

MAINE STATE LEGISLATURE

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SMG
R. O. P.

Date: 3/4/16

(Filing No. H-545)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1010, L.D. 1487, Bill, "An Act To Amend the Laws on Protection from Abuse and Unauthorized Dissemination of Certain Private Images"

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

'An Act To Amend the Laws on Protection from Abuse, Protection from Harassment and Unauthorized Dissemination of Certain Private Images'

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

'PART A

Sec. A-1. 17-A MRSA §511-A, sub-§5 is enacted to read:

5. Access to and dissemination of certain private images as described in subsection 1 and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order adopted by the Supreme Judicial Court.

PART B

Sec. B-1. 19-A MRSA §4002, sub-§1, ¶¶E and F, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

E. Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed; ~~or~~

F. Repeatedly and without reasonable cause:

COMMITTEE AMENDMENT

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- 1 (1) Following the plaintiff; or
2 (2) Being at or in the vicinity of the plaintiff's home, school, business or place of
3 employment; or

4 **Sec. B-2. 19-A MRSA §4002, sub-§1, ¶G** is enacted to read:

5 G. Engaging in the unauthorized dissemination of certain private images as
6 prohibited pursuant to Title 17-A, section 511-A.

7 **Sec. B-3. 19-A MRSA §4006, sub-§5, ¶¶E and F**, as enacted by PL 1995, c.
8 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

9 E. Taking, converting or damaging property in which the plaintiff may have a legal
10 interest; or

11 F. Having any direct or indirect contact with the plaintiff; or

12 **Sec. B-4. 19-A MRSA §4006, sub-§5, ¶G** is enacted to read:

13 G. Engaging in the unauthorized dissemination of certain private images as
14 prohibited pursuant to Title 17-A, section 511-A.

15 **Sec. B-5. 19-A MRSA §4007, sub-§1, ¶M**, as amended by PL 2005, c. 510,
16 §11, is further amended to read:

17 M. Entering any other orders determined necessary or appropriate in the discretion of
18 the court; or

19 **Sec. B-6. 19-A MRSA §4007, sub-§1, ¶N**, as enacted by PL 2005, c. 510, §12,
20 is amended to read:

21 N. Directing the care, custody or control of any animal owned, possessed, leased,
22 kept or held by either party or a minor child residing in the household;

23 **Sec. B-7. 19-A MRSA §4007, sub-§1, ¶¶O and P** are enacted to read:

24 O. With respect to unauthorized dissemination of certain private images as described
25 in Title 17-A, section 511-A, ordering the defendant to remove, destroy or return or
26 to direct the removal, destruction or return of the private images, ordering the
27 defendant to cease the dissemination of the private images and prohibiting the
28 defendant from disseminating the private images; or

29 P. With respect to unauthorized dissemination of certain private images as described
30 in Title 17-A, section 511-A, entering any orders determined necessary or appropriate
31 in the discretion of the court, including but not limited to ordering the defendant to
32 pay costs associated with removal, destruction or return of the private images.

33 **Sec. B-8. 19-A MRSA §4008-A** is enacted to read:

34 **§4008-A. Access to certain private images and written information**

35 Access to and dissemination of certain private images as described in Title 17-A,
36 section 511-A and any written information describing and directly pertaining to the
37 images contained in court records are governed by rule or administrative order adopted
38 by the Supreme Judicial Court.

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PART C

Sec. C-1. 5 MRSA §4651, sub-§2, ¶C, as amended by PL 2001, c. 134, §1, is further amended to read:

C. A single act or course of conduct constituting a violation of section 4681; Title 17, section 2931; or Title 17-A, sections 201, 202, 203, 204, 207, 208, 209, 210, 210-A, 211, 253, 301, 302, 303, 506-A, 511, 511-A, 556, 802, 805 or 806.

Sec. C-2. 5 MRSA §4654, sub-§4, ¶F, as amended by PL 1995, c. 650, §6, is further amended to read:

F. Repeatedly and without reasonable cause:

- (1) Following the plaintiff; or
- (2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; or

Sec. C-3. 5 MRSA §4654, sub-§4, ¶G, as enacted by PL 1995, c. 650, §7, is amended to read:

G. Having any direct or indirect contact with the plaintiff; ~~or~~

Sec. C-4. 5 MRSA §4654, sub-§4, ¶H is enacted to read:

H. Engaging in the unauthorized dissemination of certain private images as prohibited pursuant to Title 17-A, section 511-A.

Sec. C-5. 5 MRSA §4655, sub-§1, ¶¶E and F, as amended by PL 1993, c. 475, §2, are further amended to read:

E. Ordering the defendant to pay court costs or reasonable attorney's fees; ~~and~~

F. Entering any other orders determined necessary or appropriate in the discretion of the court; ~~and~~

Sec. C-6. 5 MRSA §4655, sub-§1, ¶¶G and H are enacted to read:

G. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, ordering the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images, ordering the defendant to cease the dissemination of the private images and prohibiting the defendant from disseminating the private images; or

H. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, entering any orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of the private images.

Sec. C-7. 5 MRSA §4661 is enacted to read:

§4661. Access to certain private images and written information

Access to and dissemination of certain private images as described in Title 17-A, section 511-A and any written information describing and directly pertaining to the

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1 images contained in court records are governed by rule or administrative order adopted
2 by the Supreme Judicial Court.'

3 **SUMMARY**

4 This amendment replaces the bill. This amendment replaces the title with a new title
5 and does the following.

6 1. In Part A it amends the laws concerning unauthorized dissemination of certain
7 private images by providing that access to and dissemination of certain private images
8 and any written information describing and directly pertaining to the images contained in
9 court records are governed by rule or administrative order of the Supreme Judicial Court.

10 2. In Part B it amends the laws on protection from abuse by including in the
11 definition of abuse the unauthorized dissemination of certain private images. It allows a
12 court in ordering interim relief to enjoin a defendant from engaging in the unauthorized
13 dissemination of certain private images. It allows a court in ordering relief to order the
14 defendant to remove, destroy or return or to direct the removal, destruction or return of
15 the private images or to cease dissemination, and to prohibit the defendant from
16 disseminating the private images. It allows the court to enter any other orders determined
17 necessary or appropriate in the discretion of the court, including but not limited to
18 ordering the defendant to pay costs associated with removal, destruction or return of
19 private images. It also provides that access to and dissemination of certain private images
20 and any written information describing and directly pertaining to the images contained in
21 court records are governed by rule or administrative order of the Supreme Judicial Court.

22 3. In Part C it amends the laws on protection from harassment by including in the
23 definition of harassment the unauthorized dissemination of certain private images. It
24 allows a court in ordering interim relief to enjoin a defendant from engaging in the
25 unauthorized dissemination of certain private images. It allows a court in ordering relief
26 to order the defendant to remove, destroy or return or to direct the removal, destruction or
27 return of the private images or to cease dissemination, and to prohibit the defendant from
28 disseminating the private images. It allows the court to enter any other orders determined
29 necessary or appropriate in the discretion of the court, including but not limited to
30 ordering the defendant to pay costs associated with removal, destruction or return of
31 private images. It also provides that access to and dissemination of certain private images
32 and any written information describing and directly pertaining to the images contained in
33 court records are governed by rule or administrative order of the Supreme Judicial Court.

FISCAL NOTE REQUIRED
(See Attached)

COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 1487

LR 2210(02)

An Act To Amend the Laws on Protection from Abuse and Unauthorized Dissemination of Certain Private Images

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-545)
Committee: Criminal Justice and Public Safety
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Increases the number of civil suits.

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