

# MAINE STATE LEGISLATURE

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STATE OF MAINE

ONE HUNDRED AND EIGHTH LEGISLATURE

COMMITTEE ON LEGAL AFFAIRS

March 1, 1978

The Honorable John L. Martin, Chairman  
Legislative Council  
State House  
Augusta, Maine 04333

Dear Speaker Martin:

Re: H.P. 1552

We are transmitting to the Legislative Council the final report of the Joint Standing Committee on Legal Affairs on its study of assaults on police officers, pursuant to H.P. 1552.

Very truly yours,

A handwritten signature in cursive script that reads "Richard D. Hewes".

Richard Hewes  
Senate Chairman

A handwritten signature in cursive script that reads "Albert E. Cote".

Albert Cote  
House Chairman

REPORT OF  
JOINT STANDING COMMITTEE ON  
LEGAL AFFAIRS

108TH LEGISLATURE

ASSAULTS ON POLICE OFFICERS

H. P. 1552

SENATE

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## INTRODUCTION

The Joint Standing Committee on Legal Affairs, of the 108th Legislature, was directed, through H.P. 1552, a Joint Order, to study "the reporting of assaults on police officers to see if the reporting is valid or should be modified to better reflect actual events, and to determine whether or not there is an increasing threat to the safety of the police officers of this State."

The Order was adopted in response to an increase in the incidents of assaults on police officers in Maine in recent years.

## COMMITTEE PROCEDURES

Committee members commenced studying the issue with two hearings at Augusta shortly after adjournment of the first regular session of the 108th Legislature. Subsequently, each Committee member met personally with local law enforcement officers in their respective legislative districts to further ascertain the extent of the problem and what types of incidents were actually being reported.

The Committee also held a series of meetings which were attended by various members of the law enforcement communities and other interested parties, including representatives from the:

1. Attorney General's office,
2. Maine Sheriff's Association,
3. Maine Chief of Police Association,
4. State Police,
5. Maine Criminal Justice Planning and Assistance Agency,  
and
6. Various local law enforcement agencies.

## CONCLUSION

Testimony and data gathered at the meetings indicated to the committee that the problem of assaults on law enforcement officers is complex and involves many interrelated aspects of law enforcement and community response. The Committee realized that detailed study of the problem would be necessary to effectively resolve the concern over assaults on police officers.

As a result of the study, the Committee feels that an assault on a law enforcement officer should be treated as a serious crime and should include more than mere offensive physical contact. After due deliberation, the Committee proposes the attached legislation to increase the penalty for assault on an officer and to ensure that such a crime will not involve a mere physical touching without injury to the police officer. The attached legislation will result in the following gradation of assault crimes:

Criminal Threatening: Placing someone in fear of imminent bodily injury. (No touching required.) Class D crime.

Simple Assault: Causing bodily injury or offensive physical contact. Class D crime.

Assault on an Officer: Bodily injury or offensive physical contact to a prison guard (which is the current law), and medically documented bodily injury to an officer. Class C crime.

Aggravated Assault: Bodily injury which is:

1. serious,
2. caused by a deadly weapon, or
3. under circumstances manifesting extreme indifference to the value of human life.

Class B crime.

APPENDIX A: PROPOSED LEGISLATION

AN ACT to Amend the Crime of Assault on a Law Enforcement Officer.

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

Sec. 1. 17-A MRSA § 752, as enacted by PL 1975, c. 499, § 1, and as amended by PL 1975, c. 740, §§ 80 and 81, is repealed.

Sec. 2. 17-A MRSA § 752-A is enacted to read:

§ 752-A. Assault on an officer

1. A person is guilty of assault on an officer if:

A. He inflicts medically documented bodily injury on a law enforcement officer while the officer is in the performance of his official duties; or

B. While in custody in a penal institution or other facility pursuant to an arrest or pursuant to a court order, he commits an assault on a member of the staff of the institution or facility. As used in this paragraph "assault" means the crime defined in chapter 9, section 207.

2. Assault on an officer is a Class C crime.

Statement of Fact

This bill requires bodily injury, documented by medical evidence, before a person is guilty of assault on an officer. The penalty for the assault has been increased to a Class C crime.