

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 855

S.P. 284

In Senate, February 10, 1993

An Act Concerning Victims of Stalking.

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

Emergency preamble. Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
as emergencies; and

4
Whereas, victims of stalking are exposed to substantial
6 emotional distress, serious bodily injury or even death; and

8
Whereas, the Legislature has determined that state criminal
laws fail to adequately protect potential victims of stalking; and

10
Whereas, in the judgment of the Legislature, these facts
12 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
14 necessary for the preservation of the public peace, health and
safety; now, therefore,

16
Be it enacted by the People of the State of Maine as follows:

18
Sec.1. 17-A MRSa §210-A is enacted to read:

20
§210-A. Stalking

22
1. Any person who knowingly and repeatedly follows or
24 harasses another person and who makes a credible threat that
places that person in reasonable fear of death, serious bodily
26 injury or substantial emotional distress is guilty of stalking.

28
2. Stalking is a Class D crime, except that:

30
A. Stalking is a Class C crime if there is in effect a
32 temporary restraining order or an injunction, or both,
prohibiting the behavior proscribed under this section of
34 the defendant against the victim; and

36
B. Stalking is a Class C crime if the defendant has one or
38 more prior Maine convictions for violation of this section
and the victim is the same person. For the purposes of this
40 section, the date of the prior conviction must precede the
commission of the offense being enhanced by no more than 7
42 years. The date of conviction is deemed to be the date that
sentence is imposed, even though an appeal was taken. The
44 date of the commission of the offense is presumed to be that
stated in the complaint, information or indictment,
notwithstanding the use of the words "on or about" or the
46 equivalent.

48
3. As used in this section, unless the context otherwise
indicates, the following terms have the following meanings.

50
A. "Course of conduct" means a pattern of conduct composed
52 of a series of acts over a period of time, however short,
evidencing a continuity of purpose. Constitutionally

2 protected activity is not included within the meaning of
3 "course of conduct."

4 B. "Harass" means to knowingly engage in a course of
5 conduct directed at a specific person that seriously alarms
6 or annoys the person and that serves no legitimate purpose.
7 The course of conduct must be such as would cause a
8 reasonable person to suffer substantial emotional distress
9 and must actually cause substantial emotional distress to
10 the person.

11 C. A "threat" means a verbal statement or action that is
12 made for the purpose of causing a person who is the target
13 of the threat to reasonably fear for that person's safety or
14 reasonably suffer substantial emotional distress.

15 **Emergency clause.** In view of the emergency cited in the
16 preamble, this Act takes effect when approved.
17

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19
20 **STATEMENT OF FACT**

21 This bill establishes the crime of stalking, a course of
22 behavior that represents a serious risk to the health and
23 well-being of the citizens of this State.
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25
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