

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1857

H.P. 1375

House of Representatives, March 12, 2012

An Act To Enhance the Protection of Social Service Home Visitors

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative EVES of North Berwick.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §207, sub-§1, ¶¶A and B,** as enacted by PL 2001, c. 383,
3 §10 and affected by §156, are amended to read:

4 A. The person intentionally, knowingly or recklessly causes bodily injury or
5 offensive physical contact to another person. Violation of this paragraph is a Class D
6 crime; ~~or~~

7 B. The person has attained at least 18 years of age and intentionally, knowingly or
8 recklessly causes bodily injury to another person who is less than 6 years of age.
9 Violation of this paragraph is a Class C crime; ~~or~~

10 **Sec. 2. 17-A MRSA §207, sub-§1, ¶C** is enacted to read:

11 C. The person violates paragraph A and at the time of the crime the other person is:

12 (1) Licensed as a social worker;

13 (2) Acting within the scope of the person's employment as a social worker; and

14 (3) On the premises of a dwelling place occupied by the actor.

15 Violation of this paragraph is a Class D crime for which the court shall impose, in
16 addition to any sentencing alternative required pursuant to subsection 3, a sentencing
17 alternative involving a term of imprisonment of at least 30 days, none of which may
18 be suspended.

19 **Sec. 3. 17-A MRSA §208, sub-§3** is enacted to read:

20 3. A person is guilty of aggravated assault if that person violates subsection 1 and at
21 the time of the crime the victim of the crime is:

22 A. Licensed as a social worker;

23 B. Acting within the scope of the person's employment as a social worker; and

24 C. On the premises of a dwelling place occupied by the actor.

25 Violation of this subsection is a Class B crime for which the court shall impose a
26 sentencing alternative involving a term of imprisonment of at least 2 years, none of which
27 may be suspended.

28 **Sec. 4. 17-A MRSA §208-B, sub-§3** is enacted to read:

29 3. A person is guilty of elevated aggravated assault if that person violates subsection
30 1 and at the time of the crime the victim of the crime is:

31 A. Licensed as a social worker;

32 B. Acting within the scope of the person's employment as a social worker; and

33 C. On the premises of a dwelling place occupied by the actor.

1 Violation of this subsection is a Class A crime for which the court shall impose a
2 sentencing alternative involving a term of imprisonment of at least 3 years, none of which
3 may be suspended.

4 **Sec. 5. 32 MRSA §7006** is enacted to read:

5 **§7006. Law enforcement escort for social worker**

6 A person licensed under this chapter may request and an appropriate law enforcement
7 agency shall provide that the person be accompanied by a law enforcement officer on a
8 visit to a dwelling place occupied by a client of that person if that person is sufficiently
9 concerned for that person's safety.

10 **SUMMARY**

11 This bill provides mandatory minimum sentences for a person convicted of assault,
12 aggravated assault or elevated aggravated assault against a social worker who is visiting
13 that person at that person's home. It also requires a law enforcement agency to provide a
14 law enforcement officer to accompany a social worker on a home visit to a client at the
15 request of that social worker if the social worker is sufficiently concerned for the social
16 worker's safety.