

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1949

H.P. 1253

House of Representatives, May 16, 2023

**An Act to Establish an Affirmative Defense to the Crime of
Criminal Trespass and Aggravated Criminal Trespass That the
Person Was Unhoused and Seeking Shelter**

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

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

ROBERT B. HUNT
Clerk

Presented by Speaker TALBOT ROSS of Portland.

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

2 **Sec. 1. 17-A MRSA §402, sub-§5** is enacted to read:

3 5. It is an affirmative defense to prosecution under this section that the person was at
4 the time the person committed the act an unhousted person attempting to seek shelter in the
5 dwelling place, structure, place, cemetery or burial ground the person entered or remained
6 in. For the purposes of this subsection, "unhousted person" means a person who is without
7 shelter or who lacks a fixed, regular and adequate nighttime residence.

8 **Sec. 2. 17-A MRSA §402-A, sub-§3** is enacted to read:

9 3. It is an affirmative defense to prosecution under subsection 1, paragraph B that the
10 person was at the time the person committed the act an unhousted person attempting to seek
11 shelter in the dwelling place the person entered. For the purposes of this subsection,
12 "unhousted person" means a person who is without shelter or who lacks a fixed, regular and
13 adequate nighttime residence.

14 **SUMMARY**

15 This bill establishes an affirmative defense to prosecution for the crimes of criminal
16 trespass and certain instances of aggravated criminal trespass when the person was at the
17 time the person committed the act an unhousted person attempting to seek shelter in the
18 dwelling place, structure, place, cemetery or burial ground the person entered or remained
19 in. The bill defines "unhousted person" as a person who is without shelter or who lacks a
20 fixed, regular and adequate nighttime residence.