

MAINE STATE LEGISLATURE

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Date: 5/18/19

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 528, L.D. 777, Bill, "An Act To Require Due Process and To Establish Expiration Dates for Criminal Trespass and Harassment Notices"

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

'An Act To Provide for an Expiration Date for Certain Harassment Notices'

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

'Sec. 1. 17-A MRSA §506-A, sub-§1, ¶A, as enacted by PL 2001, c. 383, §66 and affected by §156, is amended to read:

A. The person engages in any course of conduct with the intent to harass, torment or threaten another person after having been forbidden to do so by any sheriff, deputy sheriff, constable, police officer or justice of the peace or by a court in a protective order issued under Title 5, section 4654 or 4655 or Title 19-A, section 4006 or 4007 or, if the person is an adult in the custody or under the supervision of the Department of Corrections, after having been forbidden to engage in such conduct by the Commissioner of Corrections, the chief administrative officer of the facility, the correctional administrator for the region or their designees. Violation of this paragraph is a Class E crime; or:

(1) After having been notified, in writing or otherwise, not to engage in such conduct by:

(a) Any sheriff, deputy sheriff, constable, police officer or justice of the peace. The notification not to engage in such conduct expires one year from the date of issuance; or

(b) A court in a protective order issued under Title 5, section 4654 or 4655 or Title 19-A, section 4006 or 4007; or

(2) If the person is an adult in the custody or under the supervision of the Department of Corrections, after having been forbidden to engage in such

COMMITTEE AMENDMENT

1 conduct by the Commissioner of Corrections, the chief administrative officer of
2 the facility, the correctional administrator for the region or their designees.
3 Violation of this paragraph is a Class E crime; or'

4 **SUMMARY**

5 This amendment replaces the bill. It does not amend the criminal trespass statutes.

6 This amendment amends the language describing the crime of harassment by revising
7 one element of the crime. Current law provides that one way a person commits the crime
8 of harassment is to engage in conduct with the intent to harass, torment or threaten
9 another person after having been forbidden to do so by law enforcement. This
10 amendment amends the element of notice by referring to it as a notification not to engage
11 in the conduct. The notification may be in writing or may be made orally. The
12 notification expires one year after it is issued.

13 The structure of the language of the Class E crime of harassment is revised to ensure
14 that the expiration applies to only the notice provided by a law enforcement official. The
15 amendment does not affect protection from harassment orders or the crime of harassment
16 when committed by a person in the custody of or under the supervision of the Department
17 of Corrections.