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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT " " to COMMITTEE AMENDMENT "A" to S.P. 329, L.D. 990, Bill, "An Act To Protect Law Enforcement Officers by Creating the Crime of Aggravated Assault on an Officer"

Amend the amendment in section 1 in §752-A in subsection 1 in paragraph A in the last line (page 1, line 21 in amendment) by striking out the following: "; or" and inserting the following: '; or'

Amend the amendment in section 1 in §752-A in subsection 1 in paragraph B in the last line (page 1, line 26 in amendment) by striking out the following: "crime;" and inserting the following: 'crime.'

Amend the amendment in section 1 in §752-A in subsection 1 by striking out all of paragraphs C and D (page 1, lines 27 to 33 in amendment) and inserting the following:

'If the State pleads and proves a violation of paragraph A, the court shall treat as an aggravating sentencing factor that the person selected the law enforcement officer whom the person injured because of the law enforcement officer's status as a law enforcement officer.'

Amend the amendment in section 2 by striking out all of subsection 1 (page 2, lines 3 to 11 in amendment) and inserting the following:

'1. A person is guilty of assault on an emergency medical care provider if the person intentionally, knowingly or recklessly causes bodily injury to an emergency medical care provider while the emergency medical care provider is providing emergency medical care. Violation of this subsection is a Class C crime.'

'If the State pleads and proves a violation of subsection 1, the court shall treat as an aggravating sentencing factor that the person selected the emergency medical care provider whom the person injured because of the emergency medical care provider's status as an emergency medical care provider.'

Amend the amendment in section 4 by striking out all of subsection 1 (page 2, lines 16 to 22 in amendment) and inserting the following:

'1. A person is guilty of assault on a firefighter if the person intentionally, knowingly or recklessly causes bodily injury to a firefighter while the firefighter is providing emergency services. Violation of this subsection is a Class C crime.'

1 If the State pleads and proves a violation of subsection 1, the court shall treat as an  
2 aggravating sentencing factor that the person selected the firefighter whom the person  
3 injured because of the firefighter's status as a firefighter.'

4 **SUMMARY**

5 This amendment removes the Class B crime added by Committee Amendment "A" of  
6 causing bodily injury to a law enforcement officer, emergency medical care provider or  
7 firefighter because of that person's status as a law enforcement officer, emergency  
8 medical care provider or firefighter. Instead, this amendment makes causing bodily  
9 injury to a law enforcement officer, emergency medical care provider or firefighter  
10 because of that person's status as a law enforcement officer, emergency medical care  
11 provider or firefighter an aggravating factor that must be considered by the court when  
12 sentencing a person convicted of assault of a law enforcement officer, emergency medical  
13 care provider or firefighter.

14 This amendment also removes the Class C crime added by Committee Amendment  
15 "A" of intentionally or knowingly causing offensive physical contact to a law  
16 enforcement officer while that officer is in the performance of the officer's official duties.

17 **SPONSORED BY:** \_\_\_\_\_

18 **(Representative WARREN)**

19 **TOWN: Hallowell**