

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 80

S.P. 29

In Senate, January 11, 2017

**An Act To Increase the Penalty for Multiple Violations of Protection
from Abuse Orders**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator CYRWAY of Kennebec.
Cosponsored by Representative LUCHINI of Ellsworth and
Senator: MAKER of Washington, Representatives: FOLEY of Wells, GUERIN of Glenburn,
HANINGTON of Lincoln, KINNEY of Limington, KUMIEGA of Deer Isle, NADEAU of
Winslow, STROM of Pittsfield.

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

2 **Sec. 1. 17-A MRSA §1348**, as amended by PL 2005, c. 527, §21, is further
3 amended to read:

4 **§1348. Eligibility for deferred disposition**

5 A person who has pled guilty to a Class C, Class D or Class E crime, except for a
6 crime involving domestic violence, and who consents to a deferred disposition in writing
7 is eligible for a deferred disposition. For the purpose of this section, "crime involving
8 domestic violence" means a crime of domestic violence assault as described in section
9 207-A, domestic violence criminal threatening as described in section 209-A, domestic
10 violence terrorizing as described in section 210-B, domestic violence stalking as
11 described in section 210-C or domestic violence reckless conduct as described in section
12 211-A or a violation of a protective order under Title 19-A, section 4011, the alleged
13 victim of which is a family or household member as defined in Title 19-A, section 4002,
14 subsection 4.

15 **Sec. 2. 19-A MRSA §4011, sub-§1**, as amended by PL 2001, c. 420, §1, is
16 further amended to read:

17 **1. Crime committed.** Except as provided in subsections 2 ~~and~~ 4, 5 ~~and~~ 6, violation
18 of the following is a Class D crime when the defendant has prior actual notice, which
19 may be notice by means other than service in hand, of the order or agreement:

20 A. A temporary, emergency, interim or final protective order, an order of a tribal
21 court of the Passamaquoddy Tribe or the Penobscot Nation or a similar order issued
22 by a court of the United States or of another state, territory, commonwealth or tribe;
23 or

24 B. A court-approved consent agreement.

25 **Sec. 3. 19-A MRSA §4011, sub-§§5 and 6** are enacted to read:

26 **5. Subsequent violations; mandatory sentences and probation.** The court shall
27 impose a term of imprisonment and a term of probation for a person who violates an
28 order or agreement as provided in subsection 1 as follows.

29 A. A person who has one prior conviction of a violation under subsection 1 commits
30 a Class D crime, and the court shall impose a definite term of imprisonment of not
31 less than 14 days and a definite term of probation of not less than one year unless the
32 court makes findings on the record of the court's reasons for not ordering such
33 definite terms.

34 B. A person who has 2 or more prior convictions of a violation under subsection 1
35 commits a Class C crime, and the court shall impose a definite term of imprisonment
36 of not less than 60 days and a definite term of probation of not less than 2 years
37 unless the court makes findings on the record of the court's reasons for not ordering
38 such definite terms.

