

MAINE STATE LEGISLATURE

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Date: 2/15/24

(Filing No. S-528)

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JUDICIARY

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STATE OF MAINE

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SENATE

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131ST LEGISLATURE

8

SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to S.P. 878, L.D. 2085, "An Act to Update
10 Maine's Domestic Violence and Stalking Laws"

11

Amend the bill in section 1 in subsection 1 in the 4th line (page 1, line 22 in L.D.) by
12 inserting after the following: "disregarding a" the following: 'substantial'

13

Amend the bill in section 2 in paragraph A in subparagraph (3) in the first line (page 1,
14 line 36 in L.D.) by inserting after the following: "disregarding a" the following: 'substantial'

15

Amend the bill in section 2 in paragraph A in subparagraph (4) in the first line (page 1,
16 line 39 in L.D.) by inserting after the following: "disregarding a" the following: 'substantial'

17

Amend the bill in section 3 in paragraph A in subparagraph (2) in the first line (page 2,
18 line 10 in L.D.) by inserting after the following: "disregard of a" the following: 'substantial'

19

Amend the bill in section 4 in paragraph B in the 4th line (page 2, line 18 in L.D.) by
20 inserting after the following: "disregarded a" the following: 'substantial'

21

Amend the bill in section 5 in paragraph E in the 3rd line (page 2, line 24 in L.D.) by
22 inserting after the following: "disregard of a" the following: 'substantial'

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

25

SUMMARY

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This amendment more closely aligns the provisions of the bill with the federal standard
27 set by *Counterman v. Colorado*, 600 U.S. 66 (2023) by specifying that, for an actor to
28 commit "abuse" within the meaning of the protection from abuse laws based on the content
29 of the actor's speech or for an actor to commit the crime of terrorizing, domestic violence
30 terrorizing, stalking, domestic violence stalking or harassment by telephone based on the
31 content of the actor's speech, the actor must have consciously disregarded a substantial risk
32 that the actor's speech would place a reasonable person in fear of bodily injury.

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FISCAL NOTE REQUIRED

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(See attached)

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" (S-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.