

Date:

(Filing No. H-)

JUDICIARY

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

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 794, L.D. 1189, “An Act to Prohibit Arrest and Detention for Civil Violations and Require an Attorney for the State to Determine Whether to Charge a Class E Offense as a Civil Violation”

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

'An Act to Allow an Attorney for the State to Determine Whether to Charge Certain Class E Crimes as Civil Violations'

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

'Sec. 1. 17-A MRSA §19-A is enacted to read:

§19-A. Election to charge Class E crime as civil violation

1. For purposes of this section, "eligible Class E crime" means any Class E crime, except a Class E crime:

A. In Title 21-A; or

B. For which the defendant, if convicted, would be eligible for probation or subject to a mandatory driver's license suspension.

2. The attorney for the State may elect to charge a defendant alleged to have committed an eligible Class E crime with a civil violation instead of the eligible Class E crime unless the defendant was arrested and objects to the substitution of a civil violation charge. In deciding whether to make this election, the attorney for the State shall consider the severity of the defendant's conduct, the impact of the conduct on the victim, any prior convictions or adjudications entered against the defendant and any other factor relevant to whether a criminal or civil sanction will best accomplish the purposes of the general sentencing provisions in that particular case.

3. The determination by the attorney for the State under this section is not subject to judicial review. For a person who is charged with and adjudicated as having committed a civil violation under this section, a penalty of not more than \$1,000 may be adjudged. The

1 court shall inform the Secretary of State of any Class E crime under Title 29-A, including
2 the relevant statutory section, that was reduced to a civil violation when a person is
3 adjudicated of a civil violation under this section.

4 4. If the attorney for the State elects to charge a defendant with a civil violation instead
5 of a Class E crime under Title 29-A and the defendant is adjudicated as having committed
6 the civil violation, the court shall include in the abstract transmitted pursuant to Title 29-A,
7 section 2607 information on the Class E crime, including the statutory citation, that the
8 attorney for the State elected not to charge.

9 **Sec. 2. Appropriations and allocations.** The following appropriations and
10 allocations are made.

11 **JUDICIAL DEPARTMENT**

12 **Courts - Supreme, Superior and District 0063**

13 Initiative: Provides one-time funding associated with programming costs.

14 GENERAL FUND	2025-26	2026-27
15 All Other	\$3,900	\$0
16		
17 GENERAL FUND TOTAL	<u>\$3,900</u>	<u>\$0</u>

18 **Sec. 3. Effective date.** This Act takes effect January 1, 2026.'

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

21 **SUMMARY**

22 This amendment strikes the provision of the bill prohibiting a person from being
23 arrested or detained for a civil violation. The amendment also adds exceptions to Class E
24 crimes that the attorney for the State may charge as a civil violation. Finally, this
25 amendment requires the court to inform the Secretary of State of any Class E crime
26 involving motor vehicles that the attorney for the State elected to charge as a civil violation
27 if the defendant is adjudicated as having committed the civil violation.

28 The amendment adds an appropriations and allocations section and an effective date of
29 January 1, 2026.

30 **FISCAL NOTE REQUIRED**

31 **(See attached)**