

STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

June 2012

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Joint Standing Committee on Criminal Justice and Public Safety

LD 648 An Act To Prohibit Organized Retail Theft

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	ONTP MAJ OTP MIN	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill creates a new crime, "organized retail theft." Organized retail theft includes all the elements of the current crime of theft as described in the Maine Revised Statutes, Title 17-A §354 but also adds the element of using an "organized retail scheme." For purposes of this new crime, an organized retail scheme is used when the property over which the person obtains or exercises unauthorized control is merchandise offered for sale by a retail store and the person acts in concert with a store employee or other person; leaves the store with the property through an emergency exit; removes or disables an antishoplifting or inventory control device; alters a product code; alters a sales receipt; or intends to sell the property.

LD 1088 An Act Regarding the Writing of Bad Checks

PUBLIC 504

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN T	OTP-AM	S-408

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill amends the provision regarding negotiating a worthless instrument by creating a rebuttable presumption of prima facie evidence that a drawer of a dishonored check knew it would be dishonored if the drawer did not pay the amount of the dishonored check and associated fees in full within 24 hours of receiving notice.

Committee Amendment "A" (S-408)

This amendment increases the time a drawer of a dishonored check has to pay the amount of the dishonored check to the holder before a rebuttable presumption of prima facie evidence is created that the drawer knew it would be dishonored from 24 hours after receiving notice to 5 days after receiving notice. It also provides the form of the notice that must be sent to the drawer of the dishonored check.

Enacted Law Summary

Public Law 2011, chapter 504 increases the time a drawer of a dishonored check has to pay the amount of the dishonored check to the holder before a rebuttable presumption of prima facie evidence is created that the drawer knew the check would be dishonored from 24 hours after receiving notice to 5 days after receiving notice. It also provides the form of the notice that must be sent to the drawer of the dishonored check.

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to be to protect the public from potentially dangerous registrants and offenders by enhancing access to information concerning registrants and offenders.

Offenders are classified by offense as Tier I, Tier II or Tier III offenders and must register for 10 years, for 25 years or for life, respectively. However, the bill also creates a new risk assessment process, which involves the Department of Corrections' coordinating the adoption or development of a risk assessment instrument and the qualifying of evaluators to apply the instrument. At certain times of verification of registration information, a registrant may request a risk assessment for purposes of reclassification or removal from the registry.

The bill adopts the same penalties for failure to comply with requirements of registration and adopts the same notification process as exists in the Maine Revised Statutes, Title 34-A, chapter 15, the Sex Offender Registration and Notification Act of 1999.

Committee Amendment "A" (H-873)

This amendment replaces the bill and does the following.

1. It changes the effective date of the application of new registration and notification changes from October 15, 2011 to January 1, 2013 and is applicable only to a person who commits certain criminal sexual conduct and is sentenced on or after January 1, 2013.
2. It removes provisions dealing with risk assessment and establishes an ongoing Sex Offender Risk Assessment Advisory Commission to conduct an ongoing study of methods to predict the risk of recidivism by sex offenders.
3. It removes the offense classification method in the bill, which listed each offense specifically under each tier level. This amendment replaces that method with one based on the classification of the crime. In general, Class E and Class D crimes are Tier I offenses, Class C crimes are Tier II offenses and Class B and Class A crimes are Tier III offenses.
4. It removes the section of the bill regarding exceptions to the duty to register.
5. It changes the time a registrant has to notify the Department of Public Safety of a change of residence, place of employment or college or school being attended from 5 days to 3 days.
6. It adds telephone numbers, Internet identifiers, driver's license, passport, immigration documents and vehicle information to the list of information the Department of Public Safety must collect from sex offender registrants for the department's registry database.
7. It requires the Department of Public Safety, State Bureau of Identification to establish an e-mail notification system to alert a member of the public who has subscribed to the e-mail notification system when a registrant moves into the subscriber's geographic area.
8. It provides that a registrant who commits a subsequent sex offense must register for life.
9. It requires a registrant traveling abroad to provide the Department of Public Safety with certain information about that registrant's travel.
10. It changes the frequency of a registrant's duty to verify that registrant's information to every 90 days for a Tier III registrant, every 180 days for a Tier II registrant and annually for a Tier I registrant.
11. It directs the Sex Offender Risk Assessment Advisory Commission to study the structure and duties of Colorado's Sex Offender Management Board and report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 5, 2013.

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It authorizes that committee to introduce a bill implementing the commission's recommendations to the First Regular Session of 126th Legislature.

12. It adds new sex offenses enacted in the First Regular Session of the 125th Legislature to the Tier I, Tier II and Tier III offenses.

13. It makes a number of technical changes.

Enacted Law Summary

Public Law, 2011, chapter 663 creates the Sex Offender Registration and Notification Act of 2013 (SORNA 2013), which is applicable only to a person who commits certain criminal sexual conduct and is sentenced for that conduct on or after January 1, 2013.

Public Law 2011, chapter 663 does the following.

1. It creates a three tier classification system for the placement of offenders on the new sex offender registry based on the classification of the crime. In general, Class E and Class D crimes are Tier I offenses, Class C crimes are Tier II offenses and Class B and Class A crimes are Tier III offenses. The registration requirement for each tier is 10 years, 25 years and life, respectively. A registrant who commits a subsequent offense must register for life.
2. It imposes a duty on an offender to register when that offender is notified to do so by the court of jurisdiction, the Department of Public Safety or a law enforcement agency. The Department of Public Safety, the county jail or the state mental health institute that has custody of the offender must inform the offender, prior to release, of the duty to register.
3. It directs the Department of Public Safety, State Bureau of Identification (bureau) to establish and maintain a registry database of registrants under SORNA 2013 that includes, but is not limited to: the physical characteristics of the registrant; a description of the offense; the registrant's offense history, mailing address, places of employment, places of schools being attended, photograph, fingerprints, telephone numbers, Internet identifiers, driver's license, professional licenses, passport, immigration documents, social security number, temporary lodging and dates of travel both domestic and abroad, and vehicle information. It allows the bureau to provide information in the registry database to a national or regional registry and to the Department of Public Safety and applicable law enforcement and criminal justice agencies.
4. It directs the bureau to post on the Internet for public consumption photographs of the registrant, in addition to a registrant's name, date of birth, town or city where that registrant resides, place of employment and schools the registrant attends. It also directs the bureau to post statutory cites for registrant's offense, the applicable tier level in the classification system, the frequency with which the registrant must verify that registrant's information in the registry and the registrant's address and its location on a map.
5. It requires the bureau to establish an e-mail notification system to alert a member of the public who has subscribed to the e-mail notification system when a registrant moves into the subscriber's geographic area.
6. It requires a registrant to verify the accuracy of the registrant's information every 90 days for a Tier III registrant, every 180 days for a Tier II registrant and annually for a Tier I registrant. The bureau may suspend the verification requirements if the registrant leaves the state, establishes a residence in another state and remains physically absent from this State or is incarcerated.
7. It provides that a registrant must notify the bureau of a change of residence, place of employment, or college or school the registrant attends within 3 days.
8. It authorizes the bureau to charge a \$25 annual fee to a person required to register.

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- 9. It makes it a crime for a person to fail to comply with the provisions of SORNA 2013.
- 10. It requires the Department of Public Safety to provide law enforcement agencies with technical assistance regarding community education about the conditional release or discharge of a registrant.
- 11. It creates the Sex Offender Risk Assessment Commission to study the methods that may be used to predict the risk of recidivism by a sex offender and develop a method that may be used for such purposes.
- 12. It directs the Sex Offender Risk Assessment Advisory Commission to study the structure and duties of Colorado's Sex Offender Management Board and report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 5, 2013. It authorizes the committee to introduce a bill implementing the commission's recommendations to the First Regular Session of 126th Legislature.

LD 1597 An Act To Make Certain Juvenile Case Records Confidential

PUBLIC 580

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-779

This bill specifies that, when the Secretary of State receives notice from a juvenile community corrections officer that a juvenile has violated the law prohibiting illegal transportation of drugs by a minor or the law prohibiting illegal transportation of liquor by a minor, the Secretary of State's suspension of that juvenile's license or permit to operate a motor vehicle, right to operate a motor vehicle and right to apply for and obtain a license may not be made public or become part of a juvenile's driving record or motor vehicle record.

The bill also specifies that, when a juvenile has been adjudicated as having committed a juvenile crime involving the operation of a motor vehicle, and the court transmits records containing the details of the adjudication to the Secretary of State, the Secretary of State may use those records only for purposes of hearings held by the Secretary of State and the records may not otherwise be made public or become part of a juvenile's driving record or motor vehicle record.

Committee Amendment "A" (H-779)

This amendment replaces the title and removes the provisions of the bill that prohibit the Secretary of State from releasing information to the public about a juvenile's violation of a law prohibiting the transport of illegal drugs or liquor when suspending that juvenile's motor vehicle license or permit. Instead, the amendment provides that such information may be released only to a law enforcement officer and the courts after the suspension has been terminated and only for the purpose of prosecuting a violation of the prohibition against operating a motor vehicle while the license or permit is suspended or revoked.

This amendment also removes provisions of the bill limiting the use of a juvenile's records to hearings conducted by the Secretary of State.

Enacted Law Summary

Public Law 2011, chapter 580 provides that when the Secretary of State receives notice from a juvenile community corrections officer that a juvenile has violated the law prohibiting illegal transportation of drugs by a minor or the law prohibiting illegal transportation of liquor by a minor, that information may be released only to a law enforcement officer and the courts after the suspension of that juvenile's license or permit to operate a motor vehicle

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has been terminated and only for the purpose of prosecuting a violation of the prohibition against operating a motor vehicle while the license or permit is suspended or revoked.

**LD 1598 An Act To Clarify the Court's Authority To Grant Credit Given for Jail
Time toward Payment of Fines**

PUBLIC 568

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-760

Current law allows a judge to incarcerate a person who fails to pay a fine and provides a credit in an amount specified by the judge towards the payment of the unpaid fine; the length of confinement may not exceed one day for every \$100 of unpaid fines. If a person who owes a fine for a Class D or E crime is detained, however, that person must be given credit at a rate specified by the court, up to a maximum of \$100 per day the person is detained. This bill removes that difference by specifying that a person incarcerated for failing to pay a fine must be given credit towards the payment of that fine in an amount up to \$100 per day for each day the person is incarcerated, the same as for a person incarcerated for failing to pay a fine imposed for a Class D or E crime.

Committee Amendment "A" (H-760)

This amendment replaces the bill and sets a minimum amount of credit a court may grant toward payment of a fine at \$25 for each day of confinement.

Enacted Law Summary

Public Law 2011, chapter 568 provides that a person incarcerated for failing to pay a fine must be given credit towards the payment of that fine of no less than \$25 per day for each day the person is incarcerated. The statutory provision that sets the maximum credit of \$100 per day is still in effect.

LD 1599 An Act To Amend Deferred Disposition under the Maine Juvenile Code

PUBLIC 480

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This bill was submitted by the Criminal Law Advisory Commission pursuant to Title 17-A, chapter 55. It amends the juvenile deferred disposition provisions to make it clear that the deferment requirements may include conditional release supervised by a juvenile community corrections officer. The bill changes the term "civil offense" to "civil violation" in the Maine Revised Statutes, Title 15, section 3311-A and section 3311-B, subsection 1 and corrects clerical errors in section 3311-B, subsection 1.

Enacted Law Summary

Public Law 2011, chapter 480 amends the juvenile deferred disposition provisions to make it clear that the deferment requirements may include conditional release supervised by a juvenile community corrections officer. It changes the term "civil offense" to "civil violation" in the Maine Revised Statutes, Title 15, section 3311-A and section 3311-B, subsection 1 and corrects clerical errors in section 3311-B, subsection 1.

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LD 1603 An Act To Amend the Law Relating to Concealed Firearms Locked in Vehicles

PUBLIC 537

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAFTS MASON	OTP-AM MAJ OTP-AM MIN	H-739

This bill provides that the State may not prohibit a state employee who has a valid permit to carry a concealed firearm from keeping a firearm in the employee's vehicle on state property as long as the vehicle is locked and the firearm is not visible.

Committee Amendment "A" (H-739)

This amendment is the majority report and removes the emergency preamble and clause and defines "state employee" to mean an employee of the State within the executive branch, the legislative branch or the judicial branch performing services within the scope of that employee's employment.

Committee Amendment "B" (H-740)

This amendment is the minority report and removes the emergency preamble and clause and repeals the law that prohibits an employer from preventing an employee with a valid permit to carry a concealed firearm from keeping a firearm in the employee's locked vehicle. This amendment was not adopted.

Enacted Law Summary

Public Law 2011, chapter 537 provides that the State may not prohibit a state employee who has a valid permit to carry a concealed firearm from keeping a firearm in the employee's vehicle on state property as long as the vehicle is locked and the firearm is not visible. It defines "state employee" to mean an employee of the State within the executive branch, the legislative branch or the judicial branch performing services within the scope of that employee's employment.

LD 1633 An Act To Increase to a Class C Crime the Failure To Report a Missing Child within 24 Hours

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
OLSEN	ONTP	

This bill makes failing to report a missing child within 24 hours of becoming aware that the child is missing a Class C crime.

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LD 1634 An Act To Establish Certain Crimes Relating to Missing or Deceased Children

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLODGETT ALFOND	ONTP MAJ OTP-AM MIN	

This bill makes it a Class C crime to fail to report a missing child under 13 years of age or to fail to cooperate in the investigation of the death of a child.

Committee Amendment "A" (H-762)

This amendment is the minority report and restricts those responsible for reporting a missing child to the parent, foster parent, guardian or other person having the care and custody of the child. It provides that a responsible person is guilty of failing to report a missing child if that person knowingly failed to notify a law enforcement agency within 48 hours of becoming aware that the child is missing. This amendment changes the class of the crime from a Class C crime to a Class D crime and removes provisions of the bill regarding the failure to cooperate in the investigation of the death of a child. This amendment was not adopted.

LD 1635 An Act Regarding Inmates on Public Works Projects

**PUBLIC 506
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARKE GOODALL	OTP-AM	H-731

This bill removes the restriction that inmates of a county jail may work only on projects in the county where the jail is located.

Committee Amendment "A" (H-731)

This amendment allows a sheriff that shares a regional jail with other counties, in addition to the sheriffs of the county jails mentioned in the bill, to permit certain inmates to participate in public works-related projects or in the improvement of property owned by charitable organizations in the county in which the jail is located or in another county.

Enacted Law Summary

Public Law 2011, chapter 506 allows sheriffs of county jails, in addition to a sheriff that shares a regional jail with other counties, to permit certain inmates to participate in public works-related projects or in the improvement of property owned by charitable organizations in the county in which the jail is located or in another county.

Public Law 2011, chapter 506 was enacted as an emergency measure effective March 16, 2012.

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LD 1673 An Act To Prohibit the Sexual Solicitation of a Child by any Means

**PUBLIC 597
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	S-504

Current law prohibits a person from using a computer to solicit a child to engage in a prohibited sexual act. No such prohibition exists if the solicitation is not performed via computer. This bill prohibits the verbal solicitation of a child to perform a prohibited sexual act. If the child is less than 14 years of age, it is a Class D crime; if the child is less than 12 years of age, it is a Class C crime.

Committee Amendment "A" (S-504)

This amendment replaces the bill and repeals the current law that makes it a crime to solicit a child by use of a computer and instead provides that a person may not solicit a child by any means for the purpose of engaging in a prohibited sexual act.

Enacted Law Summary

Public Law 2011, chapter 597 repeals the law that makes it a crime to solicit a child by use of a computer and provides that a person may not solicit a child by any means for the purpose of engaging in a prohibited sexual act.

Public Law 2011, chapter 597 was enacted as an emergency measure effective April 6, 2012.

LD 1678 An Act To Amend the Laws Governing Stalking and Domestic Violence

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON SNOWE-MELLO	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the laws governing stalking and domestic violence by strengthening provisions relating to serial stalking and increasing penalties for defendants with multiple convictions for stalking and domestic violence offenses to better ensure the safety of victims of stalking and domestic violence.

**LD 1701 Resolve, To Establish a Pilot Program in Penobscot County for
Assessment and Treatment of Individuals Arrested for Unlawful
Possession of Drugs**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEVENS FARNHAM	ONTP	

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This resolve requires the establishment by the Judicial Department and the Department of Corrections of a one-year pilot program in Penobscot County for the identification, assessment, treatment and monitoring of individuals arrested for unlawful possession of drugs for the purpose of improving outcomes for individuals arrested for unlawful possession of drugs, reducing recidivism and reducing costs for the judicial and correctional systems.

Although this bill was voted ONTP, the committee sent a letter to interested parties to encourage them to develop a plan to help address the drug issue in Penobscot County and to update the committee on any progress by the end of January, 2013.

LD 1704 An Act To Amend the Maine Bail Code To Protect Victims of Domestic Violence ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE PLOWMAN	ONTP	

This bill amends the Maine Bail Code to prohibit bail commissioners from setting bail in domestic violence cases. It provides that only judges may set bail in domestic violence cases and requires the judge to review and consider the defendant's criminal history before setting bail. The bill also provides that electronic monitoring may be a condition of bail for the defendant charged with a crime involving domestic violence and that the defendant may be ordered to pay the cost of that monitoring.

LD 1707 An Act To Define, Prevent and Suppress Gang Activity in the State ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK MASON	ONTP	

This bill provides definitions of "criminal street gang" and "criminal street gang member" and creates the crime of criminal street gang solicitation. This bill requires the court to impose an enhanced sentence for certain crimes, such as murder, gross sexual assault, robbery, kidnapping, certain theft offenses and trafficking or furnishing of scheduled or synthetic hallucinogenic drugs, when those crimes are committed by a criminal street gang member.

LD 1711 An Act To Adopt the Use of Standardized Risk Assessment in the Management of Domestic Violence Crimes PUBLIC 680

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN COURTNEY	OTP-AM	H-890 S-600 ROSEN R

This bill requires the use of a validated, evidence-based domestic violence risk assessment by law enforcement officers in cases involving suspected or alleged domestic violence or abuse. The law enforcement officer is required to transmit the results of the assessment to the bail commissioner, if appropriate, and the district attorney for the

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county in which the suspected or alleged domestic violence or abuse took place. This bill also requires the administration of a validated, evidence-based domestic violence risk assessment to county and state correctional facility inmates to identify those who are at risk for committing domestic violence. The validated, evidence-based domestic violence risk assessment must be as recommended by the Maine Commission on Domestic and Sexual Abuse; the use is not mandatory until January 1, 2014.

Committee Amendment "A" (H-890)

This amendment replaces the title and does the following.

1. It changes from January 1, 2014, to January 1, 2015, the date for implementation by law enforcement officers of the validated, evidence-based domestic violence risk assessment in cases of domestic violence.
2. It requires the Department of Public Safety to approve a domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse before it can be used.
3. It removes the provision in the bill that requires the domestic violence risk assessment to be administered to county and state correctional facility inmates.
4. It requires a probation and parole or intensive supervision program officer to make a good faith effort to supplement any other assessment tool for domestic violence offenders with the domestic violence risk assessment and to implement protocols to override risk assessment scores based on the presence of higher risk factors.
5. It provides state, municipal and county officials and employees with immunity from civil liability for implementing or failing to implement the risk assessment.

Senate Amendment "A" (S-600)

This amendment adds a mandate preamble to the bill.

Enacted Law Summary

Public Law 2011, chapter 680 provides that in cases involving suspected or alleged domestic violence or abuse, law enforcement officers use a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse and approved by the Department of Public Safety.

It requires the law enforcement officer to transmit the results of the assessment to the bail commissioner, if appropriate, and the district attorney for the county in which the suspected or alleged domestic violence or abuse took place.

Public Law 2011, chapter 680 requires a probation and parole or intensive supervision program officer to make a good faith effort to supplement any other assessment tool for domestic violence offenders with the domestic violence risk assessment and to implement protocols to override risk assessment scores based on the presence of higher risk factors.

It also provides state, municipal and county officials and employees with immunity from civil liability for implementing or failing to implement the risk assessment.

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LD 1720 An Act To Increase the Membership of the Homeland Security Advisory Council

PUBLIC 529

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON	OTP	

This bill amends the membership of the Homeland Security Advisory Council. It increases the number of members from six to nine by adding the Commissioner of Inland Fisheries and Wildlife, the Commissioner of Marine Resources and the Commissioner of Conservation. The bill requires that commissioner designees be uniformed law enforcement personnel.

Enacted Law Summary

Public Law 2011, chapter 529 amends the membership of the Homeland Security Advisory Council. It increases the number of members from six to nine by adding the Commissioner of Inland Fisheries and Wildlife, the Commissioner of Marine Resources and the Commissioner of Conservation as members. Public Law 2011, chapter 529 requires that commissioner designees be uniformed law enforcement personnel.

LD 1727 An Act To Ensure That the Public Is Duly Informed When Certain Juvenile Crimes Are Committed

MINORITY (ONTP) REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	OTP-AM MAJ ONTP MIN	

This bill permits a law enforcement officer, officer of the court or juvenile community corrections officer to release the identity of any juvenile 16 years of age or older arrested for certain juvenile crimes. The identity of any juvenile under 16 years of age may not be released until a petition is filed charging the juvenile with certain juvenile crimes.

Committee Amendment "A" (H-802)

This amendment specifies that only a law enforcement officer, not a juvenile community corrections officer or the court as provided in the bill, may release the identity of a juvenile 16 years of age or older if the juvenile has been arrested for a juvenile crime that if committed by an adult would constitute murder, felony murder, aggravated assault, elevated aggravated assault, elevated aggravated assault on a pregnant person, stalking, aggravated reckless conduct, gross sexual assault, unlawful sexual touching, unlawful sexual contact, kidnapping, criminal restraint, robbery or arson.

This amendment was not enacted.

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LD 1728 An Act To Strengthen the Integrity of Nonresident Concealed Handgun Permits

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	ONTP MAJ OTP MIN	

This bill prohibits authorities that issue permits to carry concealed handguns from issuing such a permit to an applicant for a Maine nonresident permit who lives in a state that also issues concealed handgun permits and whose laws on such permits are substantially equivalent to or less restrictive than Maine law if the applicant applied for and was denied a concealed handgun permit by the applicant's state of residence.

LD 1731 An Act To Combat Human Sex Trafficking

PUBLIC 672

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM MAJ OTP-AM MIN	S-502 S-601 ROSEN R

This bill creates the Sex Offender Registration and Notification Act of 2012, which is applicable to persons sentenced on or after September 1, 2012. The Act maintains registration and notification provisions but adds to these processes a tiering system and the development and application of risk assessment.

Offenders are classified by offense as Tier I, Tier II or Tier III offenders and must register for 10 years, for 25 years or for life, respectively.

The bill adopts the same penalties for failure to comply with requirements of registration and adopts the same notification process as exists in the Sex Offender Registration and Notification Act of 1999.

Part B eliminates the computer crimes unit program in the Department of Public Safety, Bureau of State Police and instead establishes the Maine Computer Crimes Unit within the Department of Public Safety, Bureau of State Police. The new Maine Computer Crimes Unit is given all the investigative and enforcement powers of the Bureau of State Police and is required to report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters

Part C increases by one class of crime, for all those offenses that are not currently Class A crimes, the penalty for the crimes of sexual exploitation of a minor, dissemination of sexually explicit material and possession of sexually explicit material.

Part D requires the Department of Public Safety, Bureau of State Police, State Bureau of Identification to include on the sex offender registry website a description of the sexual assaults that are prohibited by the Maine Criminal Code and the punishment for those crimes.

Part E amends the crime of aggravated promotion of prostitution to provide other examples of behavior engaged in or actions taken, such as confiscating a person's passport or threatening to have a person deported, for the purpose of

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compelling that person to engage in or continue to engage in prostitution. The purpose of these additional examples is to ensure that the statute prohibits so-called sex trafficking. Aggravated promotion of prostitution is a Class B crime.

Committee Amendment "A" (S-502)

This amendment is the majority report and strikes and replaces the title and bill, except that it retains the changes proposed in the bill regarding the crime of aggravated promotion of prostitution. It provides a General Fund appropriation of \$346,676 in fiscal year 2012-13 for the computer crimes unit program within the Department of Public Safety, Bureau of State Police for one Forensic Analyst position and for contracted detective services and operating costs.

It also requires the Commissioner of Public Safety to report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2013 regarding the expenditures of funds provided by this Act. It authorizes that committee to report out legislation to the First Regular Session of the 126th Legislature regarding matters contained in the report.

Senate Amendment "A" To Committee Amendment "A" (S-601)

This amendment removes the General Fund appropriation because this funding was already provided in Public Law 2011, chapter 655.

Enacted Law Summary

Public Law 2011, chapter 672 amends the crime of aggravated promotion of prostitution to provide a number of other examples of behavior engaged in or actions taken, such as confiscating a person's passport or threatening to have a person deported, for the purpose of compelling that person to engage in or continue to engage in prostitution. Aggravated promotion of prostitution is a Class B crime.

LD 1737 An Act Regarding the Interception of Oral or Wire Communications of Residents of State Correctional Facilities and Jails PUBLIC 507

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	OTP	

This bill makes the following changes to the law regarding the interception of oral and wire communications of residents of state correctional facilities and county and regional jails.

1. The bill resolves a possible conflict regarding the authority of Department of Corrections' investigative officers and jail investigative officers by adding to the definitions of those terms language referring to the administration of criminal justice. It also removes the word "county" in referring to jail investigative officers in recognition of the recent establishment of a regional jail, which is not operated by any one county.
2. The bill defines "administration of juvenile criminal justice" to reconcile current law with changes made by Public Law 2009, chapter 93, which allowed the Department of Corrections to intercept phone calls of residents of its juvenile correctional facilities.
3. The bill strikes the term "necessary incident" and replaces it with "related" to avoid an overly strict interpretation of the circumstances under which phone calls may be intercepted, disclosed or used or the contents thereof admitted into court.
4. The bill also provides that the contents of oral and wire communications intercepted by these investigative

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officers are admissible in court only if related to the administration of criminal justice or the administration of juvenile criminal justice or the statutory functions of a state agency.

Enacted Law Summary

Public Law 2011, chapter 507 makes a number of changes to the law regarding the interception of oral and wire communications of residents of state correctional facilities and county and regional jails. Public Law 2011, chapter 507 does the following.

1. It resolves a possible conflict regarding the authority of Department of Corrections investigative officers and jail investigative officers by adding to the definitions of those terms language referring to the administration of criminal justice. It also removes the word "county" in referring to jail investigative officers in recognition of the recent establishment of a regional jail, which is not operated by any one county.
2. It defines "administration of juvenile criminal justice" to reconcile current law with changes made by Public Law 2009, chapter 93, which allowed the Department of Corrections to intercept phone calls of residents of its juvenile correctional facilities.
3. It strikes the term "necessary incident" and replaces it with "related" to avoid an overly strict interpretation of the circumstances under which phone calls may be intercepted, disclosed or used or the contents thereof admitted into court.
4. It provides that the contents of oral and wire communications intercepted by these investigative officers are admissible in court only if related to the administration of criminal justice or the administration of juvenile criminal justice or the statutory functions of a state agency.

LD 1744 An Act To Require Carbon Monoxide Detectors in Additional Residential Occupancies

PUBLIC 553

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-761

This bill requires that the owner of a hotel, motel, inn or bed and breakfast licensed after the effective date of this legislation or a fraternity or sorority house or dormitory established after the effective date of this legislation install carbon monoxide detectors.

Committee Amendment "A" (H-761)

This amendment strikes and replaces the title and bill. It requires the owner of a hotel, motel, inn or bed and breakfast that receives its initial licensure on or after August 1, 2012, to install carbon monoxide detectors if it is new construction or a conversion from an existing building. The amendment requires a carbon monoxide detector be installed in any new construction of, addition to, or restoration of a fraternity or sorority house or dormitory affiliated with a private school, public school or private or public postsecondary institution incorporated or chartered under the laws of this State. It also requires a carbon monoxide detector in any conversion of an existing building to a fraternity or sorority house or dormitory.

Enacted Law Summary

Public Law 2011, chapter 553 requires the owner of a hotel, motel, inn or bed and breakfast that receives its initial licensure on or after August 1, 2012, to install carbon monoxide detectors if it is new construction or a conversion from an existing building. It requires a carbon monoxide detector be installed in any new construction of, addition to, or restoration of a fraternity or sorority house or dormitory affiliated with a private school, public school or

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private or public postsecondary institution incorporated or chartered under the laws of this State. It also requires a carbon monoxide detector in any conversion of an existing building to a fraternity or sorority house or dormitory.

LD 1745 An Act Regarding the Fee for Amusement Ride Inspections and the Development of Options To Move the Responsibility of the Inspections from the Office of the State Fire Marshal VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM MAJ OTP-AM MIN	H-874

This bill allows qualified private sector organizations or individuals to inspect amusement rides to ensure they are safe for the public. Under this bill, the Office of the State Fire Marshal has oversight over the certification of qualified amusement ride inspectors. The bill also repeals laws governing licensure of circuses in the Maine Revised Statutes, Title 8.

Committee Amendment "A" (H-874)

This amendment replaces the bill and is the majority report of the committee. The amendment changes the fee for a license for an amusement show, carnival, thrill show, ice show, rodeo or similar type of performance that has amusement devices from \$300 to \$50. It also changes the cost of an amusement device inspection to a \$75 per hour per inspector inspection fee for each device with a minimum \$75 charge. The amendment also directs the Department of Public Safety, Office of the State Fire Marshal to develop alternative options to move the oversight or responsibility of amusement ride inspections from that office to private inspectors, the Department of Professional and Financial Regulation and any other plausible inspection alternatives. The amendment requires the Office of the State Fire Marshal to include the cost to the State and the regulated industry of a change in the oversight and to report and make recommendations to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2013, along with draft legislation. It gives the committee authority to report out legislation to the First Regular Session of the 126th Legislature regarding an alternative to the amusement ride inspection program.

Committee Amendment "B" (H-875)

This amendment replaces the bill with a resolve and is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. It requires the Department of Public Safety, Office of the State Fire Marshal to develop a detailed plan to privatize the inspection of amusement rides in Maine and to report back to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2013, along with any draft legislation. It authorizes the committee to submit legislation to the First Regular Session of the 126th Legislature to privatize amusement ride inspections and to alter the fee structure used by the Office of the State Fire Marshal for amusement ride inspections. This amendment was not enacted.

LD 1754 An Act To Amend Certain Provisions of Law Governing the Department of Corrections PUBLIC 515

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON	OTP	

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This bill makes the following changes to the laws governing the Department of Corrections.

1. It eliminates a reference to the Division of Probation and Parole, which was eliminated as a separate division of the Department of Corrections by Public Law 1995, chapter 502, Part F.
2. It expands the current provision allowing the release by the Department of Corrections to the Department of Health and Human Services of certain information about juveniles to ensure eligibility and proper billing under federally funded programs and for audit purposes. This bill provides that these same categories of information regarding juveniles and adults are releasable to other state and federal agencies, including, but not limited to, the Department of Labor, the United States Social Security Administration and federal and state revenue services, for the same and similar purposes.
3. It allows the donation of prison industries program goods and services to governmental entities and to nonprofits.

Enacted Law Summary

Public Law 2011, chapter 515 makes the following changes to the laws governing the Department of Corrections.

1. It eliminates a reference to the Division of Probation and Parole, which was eliminated as a separate division of the Department of Corrections by Public Law 1995, chapter 502, Part F.
2. It expands the current provision allowing the release by the Department of Corrections to the Department of Health and Human Services of certain information about juveniles to ensure eligibility and proper billing under federally funded programs and for audit purposes. This bill provides that these same categories of information regarding juveniles and adults are releasable to other state and federal agencies, including, but not limited to, the Department of Labor, the United States Social Security Administration and federal and state revenue services, for the same and similar purposes.
3. It allows the donation of prison industries program goods and services to governmental entities and to nonprofits.

LD 1755 An Act Regarding the Interstate Compact for Adult Offender Supervision

PUBLIC 677

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON	OTP-AM	S-513

This bill permits the Department of Corrections to require the payment of a fee by adult probationers who apply for a transfer of supervision under the Interstate Compact for Adult Offender Supervision to another state. It includes appropriate safeguards to ensure that lack of ability to pay the fee does not result in an adverse action.

The bill also requires that application fees paid by persons applying to transfer to other states and supervision fees paid by persons transferring to Maine must be deposited into the department's nonlapsing adult community corrections account to offset associated costs.

The bill also requires that a person transferring to Maine for supervision in the community submit to the taking of a DNA sample if the offense for which the person is being supervised is one that includes the essential elements of a Maine crime requiring submission to the taking of a DNA sample.

Committee Amendment "A" (S-513)

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This amendment changes the fee imposed on a person applying for transfer of supervision to another state under the Interstate Compact for Adult Offender Supervision from between \$100 and \$250 to a flat fee of \$100. Instead of requiring a person accepted for supervision under the compact to submit to having a DNA sample taken if the offense has the essential elements of an offense in the Maine Revised Statutes, Title 25, section 1574, subsection 5, it limits the applicable offenses to those of a crime punishable by imprisonment for one year or more.

Enacted Law Summary

Public Law 2011, chapter 677 permits the Department of Corrections to require the payment of a fee of \$100 by adult probationers who apply for a transfer of supervision under the Interstate Compact for Adult Offender Supervision to another state. It includes appropriate safeguards to ensure that lack of ability to pay the fee does not result in an adverse action.

It also requires that application fees paid by persons applying to transfer to other states and supervision fees paid by persons transferring to Maine must be deposited into the department's nonlapsing adult community corrections account to offset associated costs.

Public Law 2011, chapter 677 also requires that a person transferring to Maine for supervision in the community submit to the taking of a DNA sample if the offense for which the person is being supervised is a crime punishable by imprisonment for one year or more.

LD 1756 An Act To Establish a Separate State Council for Juveniles under the Interstate Compact for Juveniles

PUBLIC 676

Sponsor(s)

MASON

Committee Report

OTP-AM

Amendments Adopted

S-446

This bill amends the combined interstate compacts for the supervision of juveniles and adult offenders, as adopted by the State, to establish a separate state council for juveniles as required by the Interstate Compact for Juveniles. These compacts apply to the supervision of juveniles and adult offenders who are on probation, as well as others, and who wish to move from the state in which they were sentenced to another state. Under current law, there is a single state council for adult offender and juvenile supervision. The State Council for Juvenile Supervision includes membership appointed to the Juvenile Justice Advisory Group in order to ensure coordination and communication of policies and protocols affecting juvenile justice practices.

Committee Amendment "A" (S-446)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2011, chapter 676 amends the combined interstate compacts for the supervision of juveniles and adult offenders, as adopted by the State, to establish a separate state council for juveniles as required by the Interstate Compact for Juveniles. These compacts apply to the supervision of juveniles and adult offenders who are on probation, as well as others, and who wish to move from the state in which they were sentenced to another state. Under current law, there is a single state council for adult offender and juvenile supervision. The State Council for Juvenile Supervision includes membership appointed to the Juvenile Justice Advisory Group in order to ensure coordination and communication of policies and protocols affecting juvenile justice practices.

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LD 1760 An Act To Ensure Notification to Victims of Domestic Violence, Sexual Assault and Stalking When Defendants Are Released on Bail

PUBLIC 639

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAVANT	OTP-AM MAJ ONTP MIN	H-884

This bill ensures that a victim of domestic violence, sexual assault or stalking receives prompt notification directly from the jail when a person who is alleged to have committed the offense is released on bail from the jail. The same confidentiality provisions governing the protection of victim information under the Maine Revised Statutes, Title 17-A, chapter 48 apply to the new notification provision.

Committee Amendment "A" (H-884)

This amendment replaces the bill and provides that in a case of domestic violence, sexual assault or stalking the arresting law enforcement officer must obtain the victim's contact information and provide it to the jail where the defendant is delivered. It requires the jail to notify the victim when the defendant is released on preconviction bail or, if the victim cannot be reached, to notify the arresting law enforcement agency, which must make a reasonable effort to contact the victim. If the defendant is released on bail before being delivered to a jail, the arresting law enforcement agency must notify the victim.

This amendment also requires that notification of a defendant's release on preconviction bail be made directly to an adult victim and to a parent or legal guardian or other immediate family member in the case of a minor victim unless the jail or law enforcement agency reasonably believes that it is in the best interest of the minor victim to be notified directly.

Finally, it provides the State, the arresting law enforcement agency, the jail where the defendant was delivered and the Department of Corrections immunity from liability in a civil action for compliance or noncompliance with the new provisions.

Enacted Law Summary

Public Law 2011, chapter 639 provides that in a case of domestic violence, sexual assault or stalking the arresting law enforcement officer must obtain the victim's contact information and provide it to the jail where the defendant is delivered. It requires the jail to notify the victim when the defendant is released on preconviction bail or, if the victim cannot be reached, to notify the arresting law enforcement agency, which must make a reasonable effort to contact the victim. If the defendant is released on bail before being delivered to a jail, the arresting law enforcement agency must notify the victim.

Public Law 2011, chapter 639 requires that notification of a defendant's release on preconviction bail be made directly to an adult victim and to a parent or legal guardian or other immediate family member in the case of a minor victim unless the jail or law enforcement agency reasonably believes that it is in the best interest of the minor victim to be notified directly.

Public Law 2011, chapter 639 also provides the State, the arresting law enforcement agency, the jail where the defendant was delivered and the Department of Corrections immunity from liability in a civil action for compliance or noncompliance with the new provisions.

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LD 1825 An Act To Change the Statutes of Limitations on Prosecution for Crimes of Sexual Abuse and for Civil Actions for Sexual Abuse When the Actor Is a Person in a Position of Authority MAJORITY (ONTP) REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL SAVIELLO	ONTP MAJ OTP-AM MIN	

This bill provides that a civil action based upon a sexual act that is committed or engaged in by an actor who has certain authority over the other person may be commenced at any time. It also extends to 10 years the statute of limitations on prosecutions for crimes involving unlawful sexual touching, unlawful sexual contact, sexual abuse of a minor, rape or gross sexual assault if the actor has certain authority over the victim.

LD 1827 An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP	

This bill provides an exception to the crime of unlawful possession of a scheduled drug for a person charged with that crime if the evidence for the charge is gained as a result of the person's seeking medical assistance for a drug-related overdose. This bill is a recommendation from the Substance Abuse Services Commission's work group convened pursuant to Resolve 2011, chapter 81 and is submitted by the Joint Standing Committee on Health and Human Services pursuant to Joint Order H. P. 1328.

LD 1837 An Act To Authorize the Establishment of Pilot Projects for Community Paramedicine PUBLIC 562

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE M RECTOR	OTP-AM	H-801

This bill authorizes the Department of Public Safety, Emergency Medical Services' Board, in accordance with current rules of the board, to establish the requirements and application and approval process for community paramedicine pilot projects for the purpose of developing and evaluating the appropriateness of a community paramedicine program. The bill establishes minimum levels of medical oversight and requires reporting by the pilot project to the board. The board is required to report annually regarding the pilot projects to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

Committee Amendment "A" (H-801)

This amendment provides that the Department of Public Safety, Emergency Medical Services' Board may develop and evaluate a community paramedicine pilot program using the same process previously established by the board in rule for the use of pilot projects to evaluate incorporating an emergency medical treatment technique or a type of

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equipment into any licensure level. It specifies that the board may establish up to 12 pilot projects. It also adds the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters as a recipient of the annual report issued by the board.

Enacted Law Summary

Public Law 2011, chapter 562 authorizes the Department of Public Safety, Emergency Medical Services' Board to develop and evaluate a community paramedicine pilot program using the same process previously established by the board in rule for the use of pilot projects to evaluate incorporating an emergency medical treatment technique or a type of equipment into any licensure level. It requires the board to establish the requirements and application and approval process of the pilot projects. It specifies that the board may establish up to 12 pilot projects.

Public Law 2012, chapter 562 establishes minimum levels of medical oversight and requires reporting by the pilot project to the board. The board is required to report annually regarding the pilot projects to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee having jurisdiction over labor, commerce, research and economic development matters.

LD 1841 An Act To Ensure Funding for the Victims' Compensation Fund

PUBLIC 628

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE KATZ	OTP-AM MAJ ONTP MIN	H-834

This bill prohibits a court from waiving the assessment of \$25 on a person convicted of murder or a Class A, Class B or Class C crime and \$10 on a person convicted of a Class D or Class E crime. The assessment is currently used to fund the Victims' Compensation Fund.

Committee Amendment "A" (H-834)

This amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 628 prohibits a court from waiving the assessment of \$25 on a person convicted of murder or a Class A, Class B or Class C crime and \$10 on a person convicted of a Class D or Class E crime.

LD 1852 An Act To Provide a More Comprehensive Ban on the Possession of Synthetic Hallucinogenic Drugs

PUBLIC 578

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS	OTP-AM	H-833

This bill expands the category of illegal synthetic hallucinogenic drugs by permitting the Commissioner of Public Safety to identify by rule drugs similar in effect to those currently specified in statute in recognition of the fact that the development of synthetic hallucinogenic drugs is expanding rapidly and flexibility is needed to identify dangerous drugs in an expeditious manner.

Committee Amendment "A" (H-833)

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This amendment identifies five additional illegal synthetic hallucinogenic drugs and provides that any derivative of cathinone that is not a scheduled drug or a drug approved by the United States Food and Drug Administration is an illegal synthetic hallucinogenic drug. It also removes the provisions in the bill that would allow the Commissioner of Public Safety to identify illegal synthetic hallucinogenic drugs by rule.

Enacted Law Summary

Public Law 2011, chapter 578 identifies five additional illegal synthetic hallucinogenic drugs and provides that any derivative of cathinone that is not a scheduled drug or a drug approved by the United States Food and Drug Administration is an illegal synthetic hallucinogenic drug.

**LD 1856 An Act To Implement Certain Recommendations of the Criminal Law
Advisory Commission**

PUBLIC 604

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-872

This bill is proposed by the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, chapter 55 and makes the following changes.

1. It creates a new Class D crime of improper contact after bail has been revoked and denied. A person commits this crime if the person, while being detained because the person's preconviction or post-conviction bail has been revoked and denied, intentionally or knowingly makes contact with a person when that contact was prohibited under a former condition of release.
2. It authorizes a court to allow a natural person who has an outstanding mandatory or nonmandatory fine imposed for a Class D or Class E crime to satisfy the fine by performing a specific number of hours of community service work if the person has not in fact inexcusably defaulted in payment of any portion and, having provided notice of the motion seeking satisfaction of the person's outstanding fine amount by performing community service to the attorney for the State, at a hearing the person demonstrates by a preponderance of the evidence both a present and future inability to pay the outstanding fine amount and the capacity and willingness to perform community service work to satisfy the fine owed. The court may not order a hearing unless the court determines the person has qualified to be considered. If the court grants the motion, the number of hours it may specify must reflect a credit against the unpaid fine of no less than \$25 for every 8 hours of community service work.
3. It provides that all references to "county jail" or "jail" in the Maine Revised Statutes include the Lincoln and Sagadahoc Multicounty Jail.
4. It corrects an omission with respect to a sexual crime. Public Law 2011, chapter 464, sections 8 and 9 repealed the Maine Revised Statutes, Title 17-A, section 254, subsection 1, paragraph F and moved the substance of the crime to Title 17-A, section 255-A, subsection 1, paragraph F-2. The elements of the crime did not change; it was simply moved from the crime of sexual abuse of a minor to unlawful sexual contact because the core conduct that is criminalized is sexual contact, not the sexual acts prohibited by sexual abuse of a minor. The crime of sexual abuse of a minor is included in the definition of "sex offense" in Title 34-A, section 11203, subsection 6 of the Sex Offender Registration and Notification Act of 1999, and conviction requires registration for 10 years. As the result of an oversight, the definition of "sex offense" was not amended to reflect the change in designation of the crime in the Maine Criminal Code. The correction is retroactive to the effective date of Public Law 2011, chapter 464, September 28, 2011, to allow for conviction of the crime of unlawful sexual contact in violation of Title 17-A, section 255-A, subsection 1, paragraph F-2 to continue to require registration for 10 years.

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Committee Amendment "A" (H-872)

This amendment removes the provision of the bill that allows a person convicted of a Class D or Class E crime and sentenced to pay a fine to perform community service work in lieu of paying the fine if that person is unable to pay.

Enacted Law Summary

Public Law 2011, chapter 604 does the following.

1. It creates a new Class D crime of improper contact after bail has been revoked and denied. A person commits this crime if the person, while being detained because the person's preconviction or post-conviction bail has been revoked and denied, intentionally or knowingly makes contact with a person when that contact was prohibited under a former condition of release.
2. It provides that all references to "county jail" or "jail" in the Maine Revised Statutes include the Lincoln and Sagadahoc Multicounty Jail.
3. It corrects an omission with respect to a sexual crime. Public Law 2011, chapter 464, sections 8 and 9 repealed the Maine Revised Statutes, Title 17-A, section 254, subsection 1, paragraph F and moved the substance of the crime to Title 17-A, section 255-A, subsection 1, paragraph F-2. The elements of the crime did not change; it was simply moved from the crime of sexual abuse of a minor to unlawful sexual contact because the core conduct that is criminalized is sexual contact, not the sexual acts prohibited by sexual abuse of a minor. The crime of sexual abuse of a minor is included in the definition of "sex offense" in Title 34-A, section 11203, subsection 6 of the Sex Offender Registration and Notification Act of 1999, and conviction requires registration for 10 years. As the result of an oversight, the definition of "sex offense" was not amended to reflect the change in designation of the crime in the Maine Criminal Code. The correction is retroactive to the effective date of Public Law 2011, chapter 464, September 28, 2011, to allow for conviction of the crime of unlawful sexual contact in violation of Title 17-A, section 255-A, subsection 1, paragraph F-2 to continue to require registration for 10 years.

LD 1857 An Act To Enhance the Protection of Social Service Home Visitors

ONTP

Sponsor(s)

EVES

Committee Report

ONTP

Amendments Adopted

This bill provides mandatory minimum sentences for a person convicted of assault, aggravated assault or elevated aggravated assault against a social worker who is visiting that person at that person's home. It also requires a law enforcement agency to provide a law enforcement officer to accompany a social worker on a home visit to a client at the request of that social worker if the social worker is sufficiently concerned for the social worker's safety.

LD 1859 An Act To Protect Firearm Ownership during Times of Emergency

**PUBLIC 626
EMERGENCY**

Sponsor(s)

SHAW
DIAMOND

Committee Report

OTP

Amendments Adopted

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This bill prohibits a person acting on behalf or under the authority of the State or a political subdivision of the State from prohibiting or restricting the otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency. This bill also removes the power of the Governor to suspend or limit the sale, dispensing and transportation of firearms during a declared state of emergency.

Enacted Law Summary

Public Law 2011, chapter 626 prohibits a person acting on behalf or under the authority of the State or a political subdivision of the State from prohibiting or restricting the otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency. It also removes the power of the Governor to suspend or limit the sale, dispensing and transportation of firearms during a declared state of emergency.

Public Law 2011, chapter 626 was enacted as an emergency measure effective April 12, 2012.

LD 1861 An Act To Amend Statutory Post-conviction Review

PUBLIC 601

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-857

This bill is proposed by the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, chapter 55 and makes a number of changes to post-conviction review.

1. It replaces the outdated phrase "mental disease or defect" with the word "insanity" to be consistent with Title 15, section 103, Title 17-A, sections 39 and 40 and the Maine Rules of Criminal Procedure, Rule 11(a) and Rule 11A(h).
2. It expands the term "assigned justice" to also include "judge" to more accurately reflect to whom a post-conviction case may be assigned.
3. It makes a significant change regarding remedial relief for errors in calculations of good time, meritorious good time and similar deductions pursuant to Title 17-A, section 1253. Remedial relief relative to such administrative actions by the custodian is no longer obtainable by way of post-conviction review. Remedial relief, if any, must now be obtained by way of available administrative remedies pursuant to the Maine Administrative Procedure Act. Current administrative remedies provide for an adequate hearing process and for review of final custodian action pursuant to the Maine Rules of Civil Procedure, Rule 80B or Rule 80C, making access to post-conviction review relief unnecessary and duplicative.
4. It makes clear that remedial relief for errors in calculations of deductions relative to time detained pursuant to Title 17-A, section 1253, subsection 2 remains governed by post-conviction review. Unlike the calculations for deductions for good time and similar types of deductions, the custodian does not make the calculations but instead relies upon a statement from either the transporter of the prisoner or the attorney for the State.
5. In addition to the current unavailability of post-conviction review relative to a revocation of probation proceeding, it clarifies that such is also the case with respect to court proceedings involving the revocation of intensive supervision, supervised release for sex offenders and administrative release. Each such court proceeding is provided in the Maine Criminal Code with a statutorily created hearing process and appellate review, making access to post-conviction relief unnecessary and duplicative.

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6. It clarifies what other administrative actions must be addressed by way of the available administrative remedies rather than by way of post-conviction review.
7. It eliminates the outdated reference to proceedings before the Appellate Division of the Supreme Judicial Court.
8. It replaces the word "are" with the word "were" in Title 15, section 2122 in the context of the remedies formerly available pursuant to former statutory post-conviction habeas corpus. The word "were" was incorrectly changed to "are" by Public Law 1997, chapter 399, section 1.
9. For the purpose of notice, it adds audita querela to the list of common law remedies that were abolished in Maine with the advent of the post-conviction review statute. The Maine Law Court recently held in *State v. Blakesley*, 2010 ME 19, & para; 23, 989 A.2d 746, 751-52 that, assuming without deciding whether audita querela was potentially available in criminal matters before the advent of the post-conviction statute, audita querela was abolished by that statute.
10. It amends Title 15, section 2123, subsection 2 to be gender-neutral.
11. It enacts Title 15, section 2123-A to clarify that administrative actions excluded from the definition of "post-sentencing proceeding" in Title 15, section 2121, subsection 2 are subject to review in the manner provided by the Maine Administrative Procedure Act, which is the exclusive method of review of those actions, replacing any previous common law or statutory method of review.
12. It amends Title 15, section 2124 to: make nonsubstantive changes to the present restraint or impediments provisions to enhance readability and clarity; delete the current time limitation in subsection 1, paragraph C relating to an unconditional discharge, which the time limitations pursuant to Title 15, section 2128-B now control; add in subsection 1 a new paragraph C-1 to reflect the holding in *State v. Trott*, 2004 ME 15, 841A. 789; remove a reference to paragraph C in subsection 1, paragraph D because paragraph D is not relevant to paragraph C; in subsection 1, paragraph E relating to a fine, add 2 limitations as to a fine that has not been paid constituting an impediment for purposes of subsection 1, namely, an inexcusable violation by the person of the mandate of Title 17-A, section 1303-B and an inexcusable failure by the person to pay the fine imposed or any outstanding portion; clarify that the term "fine" also includes any imposed monetary fees, surcharges and assessments, however designated; add in subsection 1 a new paragraph F that includes restitution, a sentencing alternative that was enacted by Public Law 1977, chapter 455, but was omitted from subsection 1 when it was enacted by Public Law 1979, chapter 701, section 15; provide for 2 limitations as to restitution that has not been paid constituting an impediment for purposes of subsection 1, namely, an inexcusable violation by the person of the mandate of Title 17-A, section 1328-A and an inexcusable failure by the person to pay the restitution imposed or any outstanding portion; limit any challenge made as to the amount of restitution ordered by applying Title 17-A, section 1330-A; for purposes of clarity, strike the reference to "a juvenile disposition other than incarceration or probation" and add a new paragraph that includes any other juvenile disposition imposed by the challenged criminal judgment not earlier covered in the preceding paragraphs; strike the indirect impediments addressed in subsection 3, paragraphs B and C because the former distinction drawn between facts that elevate the class or degree or increase the potential penalty but are not technically elements of the new crime in paragraph B and actual elements of the new crime that serve to accomplish the same result in paragraph C is no longer valid in light of *Apprendi v. New Jersey*, 530 U.S. 466 (2000) and its progeny; and create a new indirect impediment that combines 2 former provisions and specifies that the new requirement is not satisfied unless the crime is a felony or an infamous crime and the sentence alternative of incarceration has been imposed, and so does not authorize a defendant to initiate a post-conviction challenge pretrial. In *Apprendi* the United States Supreme Court held that "any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt." *Id.* at 490. The Court also stated that "facts that expose a defendant to a punishment greater than otherwise legally prescribed [are] by definition 'elements' of a separate legal offense." *Id.* at 483 n. 10. *Apprendi* applies as well to nonjury trials.
13. It amends Title 15, section 2128 to address only the waiver of grounds for relief found in subsections 1, 3 and 4.

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Subsection 2, which addresses certain errors not waived, was stricken from section 2128 and its provisions are now located in the newly enacted Title 15, section 2128-A. Subsections 5 and 6 were stricken from section 2128. The provisions of subsections 5 and 6 address the wholly different subject matter of filing deadlines and their provisions are now located in the newly enacted Title 15, section 2128-B.

14. It responds to the Law Court's holding in *Chasse v. State*, 2008 ME 28, & para; 1, 942 A.2d 689 that no filing deadline exists by establishing a one-year filing deadline for post-sentencing proceedings.

15. In order to ensure fairness, it provides a grace period of the same length as the new one-year filing deadline for post-sentencing proceedings.

Committee Amendment "A" (H-857)

This amendment provides to a noncitizen who, in the context of a plea in which the noncitizen was represented by counsel and who under federal immigration law, as a consequence of the particular plea, is subject to a pending deportation proceeding a jurisdictional avenue independent of that already provided by the Maine Revised Statutes, Title 15, section 2124, subsection 1. This jurisdictional avenue provides a means by which to initiate a post-conviction review proceeding to test the effective-assistance-of-counsel guarantee under the United States Constitution, Amendment VI as reflected in the United States Supreme Court decision of *Padilla v. Kentucky*, 559 U.S. ___, 130 S.Ct. 1473 (2010). To qualify, the plea must also be accepted by a trial court on or after March 31, 2010.

This amendment also provides a different filing deadline for Title 15, section 2124, subsection 3, paragraph E than that provided for in paragraphs A and D of the same section. The 60-day limitation period runs from the date the noncitizen becomes aware, or should have become aware, that under federal immigration law, as a consequence of the particular plea, a deportation proceeding has been initiated against the noncitizen.

This amendment also adds an application section to provide a grace period of the same length as the new 60-day filing deadline for this indirect impediment.

Enacted Law Summary

Public Law 2011, chapter 601 makes the following changes to post-conviction review.

1. It replaces the outdated phrase "mental disease or defect" with the word "insanity" to be consistent with Title 15, section 103, Title 17-A, sections 39 and 40 and the Maine Rules of Criminal Procedure, Rule 11(a) and Rule 11A(h).
2. It expands the term "assigned justice" to also include "judge" to more accurately reflect to whom a post-conviction case may be assigned.
3. It makes a significant change regarding remedial relief for errors in calculations of good time, meritorious good time and similar deductions pursuant to Title 17-A, section 1253. Remedial relief relative to such administrative actions by the custodian is no longer obtainable by way of post-conviction review. Remedial relief, if any, must now be obtained by way of available administrative remedies pursuant to the Maine Administrative Procedure Act. Current administrative remedies provide for an adequate hearing process and for review of final custodian action pursuant to the Maine Rules of Civil Procedure, Rule 80B or Rule 80C, making access to post-conviction review relief unnecessary and duplicative.
4. It makes clear that remedial relief for errors in calculations of deductions relative to time detained pursuant to Title 17-A, section 1253, subsection 2 remains governed by post-conviction review. Unlike the calculations for deductions for good time and similar types of deductions, the custodian does not make the calculations but instead relies upon a statement from either the transporter of the prisoner or the attorney for the State.
5. In addition to the current unavailability of post-conviction review relative to a revocation of probation

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proceeding, it clarifies that such is also the case with respect to court proceedings involving the revocation of intensive supervision, supervised release for sex offenders and administrative release. Each such court proceeding is provided in the Maine Criminal Code with a statutorily created hearing process and appellate review, making access to post-conviction relief unnecessary and duplicative.

6. It clarifies what other administrative actions must be addressed by way of the available administrative remedies rather than by way of post-conviction review.
7. It eliminates the outdated reference to proceedings before the Appellate Division of the Supreme Judicial Court.
8. It replaces the word "are" with the word "were" in Title 15, section 2122 in the context of the remedies formerly available pursuant to former statutory post-conviction habeas corpus. The word "were" was incorrectly changed to "are" by Public Law 1997, chapter 399, section 1.
9. For the purpose of notice, it adds audita querela to the list of common law remedies that were abolished in Maine with the advent of the post-conviction review statute. The Maine Law Court recently held in *State v. Blakesley*, 2010 ME 19, ¶ 23, 989 A.2d 746, 751-52 that, assuming without deciding whether audita querela was potentially available in criminal matters before the advent of the post-conviction statute, audita querela was abolished by that statute.
10. It amends Title 15, section 2123, subsection 2 to be gender-neutral.
11. It enacts Title 15, section 2123-A to clarify that administrative actions excluded from the definition of "post-sentencing proceeding" in Title 15, section 2121, subsection 2 are subject to review in the manner provided by the Maine Administrative Procedure Act, which is the exclusive method of review of those actions, replacing any previous common law or statutory method of review.
12. It amends Title 15, section 2124 to: make nonsubstantive changes to the present restraint or impediments provisions to enhance readability and clarity; delete the current time limitation in subsection 1, paragraph C relating to an unconditional discharge, which the time limitations pursuant to Title 15, section 2128-B now control; add in subsection 1 a new paragraph C-1 to reflect the holding in *State v. Trott*, 2004 ME 15, 841A. 789; remove a reference to paragraph C in subsection 1, paragraph D because paragraph D is not relevant to paragraph C; in subsection 1, paragraph E relating to a fine, add 2 limitations as to a fine that has not been paid constituting an impediment for purposes of subsection 1, namely, an inexcusable violation by the person of the mandate of Title 17-A, section 1303-B and an inexcusable failure by the person to pay the fine imposed or any outstanding portion; clarify that the term "fine" also includes any imposed monetary fees, surcharges and assessments, however designated; add in subsection 1 a new paragraph F that includes restitution, a sentencing alternative that was enacted by Public Law 1977, chapter 455, but was omitted from subsection 1 when it was enacted by Public Law 1979, chapter 701, section 15; provide for 2 limitations as to restitution that has not been paid constituting an impediment for purposes of subsection 1, namely, an inexcusable violation by the person of the mandate of Title 17-A, section 1328-A and an inexcusable failure by the person to pay the restitution imposed or any outstanding portion; limit any challenge made as to the amount of restitution ordered by applying Title 17-A, section 1330-A; for purposes of clarity, strike the reference to "a juvenile disposition other than incarceration or probation" and add a new paragraph that includes any other juvenile disposition imposed by the challenged criminal judgment not earlier covered in the preceding paragraphs; strike the indirect impediments addressed in subsection 3, paragraphs B and C because the former distinction drawn between facts that elevate the class or degree or increase the potential penalty but are not technically elements of the new crime in paragraph B and actual elements of the new crime that serve to accomplish the same result in paragraph C is no longer valid in light of *Apprendi v. New Jersey*, 530 U.S. 466 (2000) and its progeny; and create a new indirect impediment that combines 2 former provisions and specifies that the new requirement is not satisfied unless the crime is a felony or an infamous crime and the sentence alternative of incarceration has been imposed, and so does not authorize a defendant to initiate a post-conviction challenge pretrial. In *Apprendi* the United States Supreme Court held that "any fact that increases the penalty for a crime beyond the

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prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt." Id. at 490. The Court also stated that "facts that expose a defendant to a punishment greater than otherwise legally prescribed [are] by definition 'elements' of a separate legal offense." Id. at 483 n. 10. Apprendi applies as well to nonjury trials.

13. It amends Title 15, section 2128 to address only the waiver of grounds for relief found in subsections 1, 3 and 4. Subsection 2, which addresses certain errors not waived, was stricken from section 2128 and its provisions are now located in the newly enacted Title 15, section 2128-A. Subsections 5 and 6 were stricken from section 2128. The provisions of subsections 5 and 6 address the wholly different subject matter of filing deadlines and their provisions are now located in the newly enacted Title 15, section 2128-B.

14. It responds to the Law Court's holding in *Chasse v. State*, 2008 ME 28, ¶ 1, 942 A.2d 689 that no filing deadline exists by establishing a one-year filing deadline for post-sentencing proceedings.

15. In order to ensure fairness, it provides a grace period of the same length as the new one-year filing deadline for post-sentencing proceedings.

16. It provides to a noncitizen who, in the context of a plea in which the noncitizen was represented by counsel and who under federal immigration law, as a consequence of the particular plea, is subject to a pending deportation proceeding a jurisdictional avenue independent of that already provided by the Maine Revised Statutes, Title 15, section 2124, subsection 1. This jurisdictional avenue provides a means by which to initiate a post-conviction review proceeding to test the effective-assistance-of-counsel guarantee under the United States Constitution, Amendment VI as reflected in the United States Supreme Court decision of *Padilla v. Kentucky*, 559 U.S. ___, 130 S.Ct. 1473 (2010). To qualify, the plea must also be accepted by a trial court on or after March 31, 2010.

17. Provides a different filing deadline for Title 15, section 2124, subsection 3, paragraph E than that provided for in paragraphs A and D of the same section. The 60-day limitation period runs from the date the noncitizen becomes aware, or should have become aware, that under federal immigration law, as a consequence of the particular plea, a deportation proceeding has been initiated against the noncitizen.

18. It adds an application section to provide a grace period of the same length as the new 60-day filing deadline for this indirect impediment.

LD 1867 An Act To Protect Victims of Domestic Violence

PUBLIC 640

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN MASON	OTP-AM	H-907

This bill:

1. Adds additional crimes to the definition of "crime involving domestic violence" in the Maine Bail Code;
2. Provides that bail must be determined by a judge, not a bail commissioner, when a crime involving domestic violence is alleged to have occurred;
3. Makes the violation of a bail condition in cases in which an underlying crime was a crime involving domestic violence a Class C crime;
4. Requires judges to order that a defendant be committed without bail pending a bail revocation hearing, unless certain conditions are met, in certain circumstances;

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5. Requires judges to deny bail in certain circumstances;
6. Allows a sentence of or that includes a term of probation to be imposed upon a defendant convicted of a crime involving domestic violence; and
7. Requires law enforcement agencies to include in their mandatory policies regarding domestic violence a process for collecting information about whether the commission of an alleged crime included the use of strangulation.

Committee Amendment "A" (H-907)

This amendment does the following.

1. In certain cases involving domestic violence, it prohibits a bail commissioner from setting preconviction bail for a defendant alleged to have violated a protection from abuse order or alleged to have committed a Class A, B or C crime under the Maine Revised Statutes, Title 17-A, chapter 9, a sexual offense that is a Class A, B or C crime, kidnapping or a Class C crime involving criminal restraint, domestic stalking, domestic threatening, domestic terrorizing or domestic reckless conduct.
2. In addition to information already required under the Maine Bail Code in cases involving domestic violence, it requires the bail commissioner to make a good faith effort to obtain from the arresting officer, the responsible prosecutorial office, a jail employee or other law enforcement officer information about the severity of the alleged offense.
3. It requires a judge to order a defendant in a domestic violence case to be committed without bail pending a bail revocation hearing unless the judge makes certain findings on the record but does not require the findings to be reduced to writing.
4. It directs the judicial branch to study the application of the provisions of this legislation and report its findings to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 30, 2013 and authorizes that committee to submit legislation to the First Regular Session of the 126th Legislature that is related to the report.
5. It requires law enforcement agencies to adopt written policies for cases involving domestic violence to collect information about whether the commission of the crime included the use of strangulation.
6. It corrects a number of cross-referencing errors in current domestic violence laws so that the proper section in the Maine Bail Code is identified.

Enacted Law Summary

Public Law 2011, chapter 640 does the following.

1. In certain cases involving domestic violence, it prohibits a bail commissioner from setting preconviction bail for a defendant alleged to have violated a protection from abuse order or alleged to have committed a Class A, B or C crime under the Maine Revised Statutes, Title 17-A, chapter 9, a sexual offense that is a Class A, B or C crime, kidnapping or a Class C crime involving criminal restraint, domestic stalking, domestic threatening, domestic terrorizing or domestic reckless conduct.
2. In addition to information already required under the Maine Bail Code in cases involving domestic violence, it requires the bail commissioner to make a good faith effort to obtain from the arresting officer, the responsible prosecutorial office, a jail employee or other law enforcement officer information about the severity of the alleged offense.

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- 3. It requires a judge to order a defendant in a domestic violence case to be committed without bail pending a bail revocation hearing unless the judge makes certain findings on the record but does not require the findings to be reduced to writing.
- 4. It directs the judicial branch to study the application of the provisions of this legislation and report its findings to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 30, 2013 and authorizes that committee to submit legislation to the First Regular Session of the 126th Legislature that is related to the report.
- 5. It requires law enforcement agencies to adopt written policies for cases involving domestic violence to collect information about whether the commission of the crime included the use of strangulation.
- 6. It corrects a number of cross-referencing errors in current domestic violence laws so that the proper section in the Maine Bail Code is identified.

LD 1900 An Act To Support Members of the Law Enforcement Community Who Have Suffered a Catastrophic Illness

**PUBLIC 596
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING FARNHAM	OTP-AM	H-858

This bill is a concept draft pursuant to Joint Rule 208.

This bill is an emergency measure and proposes to amend current law to permit law enforcement officers to solicit funds within the law enforcement community for the support of law enforcement officers or their family members with medical needs or with unusual hardship.

Committee Amendment "A" (H-858)

This amendment replaces the bill. Current law allows a law enforcement agency or association to solicit property from the general public for the benefit of a law enforcement officer, or an immediate family member of a law enforcement officer, suffering from a catastrophic illness. This amendment also allows a law enforcement agency or association to solicit property from a law enforcement officer, a law enforcement agency or a law enforcement association for the benefit of a law enforcement officer, or an immediate family member of a law enforcement officer, suffering from a catastrophic illness.

Enacted Law Summary

Public Law 2011, chapter 596 allows a law enforcement agency or association to solicit property from a law enforcement officer, a law enforcement agency or a law enforcement association for the benefit of a law enforcement officer, or an immediate family member of a law enforcement officer, suffering from a catastrophic illness.

Public Law 2011, chapter 596 was enacted as an emergency measure effective April 5, 2012.

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SUBJECT INDEX

Criminal Law

Enacted

LD 1856	An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission	PUBLIC 604
LD 1861	An Act To Amend Statutory Post-conviction Review	PUBLIC 601

Not Enacted

LD 1633	An Act To Increase to a Class C Crime the Failure To Report a Missing Child within 24 Hours	ONTP
LD 1634	An Act To Establish Certain Crimes Relating to Missing or Deceased Children	MAJORITY (ONTP) REPORT

Domestic Violence

Enacted

LD 1711	An Act To Adopt the Use of Standardized Risk Assessment in the Management of Domestic Violence Crimes	PUBLIC 680
LD 1760	An Act To Ensure Notification to Victims of Domestic Violence, Sexual Assault and Stalking When Defendants Are Released on Bail	PUBLIC 639
LD 1867	An Act To Protect Victims of Domestic Violence	PUBLIC 640

Not Enacted

LD 1678	An Act To Amend the Laws Governing Stalking and Domestic Violence	ONTP
LD 1704	An Act To Amend the Maine Bail Code To Protect Victims of Domestic Violence	ONTP

Drugs

Enacted

LD 1852	An Act To Provide a More Comprehensive Ban on the Possession of Synthetic Hallucinogenic Drugs	PUBLIC 578
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Not Enacted

LD 1701	Resolve, To Establish a Pilot Program in Penobscot County for Assessment and Treatment of Individuals Arrested for Unlawful Possession of Drugs	ONTP
LD 1827	An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances	ONTP

Firearms/Concealed Firearms

Enacted

LD 1603	An Act To Amend the Law Relating to Concealed Firearms Locked in Vehicles	PUBLIC 537
LD 1859	An Act To Protect Firearm Ownership during Times of Emergency	PUBLIC 626 EMERGENCY

Not Enacted

LD 1728	An Act To Strengthen the Integrity of Nonresident Concealed Handgun Permits	MAJORITY (ONTP) REPORT
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Gangs

Not Enacted

LD 1707	An Act To Define, Prevent and Suppress Gang Activity in the State	ONTP
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Interstate Compact

Enacted

LD 1755	An Act Regarding the Interstate Compact for Adult Offender Supervision	PUBLIC 677
LD 1756	An Act To Establish a Separate State Council for Juveniles under the Interstate Compact for Juveniles	PUBLIC 676

Jail/Inmate

Enacted

LD 1598	An Act To Clarify the Court's Authority To Grant Credit Given for Jail Time toward Payment of Fines	PUBLIC 568
LD 1635	An Act Regarding Inmates on Public Works Projects	PUBLIC 506 EMERGENCY

Juveniles

Enacted

LD 1597	An Act To Make Certain Juvenile Case Records Confidential	PUBLIC 580
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LD 1599 **An Act To Amend Deferred Disposition under the Maine Juvenile Code** **PUBLIC 480**

Not Enacted

LD 1727 **An Act To Ensure That the Public Is Duly Informed When Certain Juvenile Crimes Are Committed** **MINORITY (ONTP) REPORT**

Law Enforcement

Enacted

LD 1900 **An Act To Support Members of the Law Enforcement Community Who Have Suffered a Catastrophic Illness** **PUBLIC 596 EMERGENCY**

Not Enacted

LD 1143 **An Act To Require That Law Enforcement Officials Collect DNA Samples from Persons Arrested for Certain Crimes** **MAJORITY (ONTP) REPORT**

Maine Emergency Management Agency

Enacted

LD 1720 **An Act To Increase the Membership of the Homeland Security Advisory Council** **PUBLIC 529**

Prison/Jail/Inmate

Enacted

LD 1737 **An Act Regarding the Interception of Oral or Wire Communications of Residents of State Correctional Facilities and Jails** **PUBLIC 507**

Not Enacted

LD 1095 **An Act To Facilitate the Construction and Operation of Private Prisons by Authorizing the Transport of Prisoners out of State** **ONTP**

Public Safety/Emergency Medical Services

Enacted

LD 1744 **An Act To Require Carbon Monoxide Detectors in Additional Residential Occupancies** **PUBLIC 553**

LD 1837 **An Act To Authorize the Establishment of Pilot Projects for Community Paramedicine** **PUBLIC 562**

Not Enacted

LD 1745 **An Act Regarding the Fee for Amusement Ride Inspections and the Development of Options To Move the Responsibility of the Inspections from the Office of the State Fire Marshal** **VETO SUSTAINED**

LD 1857 **An Act To Enhance the Protection of Social Service Home
Visitors** **ONTP**

Sex Offender Registration and Notification

Enacted

LD 1514 **An Act To Amend the Sex Offender Registration Laws** **PUBLIC 663**

Sex Offenses -- Criminal

Enacted

LD 1673 **An Act To Prohibit the Sexual Solicitation of a Child by any
Means** **PUBLIC 597
EMERGENCY**

LD 1731 **An Act To Combat Human Sex Trafficking** **PUBLIC 672**

Not Enacted

LD 1825 **An Act To Change the Statutes of Limitations on Prosecution for
Crimes of Sexual Abuse and for Civil Actions for Sexual Abuse
When the Actor Is a Person in a Position of Authority** **MAJORITY
(ONTP) REPORT**

State and County Corrections & State Board of Corrections

Enacted

LD 1754 **An Act To Amend Certain Provisions of Law Governing the
Department of Corrections** **PUBLIC 515**

Theft/Bad Checks

Enacted

LD 1088 **An Act Regarding the Writing of Bad Checks** **PUBLIC 504**

Not Enacted

LD 648 **An Act To Prohibit Organized Retail Theft** **MAJORITY
(ONTP) REPORT**

Victim's Compensation Fund

Enacted

LD 1841 **An Act To Ensure Funding for the Victims' Compensation Fund** **PUBLIC 628**

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