

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 354

H.P. 250

House of Representatives, January 14, 1999

An Act to Establish Certain Crimes of Domestic Violence.

Reference to the Committee on Criminal Justice suggested and ordered printed.

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

JOSEPH W. MAYO, Clerk

Presented by Representative MUSE of South Portland.
Cosponsored by Senator DOUGLASS of Androscoggin and
Representatives: CIANCHETTE of South Portland, JABAR of Waterville, O'BRIEN of
Augusta, POVICH of Ellsworth, POWERS of Rockport, QUINT of Portland, SAXL of
Portland, TOWNSEND of Portland.

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

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3 **Sec. 1. 15 MRSA §1023, sub-§1, ¶A**, as enacted by PL 1987, c.
4 758, §20, is amended to read:

6 A. Who is charged with murder, domestic violence assault as
7 defined in Title 17-A, section 558 or domestic violence
8 terrorizing as defined in Title 17-A, section 559;

10 **Sec. 2. 17-A MRSA §§558 and 559** are enacted to read:

12 **§558. Domestic violence assault**

14 1. A person is guilty of domestic violence assault if the
15 person intentionally, knowingly or recklessly causes bodily
16 injury or offensive physical contact to a member of the person's
17 immediate family.

18 2. Domestic violence assault is a Class D crime, except in
19 instances of bodily injury to another person who is under 6 years
20 of age and the actor is 18 years of age or older, in which case
21 it is a Class C crime.

22 As used in this section, "immediate family" means a spouse,
23 parent, child, sibling, stepchild, stepparent or any other person
24 who regularly resides in the household of the victim or who,
25 within the prior 6 months, regularly resided in the household of
26 the victim.

30 **§559. Domestic violence terrorizing**

32 1. A person is guilty of domestic violence terrorizing if
33 the person communicates to a member of the person's immediate
34 family a threat to commit or to cause to be committed a crime of
35 violence dangerous to human life against the family member or
36 another person, and the natural and probable consequence of such
37 a threat, whether or not such consequence in fact occurs, is to
38 place the family member or the person threatened in reasonable
39 fear that the crime will be committed.

40 2. Domestic violence terrorizing is a Class D crime.

42 As used in this section, "immediate family" means a spouse,
43 parent, child, sibling, stepchild, stepparent or any other person
44 who regularly resides in the household of the victim or who,
45 within the prior 6 months, regularly resided in the household of
46 the victim.

SUMMARY

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4 This bill creates 2 new offenses in the criminal code:
4 domestic violence assault for assault against a family member and
6 domestic violence terrorizing for terrorizing a family member.
6 Both of these new offenses are Class D crimes, except in cases of
8 assault by a person 18 years of age or older against a person
8 under 6 years of age, which is a Class C crime. Both of these
new offenses require a judge, not a bail commissioner to set bail.