **123RD LEGISLATURE**

8 **SECOND REGULAR SESSION**

9 COMMITTEE AMENDMENT "*B*" to H.P. 201, L.D. 239, Bill, "An Act To
10 Provide a Felony Penalty for Assault on a Firefighter"

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

12 **'An Act To Equalize the Penalties for Assault against Emergency Medical**
13 **Care Providers with the Penalties for Assault against Firefighters'**

14 Amend the bill by striking out everything after the enacting clause and before the
15 summary and inserting the following:

16 '**Sec. 1. 17-A MRSA §752-C,** as enacted by PL 1997, c. 470, §1, is repealed.

17 **Sec. 2. 17-A MRSA §1252, sub-§4-A,** as amended by PL 2005, c. 527, §18, is
18 further amended to read:

19 **4-A.** If the State pleads and proves that, at the time any crime, excluding murder,
20 under chapter 9, 11, 13 or 27; section 402-A, subsection 1, paragraph A; or section 752-A
21 or 752-C was committed, the defendant had been convicted of 2 or more crimes violating
22 chapter 9, 11, 13 or 27; section 402-A, subsection 1, paragraph A; or section 752-A or
23 752-C or essentially similar crimes in other jurisdictions, the sentencing class for the
24 crime is one class higher than it would otherwise be. In the case of a Class A crime, the
25 sentencing class is not increased, but the prior record must be given serious consideration
26 by the court when imposing a sentence. Section 9-A governs the use of prior convictions
27 when determining a sentence, except that, for the purposes of this subsection, for
28 violations under chapter 11, the dates of prior convictions may have occurred at any time.
29 This subsection does not apply to section 210-A if the prior convictions have already
30 served to enhance the sentencing class under section 210-A, subsection 1, paragraph C or
31 any other offense in which prior convictions have already served to enhance the
32 sentencing class.'

COMMITTEE AMENDMENT

1   **SUMMARY**

2   This amendment strikes and replaces the bill and is the majority report of the Joint
3   Standing Committee on Criminal Justice and Public Safety. The amendment repeals the
4   law that established the crime of committing assault on emergency medical care providers
5   as a Class C crime. The repeal of this law means that assaults against emergency medical
6   care providers may be charged under the general assault statute under Title 17-A, section
7   207. Assault under Title 17-A, section 207 is a Class D crime, unless the victim is under
8   6 years of age. This amendment makes the penalty for committing an assault on an
9   emergency medical care provider the same as the penalty for committing an assault on a
10 firefighter. The amendment also replaces the title in order to reflect these changes.

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

COMMITTEE AMENDMENT

123rd MAINE LEGISLATURE

LD 239   LR 1133(04)

An Act To Provide a Felony Penalty for Assault on a Firefighter

Fiscal Note for Bill as Amended by Committee Amendment "B"
Committee: Criminal Justice and Public Safety
Fiscal Note Required: Yes

Fiscal Note

Potential current biennium savings - General Fund

Correctional and Judicial Impact Statements

Decreases the class of crime from Class C to Class D for assault on emergency medical care providers. Sentences for this crime are likely to be in county jails. The Department of Corrections has no recent admissions on the Class C offense of assault against emergency care providers. May reduce the number of felony filings in the court system by a minimal amount.