

MAINE STATE LEGISLATURE

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Date: 5/8/17

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 368, L.D. 524, Bill, "An Act To Amend the Laws on Domestic Violence"

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, to ensure the necessary and proper prosecution of crimes in the State involving domestic violence and to enhance the protection of victims of domestic violence from their abusers, this legislation must take effect immediately; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRS §§208-D, 208-E and 208-F are enacted to read:

§208-D. Domestic violence aggravated assault

1. A person is guilty of domestic violence aggravated assault if:

A. The person violates section 208; and

B. The victim is a family or household member as defined in Title 19-A, section 4002, subsection 4.

2. Violation of this section is a Class B crime.

§208-E. Domestic violence elevated aggravated assault

1. A person is guilty of domestic violence elevated aggravated assault if:

- 1 A. The person violates section 208-B; and
- 2 B. The victim is a family or household member as defined in Title 19-A, section
- 3 4002, subsection 4.
- 4 2. Violation of this section is a Class A crime.

§208-F. Domestic violence elevated aggravated assault on pregnant person

- 6 1. A person is guilty of domestic violence elevated aggravated assault on a pregnant
- 7 person if:
- 8 A. The person violates section 208-C; and
- 9 B. The victim is a family or household member as defined in Title 19-A, section
- 10 4002, subsection 4.
- 11 2. Violation of this section is a Class A crime.

Sec. 2. 19-A MRSA §4011, sub-§5 is enacted to read:

5. Repeat violations. A person who commits a violation under subsection 1 and has 2 or more prior convictions under subsection 1 or for engaging in substantially similar conduct in another jurisdiction commits a Class C crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative: Provides funds for an anticipated increase in indigent legal costs.

22	GENERAL FUND	2017-18	2018-19
23	All Other	\$10,944	\$14,592
24			
25	GENERAL FUND TOTAL	\$10,944	\$14,592

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

SUMMARY

This amendment replaces the bill and creates the crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person. The amendment also makes violation of a protection from abuse order a Class C crime if the person has 2 or more prior

COMMITTEE AMENDMENT "A" to H.P. 368, L.D. 524

1 convictions for violating a protection from abuse order. The amendment also adds an
2 emergency preamble and emergency clause.

3

FISCAL NOTE REQUIRED

4

(See attached)



128th MAINE LEGISLATURE

LD 524

LR 1244(02)

An Act To Amend the Laws on Domestic Violence

Fiscal Note for Bill as Amended by Committee Amendment *A(H-138)*

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$10,944	\$14,592	\$14,592	\$14,592
Appropriations/Allocations				
General Fund	\$10,944	\$14,592	\$14,592	\$14,592

Correctional and Judicial Impact Statements

Increases the class of a crime from Class D to Class C, increases correctional and judicial costs.

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

Fiscal Detail and Notes

This bill includes a General Fund appropriation of \$10,944 in fiscal year 2017-18 and \$14,592 in fiscal year 2018-19 for the Maine Commission on Indigent Legal Services for the additional costs associated with increasing the class of crime for a third offense violation of a protection order.