

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

---

Legislative Document

No. 1572

---

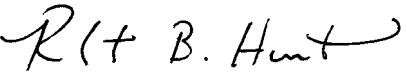
H.P. 1030

House of Representatives, April 10, 2025

### **An Act Regarding Prosecution Standards for Nonfatal Strangulation or Suffocation in Domestic Violence Cases**

---

Reference to the Committee on Judiciary suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative STOVER of Boothbay.  
Cosponsored by Senator NANGLE of Cumberland and  
Representatives: GRAMLICH of Old Orchard Beach, MALON of Biddeford, MASTRACCIO  
of Sanford, MEYER of Eliot, MOONEN of Portland, PLUECKER of Warren, SAYRE of  
Kennebunk, Senator: ROTUNDO of Androscoggin.

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

2               **Sec. 1. 15 MRSA §1032** is enacted to read:

3       **§1032. Domestic assault**

4               In a domestic assault matter under Title 17-A, section 207-A, 208-C, 208-D, 208-E or  
5       208-F, bail may not be posted by the victim or a family or household member of the victim  
6       as defined in Title 19-A, section 4102, subsection 6 or a dating partner of the victim as  
7       defined in Title 19-A, section 4102, subsection 4.

8               **Sec. 2. 16 MRSA §62** is enacted to read:

9       **§62. Domestic violence victim testimony in criminal matters**

10              Notwithstanding any provision of law to the contrary, a victim of domestic violence in  
11       a criminal matter may not be compelled to testify, and the complete record of the victim's  
12       oral or recorded statements in any initial or follow-up interviews with a law enforcement  
13       officer, attorney for the State or employee or agent of a law enforcement agency or  
14       prosecutorial office taken as part of the investigation or preparation for prosecution of the  
15       matter is not hearsay and may be admitted in court without the presence of the victim.

16              **Sec. 3. 17-A MRSA §20** is enacted to read:

17       **§20. Matters related to nonfatal strangulation or suffocation**

18              **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
19       following terms have the following meanings.

20              A. "Dispatcher" has the same meaning as in Title 5, section 18313, subsection 1.

21              B. "Prosecutor" means the attorney for the State prosecuting a criminal matter.

22              C. "Strangulation" or "suffocation" has the same meaning as in section 208, subsection  
23       1, paragraph C.

24              **2. Court action in matters related to aggravated domestic violence nonfatal**  
25       **strangulation or suffocation.** The court may not dismiss or allow unnecessary delay of  
26       the disposition of a case alleging domestic violence aggravated assault involving nonfatal  
27       strangulation or suffocation under section 208-D, subsection 1, paragraph D.

28              **3. Prosecution of matters related to aggravated domestic violence nonfatal**  
29       **strangulation or suffocation.** In a criminal matter involving nonfatal strangulation or  
30       suffocation of a family or household member as defined in Title 19-A, section 4102,  
31       subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4, the  
32       prosecutor:

33              A. May not dismiss the charge or cause unnecessary delay in the disposition of the  
34       matter;

35              B. Shall review the case to determine whether the matter is an aggravated offense  
36       under section 208-D;

37              C. May not defer the case or agree to a plea of a lesser assault charge; and

38              D. Shall use an expert, when necessary, to assist with testimony of the victim.

1       **4. Repeat offenders.** A defendant in a criminal matter involving nonfatal  
2 strangulation or suffocation of a family or household member as defined in Title 19-A,  
3 section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102,  
4 subsection 4 who has been convicted of an offense under section 207-A, 208-C, 208-D,  
5 208-E or 208-F or similar domestic violence assault offense may not be offered or enter  
6 into a plea agreement or any other similar procedure that restricts court process.

7       **5. Training on nonfatal strangulation or suffocation prevention.** A prosecutor  
8 shall complete a minimum of 8 hours of certified training on nonfatal strangulation or  
9 suffocation prevention annually. All judges, justices, law enforcement officers, defense  
10 attorneys and dispatchers shall complete certified training on nonfatal strangulation or  
11 suffocation prevention every 2 years.

12       **Sec. 4. 17-A MRSA §208, sub-§1, ¶C,** as amended by PL 2019, c. 91, §1, is further  
13 amended to read:

14       C. Bodily injury to another under circumstances manifesting extreme indifference to  
15 the value of human life. Such circumstances include, but are not limited to, the number,  
16 location or nature of the injuries, the manner or method inflicted, the observable  
17 physical condition of the victim or the use of strangulation or suffocation. For the  
18 purpose of this paragraph, "strangulation" means impeding the breathing or circulation  
19 of the blood of another person by intentionally, knowingly or recklessly applying  
20 pressure on the person's throat or neck, and "suffocation" means impeding the breathing  
21 or circulation of the blood of another person by intentionally, knowingly or recklessly  
22 applying pressure on the person's nose or mouth. Violation of this paragraph is a Class  
23 B crime.

24       **Sec. 5. 17-A MRSA §208-D, sub-§1, ¶C,** as amended by PL 2023, c. 465, §4, is  
25 further amended to read:

26       C. Violates section 208, subsection 1, paragraph B and the victim is a family or  
27 household member as defined in Title 19-A, section 4102, subsection 6 or a dating  
28 partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph  
29 is a Class B crime; ~~or~~

30       **Sec. 6. 17-A MRSA §208-D, sub-§1, ¶D,** as amended by PL 2023, c. 465, §4, is  
31 further amended to read:

32       D. Violates section 208, subsection 1, paragraph C and the victim is a family or  
33 household member as defined in Title 19-A, section 4102, subsection 6 or a dating  
34 partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph  
35 is a Class B crime; ~~or~~

36       **Sec. 7. 17-A MRSA §208-D, sub-§1, ¶E** is enacted to read:

37       E. Violates section 208, subsection 1, paragraph C and willingly inflicts nonfatal  
38 strangulation or suffocation on the victim or physical injury resulting in a traumatic  
39 condition and the victim is a family or household member as defined in Title 19-A,  
40 section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102,  
41 subsection 4. For purposes of this paragraph, "traumatic condition" means a condition  
42 of the body such as a wound or external or internal injury caused by physical force.  
43 Violation of this paragraph is a Class A crime.

1 **SUMMARY**

2 This bill establishes prosecution standards for nonfatal strangulation or suffocation in  
3 domestic assault criminal matters. It:

4 1. Prohibits the victim, victim's family or victim's dating partner from being able to  
5 post bail for the defendant;

6 2. Allows statements made by the victim during the investigation or preparation for  
7 prosecution to be admitted in court without the presence of the victim being required;

8 3. Prohibits the court from dismissing or allowing unnecessary delay of the disposition  
9 of the matter;

10 4. Prohibits the prosecutor from dismissing, allowing unnecessary delay, deferring or  
11 agreeing to a plea of a lesser assault charge;

12 5. Prohibits a defendant previously convicted of a domestic violence assault charge  
13 from entering into a plea agreement;

14 6. Requires prosecutors, judges, justices, law enforcement officers, defense attorneys  
15 and dispatchers to receive training on nonfatal strangulation or suffocation prevention; and

16 7. Makes domestic violence aggravated assault by means of nonfatal strangulation or  
17 suffocation a Class A crime.