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Date: (Filing No. S-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
126TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 649, L.D. 1656, Bill, “An Act To Increase Safety for Victims of Domestic Violence”

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

'An Act To Increase Safety for Victims of Domestic Violence and Victims of Sexual Assault'

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, a victim of domestic violence or sexual assault is further traumatized when the alleged offender engages in unwanted contact with the victim; and

Whereas, current law does not prohibit a person accused of domestic violence or sexual assault from contacting the victim prior to the setting of bail; and

Whereas, the protection of a victim of domestic violence or sexual assault from unwanted contact by the alleged offender is paramount to a successful prosecution of the criminal conduct and the ability of the victim to repair the victim's life; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 15 MRSA §1094-B is enacted to read:

COMMITTEE AMENDMENT

1 **§1094-B. Improper contact with a family or household member prior to the setting**
2 **of preconviction bail**

3 **1. Improper contact.** A person is guilty of improper contact with a family or
4 **household member prior to the setting of preconviction bail if:**

5 **A. The person is being detained as a result of the person's arrest for an offense**
6 **specified in section 1023, subsection 4, paragraph B-1;**

7 **B. Preconviction bail has not been set by a justice or judge;**

8 **C. The person is notified, in writing or otherwise, by the county jail staff not to make**
9 **direct or indirect contact with the specifically identified alleged victim of the offense**
10 **for which the person is being detained;**

11 **D. The alleged victim is a family or household member of the person; and**

12 **E. After the notification specified in paragraph C, the person intentionally or**
13 **knowingly makes direct or indirect contact with the specifically identified alleged**
14 **victim.**

15 **As used in this subsection, "family or household member" has the same meaning as in**
16 **Title 19-A, section 4002, subsection 4.**

17 **2. Penalty.** Violation of this section is a Class D crime.'

18 Amend the bill in section 6 in subsection 1-A in the 4th line (page 2, line 18 in L.D.)
19 by inserting after the following: "domestic violence" the following: 'or a victim of sexual
20 assault'

21 Amend the bill by adding after section 6 the following:

22 '**Sec. 7. 19-A MRSA §4002, sub-§4,** as amended by PL 2011, c. 640, Pt. C, §1, is
23 further amended to read:

24 **4. Family or household members.** "Family or household members" means spouses
25 or domestic partners or former spouses or former domestic partners, individuals presently
26 or formerly living together as spouses, natural parents of the same child, adult household
27 members related by consanguinity or affinity or minor children of a household member
28 when the defendant is an adult household member and, for the purposes of Title 15,
29 section 1023, subsection 4, paragraph B-1 and Title 15, section 1094-B, this chapter and
30 Title 17-A, sections 15, 207-A, 209-A, 210-B, 210-C, 211-A, 1201, 1202 and 1253 only,
31 includes individuals presently or formerly living together and individuals who are or were
32 sexual partners. Holding oneself out to be a spouse is not necessary to constitute "living
33 as spouses." For purposes of this subsection, "domestic partners" means 2 unmarried
34 adults who are domiciled together under long-term arrangements that evidence a
35 commitment to remain responsible indefinitely for each other's welfare.

36 **Sec. 8. Uniform policy.** No later than June 1, 2014, the State Board of
37 Corrections shall establish a minimum, uniform policy for notifying defendants detained
38 at a county jail or other correctional facility after being arrested for an offense under the
39 Maine Revised Statutes, Title 15, section 1023, subsection 4, paragraph B-1 and prior to
40 the setting of preconviction bail by a justice or judge that it is a crime to make direct or
41 indirect contact with a victim who is a member of the defendant's family or household.

