



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 641

H.P. 455

House of Representatives, February 28, 2017

Resolve, To Establish the Commission To Study the Availability of Information Regarding Related Incidents in Domestic Violence Cases

(EMERGENCY)

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

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative RECKITT of South Portland. Cosponsored by Representatives: BROOKS of Lewiston, TALBOT ROSS of Portland.

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- 3 **Whereas,** this legislation establishes the Commission To Study the Availability of 4 Information Regarding Related Incidents in Domestic Violence Cases; and
- 5 **Whereas,** the study must be initiated before the 90-day period expires in order that 6 the study may be completed and a report submitted in time for submission to the next 7 legislative session; and
- 8 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 9 the meaning of the Constitution of Maine and require the following legislation as 10 immediately necessary for the preservation of the public peace, health and safety; now, 11 therefore, be it
- Sec. 1. Commission established. Resolved: That the Commission To Study
 the Availability of Information Regarding Related Incidents in Domestic Violence Cases,
 referred to in this resolve as "the commission," is established; and be it further
- 15 Sec. 2. Commission membership. Resolved: That the commission consists of
 16 13 members appointed as follows:

 Three members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature.
 When making the appointments, the President shall give preference to members of the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Judiciary;

- 22 2. Four members of the House of Representatives appointed by the Speaker of the 23 House of Representatives, including members from each of the 2 parties holding the 24 largest number of seats in the Legislature. When making the appointments, the Speaker 25 shall give preference to members of the Joint Standing Committee on Criminal Justice 26 and Public Safety and the Joint Standing Committee on Judiciary;
- 27 3. The Attorney General, or the Attorney General's designee;
- 4. The Executive Director of the Maine Coalition to End Domestic Violence, or the
 executive director's designee;
- 5. A representative of the Maine Commission on Domestic and Sexual Abuse under
 the Maine Revised Statutes, Title 19-A, section 4013, appointed by the Speaker of the
 House of Representatives;
- 6. A judge from the District Court, appointed by the Chief Justice of the Supreme
 Judicial Court;
- 35 7. A representative of the Maine Prosecutors Association, appointed by the Attorney36 General; and

8. A representative of a municipal police department, appointed by the Speaker of
 the House of Representatives; and be it further

3 Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate 4 chair and the first-named House of Representatives member is the House chair of the 5 commission; and be it further

6 Sec. 4. Appointments; convening of commission. Resolved: That all 7 appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative 8 9 Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more 10 after the effective date of this resolve a majority of but not all appointments have been 11 12 made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further 13

14 Sec. 5. Duties. Resolved: That the commission shall conduct a comprehensive 15 examination of domestic violence prosecutions in this State. The commission shall 16 review the system by which those prosecutions are based on specific incidents and the 17 availability of information regarding related domestic abuse incidents to judges or 18 prosecuting attorneys. As part of its review, the commission shall develop 19 recommendations on the best method to provide judges and prosecuting attorneys with 20 information regarding related domestic abuse incidents; and be it further

- Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide
 necessary staffing services to the commission; and be it further
- Sec. 7. Report. Resolved: That, no later than December 6, 2017, the commission
 shall submit a report that includes its findings and recommendations, including suggested
 legislation, for presentation to the Second Regular Session of the 128th Legislature.
- 26 **Emergency clause.** In view of the emergency cited in the preamble, this 27 legislation takes effect when approved.

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SUMMARY

This resolve establishes the Commission To Study the Availability of Information Regarding Related Incidents in Domestic Violence Cases, which is directed to conduct a comprehensive examination of domestic violence prosecutions in this State and develop recommendations on the best method to provide judges and prosecuting attorneys with information regarding related domestic abuse incidents.