

MAINE STATE LEGISLATURE

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No. 1627

S.P. 571

March 21, 2007

An Act To Protect Families and Enhance Public Safety by Making Domestic Violence a Crime

Reference to the Committee on Criminal Justice and Public Safety 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 President EDMONDS of Cumberland.

Cosponsored by Representative SIMPSON of Auburn and Senators: BARTLETT of Cumberland, BENOIT of Sagadahoc, COURTNEY of York, DAMON of Hancock, DOW of Lincoln, GOOLEY of Franklin, MARTIN of Aroostook, McCORMICK of Kennebec, MITCHELL of Kennebec, ROTUNDO of Androscoggin, STRIMLING of Cumberland, Representatives: ADAMS of Portland, ANNIS of Dover-Foxcroft, AYOTTE of Caswell, BABBIDGE of Kennebunk, BEAUDOIN of Biddeford, BERRY of Bowdoinham, BLANCHARD of Old Town, BLANCHETTE of Bangor, BLISS of South Portland, BOLAND of Sanford, CAIN of Orono, CANAVAN of Waterville, CASAVANT of Biddeford, CHASE of Wells, CLEARY of Houlton, CONNOR of Kennebunk, CONOVER of Oakland, CRAVEN of Lewiston, CRAY of Palmyra, CROCKETT of Augusta, Speaker CUMMINGS of Portland, CURTIS of Madison, DILL of Cape Elizabeth, EATON of Sullivan, EDGECOMB of Caribou, FAIRCLOTH of Bangor, FINLEY of Skowhegan, FLETCHER of Winslow, GERZOFSKY of Brunswick, GOULD of South Berwick, GROSE of Woolwich, HARLOW of Portland, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, JACKSON of Allagash, LUNDEEN of Mars Hill, MacDONALD of Boothbay, MAKAS of Lewiston, MAREAN of Hollis, McDONOUGH of Scarborough, McFADDEN of Dennysville, MILLER of Somerville, MIRAMANT of Camden, MOORE of Standish, MUSE of Fryeburg, NORTON of Bangor, PATRICK of Rumford, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PINGREE of North Haven, PRATT of Eddington, PRIEST of Brunswick, RAND of Portland, RICHARDSON of Carmel, RICHARDSON of Greenville, RICHARDSON of Warren, RINES of Wiscasset, ROSEN of Bucksport, SAVAGE of Falmouth, SAVIELLO of Wilton, SCHATZ of Blue Hill, SILSBY of Augusta, SIROIS of Turner, SMITH of Monmouth, SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THIBODEAU of Winterport, TREAT of Farmingdale, TRINWARD of Waterville, VALENTINO of Saco, WALCOTT of Lewiston, WEBSTER of Freeport, WEDDELL of Frankfort, WHEELER of Kittery.

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

2 **Sec. 1. 17-A MRSA §214** is enacted to read:

3 **§214. Domestic violence**

4 **1. A person is guilty of domestic violence if:**

5 A. The person violates section 207, 209, 210, 210-A or 211 and the victim is a
6 family or household member as defined in Title 19-A, section 4002, subsection 4.
7 Violation of this paragraph is a Class D crime; or

8 B. The person violates subsection 1 and, at the time of the offense, if:

9 (1) The person has one or more prior convictions or for engaging in substantially
10 similar conduct in another jurisdiction, where the victim was a family or
11 household member as defined in Title 19-A, section 4002, subsection 4.

12 (2) Has one or more prior convictions for a violation under title 19-A, section
13 4011, subsection 1 or for engaging in substantially similar conduct in another
14 jurisdiction;

15 (3) Has one or more prior convictions for violating Title 15, section 1026,
16 subsection 3, paragraph A, subparagraph (5) or subparagraph (8); or

17 (4) Has been a defendant against whom a qualifying protective order has been
18 issued within the past 3 years. for the purposes of this paragraph, a "qualifying
19 protective order" means an order issued in the State or another jurisdiction after a
20 full hearing on the merits at which both parties were present and that contains a
21 finding that the defendant abused another person or presents a credible threat to
22 the safety of another person or a minor child. This provision applies regardless
23 of the status of the protective order at the time of the offense.

24 A violation under this paragraph is a Class C crime.

25 2. Section 9-A governs the use of prior convictions when determining a sentence.

26 **SUMMARY**

27 This bill creates the Class D crime of domestic violence that includes certain criminal
28 offenses against a person who is a family or household member and an elevated category
29 that is a Class C crime if the person has certain past convictions of a qualifying protection
30 order issued against the person.