



115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2040

H.P. 1428

House of Representatives, January 7, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative CATHCART of Orono. Cosponsored by Senator HOLLOWAY of Lincoln, Representative RICHARDS of Hampden and Representative STEVENS of Bangor.

STATE OF MAINE

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

An Act to Increase the Penalties for Committing Repeated Assault.

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

17-A MRSA §207, sub-§2, as amended by PL 1985, c. 495, §4, is repealed and the following enacted in its place:

- 2. Assault is a class D crime except that:
- A. In instances of bodily injury to another who has not attained 6 years of age and the actor has attained 18 years
 of age, violation of this section is a Class C crime;

12 B. If the actor has 2 or more prior Maine convictions for violations of this section, a violation of this section is a Class C crime. For purposes of this subsection, the dates 14 of both of the prior convictions must precede the commission of the offense being enhanced by no more than 5 years, 16 although both prior convictions may have occurred on the same day. The date of a conviction is deemed to be the date 18 that sentence is imposed, even though an appeal was taken. 20 The date of a commission of prior offenses is presumed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the 22 equivalent; or 24

> C. In instances of bodily injury to another who has not attained 6 years of age, if the actor has attained 18 years of age and has 2 or more convictions as set out in paragraph B, violation of this section is a Class B crime.

STATEMENT OF FACT

34 This bill enhances the classification of the crime of assault in much the same way as the crime harassment was enhanced 36 by Public Law 1991, chapter 566. Currently assault is, under normal circumstances, a Class D crime unless the victim is under 38 6 years old, and then it is a Class C crime. This bill increases the class level by one class in each instance if the person 40 committing the assault has 2 or more prior convictions for assault within the immediately preceding 5 years.

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Page 1-LR3000(1) L.D.2040