

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 316

H.P. 240

House of Representatives, January 22, 2019

**An Act To Protect Adults 66 Years of Age and Older from Financial
and Other Types of Exploitation through Theft by Deception**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CARNEY of Cape Elizabeth.
Cosponsored by Senator CYRWAY of Kennebec and
Representatives: FAY of Raymond, HANINGTON of Lincoln, JAVNER of Chester,
MORALES of South Portland, RECKITT of South Portland, Senators: CARPENTER of
Aroostook, LAWRENCE of York, MILLETT of Cumberland.

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

2 **Sec. 1. 17-A MRSA §354, sub-§1, ¶B,** as amended by PL 2007, c. 476, §11, is
3 further amended to read:

4 B. The person violates paragraph A and:

5 (1) The value of the property is more than \$10,000. Violation of this
6 subparagraph is a Class B crime;

7 (1-A) The other person is in fact 66 years of age or older at the time of the
8 offense. Violation of this subparagraph is a Class B crime;

9 (2) The property stolen is a firearm or an explosive device. Violation of this
10 subparagraph is a Class B crime;

11 (3) The person is armed with a dangerous weapon at the time of the offense.
12 Violation of this subparagraph is a Class B crime;

13 (4) The value of the property is more than \$1,000 but not more than \$10,000.
14 Violation of this subparagraph is a Class C crime;

15 (5) The value of the property is more than \$500 but not more than \$1,000.
16 Violation of this subparagraph is a Class D crime; or

17 (6) The person has 2 or more prior convictions for any combination of the Maine
18 offenses listed in this subparagraph or for engaging in substantially similar
19 conduct to that of the Maine offenses listed in this subparagraph in another
20 jurisdiction. The Maine offenses are: theft; any violation of section 401 in which
21 the crime intended to be committed inside the structure is theft; any violation of
22 section 405 in which the crime intended to be committed inside the motor vehicle
23 is theft; any violation of section 651; any violation of section 702, 703 or 708; or
24 attempts to commit any of these crimes. Section 9-A governs the use of prior
25 convictions when determining a sentence. Violation of this subparagraph is a
26 Class C crime.

27 **SUMMARY**

28 This bill makes the crime of theft by deception when the victim is 66 years of age or
29 older at the time of the offense a Class B crime.