

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 431

S.P. 160

In Senate, February 24, 2015

### An Act To Strengthen the Laws Prohibiting Stalking

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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 BURNS of Washington.  
Cosponsored by Representative TIMMONS of Cumberland and  
Senators: COLLINS of York, CYRWAY of Kennebec, DAVIS of Piscataquis, HAMPER of  
Oxford, WHITTEMORE of Somerset, Representatives: LOCKMAN of Amherst, LONG of  
Sherman, NADEAU of Winslow.

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

2 **Sec. 1. 17-A MRSA §210-A, sub-§1, ¶A**, as amended by PL 2007, c. 685, §1, is  
3 further amended to read:

4 A. The actor intentionally or knowingly engages in a course of conduct directed at or  
5 concerning a specific person that would cause a reasonable person:

- 6 (1) To suffer serious inconvenience or emotional distress;  
7 (2) To fear bodily injury or to fear bodily injury to a close relation;  
8 (3) To fear death or to fear the death of a close relation;  
9 (4) To fear damage or destruction to or tampering with property; or  
10 (5) To fear injury to or the death of an animal owned by or in the possession and  
11 control of that specific person.

12 Violation of this paragraph is a Class D crime; ~~or~~

13 **Sec. 2. 17-A MRSA §210-A, sub-§1, ¶C**, as amended by PL 2009, c. 336, §11,  
14 is further amended to read:

15 C. The actor violates paragraph A and has ~~2~~ one or more prior convictions in this  
16 State or another jurisdiction. Notwithstanding section 2, subsection 3-B, as used in  
17 this paragraph, "another jurisdiction" also includes any Indian tribe.

18 Violation of this paragraph is a Class C crime, with a minimum term of imprisonment  
19 of one year, which may not be suspended.

20 For the purposes of this paragraph, "prior conviction" means a conviction for a  
21 violation of this section; Title 5, section 4659; Title 15, section 321; former Title 19,  
22 section 769; Title 19-A, section 4011; Title 22, section 4036; any other temporary,  
23 emergency, interim or final protective order; an order of a tribal court of the  
24 Passamaquoddy Tribe or the Penobscot Nation; any similar order issued by any court  
25 of the United States or of any other state, territory, commonwealth or tribe; or a  
26 court-approved consent agreement. Section 9-A governs the use of prior convictions  
27 when determining a sentence;

28 **Sec. 3. 17-A MRSA §210-A, sub-§1, ¶¶D and E** are enacted to read:

29 D. The actor violates paragraph A and the course of conduct is directed at or  
30 concerning 2 or more specific persons that are members of an identifiable group.

31 Violation of this paragraph is a Class C crime; or

32 E. The actor violates paragraph C and at least one prior conviction was for a  
33 violation of paragraph D.

34 Violation of this paragraph is a Class B crime, with a minimum term of imprisonment  
35 of 2 years, which may not be suspended.

1 **SUMMARY**

2 This bill expands the crime of stalking to include conduct directed at or concerning a  
3 group of persons. This new classification of stalking is a Class C crime, as opposed to a  
4 Class D crime for stalking a single individual. This bill also changes the escalation of  
5 criminal penalties for subsequent convictions of stalking, with one prior conviction for  
6 stalking or violation of a protective order sufficient to enhance penalties, as opposed to  
7 the current 2 prior convictions. Subsequent convictions are still a Class C crime, but the  
8 bill adds a mandatory minimum sentence of one year. Prior conviction of stalking a  
9 group of persons escalates the penalty to that for a Class B crime, with a mandatory  
10 minimum sentence of 2 years.