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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 19, L.D. 18, Bill, “An Act To Make Exposing a Law Enforcement Officer to a Disorienting Substance a Crime”

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

'Sec. 1. 17-A MRSA §752-F is enacted to read:

§752-F. Assault on a law enforcement officer through unlawful exposure

1. A person is guilty of assault on a law enforcement officer through unlawful exposure if that person:

A. Intentionally, knowingly or recklessly exposes a law enforcement officer, while the law enforcement officer is in the performance of the officer's official duties or is off duty, to any substance in a manner that creates a substantial risk of temporarily disabling or disorienting or impairing the sight or breathing of the law enforcement officer. Violation of this paragraph is a Class D crime; or

B. Intentionally, knowingly or recklessly exposes a law enforcement officer, while the law enforcement officer is in the performance of the officer's official duties or is off duty, to any substance in a manner that creates a substantial risk of temporarily disabling or disorienting or impairing the sight or breathing of the law enforcement officer and that exposure creates a substantial risk of serious bodily injury or death to the law enforcement officer. Violation of this paragraph is a Class C crime.

2. For the purposes of this section, "law enforcement officer" includes a corrections supervisor, a forest ranger appointed in accordance with Title 12, section 8901 and a marine patrol officer appointed in accordance with Title 12, section 6025.'

SUMMARY

This amendment, which is the minority report of the committee, amends the bill by clarifying the new crime of assault on a law enforcement officer through unlawful exposure as follows.

COMMITTEE AMENDMENT

- 1 1. It provides that the crime of assault on a law enforcement officer through unlawful
2 exposure may occur either when the officer is in the performance of the officer’s official
3 duties or while off duty.
- 4 2. It expands the scope of the new crime by defining “law enforcement officer” to
5 include corrections officers, corrections supervisors, forest rangers and marine patrol
6 officers.
- 7 3. To better describe for the purposes of the Maine Criminal Code the conduct
8 criminalized in the new crime, it clarifies that the unlawful exposure to a substance must
9 be done in a manner that creates a substantial risk of a specified injury to a law
10 enforcement officer.