

# MAINE STATE LEGISLATURE

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SME  
ROFS

L.D. 1711

Date:

4/3/12

(Filing No. H-890)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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

COMMITTEE AMENDMENT "A" to H.P. 1263, L.D. 1711, Bill, "An Act To Mandate the Use of Standardized Risk Assessment in the Management of Domestic Violence Crimes"

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

**'An Act To Adopt the Use of Standardized Risk Assessment in the Management of Domestic Violence Crimes'**

Amend the bill in section 1 in paragraph C by striking out all of subparagraph (5) (page 1, lines 12 to 15 in L.D.) and inserting the following:

'(5) Beginning no later than January 1, 2015, the results of a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and approved by the Department of Public Safety conducted on the alleged abuser when the results are available;'

Amend the bill in section 2 in paragraph C in subparagraph (9-A) in the last line (page 1, line 35 in L.D.) by inserting after the following: "74-C" the following: ', and approved by the Department of Public Safety'

Amend the bill in section 3 in subsection 6 by striking out all of the last blocked paragraph (page 2, lines 22 to 28 in L.D.) and inserting the following:

'Beginning no later than January 1, 2015, in addition to the actions specified in this subsection, the law enforcement officer shall make a good faith effort to administer a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and approved by the Department of Public Safety. The law enforcement officer administering this assessment shall provide the results of the assessment to the bail commissioner, if appropriate, and the district attorney for the county in which the abuse took place.'

**COMMITTEE AMENDMENT**

1 Amend the bill in section 4 in paragraph D by striking out all of subparagraph (5)  
2 (page 3, lines 6 to 11 in L.D.) and inserting the following:

3 '(5) A process for the administration of a validated, evidence-based domestic  
4 violence risk assessment recommended by the Maine Commission on Domestic  
5 and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and  
6 approved by the Department of Public Safety and the conveyance of the results of  
7 that assessment to the bail commissioner, if appropriate, and the district attorney  
8 for the county in which the domestic violence occurred.'

9 Amend the bill by striking out all of section 7 and inserting the following:

10 **'Sec. 7. 34-A MRSA §5404, sub-§3, ¶E,** as amended by PL 2005, c. 389, §6, is  
11 further amended to read:

12 E. Supervise the transition from institutional confinement for persons residing in a  
13 prerelease center if the commissioner directs; and

14 **Sec. 8. 34-A MRSA §5404, sub-§3-A** is enacted to read:

15 **3-A. Risk assessment; immunity from liability.** Make a good faith effort to  
16 supplement any assessment tool for all domestic violence offenders with a validated,  
17 evidence-based domestic violence risk assessment recommended by the Maine  
18 Commission on Domestic and Sexual Abuse, established in Title 5, section 12004-I,  
19 subsection 74-C, and approved by the Department of Public Safety. A probation and  
20 parole or intensive supervision program officer shall implement protocols to override risk  
21 assessment scores based on the presence of domestic violence risk factors that indicate a  
22 higher risk.

23 Notwithstanding any other law to the contrary, the administration of the domestic  
24 violence risk assessment pursuant to this subsection or the failure to administer the  
25 assessment does not subject any state, municipal or county official or employee to  
26 liability in a civil action; and'

## 27 SUMMARY

28 This amendment does the following:

29 1. It changes from January 1, 2014 to January 1, 2015 the date for implementation by  
30 law enforcement officers of the validated, evidence-based domestic violence risk  
31 assessment in cases of domestic violence;

32 2. It requires the Department of Public Safety to approve a domestic violence risk  
33 assessment recommended by the Maine Commission on Domestic and Sexual Abuse  
34 before it can be used;

35 3. It removes the provision in the bill that requires the domestic violence risk  
36 assessment to be administered to county and state correctional facility inmates;

37 4. It requires a probation and parole or intensive supervision program officer to make  
38 a good faith effort to supplement any other assessment tool for domestic violence  
39 offenders with the domestic violence risk assessment and to implement protocols to  
40 override risk assessment scores based on the presence of higher risk factors; and

COMMITTEE AMENDMENT "A" to H.P. 1263, L.D. 1711

- 1           5. It provides state, municipal and county officials and employees with immunity  
2 from civil liability for implementing or failing to implement the risk assessment.

**FISCAL NOTE REQUIRED**  
(See attached)



# 125th MAINE LEGISLATURE

LD 1711

LR 2644(02)

## An Act To Mandate the Use of Standardized Risk Assessment in the Management of Domestic Violence Crimes

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-890)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

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### Fiscal Note

State Mandate - Unfunded

#### State Mandates

Required Activity	Unit Affected	Local Cost
Requires law enforcement agencies to develop policies and procedures for the use of, and submission of the results of, a validated, evidence-based domestic violence risk assessment.	Municipality County	Insignificant statewide

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.

#### Fiscal Detail and Notes

Additional costs to the Department of Public Safety associated with approving risk assessment and developing policies and procedures can be absorbed within existing budgeted resources.