

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 797

S.P. 232

In Senate, February 13, 2001

An Act to Amend the Laws Pertaining to Domestic Violence.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by President Pro Tem BENNETT of Oxford.
Cosponsored by Senators: McALEVEY of York, SAVAGE of Knox, Representatives: BULL
of Freeport, O'BRIEN of Augusta, SNOWE-MELLO of Poland.

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

2
3 **Sec. 1. 17-A MRSA §207**, as amended by PL 1985, c. 495, §4, is
4 repealed and the following enacted in its place:

6 **§207. Assault**

8 1. A person is guilty of assault if the person
9 intentionally, knowingly or recklessly causes bodily injury or
10 offensive physical contact to another.

12 2. Assault is a Class D crime, except as provided in
13 subsection 3.

14 3. Assault is a Class C crime:

16 A. When the actor causes bodily injury to another person
17 who is under 6 years of age, as long as the actor is 18
18 years of age or older; or

20 B. When the actor and the victim are family or household
21 members and the actor has 2 prior convictions for assault
22 against a family or household member. As used in this
23 paragraph, "family or household member" has the same meaning
24 as in Title 15, section 321, subsection 1.

26 **Sec. 2. 19-A MRSA §4011, sub-§1**, as amended by PL 1997, c.
27 683, Pt. C, §7 and affected by §8, is further amended to read:

30 **1. Crime committed.** Except as provided in subsection
31 subsections 2, 4 and 5, violation of the following is a Class D
32 crime, when the defendant has prior actual notice, which may be
33 notice by means other than service in hand, of the order or
34 agreement:

36 A. A temporary, emergency, interim or final protective
37 order, an order of a tribal court of the Passamaquoddy Tribe
38 or the Penobscot Nation or a similar order issued by a court
39 of the United States or of another state, territory,
40 commonwealth or tribe; or

42 B. A court-approved consent agreement.

44 **Sec. 3. 19-A MRSA §4011, sub-§§4 and 5** are enacted to read:

46 **4. Reckless conduct; assault.** A defendant who violates a
47 protective order issued pursuant to section 4007 through conduct
48 that is reckless and that creates a substantial risk of death or
49 serious bodily injury to another person or who assaults the
50 plaintiff named in the protective order commits a Class C crime.

