

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 262

S.P. 74

In Senate, January 22, 2019

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**An Act To Protect Law Enforcement and Corrections 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 black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CYRWAY of Kennebec.  
Cosponsored by Representative HANLEY of Pittston and  
Senators: CLAXTON of Androscoggin, DAVIS of Piscataquis, FOLEY of York,  
TIMBERLAKE of Androscoggin, Representatives: BRADSTREET of Vassalboro,  
CAMPBELL of Orrington, NADEAU of Winslow, WHITE of Waterville.

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 A person is guilty of aggravated assault on an officer if:

10 1. That person intentionally, knowingly or recklessly causes a law enforcement  
11 officer while the law enforcement officer is in the performance of the officer's official  
12 duties to suffer a:

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

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

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

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

28 2. While in custody pursuant to an arrest or pursuant to a court order, the person  
29 intentionally, knowingly or recklessly causes a corrections officer, a corrections  
30 supervisor or another member of the staff of a correctional institution while the officer,  
31 supervisor or staff member is performing official duties to suffer a:

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

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



1       against law enforcement officers and corrections officers and other corrections personnel  
2       and which is modeled on the crime of aggravated assault.