

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

123RD LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 571, L.D. 1627, Bill, "An Act To Protect Families and Enhance Public Safety by Making Domestic Violence a Crime"

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

'Sec. 1. 17-A MRS A §207-A is enacted to read:

§207-A. Domestic violence assault

1. A person is guilty of domestic violence assault if:

A. The person violates section 207 and the victim is a family or household member as defined in Title 19-A, section 4002, subsection 4. Violation of this paragraph is a Class D crime; or

B. The person violates paragraph A and at the time of the offense:

(1) The person has one or more prior convictions for violating paragraph A or for violating section 209-A, 210-B, 210-C or 211-A or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 209-A, 210-B, 210-C or 211-A in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction; or

(3) Has one or more prior convictions for violating Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or subparagraph (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4.

Violation of this paragraph is a Class C crime.

2. Section 9-A governs the use of prior convictions when determining a sentence.

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1 **Sec. 2. 17-A MRSA §209-A** is enacted to read:

2 **§209-A. Domestic violence criminal threatening**

3 **1. A person is guilty of domestic violence criminal threatening if:**

4 **A. The person violates section 209 and the victim is a family or household member**
5 **as defined in Title 19-A, section 4002, subsection 4. Violation of this paragraph is a**
6 **Class D crime; or**

7 **B. The person violates paragraph A and at the time of the offense:**

8 **(1) The person has one or more prior convictions for violating paragraph A or**
9 **for violating section 207-A, 210-B, 210-C or 211-A or one or more prior**
10 **convictions for engaging in conduct substantially similar to that contained in**
11 **paragraph A or in section 207-A, 210-B, 210-C or 211-A in another jurisdiction;**

12 **(2) Has one or more prior convictions for violating Title 19-A, section 4011,**
13 **subsection 1 or one or more prior convictions for engaging in conduct**
14 **substantially similar to that contained in Title 19-A, section 4011, subsection 1 in**
15 **another jurisdiction; or**

16 **(3) Has one or more prior convictions for violating Title 15, section 1026,**
17 **subsection 3, paragraph A, subparagraph (5) or subparagraph (8) when the**
18 **alleged victim in the case for which the defendant was on bail was a family or**
19 **household member as defined in Title 19-A, section 4002, subsection 4.**

20 **Violation of this paragraph is a Class C crime.**

21 **2. Section 9-A governs the use of prior convictions when determining a sentence.**

22 **Sec. 3. 17-A MRSA §210-B** is enacted to read:

23 **§210-B. Domestic violence terrorizing**

24 **1. A person is guilty of domestic violence terrorizing if:**

25 **A. The person violates section 210 and the victim is a family or household member**
26 **as defined in Title 19-A, section 4002, subsection 4. Violation of this paragraph is a**
27 **Class D crime; or**

28 **B. The person violates paragraph A and at the time of the offense:**

29 **(1) The person has one or more prior convictions for violating paragraph A or**
30 **for violating section 207-A, 209-A, 210-C or 211-A or one or more prior**
31 **convictions for engaging in conduct substantially similar to that contained in**
32 **paragraph A or in section 207-A, 209-A, 210-C or 211-A in another jurisdiction;**

33 **(2) Has one or more prior convictions for violating Title 19-A, section 4011,**
34 **subsection 1 or one or more prior convictions for engaging in conduct**
35 **substantially similar to that contained in Title 19-A, section 4011, subsection 1 in**
36 **another jurisdiction; or**

37 **(3) Has one or more prior convictions for violating Title 15, section 1026,**
38 **subsection 3, paragraph A, subparagraph (5) or subparagraph (8) when the**

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1 alleged victim in the case for which the defendant was on bail was a family or
2 household member as defined in Title 19-A, section 4002, subsection 4.

3 Violation of this paragraph is a Class C crime.

4 2. Section 9-A governs the use of prior convictions when determining a sentence.

5 Sec. 4. 17-A MRSA §210-C is enacted to read:

6 **§210-C. Domestic violence stalking**

7 1. A person is guilty of domestic violence stalking if:

8 A. The person violates section 210-A and the victim is a family or household
9 member as defined in Title 19-A, section 4002, subsection 4. Violation of this
10 paragraph is a Class D crime; or

11 B. The person violates paragraph A and at the time of the offense:

12 (1) The person has one or more prior convictions for violating paragraph A or
13 for violating section 207-A, 209-A, 210-B or 211-A or one or more prior
14 convictions for engaging in conduct substantially similar to that contained in
15 paragraph A or in section 207-A, 209-A, 210-B or 211-A in another jurisdiction;

16 (2) Has one or more prior convictions for violating Title 19-A, section 4011,
17 subsection 1 or one or more prior convictions for engaging in conduct
18 substantially similar to that contained in Title 19-A, section 4011, subsection 1 in
19 another jurisdiction; or

20 (3) Has one or more prior convictions for violating Title 15, section 1026,
21 subsection 3, paragraph A, subparagraph (5) or subparagraph (8) when the
22 alleged victim in the case for which the defendant was on bail was a family or
23 household member as defined in Title 19-A, section 4002, subsection 4.

24 Violation of this paragraph is a Class C crime.

25 2. Section 9-A governs the use of prior convictions when determining a sentence.

26 Sec. 5. 17-A MRSA §211-A is enacted to read:

27 **§211-A. Domestic violence reckless conduct**

28 1. A person is guilty of domestic violence reckless conduct if:

29 A. The person violates section 211 and the victim is a family or household member
30 as defined in Title 19-A, section 4002, subsection 4. Violation of this paragraph is a
31 Class D crime; or

32 B. The person violates paragraph A and at the time of the offense:

33 (1) The person has one or more prior convictions for violating paragraph A or
34 for violating section 207-A, 209-A, 210-B or 210-C or one or more prior
35 convictions for engaging in conduct substantially similar to that contained in
36 paragraph A or in section 207-A, 209-A, 210-B or 210-C in another jurisdiction;

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1 (2) Has one or more prior convictions for violating Title 19-A, section 4011,
2 subsection 1 or one or more prior convictions for engaging in conduct
3 substantially similar to that contained in Title 19-A, section 4011, subsection 1 in
4 another jurisdiction; or

5 (3) Has one or more prior convictions for violating Title 15, section 1026,
6 subsection 3, paragraph A, subparagraph (5) or subparagraph (8) when the
7 alleged victim in the case for which the defendant was on bail was a family or
8 household member as defined in Title 19-A, section 4002, subsection 4.

9 Violation of this paragraph is a Class C crime.

10 2. Section 9-A governs the use of prior convictions when determining a sentence.'

11 **SUMMARY**

12 This amendment replaces the bill. It specifies, using unique statutory citations to
13 conform to technical drafting standards, each crime: domestic violence assault, domestic
14 violence criminal threatening, domestic violence terrorizing, domestic violence stalking
15 and domestic violence reckless conduct. As in the bill, each offense is a Class D crime of
16 domestic violence that is committed against a person who is a family or household
17 member. The amendment also retains an aggravated Class C version of each offense if
18 the person: has one or more prior convictions for one of the domestic violence crimes or
19 one or more prior convictions for engaging in conduct substantially similar to these
20 crimes in another jurisdiction; has one or more prior convictions for violating the Maine
21 Revised Statutes, Title 19-A, section 4011, subsection 1 or one or more prior convictions
22 for engaging in conduct substantially similar to that contained in Title 19-A, section
23 4011, subsection 1 in another jurisdiction; or has one or more prior convictions for
24 violating Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or
25 subparagraph (8) when the alleged victim in the case for which the defendant was on bail
26 was a family or household member as defined in Title 19-A, section 4002, subsection 4.

FISCAL NOTE REQUIRED
(See Attached)

COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 1627

LR 487(02)

An Act To Protect Families and Enhance Public Safety by Making Domestic Violence a Crime

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

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund
Increase in county jail costs

Correctional and Judicial Impact Statements

This bill establishes new Class C and D crimes of domestic violence. Sentences of more than nine months imposed for Class C crimes must be served in state correctional facilities. The average cost to the state for each sentence is \$70,308 based on an average length of stay of 1 year, 10 months. Sentences of nine months or less imposed for a Class C crime must be served in county jails. The average cost to a county for each sentence is \$19,947 based on an average length of stay of 6 months and 2 days. Also, Class D sentences must be served in county jails. The Judicial Department has indicated that defendants are currently charged under other assault statutes and the change in caseload is expected to minor.

Fiscal Detail and Notes

The additional costs to the Department of the Attorney General can be absorbed utilizing existing budgeted resources.