

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 984

H.P. 694

House of Representatives, February 24, 2005

An Act To Amend the Crime of Escape

Reported by Representative BLANCHETTE of Bangor for the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

4 **Sec. 1. 17-A MRSA §755, sub-§1-D**, as repealed and replaced by
6 PL 2001, c. 667, Pt. D, §20 and affected by §36, is amended to
8 read:

10 **1-D.** A person is guilty of escape from arrest or escape
12 during transport following arrest if without official permission
14 the arrested person intentionally:

16 **A.** ~~Escapes from arrest or escapes from custody while being~~
18 ~~transported to a jail, police station or any other facility~~
20 ~~enumerated in subsection 3 pursuant to an arrest. Leaves~~
22 ~~following arrest prior to being transported, or while being~~
24 ~~transported to a jail, police station or other initial place~~
26 ~~of detention or to a courthouse when a court has ordered~~
28 ~~that the person be arrested and transported directly to~~
30 ~~court.~~ Violation of this paragraph is a Class D crime; or

32 **B.** Violates paragraph A and at the time of the escape the
34 person uses physical force against another person, threatens
36 to use physical force or is armed with a dangerous weapon.
38 Violation of this paragraph is a Class B crime.

40 **SUMMARY**

42 **28** The bill clarifies that the Maine Revised Statutes, Title
17-A, section 755, subsection 1-D addresses 2 post-arrest
30 escapes: an unauthorized departure from custody following an
32 arrest prior to being transported from the scene and an
34 unauthorized departure following an arrest while being
36 transported to an initial place of detention or a courthouse. A
38 courthouse is expressly included to cover an escape from a
court-ordered arrest in which the court has ordered the person to
be brought directly before the court following the arrest. The
reference to "or any other facility enumerated in subsection 3"
is removed, because subsection 3 includes facilities not relevant
to the post-arrest escapes addressed in subsection 1-D. The bill
also specifies that the culpable state of mind element,
"intentionally," must accompany the prohibited conduct, which is
consistent with all the other forms of escape described in Title
17-A, section 755.