

Date:	4/17/19

L.D. 64 (Filing No. H-**/05**)

3	CRIMINAL JUSTICE AND PUBLIC SAFETY
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	129TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT "/" to H.P. 61, L.D. 64, Bill, "An Act To Make Post-conviction Possession of Animals a Criminal Offense"
11	Amend the bill by striking out the title and substituting the following:
12 13	'An Act To Make Post-conviction Possession of Animals by Certain Persons a Criminal Offense'
14 15	Amend the bill by striking out everything after the enacting clause and inserting the following:
16 17	'Sec. 1. 17 MRSA §1031, sub-§3-B, ¶B, as enacted by PL 2003, c. 452, Pt. I, §20 and affected by Pt. X, §2, is repealed.
18 19	Sec. 2. 17 MRSA §1031, sub-§3-B, ¶C, as enacted by PL 2003, c. 452, Pt. I, §20 and affected by Pt. X, §2, is amended to read:
20 21	C. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence <u>under this subsection</u> .
22	Sec. 3. 17 MRSA §1031, sub-§3-B, ¶¶D, E and F are enacted to read:
23	D. The court, as part of the sentence for a violation of this section:
24 25 26 27	(1) May prohibit a defendant convicted of a Class D crime under this section from owning, possessing or having on the defendant's premises an animal for a period of time that the court determines to be reasonable, up to and including permanent relinquishment;
28 29 30	(2) Shall prohibit a defendant convicted of a Class C crime under this section from owning, possessing or having on the defendant's premises an animal for a period of at least 5 years, up to and including permanent relinquishment;
31 32 33 34	(3) May impose any other reasonable restrictions on a defendant's future ownership or custody of an animal as determined by the court to be necessary for the protection of animals, including but not limited to reasonable restrictions on future ownership, possession or custody and prohibiting the person from

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**COMMITTEE AMENDMENT** 

1	employment that involves the care of animals or any other contact with animals;
2	and
3	(4) May order as a condition of probation that probationer be evaluated to
4	determine the need for psychiatric or psychological counseling and, if it is
5	determined to be appropriate by the court, receive psychiatric or psychological
6	counseling at the defendant's expense.
7	Upon motion by the defendant and upon completion of conditions specified in an
8	order entered under this paragraph, the court may reduce or modify restrictions or
9	conditions imposed under this paragraph.
10	E. Intentional or knowing violation of a court order issued under paragraph D is a
11	Class D crime. An animal owned or possessed by the defendant or on the defendant's
12	premises in violation of a court order under paragraph D is subject to immediate
13	forfeiture as ordered by the court.
14	F. A person placed on probation for a violation of this section with a condition that
15	prohibits owning, possessing or having on the probationer's premises an animal is
16	subject to revocation of probation and removal of the animal at the probationer's
17	expense if this condition is intentionally or knowingly violated.
18	Amend the bill by relettering or renumbering any nonconsecutive Part letter or
19	section number to read consecutively.
20	SUMMARY
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21	This amendment replaces the bill and changes the title. The amendment authorizes
22 23	the court in a proceeding for a violation of cruelty to animals to impose conditions,
23 24	including but not limited to prohibiting ownership or possession of an animal or having an animal on the defendant's premises and prohibiting employment that involves the care
24 25	of or other contact with animals. The amendment provides that an intentional or knowing
23 26	violation of a court order issued pursuant to the provisions of the amendment is a Class D
20	crime. The amendment provides a procedure for a defendant to obtain a court order
28	modifying the conditions or restrictions set in a court order.
29	FISCAL NOTE REQUIRED
30	(See attached)

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**COMMITTEE AMENDMENT** 



## **129th MAINE LEGISLATURE**

LD 64

LR 691(02)

An Act To Make Post-conviction Possession of Animals a Criminal Offense

Fiscal Note for Bill as Amended by Committee Amendment 'A+ ( )-105) Committee: Criminal Justice and Public Safety Fiscal Note Required: Yes

## **Fiscal Note**

Minor cost increase - General Fund Minor revenue increase - General Fund Minor revenue increase - Other Special Revenue Funds

## **Correctional and Judicial Impact Statements**

Establishes new Class D crimes.

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine revenue will increase General Fund and dedicated revenue by minor amounts.