

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Regarding the Determination of the Predominant Aggressor in Domestic Violence Situations

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA §2803-B, sub-§1, ¶D, as amended by PL 2003, c. 361, §1, is further amended to read:

D. Domestic violence, which must include, at a minimum, the following:

- (1) A process to ensure that a victim receives notification of the defendant's release from jail;
- (2) A process for the collection of information regarding the defendant that includes the defendant's previous history, the parties' relationship, the name of the victim and a process to relay this information to a bail commissioner before a bail determination is made; ~~and~~
- (3) A process for the safe retrieval of personal property belonging to the victim or the defendant that includes identification of a possible neutral location for retrieval, the presence of at least one law enforcement officer during the retrieval and giving the victim the option of at least 24 hours notice to each party prior to the retrieval; and
- (4) A process to evaluate and determine who is the predominant physical aggressor in a domestic violence situation;

SUMMARY

This bill requires a law enforcement agency to adopt a written policy concerning domestic violence that contains a process to evaluate and determine who is the predominant physical aggressor in a domestic violence situation.