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FIRST REGULAR SESSION-2017

Legislative Document

No. 814

S.P. 259

In Senate, March 2, 2017

An Act Regarding Court Orders for Completion of a Batterers' Intervention Program in Domestic Violence Cases

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator ROSEN of Hancock.
Cosponsored by Representative WARREN of Hallowell and
Senators: CYRWAY of Kennebec, KATZ of Kennebec, Representatives: GERRISH of
Lebanon, NADEAU of Winslow, PICCHIOTTI of Fairfield, RECKITT of South Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §1151, sub-§7**, as enacted by PL 1975, c. 499, §1, is
3 amended to read:

4 7. To promote the development of correctional programs ~~which~~ that elicit the
5 cooperation of convicted persons; ~~and~~

6 **Sec. 2. 17-A MRSA §1151, sub-§8, ¶B**, as amended by PL 2005, c. 551, §1, is
7 further amended to read:

8 B. The selection by the defendant of the person against whom the crime was
9 committed or of the property that was damaged or otherwise affected by the crime
10 because of the race, color, religion, sex, ancestry, national origin, physical or mental
11 disability, sexual orientation or homelessness of that person or of the owner or
12 occupant of that property; and

13 **Sec. 3. 17-A MRSA §1151, sub-§9** is enacted to read:

14 9. To recognize domestic abuse as a serious crime against the individual and society
15 and to recognize batterers' intervention programs certified pursuant to Title 19-A, section
16 4014 as the most appropriate and effective community intervention in cases involving
17 domestic abuse.

18 **Sec. 4. 17-A MRSA §1204, sub-§6** is enacted to read:

19 6. If a person is convicted of a crime under chapter 9 or 13 or section 758 that the
20 State pleads and proves was committed by the person against a spouse, domestic partner
21 or sexual partner; a former spouse, domestic partner or sexual partner; an individual with
22 whom the person is living or lived as a spouse; or an individual who is or was a dating
23 partner of the person and the court does not order as a condition of probation that the
24 person complete a batterers' intervention program certified pursuant to Title 19-A, section
25 4014, the court shall make findings on the record of the court's reasons for not ordering
26 the person to complete a batterers' intervention program. For purposes of this subsection,
27 "dating partner" means an individual currently or formerly involved in dating the person,
28 whether or not the individual and the person are or were sexual partners. For purposes of
29 this subsection, "domestic partner" means one of 2 unmarried adults who are domiciled
30 together under a long-term arrangement that evidences a commitment to remain
31 responsible indefinitely for each other's welfare.

32 **SUMMARY**

33 This bill requires a court to provide justification when participation in a batterers'
34 intervention program is not ordered in sentencing a person for certain crimes against a
35 current or former spouse, domestic partner, sexual partner or dating partner or an
36 individual with whom the person is living or lived as a spouse. The bill adds an
37 additional purpose to the sentencing provisions of the Maine Criminal Code. The
38 additional purpose recognizes domestic abuse as a serious crime and recognizes certified

1 batterers' intervention programs as the most appropriate and effective community
2 intervention in cases involving domestic abuse.