

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 179

H.P. 135

House of Representatives, January 24, 2017

An Act To Make Creating a Police Standoff a Class E Crime

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative LONGSTAFF of Waterville.
Cosponsored by Senator MASON of Androscoggin and
Representatives: DILLINGHAM of Oxford, GOLDEN of Lewiston, HANINGTON of
Lincoln, LUCHINI of Ellsworth, NADEAU of Winslow, PERKINS of Oakland, SCHNECK of
Bangor, Senator: KATZ of Kennebec.

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

2 **Sec. 1. 25 MRSA §3801, sub-§§1 and 2**, as enacted by PL 1997, c. 426, §1, are
3 amended to read:

4 **1. Creating police standoff.** A person ~~commits the civil violation~~ is guilty of
5 creating a police standoff if that person:

6 A. Is in fact barricaded as a result of the person's own actions;

7 B. Is or claims to be armed with a dangerous weapon; and

8 C. Is instructed by a law enforcement agency, either personally, electronically or in
9 writing, to ~~leave the barricaded structure; and~~ surrender.

10 ~~D. Fails in fact to leave the barricaded structure within 1/2 hour of receiving the~~
11 ~~instruction from a law enforcement agency.~~

12 **2. Class E crime.** Creating a police standoff is a ~~civil violation~~ Class E crime. The
13 court may order a person who creates a police standoff to make restitution to each agency
14 that responded to the standoff. Restitution must equal the direct costs incurred in
15 responding to the standoff or \$500, whichever is greater. If any portion of the restitution
16 remains after each agency has been paid its costs, the remainder must be divided equally
17 among the agencies.

18 **SUMMARY**

19 This bill changes the offense of creating a police standoff from a civil violation to a
20 Class E crime. This bill also removes from the provision governing police standoffs the
21 ability of a person to avoid the offense of creating a police standoff by surrendering
22 within 1/2 hour of receiving police instruction to do so.