

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

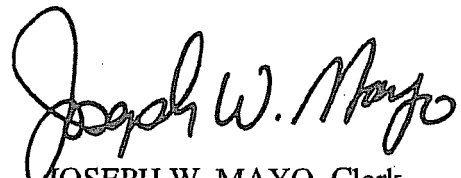
No. 892

H.P. 654

House of Representatives, March 15, 1993

An Act to Extend Criminal Sanctions to Certain Child Protective Orders.

Submitted by the Department of the Attorney General pursuant to Joint Rule 24.
Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative GEAN of Alfred.
Cosponsored by Representative: GWADOSKY of Fairfield.

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

4 Sec. 1. 22 MRSA §4036-A is enacted to read:

6 **§4036-A. Criminal penalty**

8 1. Definition. For purposes of this section, "order" means an order entered in a case filed pursuant to this chapter.

10 2. Crime committed. When disposition under section 4036 includes a provision that a party named in a petition not have contact with a child or children named in the petition or a provision that a party named in the petition not enter the residence of a child or children named in the petition, and the party has prior actual notice of the order containing those provisions, violation of that provision is a Class D crime. The criminal sanctions in this subsection are in addition to and not in lieu of contempt powers of the court.

12 3. Warrantless arrest. Notwithstanding any statutory provision to the contrary, an arrest for criminal violation of an order may be without warrant upon probable cause whether or not the violation is committed in the presence of the law enforcement officer. The law enforcement officer may verify, if necessary, the existence of an order by telephone or radio communication with an agency with knowledge of the order.

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30 **STATEMENT OF FACT**

32 The purpose of this bill is to make stay-away provisions of
34 a child protection order as criminally enforceable as a protection from abuse order.