

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1686

S.P. 638

In Senate, April 24, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MATTHEWS of Kennebec

Cosponsored by Representative PARENT of Benton, Representative POWERS of Coplin  
Plantation and Representative PARADIS of Augusta.

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STATE OF MAINE

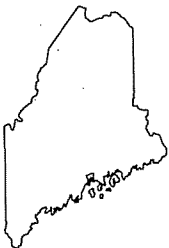
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Provide Additional Protection for Victims of Criminal  
Threatening and Terrorizing.**

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

4 Sec. 1. 15 MRSA c. 14 is enacted to read:

6 CHAPTER 14

8 PROTECTION FROM CRIMINAL INTIMIDATION

10 §351. Definitions

12 As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

14 1. Criminal intimidation. "Criminal intimidation" means any act of terrorizing or criminal threatening as defined in Title 17-A, sections 209 and 210.

18 2. Law enforcement agency. "Law enforcement agency" means the State Police, a sheriff's department or a municipal police department.

22 §352. Officer training

24 Law enforcement agencies shall provide officers employed by them with an education and training program designed to inform the officers of the problems of criminal intimidation, procedures to deal with these problems and the provisions of this chapter. The amount and degree of officer training, beyond the distribution of information, is determined by each local law enforcement agency.

32 §353. Officer responsibilities

34 Whenever a law enforcement officer has reason to believe that a person has been a victim of criminal intimidation, the officer shall immediately use all reasonable means to prevent further criminal intimidation, including:

38 1. Physical presence. Remaining on the scene as long as the officer reasonably believes there is danger to the physical safety of that person without the presence of a law enforcement officer;

44 2. Medical treatment. Assisting that person in obtaining medical treatment necessitated by an assault;

46 3. Notice of rights. Giving that person written notice of that person's rights, which includes information summarizing the procedures and relief available to victims of criminal intimidation; or

2 4. Arrest. Arresting the party responsible for the  
3 criminal intimidation with or without a warrant. If an arrest is  
4 found necessary, the officer shall recommend that any release of  
5 the party arrested be conditioned on the issuance of a protective  
6 order forbidding contact with the person believed to be the  
7 victim of the criminal intimidation.

8 **Sec. 2. 17-A MRSA §209, sub-§§1 and 2, as enacted by PL 1975,**  
9 **c. 499, §1, are amended to read:**

10 1. A person is guilty of criminal threatening if he that  
11 person intentionally or knowingly places another person in fear  
12 of imminent bodily injury.

13 2. Criminal threatening is a Class D crime, except as  
14 provided in subsection 3.

15 **Sec. 3. 17-A MRSA §209, sub-§3 is enacted to read:**

16 **3. Criminal threatening is a Class C crime if:**

17 **A. The actor is in possession of a dangerous weapon; or**

18 **B. The actor has 2 prior convictions in the State for**  
19 **violation of this section or section 210 or either of these**  
20 **with a conviction for violation of section 506-A.**

21 For the purposes of this paragraph, the dates of both the  
22 prior convictions must precede the commission of the offense  
23 being enhanced by no more than 10 years. This paragraph  
24 does not apply if the commission of the 2 prior offenses  
25 occurred within a 3-day period. The date of conviction is  
26 the date that sentence is imposed, even if an appeal is  
27 taken. The date of commission of prior offenses is presumed  
28 to be that date stated in the complaint, information or  
29 indictment notwithstanding the use of the words "on or  
30 about" or the equivalent.

31 **Sec. 4. 17-A MRSA §210, sub-§2, as repealed and replaced by PL**  
32 **1977, c. 510, §45, is repealed and the following enacted in its**  
33 **place:**

34 **2. Terrorizing is a Class C crime.**

## 35 STATEMENT OF FACT

36 This bill makes terrorizing a Class C crime and raises  
37 criminal threatening from a Class D crime to a Class C crime when  
38 the perpetrator has a history of criminal intimidation crimes or  
39 possesses a dangerous weapon. It also allows warrantless arrests

2 in certain cases of criminal intimidation to protect the victim,  
similar to warrantless arrests allowed for violation of  
protective orders in harassment cases.

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