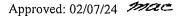


| | L.D. 2085 |
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| Date: 2/15/24 | (Filing No. S-598) |
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| JUDICIARY | |
| Reproduced and distributed under the direction of the Section 2.2 Content o | ecretary of the Senate. |
| STATE OF MAINE | |
| SENATE | |
| 131ST LEGISLATURE | |
| SECOND REGULAR SESSION | |
| COMMITTEE AMENDMENT "A" to S.P. 878, L.I Maine's Domestic Violence and Stalking Laws" | D. 2085, "An Act to Update |
| Amend the bill in section 1 in subsection 1 in the 4th lin inserting after the following: " <u>disregarding a</u> " the following: | ne (page 1, line 22 in L.D.) by ' <u>substantial</u> ' |
| Amend the bill in section 2 in paragraph A in subparagra line 36 in L.D.) by inserting after the following: " <u>disregarding</u> | ph (3) in the first line (page 1, <u>g a</u> " the following: ' <u>substantial</u> ' |
| Amend the bill in section 2 in paragraph A in subparagra line 39 in L.D.) by inserting after the following: " <u>disregarding</u> | ph (4) in the first line (page 1, <u>; a</u> " the following: ' <u>substantial</u> ' |
| Amend the bill in section 3 in paragraph A in subparagraph line 10 in L.D.) by inserting after the following: " <u>disregard of</u> | ph (2) in the first line (page 2, <u>Ea</u> " the following: ' <u>substantial</u> ' |
| Amend the bill in section 4 in paragraph B in the 4th lin inserting after the following: " <u>disregarded a</u> " the following: ' <u>a</u> | e (page 2, line 18 in L.D.) by <u>substantial</u> ' |
| Amend the bill in section 5 in paragraph E in the 3rd line inserting after the following: " <u>disregard of a</u> " the following: ' | substantial' |
| Amend the bill by relettering or renumbering any noncon number to read consecutively. | secutive Part letter or section |
| SUMMARY | |
| This amendment more closely aligns the provisions of the set by <i>Counterman v. Colorado</i> , 600 U.S. 66 (2023) by spe commit "abuse" within the meaning of the protection from abu of the actor's speech or for an actor to commit the crime of te terrorizing, stalking, domestic violence stalking or harassmen content of the actor's speech, the actor must have consciously that the actor's speech would place a reasonable person in fea | ecifying that, for an actor to use laws based on the content errorizing, domestic violence nt by telephone based on the disregarded a substantial risk |
| FISCAL NOTE REQUIRED | |
| (See attached) | |

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COMMITTEE AMENDMENT





131st MAINE LEGISLATURE

LD 2085

LR 2832(02)

An Act to Update Maine's Domestic Violence and Stalking Laws

Fiscal Note for Bill as Amended by Committee Amendment "A"(5-528) Committee: Judiciary Fiscal Note Required: Yes

Fiscal Note

Current biennium savings - General Fund Minor cost increase - General Fund Minor revenue increase - General Fund Minor revenue increase – Other Special Revenue Funds

Correctional and Judicial Impact Statements

This bill adds a requirement to the stalking, terrorizing and harassment laws for Class C, D and E crimes that the person must have consciously disregarded a substantial risk that the person's speech would place a reasonable person in fear of bodily injury. It is unclear how many individuals may not be convicted of a Class C crime who otherwise would have been. The current average cost of incarcerating one individual for a single year is \$55,203. No appropriations are reduced in this bill to reflect potential cost savings to the Department of Corrections.

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 fines will increase General Fund or other dedicated revenue by minor amounts.