

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1039

H.P. 757

House of Representatives, March 6, 2007

An Act Regarding the Determination of the Predominant Aggressor in Domestic Violence Situations

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SIMPSON of Auburn.
Cosponsored by Senator STRIMLING of Cumberland and
Representatives: CONOVER of Oakland, GERZOFISKY of Brunswick, GROSE of Woolwich,
HILL of York, MILLS of Farmington, MUSE of Fryeburg, TARDY of Newport, Senators:
DIAMOND of Cumberland, McCORMICK of Kennebec.

1 Be it enacted by the People of the State of Maine as follows:

2 **Sec. 1. 25 MRSA §2803-B, sub-§1, ¶D**, as amended by PL 2003, c. 361, §1, is
3 further amended to read:

4 D. Domestic violence, which must include, at a minimum, the following:

5 (1) A process to ensure that a victim receives notification of the defendant's
6 release from jail;

7 (2) A process for the collection of information regarding the defendant that
8 includes the defendant's previous history, the parties' relationship, the name of the
9 victim and a process to relay this information to a bail commissioner before a bail
10 determination is made; and

(3) A process for the safe retrieval of personal property belonging to the victim or the defendant that includes identification of a possible neutral location for retrieval, the presence of at least one law enforcement officer during the retrieval and giving the victim the option of at least 24 hours notice to each party prior to the retrieval; and

16 (4) A process to evaluate and determine who is the predominant physical
17 aggressor in a domestic violence situation;

18 SUMMARY

19 This bill requires a law enforcement agency to adopt a written policy concerning
20 domestic violence that contains a process to evaluate and determine who is the
21 predominant physical aggressor in a domestic violence situation.