

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
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3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1034

6
7 H.P. 794

House of Representatives, March 4, 1983

8 Submitted by the Department of Corrections pursuant to Joint Rule 24.
9 On Motion of Representative Hobbins of Saco, referred to the Committee
on Judiciary. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Paradis of Augusta.

Cosponsor: Representative Mayo of Thomaston.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Deter Assaults on Officers in
18 Penal Institutions.
19

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

22 17-A MRSA §752-A, as enacted by PL 1977, c. 656,
23 §2, is amended to read:

24 §752-A. Assault on an officer

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

27 A. He intentionally, knowingly or recklessly
28 causes bodily injury to a law enforcement officer
29 while the officer is in the performance of his
30 official duties; or

1 B. While in custody in a penal institution or
2 other facility pursuant to an arrest or pursuant
3 to a court order, he commits an assault on a
4 member of the staff of the institution or facil-
5 ity. As used in this paragraph "assault" means
6 the crime defined in chapter 9, section 207, sub-
7 section 1.

8 (1) If the defendant is serving a sentence
9 in a county jail or any institution or pro-
10 gram under the direction of the Department
11 of Corrections at the time of the assault,
12 the sentence for that assault shall be con-
13 secutive to the sentence being served, with
14 no provisions for any portion of the sen-
15 tence for that assault to be suspended.

16 2. A complaint for an assault on an officer may
17 only be brought by the chief administrative officer
18 of the law enforcement agency, or correctional insti-
19 tution in which the officer against whom the assault
20 was allegedly committed, is a member.

21 3. Assault on an officer is a Class C crime.

22 4. If an assault is committed while the defen-
23 dant is armed with a dangerous weapon, it shall
24 become a Class A crime.

25 STATEMENT OF FACT

26 There are 2 purposes of this bill:

27 1. To act as a deterrent to decrease the
28 assaults inside a penal institution; and

29 2. Because an assault on an officer inside a
30 penal institution increases the tension upon the
31 entire population which could produce serious prob-
32 lems, and because of the seriousness of an assault of
33 this nature, a higher classification is needed.

34 Historical Note: Prior to the enactment of Title
35 17-A, May 1, 1976, assaults upon correctional offi-
36 cers were considered serious enough to give sentences
37 to "be punished by confinement to hard labor for any

1 term of years, to commence after the completion of
2 his former sentence."

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