

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1119

S.P. 453

In Senate, March 9, 2023

An Act to Clarify the Criminal Statutes with Regard to Assaults on Emergency Medical Services Persons

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", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BENNETT of Oxford.
Cosponsored by Representative PERRY of Calais.

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

2 **Sec. 1. 17-A MRSA §752-C**, as amended by PL 2015, c. 471, §1, is further amended
3 to read:

4 **§752-C. Assault on an emergency medical care-provider services person**

5 1. A person is guilty of assault on an emergency medical ~~care-provider~~ services person
6 if that person intentionally, knowingly or recklessly causes bodily injury to ~~an emergency~~
7 ~~medical care-provider~~ a person licensed pursuant to Title 32, section 82 while ~~the~~
8 ~~emergency medical care-provider~~ that licensee is providing emergency medical care
9 regardless of the location where the emergency medical care is provided.

10 2. ~~As used in this section, "emergency medical care-provider" includes hospital~~
11 ~~personnel assisting in an emergency and emergency medical services persons, defined in~~
12 ~~Title 32, section 83, subsection 12, but does not include a firefighter as defined in section~~
13 ~~752-E, subsection 2.~~

14 3. Assault on an emergency medical ~~care-provider~~ services person is a Class C crime.

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

16 **§752-F. Assault in an emergency room**

17 1. A person is guilty of assault in an emergency room if that person intentionally,
18 knowingly or recklessly causes bodily injury to a person employed or contracted by a
19 hospital licensed under Title 22, chapter 405 if the injury occurs in the hospital's designated
20 emergency room.

21 2. Assault in an emergency room is a Class C crime.

22 **Sec. 3. 17-A MRSA §1604, sub-§5, ¶B**, as enacted by PL 2019, c. 113, Pt. A, §2,
23 is amended to read:

24 B. If the State pleads and proves that, at the time any crime, ~~excluding murder~~, under
25 chapter 9, 11, 12, 13, 27 or 35, ~~excluding section 853-A; section 402-A, subsection 1,~~
26 ~~paragraph A; or section 752-A or 752-C or 752-F~~ was committed, or an attempt of any
27 such crime was committed, the individual had 2 or more prior convictions under
28 chapter 9, 11, 12, 13, 27 or 35, ~~excluding section 853-A; section 402-A, subsection 1,~~
29 ~~paragraph A; or section 752-A or 752-C or 752-F~~, or for an attempt of any such crime,
30 or for engaging in substantially similar conduct in another jurisdiction, the sentencing
31 class for the crime is one class higher than it would otherwise be.

32 (1) In the case of a Class A crime, the sentencing class is not elevated, but the prior
33 record must be assigned special weight by the court when imposing a sentence.

34 (2) Section 9-A governs the use of prior convictions when determining a sentence,
35 except that, for the purposes of this paragraph, for violations under chapter 11, the
36 dates of prior convictions may have occurred at any time.

37 This paragraph does not apply to section 210-A if the prior convictions have already
38 served to elevate the sentencing class under section 210-A, subsection 1, paragraph C
39 or E or any other offense in which prior convictions have already served to elevate the
40 sentencing class.

41 This paragraph does not apply to murder under section 201 or to section 853-A.

Sec. 4. 22 MRSA §832-A, sub-§1, ¶C, as enacted by PL 2017, c. 292, §1, is amended to read:

C. ~~"Emergency medical care provider" has the same meaning as in Title 17-A, section 752-C, subsection 2~~ includes hospital personnel assisting in an emergency and emergency medical services persons, defined in Title 32, section 83, subsection 12, but does not include a firefighter.

SUMMARY

Under current law, a person is guilty of a Class C crime if that person intentionally, knowingly or recklessly causes bodily injury to an emergency medical care provider, as that term is defined in the law, while the provider is providing emergency care. This bill amends the law by specifying that it is a Class C crime if the bodily injury is to:

1. A person licensed pursuant to the Maine Emergency Medical Services Act of 1982, regardless of the location where the emergency medical care is provided; or
2. A person employed or contracted by a hospital and the injury occurs in the hospital's designated emergency room.

The bill also amends the law governing elevating the class of a crime to include assaults on emergency medical services providers.

The bill also makes a technical change to the definition of "emergency medical care provider" in the law governing emergency blood-borne pathogen testing. Currently, that term is defined by providing a cross-reference to a term the bill repeals.