

MAINE STATE LEGISLATURE

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MAINE
ROFIS

L.D. 990

Date: 6/13/2017 Report A

(Filing No. S-265)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

128TH LEGISLATURE

FIRST REGULAR SESSION

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 bill by striking out the title and substituting the following:

'An Act To Prevent Violence against Law Enforcement Officers, Emergency Medical Care Providers and Firefighters'

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 17-A MRSA §752-A, as amended by PL 2003, c. 205, §4, is further amended to read:

§752-A. Assault on an officer

1. A person is guilty of assault on an officer if:

A. ~~He~~ The person intentionally, knowingly or recklessly causes bodily injury to a law enforcement officer while the officer is in the performance of his the officer's official duties. Violation of this paragraph is a Class C crime; or

B. While in custody pursuant to an arrest or pursuant to a court order, the person commits an assault on a corrections officer, corrections supervisor or another member of the staff of an institution while the staff member is performing official duties. As used in this paragraph "assault" means the crime defined in section 207, subsection 1, paragraph A. Violation of this paragraph is a Class C crime;

C. The person intentionally or knowingly causes offensive physical contact to a law enforcement officer while the officer is in the performance of the officer's official duties. Violation of this paragraph is a Class C crime; or

D. The person intentionally, knowingly or recklessly causes bodily injury to a law enforcement officer and the person selected the law enforcement officer whom the person injured because of the law enforcement officer's status as a law enforcement officer. Violation of this paragraph is a Class B crime.

~~3. Assault on an officer is a Class C crime.~~

COMMITTEE AMENDMENT

ROFS

1 **Sec. 2. 17-A MRSA §752-C, sub-§1,** as enacted by PL 1997, c. 470, §1, is
2 repealed and the following enacted in its place:

- 3 1. A person is guilty of assault on an emergency medical care provider if:
- 4 A. The person intentionally, knowingly or recklessly causes bodily injury to an
5 emergency medical care provider while the emergency medical care provider is
6 providing emergency medical care. Violation of this paragraph is a Class C crime; or
- 7 B. The person intentionally, knowingly or recklessly causes bodily injury to an
8 emergency medical care provider and the person selected the emergency medical care
9 provider whom the person injured because of that emergency medical care provider’s
10 status as an emergency medical care provider. Violation of this paragraph is a Class
11 B crime.

12 **Sec. 3. 17-A MRSA §752-C, sub-§3,** as enacted by PL 1997, c. 470, §1, is
13 repealed.

14 **Sec. 4. 17-A MRSA §752-E, sub-§1,** as enacted by PL 2015, c. 471, §2, is
15 repealed and the following enacted in its place:

- 16 1. A person is guilty of assault on a firefighter if:
- 17 A. The person intentionally, knowingly or recklessly causes bodily injury to a
18 firefighter while the firefighter is providing emergency services. Violation of this
19 paragraph is a Class C crime; or
- 20 B. The person intentionally, knowingly or recklessly causes bodily injury to a
21 firefighter and the person selected the firefighter whom the person injured because of
22 that firefighter’s status as a firefighter. Violation of this paragraph is a Class B crime.

23 **Sec. 5. 17-A MRSA §752-E, sub-§3,** as enacted by PL 2015, c. 471, §2, is
24 repealed.'

25 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
26 section number to read consecutively.

SUMMARY

28 This amendment, which is the majority report of the committee, changes the title and
29 does the following.

- 30 1. It amends the existing crimes of assault on an officer, assault on an emergency
31 medical care provider and assault on a firefighter to create new Class B crimes when a
32 person commits an assault on a law enforcement officer, emergency medical care
33 provider or firefighter and the person selected the law enforcement officer, emergency
34 medical care provider or firefighter whom the person assaulted because of that law
35 enforcement officer’s, emergency medical care provider’s or firefighter’s status as a law
36 enforcement officer, emergency medical care provider or firefighter.
- 37 2. It amends the existing crime of assault on an officer to create a new Class C crime
38 when a person intentionally or knowingly causes offensive physical contact to a law
39 enforcement officer.

COMMITTEE AMENDMENT

ROFS

COMMITTEE AMENDMENT "A" to S.P. 329, L.D. 990

- 1 3. It retains the provisions of the bill that create the new Class A and Class B crimes
- 2 of aggravated assault on an officer.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



128th MAINE LEGISLATURE

LD 990

LR 49(02)

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

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-265)
Committee: Criminal Justice and Public Safety
Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Increases the class of a crime from Class C to Class B, increases correctional, indigent legal and judicial costs. The collection of additional fines may also increase General Fund revenue by minor amounts.