

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

## **An Act To Enhance Enforcement of Public Health Measures**

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

**Sec. 1. 17-A MRSA §15, sub-§1, ¶A**, as amended by PL 2003, c. 102, §1, is further amended to read:

A. ~~Any~~A person who the officer has probable cause to believe has committed or is committing:

(1) Murder;

(2) Any Class A, Class B or Class C crime;

(3) Assault while hunting;

(4) Any offense defined in chapter 45;

(5) Assault, criminal threatening, terrorizing or stalking, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;

(5-A) Assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or injury or reckless conduct if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 19-A, section 4002, subsection 4;

(6) Theft as defined in section 357, when the value of the services is \$1,000 or less if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(8) Negotiating a worthless instrument if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(9) A violation of a condition of probation when requested by a probation officer or juvenile community corrections officer;

(10) Violation of a condition of release in violation of Title 15, section 1026, subsection 3; Title 15, section 1027, subsection 3; Title 15, section 1051, subsection 2; and Title 15, section 1092;

(11) Theft involving a detention under Title 17, section 3521;

(12) Harassment, as set forth in section 506-A;

(13) Violation of a protection order, as specified in Title 5, section 4659, subsection 2; Title 15, section 321, subsection 6; former Title 19, section 769, subsection 2; former Title 19, section 770, subsection 5; Title 19-A, section 4011, subsection 3; and Title 19-A, section 4012, subsection 5; or

(14) A violation of a sex offender registration provision under Title 34-A, chapter 15; and/or

(15) Violation of a public health measure or prescribed care order as set forth in section 517; and

**Sec. 2. 17-A MRSA §517** is enacted to read:

**§ 517. Violation of public health measure or prescribed care order**

**1.** A person is guilty of a violation of a public health measure or prescribed care order if:

**A.** The person intentionally, knowingly or recklessly violates a public health measure issued by a court pursuant to Title 22, section 812; or

**B.** The person intentionally, knowingly or recklessly violates a prescribed care order issued by the Department of Health and Human Services or a court pursuant to Title 22, section 820.

**2.** Violation of a public health measure or prescribed care order is a Class D crime.

**Sec. 3. 22 MRSA §817,** as amended by PL 2005, c. 383, §14, is further amended to read:

**§ 817. Discharge**

An individual committed to a hospital, facility or private home pursuant to section 812 or section 813 or subject to a prescribed care order of the department or a court pursuant to section 820 may be discharged ~~whenever~~when the physician responsible for that individual's treatment and the department determine that the individual may be discharged without danger to other individuals. The department shall immediately report the discharge, with a full statement of the reasons for the discharge, to the court that ordered the commitment.

If an individual committed to a hospital, facility or private home pursuant to section 812 or section 813 or subject to a prescribed care order of the department or a court pursuant to section 820 violates the commitment prior to discharge in accordance with this section, the hospital or physician responsible for treatment shall immediately report this to the department. An arrest warrant must be issued upon application by the department to the District Court.

**Sec. 4. 30-A MRSA §1560, sub-§1-A** is enacted to read:

**1-A. Transportation; medical care.** A prisoner in a jail subject to a public health measure pursuant to Title 22, section 812 or 813 or subject to a prescribed care order pursuant to Title 22, section 820 may be transported by the sheriff for medical care outside of the State if a court orders the transport. The Department of Health and Human Services shall bear the costs of transportation and the per diem compensation for the accompanying officers.

## SUMMARY

This bill establishes the act of intentionally, knowingly or recklessly violating a public health measure or prescribed care order as a Class D crime. In addition, this bill permits warrantless arrest of a person who an officer has probable cause to believe is committing or has committed a violation of a public health measure or prescribed care order.