

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 990

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S.P. 329

In Senate, March 14, 2017

### **An Act To Protect Law Enforcement Officers by Creating the Crime of Aggravated Assault on an Officer**

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Reference to the Committee on Criminal Justice and Public Safety 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 DAVIS of Piscataquis.

Cosponsored by Representative CAMPBELL of Orrington, Representative TURNER of Burlington and

Senators: CYRWAY of Kennebec, DIAMOND of Cumberland, DOW of Lincoln, SAVIELLO of Franklin.

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

2 **Sec. 1. 17-A MRSA §752-A, sub-§1, ¶A,** as enacted by PL 1977, c. 656, §2, is  
3 amended to read:

4 A. ~~He~~ The person intentionally, knowingly or recklessly causes bodily injury or  
5 offensive physical contact to a law enforcement officer while the officer is in the  
6 performance of ~~his~~ the officer's official duties; or

7 **Sec. 2. 17-A MRSA §752-F** is enacted to read:

8 **§752-F. Aggravated assault on an officer**

9 **1.** A person is guilty of aggravated assault on an officer if that person intentionally,  
10 knowingly or recklessly causes a law enforcement officer, while the law enforcement  
11 officer is in the performance of the officer's official duties, to suffer a:

12 A. Bodily injury that creates a substantial risk of death or extended convalescence  
13 necessary for recovery of physical health. Violation of this paragraph is a Class B  
14 crime;

15 B. Bodily injury that causes serious, permanent disfigurement or loss or substantial  
16 impairment of the function of any bodily member or organ. Violation of this  
17 paragraph is a Class A crime;

18 C. Bodily injury from the use of a dangerous weapon. Violation of this paragraph is  
19 a Class B crime; or

20 D. Bodily injury under circumstances manifesting extreme indifference to the value  
21 of human life. Such circumstances include, but are not limited to, the number,  
22 location or nature of the injuries, the manner or method inflicted, the observable  
23 physical condition of the victim or the use of strangulation. For the purposes of this  
24 paragraph, "strangulation" means the intentional impeding of the breathing or  
25 circulation of the blood of another person by applying pressure on the person's throat  
26 or neck. Violation of this paragraph is a Class B crime.

27 **Sec. 3. 17-A MRSA §1252, sub-§4,** as amended by PL 2005, c. 527, §17, is  
28 further amended to read:

29 **4.** If the State pleads and proves that a Class B, C, D or E crime was committed  
30 with the use of a dangerous weapon then the sentencing class for such crime is one class  
31 higher than it would otherwise be. In the case of a Class A crime committed with the use  
32 of a dangerous weapon, such use should be given serious consideration by the court in  
33 exercising its sentencing discretion. This subsection does not apply to a violation or an  
34 attempted violation of section 208 or 752-F, to any other offenses to which use of a  
35 dangerous weapon serves as an element or to any offense for which the sentencing class  
36 is otherwise increased because the actor or an accomplice to that actor's or accomplice's  
37 knowledge is armed with a firearm or other dangerous weapon.

38 **Sec. 4. 17-A MRSA §1252, sub-§4-A,** as amended by PL 2015, c. 470, §13, is  
39 further amended to read:

