

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

Amend the bill by striking out the title and substituting the following:

**'An Act To Add Domestic Violence against the Victim  
as an Aggravating Factor in Sentencing for Murder'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'**Sec. 1. 17-A MRSA §1251**, as amended by PL 2005, c. 88, Pt. B, §1, is repealed and the following enacted in its place:

**§ 1251. Imprisonment for murder**

1. \_ A person convicted of the crime of murder must be sentenced to imprisonment for life or for any term of years that is not less than 25. The sentence of the court must specify the length of the sentence to be served and must commit the person to the Department of Corrections.

2. \_ In setting the length of imprisonment pursuant to subsection 1, the court shall assign special weight to each of the following 3 factors as they relate to the sentencing procedure in section 1252-C, subsections 1, 2 and 3:

A. That the victim is a child who had not in fact attained 6 years of age at the time the crime was committed;

B. That the victim is a woman whom the convicted person knew or had reasonable cause to believe to be in fact pregnant at the time the crime was committed; and

C. That the victim is a family or household member as defined in Title 19-A, section 4002, subsection 4 who is a victim of domestic violence committed by the convicted person.

This subsection may not be construed to restrict a court in setting the length of a term of imprisonment from considering the age of the victim in other circumstances when relevant.'

**SUMMARY**

This amendment provides a new title and replaces the bill, which was a concept draft. The amendment adds to the circumstances of the crime that the court must consider when setting the sentence for a person convicted of murder that the victim is a family or household member who is a victim of domestic violence committed by the convicted person.