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Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1028, L.D. 1399, Bill, “An Act To Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes”

Amend the bill in section 5 in paragraph I in the 3rd line (page 4, line 1 in L.D.) by inserting after the following: "is a" the following: 'current'

Amend the bill by striking out all of section 6.

Amend the bill by striking out all of section 10 and inserting the following:

'Sec. 10. 17-A MRSA §255-A, sub-§1, ¶F-2 is enacted to read:

F-2. The other person, not the actor's spouse, is in fact either 14 or 15 years of age and the actor is at least 10 years older than the other person. Violation of this paragraph is a Class D crime.'

Amend the bill in section 11 in paragraph U in the 3rd line (page 4, line 30 in L.D.) by inserting after the following: "is a" the following: 'current'

Amend the bill in section 12 in paragraph V in the 3rd line (page 5, line 3 in L.D.) by inserting after the following: "is a" the following: 'current'

Amend the bill in section 13 in paragraph K in the 3rd line (page 5, line 13 in L.D.) by inserting after the following: "is a" the following: 'current'

Amend the bill by striking out all of section 14 and inserting the following:

'Sec. 14. 17-A MRSA §284, sub-§5, as amended by PL 2011, c. 50, §3, is further amended to read:

5. For purposes of this section, any element of age of the person depicted means the age of the person at the time the sexually explicit conduct occurred, not the age of the person depicted at the time of ~~dissemination~~ the transporting, exhibiting, purchasing, possession or accessing of the sexually explicit visual image or material.'

Amend the bill by striking out all of section 19 and inserting the following:

COMMITTEE AMENDMENT

1 **Sec. 19. 17-A MRSA §1055**, as amended by PL 2011, c. 31, §1, is further
2 amended to read:

3 **§1055. Possession or distribution of dangerous knives**

4 1. A person is guilty of ~~trafficking in~~ possession or distribution of dangerous
5 knives, if ~~providing he, when the person~~ has no right to do so, ~~he~~ the person knowingly
6 manufactures or causes to be manufactured, or knowingly possesses, displays, offers,
7 sells, lends, gives away or purchases any knife ~~which that~~ has a blade ~~which that~~ opens
8 automatically by hand pressure applied to a button, spring or other device in the handle of
9 the knife, or any knife having a blade ~~which that~~ opens or falls or is ejected into position
10 by the force of gravity, or by an outward, downward or centrifugal thrust or movement.

11 2. ~~Trafficking in~~ Possession or distribution of dangerous knives is a Class D crime.

12 3. Notwithstanding subsection 1, a person who has only one arm may possess and
13 transport a knife described under subsection 1 that has a blade 3 inches or less in length.'

14 Amend the bill by inserting after section 24 the following:

15 **Sec. 25. 17-A MRSA §1326-B, sub-§2**, as enacted by PL 1999, c. 469, §1, is
16 amended to read:

17 2. The income withholding order is effective as long as the order for restitution
18 upon which it is based is effective, including after a defendant is no longer in the custody
19 or under the supervision of the Department of Corrections and has not paid the restitution
20 in full as described in section 1326-F, or until further order of the court.

21 **Sec. 26. 17-A MRSA §1326-F**, as enacted by PL 2009, c. 608, §14, is amended to
22 read:

23 **§1326-F. Former Department of Corrections' clients owing restitution**

24 An offender is responsible for paying any restitution outstanding at the time the term
25 of commitment to the Department of Corrections or period of probation is completed. An
26 offender who has complied with the time and method of payment of monetary
27 compensation determined by the Department of Corrections during the period of
28 probation shall continue to make payments to the Department of Corrections in
29 accordance with that payment schedule unless modified by the court pursuant to section
30 1328-A or 1329. An offender who has not complied with the time and method of
31 payment of monetary compensation determined by the Department of Corrections during
32 the period of probation must be returned to the court for further disposition pursuant to
33 section 1329. An offender who is unconditionally released and discharged from
34 institutional confinement with the Department of Corrections upon the expiration of the
35 sentence must, upon application of the office of the attorney for the State, be returned to
36 the court for specification by the court of the time and method of payment of monetary
37 compensation, which may be ordered paid to the office of the attorney for the State who
38 prosecuted the case or to the clerk of the court. Prior to the offender's release and
39 discharge, the Department of Corrections shall provide the office of the attorney for the
40 State who prosecuted the case written notice as to the amount of restitution outstanding.
41 An income withholding order issued pursuant to section 1326-B remains effective and

1 enforceable until the restitution is paid in full, even after an offender is no longer in the
2 custody or under the supervision of the Department of Corrections.'

3 Amend the bill by adding after section 27 the following:

4 **'Sec. 28. Appropriations and allocations.** The following appropriations and
5 allocations are made.

6 **INDIGENT LEGAL SERVICES, MAINE COMMISSION ON**

7 **Maine Commission on Indigent Legal Services Z112**

8 Initiative: Provides funds for an anticipated increase in indigent legal service costs.

9	GENERAL FUND	2011-12	2012-13
10	All Other	\$5,710	\$7,614
11			
12	GENERAL FUND TOTAL	<u>\$5,710</u>	<u>\$7,614</u>
13			

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

16 **SUMMARY**

17 This amendment clarifies that for purposes of relationships between patients and
18 providers, the relationship must be current, therefore not criminalizing conduct after the
19 patient-provider relationship has concluded.

20 The amendment also properly places the violation dealing with sexual contact, the
21 Maine Revised Statutes, Title 17-A, section 254, subsection 1, paragraph A-3 proposed in
22 the bill in Title 17-A, section 255-A, which deals with unlawful sexual contact offenses,
23 not sexual acts.

24 The amendment adds language to Title 17-A, section 284 to be consistent with
25 recently enacted Public Law 2011, chapter 50.

26 The amendment adds language to specify that income withholding orders remain
27 effective and enforceable until restitution is paid in full, even after an offender is no
28 longer in the custody or under the supervision of the Department of Corrections.

29 The amendment adds an appropriations and allocations section.

30 **FISCAL NOTE REQUIRED**

31 **(See attached)**