

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1461

S.P. 579

In Senate, March 30, 2023

An Act to Prevent Dating Partner Abuse by Including Dating Partners in the Scope of Domestic Violence Crimes

Reference to the Committee on Judiciary 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 CARNEY of Cumberland.
Cosponsored by Representative MILLETT of Cape Elizabeth.

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

2 **Sec. 1. 17-A MRSA §15, sub-§1, ¶A**, as amended by PL 2021, c. 647, Pt. B, §§15
3 and 16 and affected by §65, is further amended by amending subparagraph (5-A) to read:

4 (5-A) Assault, criminal threatening, terrorizing, stalking, criminal mischief,
5 obstructing the report of a crime or injury or reckless conduct if the officer
6 reasonably believes that the person and the victim are family or household
7 members, as defined in Title 19-A, section 4102, subsection 6 or dating partners as
8 defined in Title 19-A, section 4102, subsection 4;

9 **Sec. 2. 17-A MRSA §207-A, sub-§1, ¶A**, as amended by PL 2021, c. 647, Pt. B,
10 §17 and affected by §65, is further amended to read:

11 A. The person violates section 207 and the victim is a family or household member as
12 defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title
13 19-A, section 4102, subsection 4. Violation of this paragraph is a Class D crime; or

14 **Sec. 3. 17-A MRSA §207-A, sub-§1, ¶B**, as amended by PL 2021, c. 647, Pt. B,
15 §18 and affected by §65, is further amended to read:

16 B. The person violates paragraph A and at the time of the offense:

17 (1) Has one or more prior convictions for violating paragraph A or for violating
18 section 208-D, 208-E, 208-F, 209-A, 210-B, 210-C or 211-A or one or more prior
19 convictions for engaging in conduct substantially similar to that contained in
20 paragraph A or in section 208-D, 208-E, 208-F, 209-A, 210-B, 210-C or 211-A in
21 another jurisdiction;

22 (2) Has one or more prior convictions for violating Title 19-A, former section
23 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior
24 convictions for engaging in conduct substantially similar to that contained in Title
25 19-A, section 4113, subsection 1 in another jurisdiction;

26 (3) Has one or more prior convictions for violating Title 15, section 1092,
27 subsection 1, paragraph B when the condition of release violated is specified in
28 Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when
29 the alleged victim in the case for which the defendant was on bail was a family or
30 household member as defined in Title 19-A, section 4102, subsection 6 or a dating
31 partner as defined in Title 19-A, section 4102, subsection 4; or

32 (4) Has one or more prior convictions for violating section 208, 208-B or 208-C,
33 and the State had pled and proved that the victim of the applicable prior conviction
34 was a family or household member, as defined in Title 19-A, section 4102,
35 subsection 6, or a dating partner, as defined in Title 19-A, section 4102, subsection
36 4, or has one or more prior convictions in another jurisdiction for engaging in
37 conduct substantially similar to that contained in section 208, 208-B or 208-C and
38 it had been pled and proved that the victim was a family or household member or
39 a dating partner.

40 Violation of this paragraph is a Class C crime.

41 **Sec. 4. 17-A MRSA §208-D, sub-§1**, as amended by PL 2021, c. 647, Pt. B, §19
42 and affected by §65, is further amended to read:

- 1 **1.** A person is guilty of domestic violence aggravated assault if that person:
- 2 A. Violates section 208, subsection 1, paragraph A and the victim is a family or
- 3 household member as defined in Title 19-A, section 4102, subsection 6 or a dating
- 4 partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph
- 5 is a Class B crime;
- 6 B. Violates section 208, subsection 1, paragraph A-1 and the victim is a family or
- 7 household member as defined in Title 19-A, section 4102, subsection 6 or a dating
- 8 partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph
- 9 is a Class A crime;
- 10 C. Violates section 208, subsection 1, paragraph B and the victim is a family or
- 11 household member as defined in Title 19-A, section 4102, subsection 6 or a dating
- 12 partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph
- 13 is a Class B crime; or
- 14 D. Violates section 208, subsection 1, paragraph C and the victim is a family or
- 15 household member as defined in Title 19-A, section 4102, subsection 6 or a dating
- 16 partner as defined in Title 19-A, section 4102, subsection 4. Violation of this paragraph
- 17 is a Class B crime.

18 **Sec. 5. 17-A MRSA §208-E, sub-§1, ¶B,** as amended by PL 2021, c. 647, Pt. B,

19 §20 and affected by §65, is further amended to read:

20 B. The victim is a family or household member as defined in Title 19-A, section 4102,

21 subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4.

22 **Sec. 6. 17-A MRSA §208-F, sub-§1, ¶B,** as amended by PL 2021, c. 647, Pt. B,

23 §21 and affected by §65, is further amended to read:

24 B. The victim is a family or household member as defined in Title 19-A, section 4102,

25 subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4.

26 **Sec. 7. 17-A MRSA §209-A, sub-§1, ¶A,** as amended by PL 2021, c. 647, Pt. B,

27 §22 and affected by §65, is further amended to read:

28 A. The person violates section 209 and the victim is a family or household member as

29 defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title

30 19-A, section 4102, subsection 4. Violation of this paragraph is a Class D crime; or

31 **Sec. 8. 17-A MRSA §209-A, sub-§1, ¶B,** as amended by PL 2021, c. 647, Pt. B,

32 §23 and affected by §65, is further amended to read:

33 B. The person violates paragraph A and at the time of the offense:

34 (1) Has one or more prior convictions for violating paragraph A or for violating

35 section 207-A, 208-D, 208-E, 208-F, 210-B, 210-C or 211-A or one or more prior

36 convictions for engaging in conduct substantially similar to that contained in

37 paragraph A or in section 207-A, 208-D, 208-E, 208-F, 210-B, 210-C or 211-A in

38 another jurisdiction;

39 (2) Has one or more prior convictions for violating Title 19-A, former section

40 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior

41 convictions for engaging in conduct substantially similar to that contained in Title

42 19-A, section 4113, subsection 1 in another jurisdiction;

1 (3) Has one or more prior convictions for violating Title 15, section 1092,
2 subsection 1, paragraph B when the condition of release violated is specified in
3 Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when
4 the alleged victim in the case for which the defendant was on bail was a family or
5 household member as defined in Title 19-A, section 4102, subsection 6 or a dating
6 partner as defined in Title 19-A, section 4102, subsection 4; or

7 (4) Has one or more prior convictions for violating section 208, 208-B or 208-C,
8 and the State had pled and proved that the victim of the applicable prior conviction
9 was a family or household member, as defined in Title 19-A, section 4102,
10 subsection 6, or a dating partner, as defined in Title 19-A, section 4102, subsection
11 4, or has one or more prior convictions in another jurisdiction for engaging in
12 conduct substantially similar to that contained in section 208, 208-B or 208-C and
13 it had been pled and proved that the victim was a family or household member or
14 a dating partner.

15 Violation of this paragraph is a Class C crime.

16 **Sec. 9. 17-A MRSA §210-B, sub-§1, ¶A**, as amended by PL 2021, c. 647, Pt. B,
17 §25 and affected by §65, is further amended to read:

18 A. The person violates section 210 and the victim is a family or household member as
19 defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title
20 19-A, section 4102, subsection 4. Violation of this paragraph is a Class D crime; or

21 **Sec. 10. 17-A MRSA §210-B, sub-§1, ¶B**, as amended by PL 2021, c. 647, Pt. B,
22 §26 and affected by §65, is further amended to read:

23 B. The person violates paragraph A and at the time of the offense:

24 (1) Has one or more prior convictions for violating paragraph A or for violating
25 section 207-A, 208-D, 208-E, 208-F, 209-A, 210-C or 211-A or one or more prior
26 convictions for engaging in conduct substantially similar to that contained in
27 paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-C or 211-A in
28 another jurisdiction;

29 (2) Has one or more prior convictions for violating Title 19-A, former section
30 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior
31 convictions for engaging in conduct substantially similar to that contained in Title
32 19-A, section 4113, subsection 1 in another jurisdiction;

33 (3) Has one or more prior convictions for violating Title 15, section 1092,
34 subsection 1, paragraph B when the condition of release violated is specified in
35 Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when
36 the alleged victim in the case for which the defendant was on bail was a family or
37 household member as defined in Title 19-A, section 4102, subsection 6 or a dating
38 partner as defined in Title 19-A, section 4102, subsection 4; or

39 (4) Has one or more prior convictions for violating section 208, 208-B or 208-C,
40 and the State had pled and proved that the victim of the applicable prior conviction
41 was a family or household member, as defined in Title 19-A, section 4102,
42 subsection 6, or a dating partner, as defined in Title 19-A, section 4102, subsection
43 4, or has one or more prior convictions in another jurisdiction for engaging in

1 conduct substantially similar to that contained in section 208, 208-B or 208-C and
2 it had been pled and proved that the victim was a family or household member or
3 a dating partner.

4 Violation of this paragraph is a Class C crime.

5 **Sec. 11. 17-A MRSA §210-C, sub-§1, ¶A**, as amended by PL 2021, c. 647, Pt. B,
6 §27 and affected by §65, is further amended to read:

7 A. The person violates section 210-A and the victim is a family or household member
8 as defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in
9 Title 19-A, section 4102, subsection 4. Violation of this paragraph is a Class D crime;
10 or

11 **Sec. 12. 17-A MRSA §210-C, sub-§1, ¶B**, as amended by PL 2021, c. 647, Pt. B,
12 §28 and affected by §65, is further amended to read:

13 B. The person violates paragraph A and at the time of the offense:

14 (1) Has one or more prior convictions for violating paragraph A or for violating
15 section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 211-A or one or more prior
16 convictions for engaging in conduct substantially similar to that contained in
17 paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 211-A in
18 another jurisdiction;

19 (2) Has one or more prior convictions for violating Title 19-A, former section
20 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior
21 convictions for engaging in conduct substantially similar to that contained in Title
22 19-A, section 4113, subsection 1 in another jurisdiction;

23 (3) Has one or more prior convictions for violating Title 15, section 1092,
24 subsection 1, paragraph B when the condition of release violated is specified in
25 Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when
26 the alleged victim in the case for which the defendant was on bail was a family or
27 household member as defined in Title 19-A, section 4102, subsection 6 or a dating
28 partner as defined in Title 19-A, section 4102, subsection 4; or

29 (4) Has one or more prior convictions for violating section 208, 208-B or 208-C,
30 and the State had pled and proved that the victim of the applicable prior conviction
31 was a family or household member, as defined in Title 19-A, section 4102,
32 subsection 6, or a dating partner, as defined in Title 19-A, section 4102, subsection
33 4, or has one or more prior convictions in another jurisdiction for engaging in
34 conduct substantially similar to that contained in section 208, 208-B or 208-C and
35 it had been pled and proved that the victim was a family or household member or
36 a dating partner.

37 Violation of this paragraph is a Class C crime.

38 **Sec. 13. 17-A MRSA §211-A, sub-§1, ¶A**, as amended by PL 2021, c. 647, Pt. B,
39 §29 and affected by §65, is further amended to read:

40 A. The person violates section 211 and the victim is a family or household member as
41 defined in Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title
42 19-A, section 4102, subsection 4. Violation of this paragraph is a Class D crime; or

1 **Sec. 14. 17-A MRSA §211-A, sub-§1, ¶B**, as amended by PL 2021, c. 647, Pt. B,
2 §30 and affected by §65, is further amended to read:

3 B. The person violates paragraph A and at the time of the offense:

4 (1) Has one or more prior convictions for violating paragraph A or for violating
5 section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 210-C or one or more prior
6 convictions for engaging in conduct substantially similar to that contained in
7 paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 210-C in
8 another jurisdiction;

9 (2) Has one or more prior convictions for violating Title 19-A, former section
10 4011, subsection 1 or Title 19-A, section 4113, subsection 1 or one or more prior
11 convictions for engaging in conduct substantially similar to that contained in Title
12 19-A, section 4113, subsection 1 in another jurisdiction;

13 (3) Has one or more prior convictions for violating Title 15, section 1092,
14 subsection 1, paragraph B when the condition of release violated is specified in
15 Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when
16 the alleged victim in the case for which the defendant was on bail was a family or
17 household member as defined in Title 19-A, section 4102, subsection 6 or a dating
18 partner as defined in Title 19-A, section 4102, subsection 4; or

19 (4) Has one or more prior convictions for violating section 208, 208-B or 208-C,
20 and the State had pled and proved that the victim of the applicable prior conviction
21 was a family or household member, as defined in Title 19-A, section 4102,
22 subsection 6, or a dating partner, as defined in Title 19-A, section 4102, subsection
23 4, or has one or more prior convictions in another jurisdiction for engaging in
24 conduct substantially similar to that contained in section 208, 208-B or 208-C and
25 it had been pled and proved that the victim was a family or household member or
26 a dating partner.

27 Violation of this paragraph is a Class C crime.

28 **Sec. 15. 17-A MRSA §1603, sub-§2, ¶C**, as amended by PL 2021, c. 647, Pt. B,
29 §34 and affected by §65, is further amended to read:

30 C. That the victim is a family or household member as defined in Title 19-A, section
31 4102, subsection 6, paragraphs A to E or a dating partner as defined in Title 19-A,
32 section 4102, subsection 4 who is a victim of domestic violence committed by the
33 convicted individual.

34 **Sec. 16. 17-A MRSA §1804, sub-§3**, as enacted by PL 2019, c. 113, Pt. A, §2, is
35 amended to read:

36 **3. Exception to limits when victim is family or household member.** If the State
37 pleads and proves that the person was convicted of committing against a family or
38 household member or a dating partner a crime under chapter 9 or 13 or section 554 or if
39 the person was convicted under chapter 11 or 12 or section 556, the period of probation
40 may not exceed:

41 A. For a Class A crime, 6 years; and

42 B. For a Class B or Class C crime, 4 years.

