

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 995

H.P. 731

House of Representatives, February 11, 1997

An Act to Provide for Accomplice Liability with Respect to Civil Violations.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative JONES of Greenville.
Cosponsored by Senator HALL of Piscataquis and
Representative BUNKER of Kossuth Township.

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

2 **Sec. 1. 17-A MRSA §57**, as amended by PL 1977, c. 510, §25-A,
4 is further amended to read:

6 **§57. Criminal and civil liability for conduct of another;
8 accomplices**

10 1. A person may be guilty of a crime or civil violation if
12 it is committed by the conduct of another person for which he the
14 person is legally accountable as provided in this section.

16 2. A person is legally accountable for the conduct of
18 another person when:

20 A. Acting with the intention, knowledge, recklessness or
22 criminal negligence that is sufficient for the commission of
24 the crime or civil violation, he the person causes an
26 innocent person, or a person not criminally or civilly
28 responsible, to engage in such conduct; ~~e~~

30 B. ~~We~~ The person is made accountable for the conduct of
32 such other person by the law defining the crime or civil
34 violation; or

36 C. ~~We~~ The person is an accomplice of such other person in
38 the commission of the crime or civil violation, as provided
40 in subsection 3.

42 3. A person is an accomplice of another person in the
44 commission of a crime or civil violation if:

46 A. With the intent of promoting or facilitating the
48 commission of the crime or civil violation, he the person
50 solicits such other person to commit the crime or civil
violation, or aids or agrees to aid or attempts to aid such
other person in planning or committing the crime or civil
violation. A person is an accomplice under this subsection
to any crime or civil violation the commission of which was
a reasonably foreseeable consequence of ~~his~~ the person's
conduct; or

 B. ~~His~~ The person's conduct is expressly declared by law to
establish ~~his~~ the person's complicity.

 4. A person who is legally incapable of committing a
particular crime ~~himself~~ or civil violation may be guilty thereof
of the crime or civil violation if it is committed by the conduct
of another person for which he the person is legally accountable.

2 5. Unless otherwise expressly provided, a person is not an
3 accomplice in a crime or civil violation committed by another
4 person if:

6 A. ~~He~~ The person is the victim of that crime or civil
7 violation; ~~or~~

8 B. The crime or civil violation is so defined that it
9 cannot be committed without ~~his~~ the person's cooperation; or

10 C. ~~He~~ The person terminates ~~his~~ the person's complicity
11 prior to the commission of the crime or civil violation by:

12 (1) ~~informing--his~~ Informing the person's accomplice
13 that ~~he~~ the person has abandoned the criminal activity
14 or the activity that would constitute a civil
15 violation; and

16 (2) ~~leaving~~ Leaving the scene of the prospective crime
17 or civil violation, if ~~he~~ the person is present ~~thereat~~
18 at the scene of the prospective crime or civil
19 violation.

20 6. An accomplice may be convicted on proof of the
21 commission of the crime or civil violation and of ~~his~~ the
22 accomplice's complicity ~~therein in the commission of the crime or~~
23 civil violation, though the person claimed to have committed the
24 crime or civil violation has not been prosecuted or convicted, or
25 has been convicted of a different crime or civil violation or
26 degree of crime or civil violation, or is not subject to
27 prosecution as a result of immaturity, or has an immunity to
28 prosecution or conviction, or has been acquitted.

34 SUMMARY

35 This bill provides for accomplice liability with respect to
36 civil violations.