

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 530

H.P. 395

House of Representatives, February 14, 1995

An Act to Allow the Defense of Ignorance of the Law.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative AULT of Wayne.

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

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Sec. 1. 17-A MRSA §36, sub-§2, as enacted by PL 1981, c. 324, §14, is amended to read:

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2. Ignorance or mistake as to a matter of fact ~~or~~ law is a defense ~~only-if~~ except when the law provides that the ~~state-of~~ mind element of the crime established by ~~such--ignorance--or~~ mistake--constitutes-a-defense that fact must "in fact" exist.

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Sec. 2. 17-A MRSA §36, sub-§4, ¶A, as enacted by PL 1981, c. 324, §14, is amended to read:

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A. The statute violated is not known to the defendant and ~~has--not--been--published--or--otherwise--reasonably--made~~ available ~~prior-to-the-conduct-alleged;~~ or

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STATEMENT OF FACT

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The purpose of this bill is to eliminate the legal theory that "ignorance of the law is no defense." It allows the defendant an affirmative defense if the defendant can prove that the law violated was not known to the defendant. The bill deletes the additional requirement that the law violated was not published or otherwise made available. In addition, ignorance or mistake of fact is not a defense only when the law states that, as an element of the crime, that fact must "in fact" exist.