

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

August 2019

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 129th Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Criminal Justice and Public Safety

LD 18

An Act To Ensure Proper Prosecution of Crimes Involving Domestic Violence and Enhance Protection of Victims of Domestic Violence

**PUBLIC 412
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------------|-------------------------|---------------------------|
| RECKITT L CARPENTER M | OTP-AM | H-175 |

This bill creates the crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person. The bill also makes violation of a protection from abuse order a Class C crime if the person has two or more prior convictions for violating a protection from abuse order.

Committee Amendment "A" (H-175)

This amendment amends the bill by changing the crime of domestic violence aggravated assault to create the Class A variant of aggravated assault that is consistent with the existing crime of Class A aggravated assault under the Maine Revised Statutes, Title 17-A section 208, subsection 1, paragraph A-1, when the defendant causes bodily injury to another that causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ. The amendment adds the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the predicates that may be used to elevate existing domestic violence crimes. The amendment also adds reference to the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the definition of "family or household members" under Title 19-A, chapter 101, which concerns protection from abuse. The amendment makes one nonsubstantive, grammatical correction to the provision of the bill on repeat violations under the protection from abuse law. The amendment adds the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the mandatory arrest provisions of Title 19-A, section 4012, subsection 5 and repeals reference to a violation of Title 17-A, section 208 that has occurred between members of the same family or household as unnecessary following inclusion in the subsection of the newly created crimes.

Enacted Law Summary

Public Law 2019, chapter 412 creates a Class A variant of aggravated assault that is consistent with the existing crime of Class A aggravated assault under the Maine Revised Statutes, Title 17-A section 208, subsection 1, paragraph A-1, when the defendant causes bodily injury to another that causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ. The law adds the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the predicates that may be used to elevate existing domestic violence crimes. The law adds reference to the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the definition of "family or household members" under Title 19-A, chapter 101, which concerns protection from abuse. The law makes one nonsubstantive, grammatical correction to the provision of the bill on repeat violations under the protection from abuse law. The law adds the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the mandatory arrest provisions of Title 19-A, section 4012, subsection 5. The law repeals an unnecessary reference to a violation of Title 17-A, section 208.

Public Law 2019, chapter 412 was enacted as an emergency measure effective June 20, 2019.