

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 632

H.P. 442

House of Representatives, February 14, 1991

Submitted by the Department of Human Services pursuant to Joint Rule 24.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

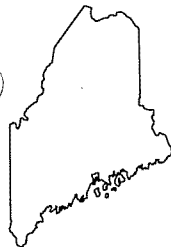
Presented by Representative PENDEXTER of Scarborough.

Cosponsored by Representative BOUTILIER of Lewiston, Senator GILL of Cumberland and Senator GAUVREAU of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Provide for More Substantial Penalties for Assaults Against
Certain Agents of the Department of Human Services.**



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

17-A MRSA §752-A, as amended by PL 1983, c. 408, §§1 and 2,
is further amended to read:

§752-A. Assault on an officer

1. A person is guilty of assault on an officer, a child welfare or adult protective social worker, a Department of Human Services enforcement agent or special investigator or a supervisor of these state employees if:

A. He That person intentionally, knowingly or recklessly causes bodily injury to a law enforcement officer, a child welfare or adult protective social worker, a Department of Human Services enforcement agent or special investigator or a supervisor of these state employees while the that officer or employee 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 that person 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 section 207, subsection 1.

2. A complaint for an assault on an officer may only be brought by the chief administrative officer of the law enforcement agency or penal institution or facility in which the officer against whom the assault was allegedly committed is a member or is assigned. A complaint for an assault on a child welfare or adult protective social worker, a Department of Human Services enforcement agent or special investigator or a supervisor of these state employees may be brought by the individual.

3. Assault on an officer, a child welfare or adult protective social worker, a Department of Human Services enforcement agent or special investigator or a supervisor of these state employees is a Class C crime.

STATEMENT OF FACT

There have been a number of assaults by clients on Department of Human Services employees. This bill adds certain agents of the Department of Human Services to the section of the Maine Criminal Code under which the offense of assault on a law enforcement officer is a Class C crime.