1                                                                        L.D. 1780

2        Date:                                              (Filing No. H-        )

3                                         **JUDICIARY**

4        Reproduced and distributed under the direction of the Clerk of the House.

5                                    **STATE OF MAINE**

6                           **HOUSE OF REPRESENTATIVES**

7                                  **132ND LEGISLATURE**

8                              **FIRST SPECIAL SESSION**

9        COMMITTEE AMENDMENT "      " to H.P. 1191, L.D. 1780, "An Act to Secure
10       Under Authority of a Subpoena Pretrial Statements from a Witness Other than the
11       Defendant in a Criminal Proceeding"

12       Amend the bill in section 1 in §1322 in subsection 1 in the first line (page 1, line 4 in
13       L.D.) by striking out the following: "Any" and inserting the following: 'Except in
14       proceedings described in subsection 2, any'

15       Amend the bill in section 1 in §1322 by inserting after subsection 1 the following:

16       '**2.  Excluded proceedings.**  This section does not apply to proceedings in which a
17       defendant is charged with:

18       A.  A domestic violence crime under Title 17-A, section 207-A, 208-D, 208-E, 208-F,
19       209-A, 210-A, 210-B, 210-C or 211-A;

20       B.  Incest crimes under Title 17-A, section 556;

21       C.  Aggravated sex trafficking or sex trafficking crimes under Title 17-A, sections 852
22       and 853;

23       D.  A sexual assault crime under Title 17-A, chapter 11;

24       E.  A sexual exploitation of minors crime under Title 17-A, chapter 12;

25       F.  A violation of a protection from harassment order issued under Title 5, chapter
26       337-A;

27       G.  A violation of a protective order in crimes between family members under section
28       321;

29       H.  A violation of a protection from abuse order under Title 19-A, chapter 103;

30       I.  A violation of a condition of release under section 1092, if the victim is a family or
31       household member, as defined in Title 19-A, section 4102, subsection 6 or a dating
32       partner, as defined in Title 19-A, section 4102, subsection 4; or

*COMMITTEE AMENDMENT*

1 J. Any other crime if the facts pled in the complaint, indictment or information generate
2 probable cause to believe that the defendant committed a crime described in this
3 subsection.'

4 Amend the bill in section 1 in §1322 in subsection 3 by striking out all of paragraph B
5 (page 1, lines 23 to 41 and page 2, lines 1 and 2 in L.D.).

6 Amend the bill in section 1 in §1322 in subsection 3 by relettering the paragraphs to
7 read alphabetically.

8 Amend the bill in section 1 in §1322 in subsection 4 in paragraph A in the first line
9 (page 2, line 18 in L.D.) by striking out the following: "subsection 3, paragraph D" and
10 inserting the following: 'subsection 4, paragraph C'

11 Amend the bill in section 1 in §1322 in subsection 4 in paragraph B in the first line
12 (page 2, line 23 in L.D.) by striking out the following: "If" and inserting the following:
13 'Unless the interests of justice demand otherwise, if'

14 Amend the bill in section 1 in §1322 in subsection 4 in paragraph C in the first line
15 (page 2, line 26 in L.D.) by striking out the following: "subsection 3, paragraph E" and
16 inserting the following: 'subsection 4, paragraph D'

17 Amend the bill in section 1 in §1322 by renumbering the subsections to read
18 consecutively.

19 Amend the bill by inserting after section 1 the following:

20 '**Sec. 2. Appropriations and allocations.** The following appropriations and
21 allocations are made.

22 **ATTORNEY GENERAL, DEPARTMENT OF THE**

23 **Administration - Attorney General 0310**

24 Initiative: Provides funding for 2 Assistant Attorney General positions and related costs to
25 administer and manage the provisions of this legislation.

| **GENERAL FUND** | **2025-26** | **2026-27** |
|---|---|---|
| POSITIONS - LEGISLATIVE COUNT | 0.000 | 2.000 |
| Personal Services | $0 | $380,984 |
| All Other | $0 | $20,000 |
| | | |
| GENERAL FUND TOTAL | $0 | $400,984 |
| | | |
| **ATTORNEY GENERAL, DEPARTMENT OF THE** | | |
| **DEPARTMENT TOTALS** | **2025-26** | **2026-27** |
| | | |
| **GENERAL FUND** | **$0** | **$400,984** |
| | | |
| **DEPARTMENT TOTAL - ALL FUNDS** | **$0** | **$400,984** |

39 **PUBLIC SAFETY, DEPARTMENT OF**

40 **State Police 0291**

*COMMITTEE AMENDMENT*

1 Initiative: Provides funding for call-out pay for State Police Trooper positions who provide
2 pretrial statements to defense attorneys.

| | | 2025-26 | 2026-27 |
|---|---|---|---|
| 3 | **GENERAL FUND** | **2025-26** | **2026-27** |
| 4 | Personal Services | $192,081 | $198,996 |
| 5 | | | |
| 6 | GENERAL FUND TOTAL | $192,081 | $198,996 |
| 7 | | | |
| 8 | **HIGHWAY FUND** | **2025-26** | **2026-27** |
| 9 | Personal Services | $103,428 | $107,152 |
| 10 | | | |
| 11 | HIGHWAY FUND TOTAL | $103,428 | $107,152 |
| 12 | | | |
| 13 | **PUBLIC SAFETY, DEPARTMENT OF** | | |
| 14 | **DEPARTMENT TOTALS** | **2025-26** | **2026-27** |
| 15 | | | |
| 16 | **GENERAL FUND** | **$192,081** | **$198,996** |
| 17 | **HIGHWAY FUND** | **$103,428** | **$107,152** |
| 18 | | | |
| 19 | **DEPARTMENT TOTAL - ALL FUNDS** | **$295,509** | **$306,148** |
| 20 | | | |
| 21 | **SECTION TOTALS** | **2025-26** | **2026-27** |
| 22 | | | |
| 23 | **GENERAL FUND** | **$192,081** | **$599,980** |
| 24 | **HIGHWAY FUND** | **$103,428** | **$107,152** |
| 25 | | | |
| 26 | **SECTION TOTAL - ALL FUNDS** | **$295,509** | **$707,132** |

27 '

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

30 ## SUMMARY

31 This amendment clarifies that a pretrial statement may not be requested by a defendant
32 charged with certain sex crimes, certain domestic violence crimes, a violation of certain
33 protection orders or a violation of a condition of release when the victim is a family or
34 household member or dating partner. The amendment removes from the bill a provision
35 that provides a separate process for serving a subpoena to and taking the statement of the
36 victim when the defendant is charged with a crime against another person and the victim is
37 the defendant's family or household member. Finally, the amendment clarifies that the court
38 is required to issue an order barring a potential witness from any future testimony if the
39 witnesses are properly served and fail to appear, unless the interests of justice demand
40 otherwise.

41 **FISCAL NOTE REQUIRED**
42 **(See attached)**

## *COMMITTEE AMENDMENT*