

MAINE STATE LEGISLATURE

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SAC
ROS

L.D. 803

2 Date: 6/8/21

(Filing No. S- 201)

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JUDICIARY

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION**

9 COMMITTEE AMENDMENT “*f*” to S.P. 117, L.D. 803, “An Act Regarding
10 Violation of a Protective Order”

11 Amend the bill by inserting after the enacting clause the following:

12 **'Sec. 1. 19-A MRSA §4011, sub-§1**, as amended by PL 2001, c. 420, §1, is further
13 amended to read:

14 **1. Crime committed.** Except as provided in subsections 2 ~~and~~, 4 ~~and~~ 5, violation of
15 the following is a Class D crime when the defendant has prior actual notice, which may be
16 notice by means other than service in hand, of the order or agreement:

17 A. A temporary, emergency, interim or final protective order, an order of a tribal court
18 of the Passamaquoddy Tribe or the Penobscot Nation or a similar order issued by a
19 court of the United States or of another state, territory, commonwealth or tribe; or

20 B. A court-approved consent agreement.'

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

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SUMMARY

This amendment adds a cross-reference to the 3rd exception to violation of a protection from abuse order being a Class D crime.

**FISCAL NOTE REQUIRED
(See attached)**



Approved: 05/06/21 *MAC*

130th MAINE LEGISLATURE

LD 803

LR 391(02)

An Act Regarding Violation of a Protective Order

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-207)
Committee: Judiciary
Fiscal Note Required: Yes

Fiscal Note

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

Correctional and Judicial Impact Statements

Increase in the incidence of class C crimes; increases correctional and judicial costs.

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

The collection of additional fines may increase General Fund and other dedicated revenue by minor amounts.

Fiscal Detail and Notes

The bill modifies an existing class C crime of violating a protective order to include instances when the protective order was not issued by a Maine court. It is unclear how many additional individuals will be convicted of a Class C crime who otherwise would not have been. The current average cost of incarcerating an individual for a single year is \$55,203. The Department of Corrections has not indicated the need for additional funding at this time and no funding is included in the bill.