

MAINE STATE LEGISLATURE

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4/29/19

(Filing No. H-201)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 447, L.D. 633, Bill, "An Act To Amend the Laws Pertaining to Refusing To Submit to Arrest or Detention"

Amend the bill by striking out all of section 2 (page 1, lines 3 to 19 in L.D.) and inserting the following:

Sec. 2. 17-A MRSA §751-B is enacted to read:

§751-B. Refusing to submit to arrest or detention

1. A person is guilty of refusing to submit to arrest or detention if, with the intent to hinder, delay or prevent a law enforcement officer from effecting the arrest or detention of that person, the person:

A. Refuses to stop on request or signal of a law enforcement officer. Violation of this paragraph is a Class E crime;

B. Uses physical force against the law enforcement officer. Violation of this paragraph is a Class D crime; or

C. Creates a substantial risk of bodily injury to the law enforcement officer. Violation of this paragraph is a Class D crime.

2. It is a defense to prosecution under this section that the person reasonably believed that the person attempting to effect the arrest or detention was not a law enforcement officer. It is a defense to prosecution under subsection 1, paragraph A that the law enforcement officer acted unlawfully in attempting to effect the arrest or detention.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

State Board of Corrections Investment Fund Z075

Initiative: Appropriates funds for the incremental costs associated with one projected incarceration in a county jail.

COMMITTEE AMENDMENT

1	GENERAL FUND	2009-10	2010-11
2	All Other	\$2,959	\$2,959
3			
4	GENERAL FUND TOTAL	<u>\$2,959</u>	<u>\$2,959</u>
5	CORRECTIONS, DEPARTMENT OF		
6	DEPARTMENT TOTALS	2009-10	2010-11
7			
8	GENERAL FUND	\$2,959	\$2,959
9			
10	DEPARTMENT TOTAL - ALL FUNDS	<u>\$2,959</u>	<u>\$2,959</u>
11	JUDICIAL DEPARTMENT		
12	Courts - Supreme, Superior and District 0063		
13	Initiative: Provides funds for court-appointed counsel.		
14	GENERAL FUND	2009-10	2010-11
15	All Other	\$350	\$350
16			
17	GENERAL FUND TOTAL	<u>\$350</u>	<u>\$350</u>
18	JUDICIAL DEPARTMENT		
19	DEPARTMENT TOTALS	2009-10	2010-11
20			
21	GENERAL FUND	\$350	\$350
22			
23	DEPARTMENT TOTAL - ALL FUNDS	<u>\$350</u>	<u>\$350</u>
24	SECTION TOTALS	2009-10	2010-11
25			
26	GENERAL FUND	\$3,309	\$3,309
27			
28	SECTION TOTAL - ALL FUNDS	<u>\$3,309</u>	<u>\$3,309</u>
29			

SUMMARY

This amendment redefines the offense of refusing to submit to arrest or detention as proposed in the bill. A person is guilty of refusing to submit to arrest or detention if, with the intent to hinder, delay or prevent a law enforcement officer from effecting the arrest

1 or detention of that person, the person refuses to stop on request or signal of a law
2 enforcement officer, which is a Class E crime; uses physical force against the law
3 enforcement officer, which is a Class D crime; or creates a substantial risk of bodily
4 injury to the law enforcement officer, which is a Class D crime. The amendment
5 maintains the defense to prosecution that the person reasonably believed that the person
6 attempting to effect the arrest or detention was not a law enforcement officer. The
7 amendment also adds the defense that the law enforcement officer acted unlawfully in
8 attempting to effect the arrest or detention for the offense of refusing to stop on request or
9 signal of a law enforcement officer. It also adds an appropriations and allocations
10 section.

FISCAL NOTE REQUIRED

(See attached)

Approved: 04/17/09 *mac***124th MAINE LEGISLATURE****LD 633****LR 798(02)****An Act To Amend the Laws Pertaining to Refusing To Submit to Arrest or Detention****Fiscal Note for Bill as Amended by Committee Amendment "A"****Committee: Criminal Justice and Public Safety****Fiscal Note Required: Yes**

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Net Cost (Savings)				
General Fund	\$3,309	\$3,309	\$29,909	\$3,309
Appropriations/Allocations				
General Fund	\$3,309	\$3,309	\$29,909	\$3,309

Correctional and Judicial Impact Statements

Establishes new Class E crimes; increases correctional and judicial costs

The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Correctional Cost Detail	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Class E Crime	\$2,959	\$2,959	\$2,959	\$2,959	\$2,959
Total Cost - All Convictions	\$2,959	\$2,959	\$2,959	\$2,959	\$2,959

This bill includes a General Fund appropriation of \$2,959 in fiscal year 2009-10 and \$2,959 in fiscal year 2010-11 for the incremental costs to county jails based on one conviction per year.

This bill also includes a General Fund appropriation of \$350 per fiscal year for the Judicial Branch for court appointed counsel costs.