

MAINE STATE LEGISLATURE

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Joint Standing Committee on Criminal Justice and Public Safety

LD 44

An Act Regarding the Maine Criminal Code

CARRIED OVER

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-104

This bill was carried over from the First Regular Session of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

This bill is submitted by the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2. The bill contains the following provisions.

1. In Part A it amends the crime of endangering the welfare of a child by enacting in the Maine Revised Statutes, Title 17-A, section 554, subsection 1, paragraph D a new Class C crime for the reckless violation of a duty of care or protection that results in death or serious bodily injury to the child. It amends the crime of endangering the welfare of a child under Title 17-A, section 554, subsection 1, paragraph C to cover recklessly violating a duty of care or protection.
2. In Part B it amends the crime of gross sexual assault against a person under 12 years of age or under 14 years of age, both of which are Class A crimes, by requiring that the actor be at least three years older than the other person.
3. In Part C it amends the Maine Revised Statutes, Title 15, section 393 to recognize that convictions in the tribal courts of the Passamaquoddy Tribe and the Penobscot Nation are disqualifying domestic violence convictions for the purposes of the prohibition against firearms created by Title 15, section 393, subsection 1-B. It makes Title 15, section 393 more consistent with the Maine Criminal Code by using the phrase "another jurisdiction" to reference the courts defined by that term.
4. In Part D, in response to *State v. LeBlanc-Simpson*, 2018 ME 109, it clarifies that a judicial officer in issuing a written release order under Title 15, section 1026, subsection 2-A or 3 must inform a defendant of the conditions of release, that the conditions take effect and are fully enforceable immediately and that failure to appear or comply with conditions may result in revocation of bail and additional criminal penalties. The bill provides that a condition of release takes effect and is fully enforceable immediately as of the time the judicial officer sets the condition, unless the bail order expressly excludes a condition of release from immediate applicability, if the defendant is advised of the conditions and that failure to appear or comply with the conditions may subject the defendant to revocation of bail and additional criminal penalties.
5. In Part E it amends the probation statutes to reflect the current practice of the Department of Corrections with respect to calculating the period of probation. A probationer receives credit for a full day of probation on the day probation commences, regardless of the time of day, and receives no credit for a day on which probation is tolled. The period of probation ends when the final day of the probation period ends.

Committee Amendment "A" (H-104)

This amendment clarifies that the notice required by the bill in order for a condition of release to take effect immediately may be provided by a judicial officer, a law enforcement officer or an employee of a county or regional jail or a correctional facility having custody of the defendant. The amendment also adds an appropriations and allocations section.

This bill was again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.