

# MAINE STATE LEGISLATURE

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Date: 3/10/18

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1600, L.D. 2240, Bill, "An Act Containing the Recommendations of the Criminal Law Advisory Commission"

Amend the bill by striking out all of section 4 and inserting the following:

**Sec. 4. 17-A MRSA §15, sub-§1, ¶A**, as amended by PL 2007, c. 475, §8, is further amended to read:

A. Any person who the officer has probable cause to believe has committed or is committing:

- (1) Murder;
- (2) Any Class A, Class B or Class C crime;
- (3) Assault while hunting;
- (4) Any offense defined in chapter 45;
- (5) Assault, criminal threatening, terrorizing or stalking, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;
- (5-A) Assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or injury or reckless conduct if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 19-A, section 4002, subsection 4;
- (5-B) Domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking or domestic violence reckless conduct;
- (6) Theft as defined in section 357, when the value of the services is \$1,000 or less if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

AdS

COMMITTEE AMENDMENT "A" to H.P. 1600, L.D. 2240

- 1 (7) Forgery, if the officer reasonably believes that the person will not be  
2 apprehended unless immediately arrested;
- 3 (8) Negotiating a worthless instrument if the officer reasonably believes that the  
4 person will not be apprehended unless immediately arrested;
- 5 (9) A violation of a condition of probation when requested by a probation officer  
6 or juvenile community corrections officer;
- 7 (10) Violation of a condition of release in violation of Title 15, section 1026,  
8 subsection 3; Title 15, section 1027, subsection 3; Title 15, section 1051,  
9 subsection 2; and Title 15, section 1092;
- 10 (11) Theft involving a detention under Title 17, section 3521;
- 11 (12) Harassment, as set forth in section 506-A;
- 12 (13) Violation of a protection order, as specified in Title 5, section 4659,  
13 subsection 2; Title 15, section 321, subsection 6; former Title 19, section 769,  
14 subsection 2; former Title 19, section 770, subsection 5; Title 19-A, section 4011,  
15 subsection 3; and Title 19-A, section 4012, subsection 5;
- 16 (14) A violation of a sex offender registration provision under Title 34-A,  
17 chapter 15; or
- 18 (15) A violation of a requirement of administrative release when requested by the  
19 attorney for the State; and
- 20 (16) A violation of a condition of supervised release for sex offenders when  
21 requested by a probation officer; or
- 22 (17) A violation of a court-imposed deferment requirement of a deferred  
23 disposition when requested by the attorney for the State; and

24 Amend the bill by striking out all of section 7 (page 4, lines 32 to 39 and page 5, lines  
25 1 to 4 in L.D.)

26 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
27 section number to read consecutively.

28 **SUMMARY**

29 This amendment makes technical changes to the bill to incorporate changes made by  
30 Public Law 2007, chapter 475, section 8. The amendment also strikes from the bill the  
31 provision that changed the current directive as to where a probable cause hearing should  
32 take place for a probation violation by creating the general rule that the hearing be held in  
33 the court where the person was placed on probation. Striking this provision from the bill  
34 means that the current law is retained, which provides that the hearing must be held as  
35 near to the place where the new violation is alleged to have taken place as is reasonable.