

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1315

S.P. 399

In Senate, March 5, 2001

An Act to Expand the Crime of Assault on a Law Enforcement Officer.

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

A handwritten signature in black ink, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator McALEVEY of York.
Cosponsored by Senator CARPENTER of York, Representatives: BUNKER of Kossuth
Township, CARR of Lincoln, DAVIS of Falmouth, TREADWELL of Carmel, WHEELER of
Bridgewater.

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

4 **Sec. 1. 17-A MRSA §752-A, sub-§1**, as amended by PL 1983, c.
408, §1, is further amended to read:

6 1. A person is guilty of assault on an officer if:

8 A. He The person intentionally, knowingly or recklessly
10 causes bodily injury to a law enforcement officer while the
officer is in the performance of ~~his~~ the officer's official
duties; or

12 B. While in custody in a penal institution or other
14 facility pursuant to an arrest or pursuant to a court order,
16 he the person commits an assault on a member of the staff of
the institution or facility. As used in this paragraph
18 "assault" means the crime defined in section 207, subsection
1.

20 **Sec. 2. 17-A MRSA §752-A, sub-§2-A** is enacted to read:

22 2-A. All offenses of assault on a law enforcement officer
24 in which the law enforcement officer requires medical treatment
must be charged as a violation of this section and may not be
26 charged as a lesser crime.

28 **SUMMARY**

30 This bill requires that all offenses of assault on a law
enforcement officer in which the law enforcement officer requires
32 medical treatment must be charged as the Class C crime of assault
on an officer and may not be charged as a lesser offense.