

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1705

H.P. 1185

House of Representatives, December 22, 2017

An Act To Strengthen Crime Victims' Rights

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2017. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HERBIG of Belfast. (BY REQUEST)
Cosponsored by Senator VOLK of Cumberland and
Representatives: GOLDEN of Lewiston, McCREA of Fort Fairfield, NADEAU of Winslow,
PERRY of Calais, ZEIGLER of Montville, Senators: JACKSON of Aroostook, ROSEN of
Hancock, President THIBODEAU of Waldo.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §1173-A** is enacted to read:

3 **§1173-A. Public trial proceedings**

4 A victim may be present at all trial proceedings that are public unless the court
5 determines that the fair administration of justice requires that the victim be excluded
6 pursuant to the Maine Rules of Evidence, Rule 615.

7 **Sec. 2. 17-A MRSA §1175**, as amended by PL 2017, c. 128, §§1 to 3, is further
8 amended to read:

9 **§1175. Notification of defendant's release or escape**

10 Upon complying with subsection 1, a victim of a crime of murder or of a Class A,
11 Class B or Class C crime or of a Class D crime under chapters 9, 11 and 12 for which the
12 defendant is committed to the Department of Corrections or to a county jail or is
13 committed to the custody of the Commissioner of Health and Human Services either
14 under Title 15, section 103 after having been found not criminally responsible by reason
15 of insanity or under Title 15, section 101-D after having been found incompetent to stand
16 trial must receive notice of the defendant's unconditional release and discharge from
17 institutional confinement upon the expiration of the sentence or upon release from
18 commitment under Title 15, section 101-D or upon discharge under Title 15, section
19 104-A ~~and~~; must receive notice of any conditional release of the defendant from
20 institutional confinement, including probation, supervised release for sex offenders,
21 parole, furlough, work release, funeral or deathbed visit, supervised community
22 confinement, home release monitoring or similar program, administrative release or
23 release under Title 15, section 104-A; and must receive notice of the defendant's escape
24 from the Department of Corrections, the state mental health institute or the county jail to
25 which the defendant is committed. For purposes of this section, "victim" also includes a
26 person who has obtained under Title 19-A, section 4007 an active ~~protective~~ protection
27 order or approved consent agreement against the defendant.

28 **1.** A victim who wishes to receive notification must file a request for notification of
29 the defendant's release or escape with the office of the attorney for the State. The
30 attorney for the State shall forward this request form to the Department of Corrections, to
31 the state mental health institute or to the county jail to which that defendant is committed.
32 Notwithstanding this subsection, a victim who wishes to receive notification regarding a
33 defendant who is committed to the Department of Corrections may file a request for
34 notification of the defendant's release or escape directly with the Department of
35 Corrections.

36 **2.** The Department of Corrections, the state mental health institute or the county jail
37 to which the defendant is committed shall keep the victim's written request in the file of
38 the defendant and shall notify the victim by mail of any impending release as soon as the
39 release date is set or, if the defendant has escaped, by the quickest means reasonably
40 practicable. This notice must be mailed to the address provided in the request or any
41 subsequent address provided by the victim.

1 3. The If the defendant is being released, the notice required by this section must
2 contain:

3 A. The name of the defendant;

4 B. The nature of the release authorized, whether it is a conditional release, including
5 probation, supervised release for sex offenders, parole, furlough, work release,
6 funeral or deathbed visit, supervised community confinement, home release
7 monitoring or a similar program, administrative release or release under Title 15,
8 section 104-A, or an unconditional release and discharge upon release from
9 commitment under Title 15, section 101-D or upon the expiration of a sentence or
10 upon discharge under Title 15, section 104-A;

11 C. The anticipated date of the defendant's release from institutional confinement
12 and any date on which the defendant must return to institutional confinement, if
13 applicable;

14 D. The geographic area to which the defendant's release is limited, if any;

15 E. The address at which the defendant will reside; and

16 F. The address at which the defendant will work, if applicable.

17 3-A. If the defendant has escaped, the notice required by this section must contain
18 the name of the defendant, the manner of the escape, the place from which the defendant
19 escaped and the date of the escape.

20 4. The notice requirement under this section ends when:

21 A. Notice has been provided of an unconditional release or discharge upon the
22 expiration of the sentence or upon release under Title 15, section 101-D or upon
23 discharge under Title 15, section 104-A; or

24 B. The victim has filed a written request with the Department of Corrections, the
25 state mental health institute or the county jail to which the defendant is committed
26 asking that no further notice be given.

27 5. Neither the failure to perform the requirements of this chapter nor compliance
28 with this chapter subjects the attorney for the State, the Commissioner of Corrections, the
29 Department of Corrections, the Commissioner of Health and Human Services, the state
30 mental health institute or the county jail or the employees or officers of the attorney for
31 the State, the Commissioner of Corrections, the Department of Corrections, the
32 Commissioner of Health and Human Services, the state mental health institute or the
33 county jail to liability in a civil action.

34 **SUMMARY**

35 This bill strengthens the rights of a victim of a crime by:

36 1. Authorizing the victim to be present at all trial proceedings that are public unless
37 the court determines that the fair administration of justice requires the exclusion of the
38 victim; and

- 1 2. Requiring that a victim who so wishes receive notification of the defendant's
- 2 escape from the jail or institute to which the defendant is committed.