

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

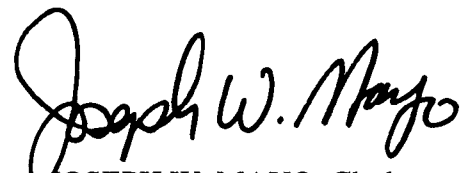
No. 477

H.P. 357

House of Representatives, February 9, 1995

An Act to Increase Police Authority in Certain Cases of Disorderly Conduct.

Received by the Clerk of the House on February 7, 1995. Referred to the Committee on Criminal Justice and ordered printed pursuant to Joint Rule 14.


JOSEPH W. MAYO, Clerk

Presented by Representative O'GARA of Westbrook.
Cosponsored by Senator ESTY of Cumberland and
Representatives: MORRISON of Bangor, POULIOT of Lewiston, Senator: STEVENS of
Androscoggin.

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

Sec. 1. 17-A MRSA §15, sub-§1, ¶A, as amended by PL 1993, c. 475, §3, is further amended to read:

A. ~~Any~~ A person who the officer has probable cause to believe has committed or is committing:

(1) Murder;

(2) Any Class A, Class B or Class C crime;

(3) Assault while hunting;

(4) Any offense defined in chapter 45;

(5) Assault, criminal threatening or terrorizing, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;

(5-A) Assault or reckless conduct, if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 15, section 321;

(6) Theft as defined in section 357, when the value of the services is \$1,000 or less, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(8) Negotiating a worthless instrument, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(9) A violation of a condition of probation when requested by an official of the Division of Probation and Parole;

(10) Violation of a condition of release in violation of Title 15, section 1026, subsection 3; Title 15, section 1051, subsections 2 and 9; and Title 15, section 1092;

(11) Theft involving a detention under Title 17, section 3521;

2 (12) Harassment, as set forth in section 506-A; or

4 (13) Violation of a protection order, as specified in
6 Title 5, section 4659, subsection 2; Title 15, section
321, subsection 6; Title 19, section 769, subsection 2;
and Title 19, section 770, subsection 5; and or

8 (14) Disorderly conduct or failure to disperse, if the
10 officer responding to an oral complaint issues to one
12 person at the scene a written warning that, if called
14 back to the scene within 12 hours, the officer
responding will make arrests, and an officer is called
back to the same scene within the following 12-hour
period; and

16 STATEMENT OF FACT

18
20 This bill gives the police authority to make arrests in
22 cases when they respond to a telephone or other oral complaint of
a disturbance at a scene, issue a written warning that they
24 intend to make arrests if called back to the same scene within
the next 12 hours and they are called back. No warrant or sworn
written complaint of the complaining person is required. This
will prevent multiple uses of police resources to respond to
26 disorderly conduct in cases when the complainant is not willing
to sign a sworn complaint.