

# MAINE STATE LEGISLATURE

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Date: 6/23/17

(Filing No. H-551)

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

HOUSE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to S.P. 329, L.D. 990, Bill, "An Act To Protect Law Enforcement Officers by Creating the Crime of Aggravated Assault on an Officer"

Amend the amendment in section 1 in §752-A in subsection 1 in paragraph A in the last line (page 1, line 21 in amendment) by striking out the following: "; or" and inserting the following: '; or'

Amend the amendment in section 1 in §752-A in subsection 1 in paragraph B in the last line (page 1, line 26 in amendment) by striking out the following: "crime," and inserting the following: 'crime.'

Amend the amendment in section 1 in §752-A in subsection 1 by striking out all of paragraphs C and D (page 1, lines 27 to 33 in amendment) and inserting the following:

'If the State pleads and proves a violation of paragraph A, the court shall treat as an aggravating sentencing factor that the person selected the law enforcement officer whom the person injured because of the law enforcement officer's status as a law enforcement officer.'

Amend the amendment in section 2 by striking out all of subsection 1 (page 2, lines 3 to 11 in amendment) and inserting the following:

'1. A person is guilty of assault on an emergency medical care provider if the person intentionally, knowingly or recklessly causes bodily injury to an emergency medical care provider while the emergency medical care provider is providing emergency medical care. Violation of this subsection is a Class C crime.'

'If the State pleads and proves a violation of subsection 1, the court shall treat as an aggravating sentencing factor that the person selected the emergency medical care provider whom the person injured because of the emergency medical care provider's status as an emergency medical care provider.'

Amend the amendment in section 4 by striking out all of subsection 1 (page 2, lines 16 to 22 in amendment) and inserting the following:

'1. A person is guilty of assault on a firefighter if the person intentionally, knowingly or recklessly causes bodily injury to a firefighter while the firefighter is providing emergency services. Violation of this subsection is a Class C crime.'

HOUSE AMENDMENT

R.O.P.S


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If the State pleads and proves a violation of subsection 1, the court shall treat as an aggravating sentencing factor that the person selected the firefighter whom the person injured because of the firefighter's status as a firefighter.'

**SUMMARY**

This amendment removes the Class B crime added by Committee Amendment "A" of causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter. Instead, this amendment makes causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter an aggravating factor that must be considered by the court when sentencing a person convicted of assault of a law enforcement officer, emergency medical care provider or firefighter.

This amendment also removes the Class C crime added by Committee Amendment "A" of intentionally or knowingly causing offensive physical contact to a law enforcement officer while that officer is in the performance of the officer's official duties.

**SPONSORED BY:**  \_\_\_\_\_  
**(Representative WARREN)**  
**TOWN: Hallowell**

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 128th MAINE LEGISLATURE

LD 990

LR 49(08)

**An Act To Protect Law Enforcement Officers by Creating the Crime of Aggravated Assault on an Officer**

**Fiscal Note for House Amendment "D" to Committee Amendment "A"**

**Sponsor: Rep. Warren of Hallowell**

**Fiscal Note Required: Yes**

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## Fiscal Note

Current biennium savings - General Fund

Minor revenue decrease - General Fund

### Correctional and Judicial Impact Statements

Eliminates the increase in the class of a crime from Class C to Class B, but allows for an aggravating sentencing factor. Reduces increase in correctional, indigent legal and judicial costs.

Reduces General Fund fine revenue by minor amounts.