

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 that reads "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 become effective until 90 days after adjournment unless enacted as emergencies; and

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

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

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

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

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

§210-A. Stalking

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

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

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

B. Stalking is a Class C crime if the defendant has one or more prior Maine convictions for violation of this section and the victim is the same person. For the purposes of this section, the date of the prior conviction must precede the commission of the offense being enhanced by no more than 7 years. The date of conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The 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 equivalent.

3. As used in this section, unless the context otherwise indicates, 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

