

MAINE STATE LEGISLATURE

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(New Draft of H.P. 1450, L.D. 1961)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2552

H.P. 1864 House of Representatives, March 21, 1988
Reported by Representative MARSANO from the Committee on
Judiciary and printed under Joint Rule 2.

EDWIN H. PERT, Clerk
Original bill sponsored by Representative MCGOWAN of
Canaan. Cosponsored by Speaker MARTIN of Eagle Lake,
Representatives CHONKO of Topsham and DEXTER of Kingfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 AN ACT Concerning High Speed Chases.
2

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

5 Sec. 1. 17-A MRSA §203, sub-§3, as amended by
6 PL 1983, c. 217, is repealed and the following enacted
7 in its place:

8 3. Manslaughter is a Class B crime if it occurs

1 as the result of the reckless or criminally negligent
2 operation of a motor vehicle and if the defendant was
3 not eluding or attempting to elude a law enforcement
4 officer when the manslaughter occurred; otherwise,
5 manslaughter is a Class A crime. If manslaughter
6 occurs as the result of reckless or criminally
7 negligent operation of a motor vehicle and the
8 defendant was eluding or attempting to elude a law
9 enforcement officer as defined in Title 29, section
10 2501-A, subsection 3, when the manslaughter occurred,
11 the manslaughter is a Class A crime.

12 Sec. 2. 29 MRSA §2501-A, sub-§3, as amended by
13 PL 1983, c. 181, §1, is further amended to read:

14 3. Eluding an officer. Whoever, after being
15 requested or signaled to stop, attempts to elude a law
16 enforcement officer by driving a vehicle at a reckless
17 rate of speed which results in a high-speed chase
18 between the operator's vehicle and any law enforcement
19 vehicle using a blue light ~~or~~ and siren is guilty
20 of a Class B C crime. If any person suffers any
21 serious bodily injury, as defined in Title 17-A,
22 section 2, subsection 23, as a result of the
23 operator's attempt to elude a law enforcement officer
24 as described in this section, that operator commits a
25 Class E B crime.

26 STATEMENT OF FACT

27 This new draft deletes the provisions of the
28 original bill that called for the automatic forfeiture
29 of any vehicle used in a high-speed chase and which
30 required the Department of Public Safety to conduct a
31 study of high-speed chase policies and techniques.
32 The new draft retains the provisions which increase
33 the severity of the offense of attempting to elude a
34 law enforcement officer from a Class D crime to a
35 Class C crime, and from Class C to Class B if serious
36 bodily injury results from the high-speed chase. The
37 new draft also provides consistency with the Maine
38 Revised Statutes, Title 29, section 946, by requiring
39 the pursuing law enforcement officer to use both a
40 blue light and siren simultaneously during the pursuit.

1 The new draft also adds a section to increase the
2 current penalty for manslaughter if it occurs as a
3 result of a high-speed chase. Current law provides
4 that manslaughter resulting from reckless or
5 criminally negligent operation of a motor vehicle is a
6 Class B crime. The new draft increases the offense to
7 a Class A crime if the manslaughter results while the
8 defendant is attempting to elude a law enforcement
9 officer.

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