



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1221

S.P. 412

In Senate, March 30, 2017

**An Act To Clarify and Amend Certain Provisions of Law Regarding
Victim Services**

Submitted by the Department of Corrections pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered
printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator ROSEN of Hancock.

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

2 **Sec. 1. 17-A MRSA §1175, first ¶**, as amended by PL 2013, c. 133, §10, is
3 further amended to read:

4 Upon complying with subsection 1, a victim of a crime of murder or of a Class A,
5 Class B or Class C crime or of a Class D crime under chapters 9, 11 and 12 for which the
6 defendant is committed to the Department of Corrections or to a county jail or is
7 committed to the custody of the Commissioner of Health and Human Services either
8 under Title 15, section 103 after having been found not criminally responsible by reason
9 of insanity or under Title 15, section 101-D after having been found incompetent to stand
10 trial must receive notice of the defendant's unconditional release and discharge from
11 institutional confinement upon the expiration of the sentence or upon release from
12 commitment under Title 15, section 101-D or upon discharge under Title 15, section
13 104-A and must receive notice of any conditional release of the defendant from
14 institutional confinement, including probation, supervised release for sex offenders,
15 parole, furlough, work release, funeral or deathbed visit, supervised community
16 confinement, home release monitoring or similar program, administrative release or
17 release under Title 15, section 104-A. For purposes of this section, "victim" also includes
18 a person who has obtained under Title 19-A, section 4007 an active protective order or
19 approved consent agreement against the defendant.

20 **Sec. 2. 17-A MRSA §1175, sub-§1**, as enacted by PL 1995, c. 680, §5, is
21 amended to read:

22 **1.** A victim who wishes to receive notification must file a request for notification of
23 the defendant's release with the office of the attorney for the State. The attorney for the
24 State shall forward this request form to the Department of Corrections, to the state mental
25 health institute or to the county jail to which that defendant is committed.
26 Notwithstanding this subsection, a victim who wishes to receive notification regarding a
27 defendant who is committed to the Department of Corrections may file a request for
28 notification of the defendant's release directly with the Department of Corrections.

29 **Sec. 3. 17-A MRSA §1175, sub-§3, ¶B**, as amended by PL 2013, c. 133, §11, is
30 further amended to read:

31 B. The nature of the release authorized, whether it is a conditional release, including
32 probation, supervised release for sex offenders, parole, furlough, work release,
33 funeral or deathbed visit, supervised community confinement, home release
34 monitoring or a similar program, administrative release or release under Title 15,
35 section 104-A, or an unconditional release and discharge upon release from
36 commitment under Title 15, section 101-D or upon the expiration of a sentence or
37 upon discharge under Title 15, section 104-A;

38 **Sec. 4. 17-A MRSA §1203, sub-§1-A, ¶B-1** is enacted to read:

39 B-1. The court may revoke probation if, during an unsuspended portion of the term
40 of imprisonment:

1 (1) The person has contact with a victim with whom the person has been ordered
2 not to have contact as a condition of probation; or

3 (2) In the case of a person who has been committed to the Department of
4 Corrections, the person has contact with any victim with whom the person has
5 been prohibited to have contact by the Department of Corrections.

6 "Victim," as used in this paragraph, has the same meaning as in section 1171,
7 subsection 2 and section 1175.

8 **Sec. 5. 34-A MRSA §1214, sub-§1, ¶¶A and B**, as enacted by PL 2001, c. 439,
9 Pt. G, §1, are repealed.

10 **Sec. 6. 34-A MRSA §1214, sub-§2, ¶¶A and B**, as enacted by PL 2001, c. 439,
11 Pt. G, §1, are amended to read:

12 A. The Victim Services Coordinator shall report only to the commissioner or ~~an~~
13 ~~associate commissioner~~ the commissioner's designee.

14 B. The Victim Services Coordinator shall, with the approval of the commissioner or
15 ~~an associate commissioner~~ the commissioner's designee, select other victim advocates
16 needed to carry out the intent of this section and who shall report only to the Victim
17 Services Coordinator.

18 SUMMARY

19 This bill adds to the protections of the victim notification laws by requiring victim
20 notification of funeral and deathbed visits by prisoners, by adding to the definition of
21 "victim" a person who has obtained from a court a protection from abuse order or
22 received court approval for a protection from abuse consent agreement and by allowing
23 victims to request notification directly from the Department of Corrections.

24 It allows a court to revoke the probation of an offender who has contact with a victim
25 during incarceration if contact has been prohibited by a condition of probation or by the
26 department.

27 It also eliminates 2 redundant statutory provisions regarding the department's Victim
28 Services Coordinator and allows the Commissioner of Corrections to delegate supervision
29 of the coordinator.