

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'An Act To Equalize the Penalties for Assault against Emergency Medical Care Providers with the Penalties for Assault against Firefighters'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**'Sec. 1. 17-A MRSA §752-C,** as enacted by PL 1997, c. 470, §1, is repealed.

**Sec. 2. 17-A MRSA §1252, sub-§4-A,** as amended by PL 2005, c. 527, §18, is further amended to read:

**4-A.** If the State pleads and proves that, at the time any crime, excluding murder, under chapter 9, 11, 13 or 27; section 402-A, subsection 1, paragraph A; or section 752-A ~~or 752-C~~ was committed, the defendant had been convicted of 2 or more crimes violating chapter 9, 11, 13 or 27; section 402-A, subsection 1, paragraph A; or section 752-A ~~or 752-C~~ or essentially similar crimes in other jurisdictions, the sentencing class for the crime is one class higher than it would otherwise be. In the case of a Class A crime, the sentencing class is not increased, but the prior record must be given serious consideration by the court when imposing a sentence. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this subsection, for violations under chapter 11, the dates of prior convictions may have occurred at any time. This subsection does not apply to section 210-A if the prior convictions have already served to enhance the sentencing class under section 210-A, subsection 1, paragraph C or any other offense in which prior convictions have already served to enhance the sentencing class.'

## SUMMARY

This amendment strikes and replaces the bill and is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment repeals the law that established the crime of committing assault on emergency medical care providers as a Class C crime. The repeal of this law means that assaults against emergency medical care providers may be charged under the general assault statute under Title 17-A, section 207. Assault under Title 17-A, section 207 is a Class D crime, unless the victim is under 6 years of age. This amendment makes the penalty for committing an assault on an emergency medical care provider the same as the penalty for committing an assault on a firefighter. The amendment also replaces the title in order to reflect these changes.

## FISCAL NOTE REQUIRED

(See attached)