

MAINE STATE LEGISLATURE

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SYNOPSIS
R. O'NEILL

L.D. 1027

Date: 5/26/11

(Filing No. H-378)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 761, L.D. 1027, Bill, "An Act To Make Strangulation an Aggravating Sentencing Factor"

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

'Resolve, To Coordinate Stakeholders To Review Best Practices in the Management of Strangulation and Determine Methods To Address the Issue in Maine'

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

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is a national increased awareness of the severity of strangulation, including its high prevalence in domestic and sexual assaults, its serious impacts, including life-threatening levels of anoxic brain damage, and its use as a tool of intimidation; and

Whereas, public and professional awareness of the prevalence and impact of strangulation in Maine may lag behind research data; and

Whereas, stakeholders should promptly review best practices models and tailor them to fit Maine's needs; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Review of best practices in management of strangulation. Resolved: That the Maine Commission on Domestic and Sexual Abuse, created in the Maine Revised Statutes, Title 19-A, section 4013 and referred to in this resolve as "the commission," shall study strangulation to determine the presence and patterns of strangulation in domestic and sexual violence in the State and the current management of

COMMITTEE AMENDMENT

R. O. F. S.

COMMITTEE AMENDMENT "A" to H.P. 761, L.D. 1027

1 strangulation within criminal law. The commission shall review model practices and
2 research in other states, including the impacts of other states' legislation, public awareness
3 activities and changes in policy. The commission shall invite interested parties, including
4 but not limited to representatives from state and local law enforcement, prosecutors, the
5 judicial branch, the Criminal Law Advisory Commission under Title 17-A, section 1351,
6 the Maine Coalition to End Domestic Violence, the Maine Coalition Against Sexual
7 Assault, first responders and other emergency care providers; and be it further

8 **Sec. 2. Report. Resolved:** That the commission shall submit a report by February
9 15, 2012 to the Joint Standing Committee on Criminal Justice and Public Safety. The
10 report must include the commission's findings and recommendations regarding methods
11 to deal with strangulation in the State, including, as it determines necessary, proposed
12 legislation; proposed education and training for law enforcement, prosecutors and the
13 judiciary; and proposed programs and outreach for public awareness and advocacy.
14 Upon receipt of the commission's report and recommendations, the committee may report
15 out legislation to the Second Regular Session of the 125th Legislature.

16 **Emergency clause.** In view of the emergency cited in the preamble, this
17 legislation takes effect when approved.'

18 **SUMMARY**

19 This amendment replaces the bill and creates a resolve directing the Maine
20 Commission on Domestic and Sexual Abuse to invite stakeholders to participate in
21 studying strangulation in order to determine the presence and patterns of strangulation in
22 domestic and sexual violence in Maine and the current management of strangulation
23 within Maine's criminal law. The review must include a study of model practices and
24 research in other states, including the impacts of other states' legislation, public awareness
25 activities and changes in policy. The commission shall invite at a minimum the following
26 stakeholders to participate: representatives from state and local law enforcement,
27 prosecutors, the judicial branch, the Criminal Law Advisory Commission, the Maine
28 Coalition to End Domestic Violence, the Maine Coalition Against Sexual Assault, first
29 responders and other emergency care providers. The commission shall submit a report by
30 February 15, 2012 to the Joint Standing Committee on Criminal Justice and Public
31 Safety. The report must include the commission's findings and recommendations
32 regarding methods to deal with strangulation in Maine, including, as it determines
33 necessary, proposed legislation; proposed education and training for law enforcement,
34 prosecutors and the judiciary; and proposed programs and outreach for public awareness
35 and advocacy. Upon receipt of the commission's report and recommendations, the
36 committee may report out legislation to the Second Regular Session of the 125th
37 Legislature.

38 **FISCAL NOTE REQUIRED**

39 (See attached)

COMMITTEE AMENDMENT



125th MAINE LEGISLATURE

LD 1027

LR 1892(02)

An Act To Make Strangulation an Aggravating Sentencing Factor

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

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs to the member agencies of the Maine Commission on Domestic and Sexual Abuse can be absorbed utilizing existing budgeted resources.