1	L.D. 1656
2	Date: (Filing No. S-)
3	CRIMINAL JUSTICE AND PUBLIC SAFETY
4	Reproduced and distributed under the direction of the Secretary of the Senate.
5	STATE OF MAINE
6	SENATE
7	126TH LEGISLATURE
8	SECOND REGULAR SESSION
9 10	COMMITTEE AMENDMENT "" to S.P. 649, L.D. 1656, Bill, "An Act To Increase Safety for Victims of Domestic Violence"
11	Amend the bill by striking out the title and substituting the following:
12 13	'An Act To Increase Safety for Victims of Domestic Violence and Victims of Sexual Assault'
14 15	Amend the bill by inserting after the title and before the enacting clause the following:
16 17	' Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
18 19	Whereas, a victim of domestic violence or sexual assault is further traumatized when the alleged offender engages in unwanted contact with the victim; and
20 21	Whereas, current law does not prohibit a person accused of domestic violence or sexual assault from contacting the victim prior to the setting of bail; and
22 23 24	Whereas, the protection of a victim of domestic violence or sexual assault from unwanted contact by the alleged offender is paramount to a successful prosecution of the criminal conduct and the ability of the victim to repair the victim's life; and
25 26 27 28	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'
29	Amend the bill by striking out all of section 2 and inserting the following:
30	'Sec. 2. 15 MRSA §1094-B is enacted to read:

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1 2	§1094-B. Improper contact with a family or household member prior to the setting of preconviction bail
3 4	<u>1. Improper contact.</u> A person is guilty of improper contact with a family or household member prior to the setting of preconviction bail if:
5 6	A. The person is being detained as a result of the person's arrest for an offense specified in section 1023, subsection 4, paragraph B-1;
7	B. Preconviction bail has not been set by a justice or judge;
8 9 10	C. The person is notified, in writing or otherwise, by the county jail staff not to make direct or indirect contact with the specifically identified alleged victim of the offense for which the person is being detained:
11	D. The alleged victim is a family or household member of the person; and
12 13 14	E. After the notification specified in paragraph C, the person intentionally or knowingly makes direct or indirect contact with the specifically identified alleged victim.
15 16	As used in this subsection, "family or household member" has the same meaning as in <u>Title 19-A, section 4002, subsection 4.</u>
17	2. Penalty. Violation of this section is a Class D crime.
18 19 20	Amend the bill in section 6 in subsection 1-A in the 4th line (page 2, line 18 in L.D.) by inserting after the following: "domestic violence" the following: 'or a victim of sexual assault'
21	Amend the bill by adding after section 6 the following:
22 23	'Sec. 7. 19-A MRSA §4002, sub-§4, as amended by PL 2011, c. 640, Pt. C, §1, is further amended to read:
24 25 26 27 28 29 30 31 32 33 34 35	4. Family or household members. "Family or household members" means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living together as spouses, natural parents of the same child, adult household members related by consanguinity or affinity or minor children of a household member when the defendant is an adult household member and, for the purposes of Title 15, section 1023, subsection 4, paragraph B-1 and Title 15, section 1094-B, this chapter and Title 17-A, sections 15, 207-A, 209-A, 210-B, 210-C, 211-A, 1201, 1202 and 1253 only, includes individuals presently or formerly living together and individuals who are or were sexual partners. Holding oneself out to be a spouse is not necessary to constitute "living as spouses." For purposes of this subsection, "domestic partners" means 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.
36 37 38 39 40 41	Sec. 8. Uniform policy. No later than June 1, 2014, the State Board of Corrections shall establish a minimum, uniform policy for notifying defendants detained at a county jail or other correctional facility after being arrested for an offense under the Maine Revised Statutes, Title 15, section 1023, subsection 4, paragraph B-1 and prior to the setting of preconviction bail by a justice or judge that it is a crime to make direct or indirect contact with a victim who is a member of the defendant's family or household.

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Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

- **SUMMARY** 3 4 The bill creates the new crime of improper contact with a family or household member prior to the setting of preconviction bail, which applies in cases of domestic 5 violence and sexual assault. The amendment: 6 7 1. Changes the title of the bill to include victims of sexual assault; and 8 2. Provides that prior to criminal liability for the crime, county jail staff must notify a 9 defendant arrested for a domestic violence offense or sexual assault and prior to the setting of bail not to make direct or indirect contact with a specifically identified family 10 11 or household member who is the victim of the offense. 12 The bill permits a law enforcement agency to share confidential criminal history record information with an advocate for the sole purpose of planning for the safety of a 13 victim of domestic violence. This amendment also allows the sharing of this information 14 15 with an advocate of a victim of sexual assault for the same purpose. 16 This amendment also directs the State Board of Corrections to establish a minimum, 17 uniform policy by June 1, 2014 for notifying defendants detained at a county jail or other correctional facility after being arrested for a domestic violence offense or sexual assault 18 19 and prior to the setting of preconviction bail by a justice or judge that it is a crime to make direct or indirect contact with a victim who is a member of the defendant's family 20 21 or household. 22 Finally, the amendment adds an emergency preamble and emergency clause.
- 23 FISCAL NOTE REQUIRED
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(See attached)

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