

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1838

H.P. 1267

House of Representatives, May 13, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

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

EDWIN H. PERT, Clerk

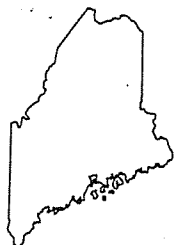
Presented by Representative BOUTILIER of Lewiston.

Cosponsored by Senator HOLLOWAY of Lincoln and Representative CATHCART of Orono.

STATE OF MAINE

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

**An Act Amending the Definition of Murder in the First Degree to
Include Homicide by Patten or Practice of Assault or Torture of a Child
under the Age of 16.**



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

2
3 Sec. 1. 17-A MRSA §201, sub-§1, as repealed and replaced by PL
4 1977, c. 510, §38, is amended to read:

6 1. A person is guilty of murder if that person:

8 A. ~~He-intentionally~~ Intentionally or knowingly causes the
9 death of another human being;

10 B. ~~He-engages~~ Engages in conduct which that manifests a
12 depraved indifference to the value of human life and which
13 that in fact causes the death of another human being; or

14 C. ~~He--intentionally~~ Intentionally or knowingly causes
16 another human being to commit suicide by the use of force,
17 duress or deception; or

18 D. Engages, under circumstances manifesting depraved
19 indifference to the value of human life, in a pattern or
20 practice of assault or torture of a child who has not yet
21 attained 16 years of age and one of the acts of assault or
22 torture in fact causes the death of the child. For purposes
23 of this paragraph, a person engages in a pattern or practice
24 of assault or torture if the person inflicts serious bodily
25 injury to a child by at least 2 separate acts and one of the
26 acts in fact causes the death of the child.

28 Sec. 2. 17-A MRSA §201, sub-§1-A, as repealed and replaced by
30 PL 1985, c. 416, is amended to read:

32 1-A. For purposes of subsection 1, paragraph ~~paragraphs~~ B
33 and D, when the crime of depraved indifference murder is charged,
34 the crime of criminally negligent manslaughter shall ~~be~~ is deemed
35 to be charged.

38 STATEMENT OF FACT

40 This bill amends the current murder statute. It addresses
41 the situation where there exists a pattern of assault or torture
42 of a child under 16 years of age resulting in the death of the
43 child. This bill provides that if this occurs under
44 circumstances manifesting a depraved indifference to the value of
45 human life, the assailant may be convicted of murder even though
46 the assailant did not intend to cause the death of the child.