

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 847

H.P. 598

House of Representatives, February 16, 2005

An Act To Increase the Class of Crime for Home Trespass

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LEWIN of Eliot.
Cosponsored by Senator ANDREWS of York and
Representatives: BOWEN of Rockport, BURNS of Berwick, DUGAY of Cherryfield, JOY of
Crystal, NUTTING of Oakland, TARDY of Newport, Senators: DAVIS of Piscataquis, NASS
of York.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 17-A MRS §402, sub-§1, ¶A,** as amended by PL 2001, c.
5 383, §56 and affected by §156, is repealed and the following
6 enacted in its place:

7 A. Enters any dwelling place.

8
9 (1) A person who violates this paragraph is guilty of
10 a Class C crime, punishable by a minimum term of
11 imprisonment of 3 years, none of which may be suspended.

12
13 (2) A person convicted of a violation of this
14 paragraph who has one previous conviction under this
15 paragraph within a 10-year period is guilty of a Class
16 C crime, punishable by a term of imprisonment of 5
17 years, none of which may be suspended.

18
19 (3) A person convicted of a violation of this
20 paragraph who has 2 or more previous convictions under
21 this paragraph within a 10-year period is guilty of a
22 Class B crime, punishable by a term of imprisonment of
23 10 years, none of which may be suspended.

24
25 **SUMMARY**

26
27 **28** Current law prohibits a person from entering a dwelling
28 place if that person is not licensed or privileged to enter that
29 dwelling place. Violation is a Class D crime.

30
31 This bill increases the class of crime for a first-time
32 offense to Class C and requires a minimum, nonsuspendable
33 sentence of incarceration of 3 years. A 2nd offense is
34 punishable by 5 years' imprisonment, which may not be suspended
35 and a 3rd or subsequent violation is a Class B crime, punishable
36 by 10 years' imprisonment, which may not be suspended.