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LA: Curtis Bentley  
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COMMITTEE AMENDMENT TO LD 1656, An Act To Increase Safety for Victims of Domestic Violence

Amend the bill by striking the title and replacing it with the following:

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

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

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

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

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

Whereas, The protection of a victim of domestic violence or sexual abuse and that person’s family members from unwanted contact by the offender is paramount to a successful prosecution of the criminal conduct and the ability of the victim to repair that person’s life; and

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

Further amend the bill (page 1) by striking section 2 (lines 33-39).

Further amend the bill (page 1) by inserting after section 2 and before section 3 the following:

**Sec. 3.** 15 MRS §1094-B, is enacted to read:

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

**1. Improper contact.** A person is guilty of improper contact with a family or household member prior to the setting of preconviction bail if the person intentionally or knowingly makes direct or indirect contact with the specifically identified family or household member:

A. While being detained as a result of the person's arrest for an offense specified in section 1023, subsection 4, paragraph B-1 and prior to the setting of preconviction bail by a justice or judge; and

B. After having been notified, in writing or otherwise, by the county jail staff not to make direct or indirect contact with the specifically identified family or household member who is the alleged victim of the offense for which the person was arrested.

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

Further amend the bill (page 2, line 18) by inserting at the end of the sentence after the phrase "domestic violence" the phrase 'or a victim of sexual assault'

Further amend the bill (page 2) by inserting after section 6 and before the summary the following:

**Sec.7.** The Maine 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 Title 17-A, 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 the victim or the victim's family or household member. The State Board of Corrections shall establish these standards no later than June 1, 2014.

Further amend the bill (page 2) after section 6 and before the summary the following:

**Emergency clause.** In view of the emergency cited in the preamble, the Act takes effect when approved.

Further amend the bill by renumbering any nonconsecutive section number to read consecutively.

## SUMMARY

This committee amendment amends the provisions of the bill that create the new domestic violence crime of improper contact prior to the setting of bail as follows:

1. It identifies the victim of domestic violence as a family or household member; and
2. Prior to criminal liability for the crime, county jail staff must notify a defendant arrested for a domestic violence offense and prior to the setting of bail not to make direct or indirect contact with a specifically identified family or household member who is the victim of the offense.

The bill permits law enforcement agencies to share confidential criminal history record information with advocates for the sole purpose of planning for the safety of a victim of domestic violence. This amendment also allows the sharing of this information with advocates of a victim of sexual assault for the same purpose.

This amendment also directs the State Board of Corrections to establish a minimum, 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 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 the victim or the victim's family or household member.

Finally, the amendment adds an emergency measure making the Act effective upon approval.