

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 500

H.P. 387

House of Representatives, February 16, 1993

An Act to Prohibit the Stalking of an Individual.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads 'Joseph W. Mayo'.

JOSEPH W. MAYO, Clerk

Presented by Representative BRUNO of Raymond.
Cosponsored by Representatives: AHEARNE of Madawaska, AIKMAN of Poland, ANDERSON of Woodland, AULT of Wayne, BAILEY of Township 27, BAILEY of Farmington, BARTH of Bethel, BENNETT of Norway, CAMERON of Rumford, CAMPBELL of Holden, CARLETON of Wells, CARR of Sanford, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DEXTER of Kingfield, DONNELLY of Presque Isle, FARNUM of South Berwick, FARREN of Cherryfield, FITZPATRICK of Durham, FOSS of Yarmouth, GREENLAW of Standish, HEINO of Boothbay, HILLOCK of Gorham, JONES of Pittsfield, JOY of Island Falls, KNEELAND of Easton, KUTASI of Bridgton, LIBBY of Buxton, LINDAHL of Northport, LOOK of Jonesboro, LORD of Waterboro, MacBRIDE of Presque Isle, MARSH of West Gardiner, MARSHALL of Eliot, MICHAEL of Auburn, MURPHY of Berwick, NASH of Camden, NICKERSON of Turner, NORTON of Winthrop, PENDEXTER of Scarborough, PENDLETON of Scarborough, PLOURDE of Biddeford, QUINT of Paris, REED of Falmouth, REED of Dexter, ROBICHAUD of Caribou, SIMONEAU of Thomaston, SPEAR of Nobleboro, STEVENS of Sabattus, STROUT of Corinth, TAYLOR of Cumberland, THOMPSON of Lincoln, TRUE of Fryeburg, TUFTS of Stockton Springs, YOUNG of Limestone, ZIRNKILTON of Mount Desert, Senators: AMERO of Cumberland, BEGLEY of Lincoln, BUTLAND of Cumberland, CAHILL of Sagadahoc, CARPENTER of York, HARRIMAN of Cumberland, KIEFFER of Aroostook, LAWRENCE of York, LUDWIG of Aroostook, LUTHER of Oxford, MARDEN of Kennebec, SUMMERS of Cumberland, VOSE of Washington, WEBSTER of Franklin.

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

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Sec. 1. 17-A MRSA §506-B is enacted to read:

§506-B. Stalking

1. A person who intentionally or knowingly repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear of death or serious bodily injury is guilty of stalking.

2. Stalking is a Class D crime, except that when the defendant has a prior Maine conviction for violation of this section, violation of this section is a Class C crime. For purposes of this subsection, the date of a prior conviction must precede the commission of the offense being enhanced by no more than 7 years. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date of a commission of an offense is presumed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.

3. As used in this section, the following terms have the following meanings.

A. "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

B. "Credible threat" means a threat made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for that person's safety. The threat must be against the life of, or a threat to cause serious bodily injury to, a human being.

C. "Harass" means an intentional or knowing course of conduct directed at a specific person that seriously alarms, annoys or harasses the person, and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the person.

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STATEMENT OF FACT

This bill creates the crime of stalking, using the California statute as a model.

The crime consists of a course of conduct, not a single act, engaged in with the intent to place the intended victim in reasonable fear of death or serious bodily injury. The course of conduct must be of such a nature that a reasonable person subjected to it would suffer substantial emotional distress, and the victim must actually suffer substantial emotional distress. This avoids the problem of criminalizing as stalking any innocent activity that would not frighten a reasonable person but does cause substantial emotional distress to the alleged victim.

This bill defines stalking as a Class D crime, but raises the classification to Class C if the stalker has a prior Maine conviction for stalking in the preceding 7-year period.

This bill does not affect the crime of harassment as it currently exists in the Maine Criminal Code.