

128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 641

H.P. 455

House of Representatives, February 28, 2017

Resolve, To Establish the Commission To Study the Availability of Information Regarding Related Incidents in Domestic Violence Cases

(EMERGENCY)

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

R(+ B. Hunt ROBERT B. HUNT

Clerk

Presented by Representative RECKITT of South Portland. Cosponsored by Representatives: BROOKS of Lewiston, TALBOT ROSS of Portland.

13 14	the Availability of Information Regarding Related Incidents in Domestic Violence Cases, referred to in this resolve as "the commission," is established; and be it further
15 16	Sec. 2. Commission membership. Resolved: That the commission consists of 13 members appointed as follows:
17 18 19 20 21	1. Three members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature. When making the appointments, the President shall give preference to members of the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Judiciary;
22 23 24 25 26	2. Four members of the House of Representatives appointed by the Speaker of the House of Representatives, including members from each of the 2 parties holding the largest number of seats in the Legislature. When making the appointments, the Speaker shall give preference to members of the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Judiciary;
27	3. The Attorney General, or the Attorney General's designee;
28 29	4. The Executive Director of the Maine Coalition to End Domestic Violence, or the executive director's designee;
30 31 32	5. A representative of the Maine Commission on Domestic and Sexual Abuse under the Maine Revised Statutes, Title 19-A, section 4013, appointed by the Speaker of the House of Representatives;
33 34	6. A judge from the District Court, appointed by the Chief Justice of the Supreme Judicial Court;
35 36	7. A representative of the Maine Prosecutors Association, appointed by the Attorney General; and

Emergency preamble. Whereas, acts and resolves of the Legislature do not

Whereas, this legislation establishes the Commission To Study the Availability of

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next

Whereas, in the judgment of the Legislature, these facts create an emergency within

Sec. 1. Commission established. Resolved: That the Commission To Study

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,

become effective until 90 days after adjournment unless enacted as emergencies; and

Information Regarding Related Incidents in Domestic Violence Cases; and

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legislative session; and

therefore, be it

- 8. A representative of a municipal police department, appointed by the Speaker of the House of Representatives; and be it further

 Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission; and be it further

 Sec. 4. Appointments; convening of commission. Resolved: That all
 - **Sec. 4. Appointments; convening of commission. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further
 - **Sec. 5. Duties. Resolved:** That the commission shall conduct a comprehensive examination of domestic violence prosecutions in this State. The commission shall review the system by which those prosecutions are based on specific incidents and the availability of information regarding related domestic abuse incidents to judges or prosecuting attorneys. As part of its review, the commission shall develop recommendations on the best method to provide judges and prosecuting attorneys with information regarding related domestic abuse incidents; and be it further
 - **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the commission; and be it further
 - **Sec. 7. Report. Resolved:** That, no later than December 6, 2017, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 128th Legislature.
 - **Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

28 SUMMARY

This resolve establishes the Commission To Study the Availability of Information Regarding Related Incidents in Domestic Violence Cases, which is directed to conduct a comprehensive examination of domestic violence prosecutions in this State and develop recommendations on the best method to provide judges and prosecuting attorneys with information regarding related domestic abuse incidents.